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1978

JOURNAL OF THE HOUSE

1978

REGULAR SESSION SIXTY-SEVENTH GENERAL ASSEMBLY

Convened January 9, 1978

Adjourned July 16, 1978

Volume I

January 9th – April 21st

ROBERT D. RAY, Governor

ARTHUR A. NEU, President of the Senate

DALE M. COCHRAN, Speaker of the House

**Published by the
STATE OF IOWA
Des Moines**

SIXTY—SEVENTH GENERAL ASSEMBLY

1978 Regular Session

OFFICERS OF THE HOUSE

DALE M. COCHRAN, <i>Speaker of the House</i>	Eagle Grove
CARL V. NIELSEN, <i>Speaker Pro Tempore</i>	Altoona
JEROME FITZGERALD, <i>Majority Floor Leader</i>	Fort Dodge
DONALD D. AVENSON, <i>Assistant Majority Floor Leader</i>	Oelwein
ROBERT T. ANDERSON, <i>Assistant Majority Floor Leader</i>	Newton
WILLIAM J. HARGRAVE, JR., <i>Assistant Majority Floor Leader</i>	Iowa City
FLOYD H. MILLEN, <i>Minority Floor Leader</i>	Farmington
ANDREW VARLEY, <i>Assistant Minority Floor Leader</i>	Stuart
JOAN LIPSKY, <i>Assistant Minority Floor Leader</i>	Cedar Rapids
DELWYN STROMER, <i>Assistant Minority Floor Leader</i>	Garner
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DAN L. DUDLEY, <i>Legal Counsel and</i> <i>Assistant Chief Clerk</i>	Altoona
ELIZABETH A. ISAACSON, <i>Journal Editor</i>	Des Moines
FRANCES A. STEFANI, <i>Assistant Journal Editor</i>	Ankeny
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VIVIAN M. ANDERS, <i>Compositor</i>	Milo
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BILLIE JEAN WALLING, <i>Finance Clerk</i>	Des Moines
DEBRA REX, <i>Assistant Finance Clerk</i>	Des Moines
SALLY L. BLANTON, <i>Recording Clerk/</i> <i>Supervisor of Pages</i>	Des Moines
PAULINE (PEG) KEPHART, <i>Assistant to the Legal</i> <i>Counsel and Engrossing/Enrolling Clerk</i>	Des Moines
ELIZABETH J. O'CONNOR, <i>Assistant</i> <i>to the Legal Counsel</i>	Des Moines
SALLY K. HIGGINBOTTOM, <i>Supervisor of Clerks</i>	Bondurant

OFFICERS OF THE HOUSE—Continued

LYNNE WRIGHT, <i>Swing Clerk</i>	West Des Moines
LESSA J. OLDENBURGER, <i>Clerk to Chief Clerk</i>	West Des Moines
LANA PETERSON, <i>Aide to Chief Clerk</i>	Des Moines
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JEFF PATTEE, <i>Aide to Chief Clerk</i>	Des Moines
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WILMA F. ZIKA, <i>Indexing Assistant</i>	Des Moines
SHARON R. ROBINSON, <i>Public Information</i> <i>Office Director</i>	Des Moines
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ANN WHALEN, <i>Aide to Public Information Office</i>	Des Moines
MARALEE LANGHOLZ, <i>Aide to Public Information</i> <i>Office</i>	Des Moines
RANDY LAUER, <i>Aide to Public Information Office</i>	Des Moines
ELIZABETH JOHNSON, <i>Aide to Public Information</i> <i>Office</i>	Des Moines
ROBERT F. DAVIES, <i>Administrative Assistant</i> <i>to the Speaker</i>	Hampton
ANN BAUSSERMAN, <i>Executive Secretary</i> <i>to the Speaker</i>	West Des Moines
MARK BRANDSGARD, <i>Administrative Assistant</i> <i>to the Majority Leader</i>	Humboldt
JOSEPH J. O'HERN, <i>Majority Caucus Staff Director</i>	Des Moines
N. KAY MARKELL, <i>Majority Caucus Clerk</i>	Des Moines
LYNN M. JOHNSON, <i>Majority Research Analyst</i>	Des Moines
LINDA J. KING, <i>Majority Research Analyst</i>	Des Moines
WILLIAM C. MALONEY, <i>Majority Research Analyst</i>	Des Moines
KRISTINE A. BOWSER, <i>Majority Research Analyst</i>	Des Moines

RICHARD NORLAND, <i>Majority Research Analyst</i>	Des Moines
MARYJO F. WELCH, <i>Administrative Assistant</i> <i>to the Minority Leader</i>	Des Moines
PAULA FELTNER, <i>Minority Caucus Director</i>	Des Moines
JAN CLAYTON, <i>Minority Caucus Clerk</i>	Des Moines
KEN CUNNINGHAM, <i>Minority Research Analyst</i>	Des Moines
MICHAEL L. TRIGGS, <i>Minority Research Analyst</i>	Des Moines
SANDRA L. GITHENS, <i>Minority Research Analyst</i>	Des Moines
TIMOTHY HYDE, <i>Minority Research Analyst</i>	Des Moines
BEVERLY BAKER, <i>Switchboard Operator</i>	Des Moines
VIRGINIA SEMPLE, <i>Switchboard Operator</i>	Des Moines
PHYLLIS J. FRAIZER, <i>Bill Clerk</i>	Des Moines
MADELINE E. JAMES, <i>Assistant Bill Clerk</i>	Des Moines
RUTH L. SPENCER, <i>Postmaster</i>	Ruthven
ED. S. McMILLIN, <i>Sergeant-at-Arms</i>	Des Moines
JOHN W. RUSSELL, <i>Assistant Sergeant-at-Arms</i>	Des Moines
CARMEN BREEDING, <i>Doorkeeper</i>	Altoona
LUMAN W. BELL, <i>Doorkeeper</i>	Des Moines
FRANK L. CHRISTEN, <i>Doorkeeper</i>	Des Moines
THOMAS W. MARMION, <i>Doorkeeper</i>	Des Moines
A. SAM VAUGHN, <i>Doorkeeper</i>	Des Moines
CHARLES T. SERGEANT, <i>Doorkeeper</i>	Rockwell City
EVELYN SEANEY, <i>Elevator Operator</i>	Des Moines
BESSIE J. BAGBY, <i>Cloakroom Attendant</i>	Des Moines

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

v

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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

JUSTICES OF THE IOWA SUPREME COURT

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

IOWA COURT OF APPEALS JUDGES

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

vi MEMBERS OF THE HOUSE — SIXTY — SEVENTH GENERAL ASSEMBLY
1978 REGULAR SESSION

ROBERT T. ANDERSON

Address Newton
Age 32
Occupation Teacher
Representative District 69 — Jasper, Marion, Polk, Warren
Former Legislative Service 66, 67 (1st), 67X

ROBERT D. ARNOULD

Address Davenport
Age 24
Occupation Student, Legislator
Representative District 82 — Scott
Former Legislative Service None

DONALD D. AVENSON

Address Oelwein
Age 33
Occupation Tool & Die Maker
Representative District 15 — Bremer, Chickasaw, Fayette, Howard, Winneshiek
Former Legislative Service 65, 66, 67 (1st), 67X

KEITH BAKER

Address Linn Grove
Age 48
Occupation USAF — Retired, Farmer
Representative District 6 — Buena Vista, Cherokee, Clay, O'Brien, Palo Alto, Pocahontas
Former Legislative Service 66, 67 (1st), 67X

WAYNE BENNETT

Address Galva
Age 50
Occupation Farmer
Representative District 48 — Buena Vista, Carroll, Cherokee, Crawford, Ida, Sac
Former Legislative Service 65, 66, 67 (1st), 67X

ROBERT F. BINA

Address Davenport
Age 38
Occupation Artist
Representative District 80 — Scott
Former Legislative Service 66, 67 (1st), 67X

DONALD H. BINNEBOESE

Address Hinton
Age 53
Occupation Farmer
Representative District 49 — Cherokee, Plymouth, Woodbury
Former Legislative Service 66, 67 (1st), 67X

DIANE BRANDT

Address Cedar Falls
Age 39
Occupation Legislator
Representative District 35 — Black Hawk
Former Legislative Service 66, 67 (1st), 67X

TERRY E. BRANSTAD

Address Lake Mills
 Age 31
 Occupation Lawyer
 Representative District 8 - Emmet, Hancock, Kossuth, Winnebago
 Former Legislative Service 65, 66, 67 (1st), 67X

GLENN F. BROCKETT

Address Marshalltown
 Age 67
 Occupation Retired
 Representative District 39 - Marshall
 Former Legislative Service 65, 66, 67 (1st), 67X

JOHN B. BRUNOW

Address Centerville
 Age 28
 Occupation Sales Manager
 Representative District 93 - Appanoose, Clarke, Lucas, Monroe, Wayne
 Former Legislative Service 65, 66, 67 (1st), 67X

RICHARD L. BYERLY

Address Ankeny
 Age 39
 Occupation College Administrator
 Representative District 61 - Polk
 Former Legislative Service 65, 66, 67 (1st), 67X

NED F. CHIDO

Address Des Moines
 Age 35
 Occupation Golf Pro
 Representative District 67 - Polk
 Former Legislative Service 67 (1st), 67X

BETTY JEAN CLARK

Address Rockwell
 Age 57
 Occupation Representative
 Representative District 11 - Cerro Gordo
 Former Legislative Service 67 (1st), 67X

JOHN H. CLARK

Address Keokuk
 Age 31
 Occupation Farmer
 Representative District 86 - Lee, Henry
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

DALE M. COCHRAN

Address Eagle Grove
 Age 49
 Occupation Farmer, Businessman
 Representative District 45 - Humboldt, Webster
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67 (1st), 67X

REPRESENTATIVES - Continued

WALTER CONLON

Address Muscatine
 Age 30
 Occupation Attorney
 Representative District 76 - Muscatine, Scott
 Former Legislative Service 67 (1st), 67X

JOHN H. CONNORS

Address Des Moines
 Age 55
 Occupation Fire Fighter, Captain retired
 Representative District 84 - Polk
 Former Legislative Service 65, 66, 67 (1st), 67X

FRANK CRABB

Address Denison
 Age 74
 Occupation Retired Meat Packing Executive
 Representative District 53 - Crawford, Harrison, Monona
 Former Legislative Service 63, 65, 66, 67 (1st), 67X

REID W. CRAWFORD

Address Ames
 Age 26
 Occupation Student
 Representative District 42 - Boone, Polk, Story
 Former Legislative Service 65, 66, 67 (1st), 67X

GREGORY D. CUSACK

Address Davenport
 Age 34
 Occupation Community Organizer
 Representative District 81 - Scott
 Former Legislative Service 65, 66, 67 (1st), 67X

HORACE DAGGETT

Address Kent
 Age 46
 Occupation Farmer
 Representative District 96 - Adams, Montgomery, Page, Ringgold, Taylor
 Former Legislative Service 65, 66, 67 (1st), 67X

ARLYN E. DANKER

Address Minden
 Age 50
 Occupation Farmer
 Representative District 54 - Harrison, Pottawattamie, Shelby
 Former Legislative Service 65, 66, 67 (1st), 67X

PHILIP A. DAVITT

Address St. Charles
 Age 46
 Occupation Farmer
 Representative District 58 - Adair, Clarke, Dallas, Madison, Warren
 Former Legislative Service 67 (1st), 67X

REPRESENTATIVES - Continued

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ELMER H. DEN HERDER*

Address Sioux Center
 Age 69
 Occupation Retired Farmer
 Representative District 1 - Lyon, Sioux
 Former Legislative Service 57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67(1st), 67X

WILLIAM W. (BILL) DIELEMAN

Address Pella
 Age 46
 Occupation Life Insurance Underwriter
 Representative District 70 - Jasper, Mahaska, Marion, Poweshiek
 Former Legislative Service 66, 67 (1st), 67X

DONALD V. DOYLE

Address Sioux City
 Age 52
 Occupation Lawyer
 Representative District 51 - Woodbury
 Former Legislative Service 57, 58, 61, 63, 64, 65, 66, 67 (1st), 67X

KEITH H. DUNTON

Address Thornburg
 Age 62
 Occupation Businessman, Farm Operator - owner
 Representative District 68 - Keokuk, Washington
 Former Legislative Service 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

TERRY DYRLAND

Address Elkader
 Age 34
 Occupation Theatrical Director
 Representative District 18 - Clayton, Delaware, Dubuque, Fayette
 Former Legislative Service 66, 67 (1st), 67X

SONJA EGENES

Address Story City
 Age 47
 Occupation Legislator, Housewife
 Representative District 43 - Boone, Hamilton, Story, Webster
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

COOPER EVANS

Address Grundy Center
 Age 53
 Occupation Farm Manager
 Representative District 38 - Black Hawk, Butler, Franklin, Grundy, Marshall, Tama
 Former Legislative Service 66, 67 (1st), 67X

JEROME FITZGERALD

Address Fort Dodge
 Age 36
 Occupation Small Businessman
 Representative District 46 - Webster
 Former Legislative Service 65, 66, 67 (1st), 67X

*Deceased June 2, 1978.

REPRESENTATIVES - Continued

ALBERT L. GARRISON

Address Waterloo
 Age 50
 Occupation Business & Engineering Consultant
 Representative District 34 - Black Hawk
 Former Legislative Service 67 (1st), 67X

JULIA B. GENTLEMAN

Address Des Moines
 Age 46
 Occupation Housewife
 Representative District 65 - Polk
 Former Legislative Service 66, 67 (1st), 67X

DON GETTINGS**

Address Ottumwa
 Age 55
 Occupation Machine Repairman
 Representative District 90 - Appanoose, Davis, Wapello
 Former Legislative Service 67 (1st), 67X

THOMAS J. GILLOON

Address Epworth
 Age 28
 Occupation Self Employed
 Representative District 21 - Dubuque, Jackson
 Former Legislative Service 66, 67 (1st), 67X

ERNEST W. GILSON

Address Bayard
 Age 47
 Occupation Teacher-Coach
 Representative District 56 - Audubon, Carroll, Cass, Crawford, Greene, Guthrie, Shelby
 Former Legislative Service 67 (1st), 67X

WILLIAM B. GRIFFEE

Address Nashua
 Age 41
 Occupation Legislator, Consulting Service
 Representative District 14 - Chickasaw, Floyd, Howard, Mitchell
 Former Legislative Service 65, 66, 67 (1st), 67X

ROGER A. HALVORSON

Address Monona
 Age 43
 Occupation Insurance, Realtor
 Representative District 17 - Alameda, Clayton, Winneshiek
 Former Legislative Service 66, 67 (1st), 67X

INGWER L. HANSEN

Address Hartley
 Age 65
 Occupation Retired
 Representative District 3 - Clay, Dickinson, Lyon, O'Brien, Osceola, Sioux
 Former Legislative Service 65, 66, 67 (1st), 67X

**Elected in Special Election May 17, 1977.

WILLIAM H. HARBOR

Address Henderson
 Age 57
 Occupation Grain Elevator Owner-Operator
 Representative District 97 - Fremont, Mills, Montgomery, Page
 Former Legislative Service 56, 57, 58, 62, 63, 64, 67(1st), 67X

WILLIAM J. HARGRAVE, JR.

Address Iowa City
 Age 47
 Occupation Self-Employed
 Representative District 74 - Johnson
 Former Legislative Service 65, 66, 67 (1st), 67X

LAVERN R. HARVEY

Address Bettendorf
 Age 33
 Occupation Contractor
 Representative District 79 - Scott
 Former Legislative Service 65, 66, 67 (1st), 67X

NEAL HINES

Address Nevada
 Age 27
 Occupation Small Businessman
 Representative District 41 - Story
 Former Legislative Service 66, 67 (1st), 67X

HERBERT C. HINKHOUSE

Address West Branch
 Age 60
 Occupation Farmer
 Representative District 24 - Cedar, Clinton, Johnson, Scott
 Former Legislative Service 66, 67 (1st), 67X

BETTY A. HOFFMANN

Address Muscatine
 Age 56
 Occupation Legislator
 Representative District 75 - Johnson, Louisa, Muscatine
 Former Legislative Service 67 (1st), 67X

WALLY E. HORN

Address Cedar Rapids
 Age 44
 Occupation Teacher
 Representative District 28 - Linn
 Former Legislative Service 65, 66, 67 (1st), 67X

ROLLIN K. HOWELL

Address Rockford
 Age 48
 Occupation Farmer
 Representative District 13 - Cerro Gordo, Floyd, Mitchell
 Former Legislative Service 65, 66, 67 (1st), 67X

REPRESENTATIVES - Continued

ARLO HULLINGER

Address Leon
 Age 56
 Occupation Farmer
 Representative District 94 - Clarke, Decatur, Madison, Ringgold, Union, Wayne
 Former Legislative Service 61, 62, 66, 67 (1st), 67X

EMIL J. HUSAK

Address Toledo
 Age 47
 Occupation Farmer
 Representative District 71 - Benton, Iowa, Poweshiek, Tama
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

NORMAN G. JESSE

Address Des Moines
 Age 40
 Occupation Attorney
 Representative District 62 - Polk
 Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

THOMAS J. JOCHUM

Address Dubuque
 Age 26
 Occupation Plant Worker
 Representative District 19 - Dubuque
 Former Legislative Service 66, 67 (1st), 67X

WILLIS E. JUNKER

Address Sioux City
 Age 52
 Occupation Investor
 Representative District 50 - Woodbury
 Former Legislative Service 65, 66, 67 (1st), 67X

FRED KOGLER

Address Oskaloosa
 Age 52
 Occupation Legislator
 Representative District 91 - Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek
 Former Legislative Service 66, 67 (1st), 67X

ROBERT A. KRAUSE

Address Whittemore
 Age 27
 Occupation Agripolitician
 Representative District 7 - Hancock, Humboldt, Kossuth, Palo Alto, Pocahontas
 Former Legislative Service 65, 66, 67 (1st), 67X

LYLE R. KREWSON

Address Urbandale
 Age 34
 Occupation Legislator
 Representative District 59 - Polk
 Former Legislative Service 67 (1st), 67X

RAY LAGESCHULTE

Address Waverly
 Age 55
 Occupation Farmer, Hail Adjuster
 Representative District 37 - Black Hawk, Bremer, Butler, Floyd
 Former Legislative Service 66, 67 (1st), 67X

THOMAS A. LIND

Address Waterloo
 Age 59
 Occupation Teacher
 Representative District 33 - Black Hawk
 Former Legislative Service None

ARNOLD R. LINDEEN

Address Swedesburg
 Age 67
 Occupation Retired Farmer, Businessman
 Representative District 83 - Des Moines, Henry, Louisa
 Former Legislative Service 66, 67 (1st), 67X

JOAN LIPSKY

Address Cedar Rapids
 Age 58
 Occupation Legislator
 Representative District 26 - Linn
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

JOYCE LONERGAN

Address Boone
 Age 43
 Occupation Housewife
 Representative District 44 - Boone, Greene
 Former Legislative Service 66, 67 (1st), 67X

LESTER D. MENKE

Address Calumet
 Age 59
 Occupation Farmer, Insurance
 Representative District 5 - Buena Vista, Cherokee, Clay, O'Brien, Plymouth
 Former Legislative Service 65, 66, 67 (1st), 67X

JAMES I. MIDDLESWART

Address Indianola
 Age 65
 Occupation Food Producer
 Representative District 92 - Lucas, Marion, Warren
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

FLOYD H. MILLEN

Address Farmington
 Age 58
 Occupation Retired Businessman
 Representative District 87 - Henry, Jefferson, Keokuk, Lee, Van Buren, Wapello, Washington
 Former Legislative Service 60, 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

REPRESENTATIVES - Continued

KENNETH D. MILLER

Address Independence
 Age 52
 Occupation Owner-Mobile Home Court
 Representative District 32 - Black Hawk, Buchanan
 Former Legislative Service 65, 66, 67 (1st), 67X

OPAL MILLER (SERGEANT)

Address Rockwell City
 Age 62
 Occupation Farm Owner, Legislator
 Representative District 47 - Calhoun, Carroll, Greene, Pocahontas, Sac
 Former Legislative Service 66, 67 (1st), 67X

W. R. (BILL) MONROE, JR.

Address Burlington
 Age 39
 Occupation Legislator, Pharmacist
 Representative District 84 - Des Moines
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

SCOTT D. NEWHARD

Address Anamosa
 Age 26
 Occupation Private Investigator
 Representative District 23 - Cedar, Clinton, Jackson, Jones
 Former Legislative Service 65, 66, 67 (1st), 67X

CARL V. NIELSEN

Address Altoona
 Age 45
 Occupation Lawyer
 Representative District 63 - Polk
 Former Legislative Service 65, 66, 67 (1st), 67X

LOWELL E. NORLAND

Address Kensett
 Age 46
 Occupation Farmer
 Representative District 12 - Cerro Gordo, Worth
 Former Legislative Service 65, 66, 67 (1st), 67X

MARY O'HALLORAN

Address Cedar Falls
 Age 34
 Occupation Educator
 Representative District 36 - Black Hawk
 Former Legislative Service 65, 66, 67 (1st), 67X

M. B. (MIKE) OXLEY

Address Marion
 Age 55
 Occupation Farmer
 Representative District 30 - Linn
 Former Legislative Service 61, 67 (1st), 67X

JOHN E. PATCHETT

Address North Liberty
 Age 28
 Occupation Legislator, Law Student
 Representative District 25 - Johnson, Linn
 Former Legislative Service 65, 66, 67 (1st), 67X

EMIL S. PAVICH

Address Council Bluffs
 Age 46
 Occupation Cereal Company Employee
 Representative District 99 - Pottawattamie
 Former Legislative Service 66, 67 (1st), 67X

WENDELL C. PELLETT

Address Atlantic
 Age 60
 Occupation Farmer
 Representative District 95 - Adair, Adams, Cass, Guthrie, Union
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

JOHN PELTON

Address Clinton
 Age 31
 Occupation Attorney
 Representative District 77 - Clinton
 Former Legislative Service 67 (1st), 67X

CARROLL T. PERKINS

Address Jefferson
 Age 51
 Occupation Agriculture
 Representative District 55 - Audubon, Carroll, Crawford, Greene, Guthrie
 Former Legislative Service 66, 67 (1st), 67X

CHARLES N. PONCY

Address Ottumwa
 Age 55
 Occupation Maintenance Engineer
 Representative District 89 - Mahaska, Monroe, Wapello
 Former Legislative Service 62, 63, 65, 66, 67 (1st), 67X

B. JOSEPH RINAS

Address Marion
 Age 30
 Occupation Machinist
 Representative District 29 - Linn
 Former Legislative Service 65, 66, 67 (1st), 67X

LYLE SCHEELHAASE

Address Merville
 Age 46
 Occupation Farmer
 Representative District 52 - Monona, Woodbury
 Former Legislative Service 66, 67 (1st), 67X

REPRESENTATIVES - Continued

HUGO SCHNEKLOTH

Address Eldridge
 Age 54
 Occupation Farmer
 Representative District 78 - Clinton, Scott
 Former Legislative Service 67 (1st), 67X

LAVERNE W. SCHROEDER

Address McClelland
 Age 44
 Occupation Farmer
 Representative District 98 - Mills, Pottawattamie
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

NANCY J. SHIMANEK

Address Monticello
 Age 30
 Occupation Lawyer
 Representative District 22 - Delaware, Dubuque, Jackson, Jones
 Former Legislative Service 67 (1st), 67X

ARTHUR A. SMALL, JR.

Address Iowa City
 Age 44
 Occupation Businessman
 Representative District 73 - Johnson
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

DOUGLAS R. SMALLEY

Address Des Moines
 Age 31
 Occupation Attorney
 Representative District 60 - Polk
 Former Legislative Service 67 (1st), 67X

CLAY SPEAR

Address Burlington
 Age 61
 Occupation Retired-Postal Service
 Representative District 85 - Des Moines, Lee
 Former Legislative Service 66, 67 (1st), 67X

DON W. SPENCER

Address Ruthven
 Age 55
 Occupation Farmer
 Representative District 4 - Clay, Dickinson, Emmet, Palo Alto
 Former Legislative Service 66, 67 (1st), 67X

LYLE R. STEPHENS†

Address Le Mars
 Age 66
 Occupation Retired Farmer
 Representative District 2 - Plymouth, Sioux
 Former Legislative Service 65, 66, 67 (1st), 67X

†Served in the 1975 Session until election contest resolved May 15, 1975.

DELWYN STROMER

Address Garner
 Age 47
 Occupation Farmer, Legislator
 Representative District 9 - Cerro Gordo, Franklin, Hancock, Wright
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

LINDA A. SVOBODA

Address Amana
 Age 34
 Occupation Journalist
 Representative District 72 - Benton, Iowa, Johnson, Keokuk, Poweshiek
 Former Legislative Service 66, 67 (1st), 67X

THOMAS J. TAUKE

Address Dubuque
 Age 27
 Occupation Attorney
 Representative District 20 - Dubuque
 Former Legislative Service 66, 67 (1st), 67X

PATRICIA L. THOMPSON

Address West Des Moines
 Age 50
 Occupation Banker (Part-time)
 Representative District 66 - Polk
 Former Legislative Service 67 (1st), 67X

SEMOR C. TOFTE

Address Decorah
 Age 66
 Occupation Legislator
 Representative District 16 - Fayette, Howard, Winneshiek
 Former Legislative Service 65, 66, 67 (1st), 67X

ANDREW VARLEY

Address Stuart
 Age 43
 Occupation Farmer
 Representative District 57 - Adair, Dallas, Guthrie
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

CRAIG D. WALTER

Address Council Bluffs
 Age 28
 Occupation Self Employed
 Representative District 100 - Pottawattamie
 Former Legislative Service 66, 67 (1st), 67X

RICHARD W. WELDEN

Address Iowa Falls
 Age 69
 Occupation Retired
 Representative District 10 - Franklin, Hardin, Wright
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

REPRESENTATIVES

JAMES D. WELLS

Address Cedar Rapids
 Age 49
 Occupation Shift Leader
 Representative District 27 - Benton, Linn
 Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

JAMES C. WEST

Address State Center
 Age 45
 Occupation Retailer (Furniture)
 Representative District 40 - Grundy, Hardin, Jasper, Marshall, Story
 Former Legislative Service 65, 66, 67 (1st), 67X

JACK E. WOODS

Address Des Moines
 Age 41
 Occupation Self Employed
 Representative District 68 - Polk, Warren
 Former Legislative Service 65, 66, 67 (1st), 67X

RUSSELL L. WYCKOFF

Address Vinton
 Age 52
 Occupation Farmer
 Representative District 31 - Benton, Black Hawk, Buchanan, Linn, Tama
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

**MEMBERS OF THE SENATE — SIXTY - SEVENTH GENERAL ASSEMBLY
1978 REGULAR SESSION**

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FORREST F. ASHCRAFT

Address Davenport
 Age 55
 Occupation Assistant Chief of Police (Retired)
 Senatorial District 41 — Scott
 Former Legislative Service 67 (1st), 67X

IRVIN L. BERGMAN

Address Harris
 Age 66
 Occupation Farmer, Businessman
 Senatorial District 2 — Osceola, Clay, Dickinson, Emmet, Lyon, O'Brien, Palo Alto, Sioux
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

STEPHEN W. BISENIUS

Address Cascade
 Age 30
 Occupation Realtor Associate
 Senatorial District 11 — Dubuque, Delaware, Jackson, Jones
 Former Legislative Service 67 (1st), 67X

JAMES E. BRILES

Address Corning
 Age 51
 Occupation Auctioneer, Real Estate
 Senatorial District 48 — Adams, Adair, Cass, Guthrie, Montgomery, Page, Ringgold, Taylor, Union
 Former Legislative Service 56, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

CLIFF BURROUGHS

Address Greene
 Age 60
 Occupation Securities Sales
 Senatorial District 19 — Butler, Black Hawk, Bremer, Floyd, Franklin, Grundy, Marshall, Tama
 Former Legislative Service 65 (2nd), 66, 67 (1st), 67X

JAMES CALHOON

Address Sioux City
 Age 29
 Occupation Meat Cutter
 Senatorial District 26 — Woodbury, Monona
 Former Legislative Service 67 (1st), 67X

ROBERT M. CARR

Address Dubuque
 Age 40
 Occupation Securities Broker
 Senatorial District 10 — Dubuque
 Former Legislative Service 65, 66, 67 (1st), 67X

C. JOSEPH COLEMAN

Address Clare
 Age 54
 Occupation Farmer, Businessman
 Senatorial District 23 — Webster, Humboldt
 Former Legislative Service 57, 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

SENATORS

ROLF V. CRAFT

Address Decorah
 Age 40
 Occupation Teacher, Farmer
 Senatorial District 8 - Winneshiek, Bremer, Chickasaw, Fayette, Howard
 Former Legislative Service 67 (1st), 67X

LOUIS P. CULVER

Address Dunlap
 Age 69
 Occupation Farmer
 Senatorial District 27 - Harrison, Crawford, Monona, Pottawattamie, Shelby
 Former Legislative Service 66, 67 (1st), 67X

WARREN E. CURTIS

Address Cherokee
 Age 63
 Occupation Certified Public Accountant
 Senatorial District 3 - Cherokee, Buena Vista, Clay, O'Brien, Palo Alto, Plymouth, Pocahontas
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

LUCAS J. DeKOSTER

Address Hull
 Age 59
 Occupation Lawyer
 Senatorial District 1 - Sioux, Lyon, Plymouth
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67 (1st), 67X

MINNETTE DODERER

Address Iowa City
 Age 54
 Occupation Legislator
 Senatorial District 37 - Johnson
 Former Legislative Service 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

RICHARD F. DRAKE

Address Muscatine
 Age 50
 Occupation Farmer
 Senatorial District 38 - Muscatine, Johnson, Louisa, Scott
 Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

JAMES V. GALLAGHER

Address Jesup
 Age 44
 Occupation Telephone Company
 Senatorial District 16 - Black Hawk, Benton, Buchanan, Linn, Tama
 Former Legislative Service 61, 62, 65, 66, 67 (1st), 67X

GENE W. GLENN

Address Ottumwa
 Age 49
 Occupation Lawyer
 Senatorial District 45 - Wapello, Appanoose, Davis, Mahaska, Monroe
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67 (1st), 67X

SENATORS

xxi

WILLARD (BILL) R. HANSEN

Address Cedar Falls
Age 46
Occupation General Insurance, Real Estate
Senatorial District 18 — Black Hawk
Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

EUGENE M. HILL

Address Newton
Age 64
Occupation Farmer
Senatorial District 35 — Jasper, Mahaska, Marion, Polk, Poweshiek, Warren
Former Legislative Service 58, 59, 60, 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

PHILIP B. HILL

Address Des Moines
Age 46
Occupation Lawyer
Senatorial District 33 — Polk
Former Legislative Service 64, 65, 66, 67 (1st), 67X

EDGAR H. HOLDEN

Address Davenport
Age 64
Occupation Realtor - Investor
Senatorial District 40 — Scott
Former Legislative Service 62, 63, 64, 65

MERLIN D. HULSE

Address Clarence
Age 54
Occupation Farmer
Senatorial District 12 — Cedar, Clinton, Jackson, Johnson, Jones, Scott
Former Legislative Service 67 (1st), 67X

CALVIN O. HULTMAN

Address Red Oak
Age 36
Occupation Businessman
Senatorial District 40 — Montgomery, Fremont, Mills, Page, Pottawattamie
Former Legislative Service 65, 66, 67 (1st), 67X

C. W. (BILL) HUTCHINS

Address Guthrie Center
Age 46
Occupation Dry Cleaning and Laundromat Owner
Senatorial District 28 — Guthrie, Audubon, Carroll, Cass, Crawford, Greene, Shelby
Former Legislative Service 65, 66, 67 (1st), 67X

LOWELL L. JUNKINS

Address Montrose
Age 33
Occupation Ambulance Service Operator
Senatorial District 43 — Lee, Des Moines, Henry
Former Legislative Service 65, 66, 67 (1st), 67X

SENATORS

E. KEVIN KELLY

Address Sioux City
 Age 34
 Occupation Attorney
 Senatorial District 25 - Woodbury, Cherokee, Plymouth
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

GEORGE R. KINLEY

Address Des Moines
 Age 40
 Occupation Owner - Driving Range and Golf Sales
 Senatorial District 34 - Polk, Warren
 Former Legislative Service 64, 65, 66, 67 (1st), 67X

MILO MERRITT

Address Osage
 Age 62
 Occupation Realtor Associate
 Senatorial District 7 - Mitchell, Cerro Gordo, Chickasaw, Floyd, Howard
 Former Legislative Service 66, 67 (1st), 67X

ALVIN V. MILLER

Address Ventura
 Age 56
 Occupation Businessman, Insurance Agency, Farmer
 Senatorial District 6 - Cerro Gordo, Worth
 Former Legislative Service 65, 66, 67 (1st), 67X

CHARLES P. MILLER

Address Burlington
 Age 59
 Occupation Doctor of Chiropractic
 Senatorial District 42 - Des Moines, Henry, Louisa
 Former Legislative Service 60, 60X, 61, 62, 63, 64, 65, 66, 67 (1st), 67X

ELIZABETH R. MILLER

Address Marshalltown
 Age 72
 Occupation Homemaker
 Senatorial District 20 - Marshall, Grundy, Hardin, Jasper, Story
 Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

JOHN S. MURRAY

Address Ames
 Age 38
 Occupation Attorney
 Senatorial District 21 - Story, Boone, Polk
 Former Legislative Service 65, 66, 67 (1st), 67X

FRED W. NOLTING

Address Waterloo
 Age 45
 Occupation Meat Cutter
 Senatorial District 17 - Black Hawk
 Former Legislative Service 63, 66, 67 (1st), 67X

SENATORS

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JOHN N. NYSTROM

Address Boone
Age 44
Occupation President Automobile Dealership
Senatorial District 22—Boone, Greene, Hamilton, Story, Webster
Former Legislative Service 64, 65, 66, 67 (1st), 67X

JOAN ORR

Address Grinnell
Age 54
Occupation Legislator
Senatorial District 36—Poweshiek, Benton, Iowa, Johnson, Keokuk, Tama
Former Legislative Service 63 (2nd), 65, 66, 67 (1st), 67X

WILLIAM D. PALMER

Address Des Moines
Age 42
Occupation President Insurance Agency
Senatorial District 32—Polk
Former Legislative Service 61, 62, 63, 64, 65, 66, 67 (1st), 67X

BERL E. PRIEBE

Address Algona
Age 59
Occupation Farmer, Businessman
Senatorial District 4—Kossuth, Emmet, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago
Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

RICHARD E. RAMSEY

Address Osceola
Age 37
Occupation Attorney
Senatorial District 47—Clarke, Appanoose, Decatur, Lucas, Madison, Monroe, Ringgold, Union, Wayne
Former Legislative Service 65, 66, 67 (1st), 67X

DAVID M. READINGER

Address Des Moines
Age 41
Occupation Sales
Senatorial District 30—Polk
Former Legislative Service 65, 66, 67 (1st), 67X

JAMES M. REDMOND

Address Cedar Rapids
Age 35
Occupation Attorney-at-Law
Senatorial District 13—Linn, Johnson
Former Legislative Service 66, 67 (1st), 67X

CLOYD ROBINSON

Address Cedar Rapids
Age 39
Occupation Production Line Operator
Senatorial District 14—Linn, Benton
Former Legislative Service 64, 65, 66, 67 (1st), 67X

SENATORS

NORMAN G. RODGERS

Address Adel
 Age 50
 Occupation Supermarket Owner, Farmer
 Senatorial District 29 - Dallas, Adair, Clarke, Guthrie, Madison, Warren
 Former Legislative Service 63, 64, 65, 66, 67 (1st), 67X

BOB RUSH

Address Cedar Rapids
 Age 33
 Occupation Lawyer
 Senatorial District 15 - Linn
 Former Legislative Service 67 (1st), 67X

FORREST V. SCHWENGELS

Address Fairfield
 Age 62
 Occupation Real Estate
 Senatorial District 44 - Jefferson, Henry, Keokuk, Lee, Van Buren, Wapello, Washington
 Former Legislative Service 65, 66, 67 (1st), 67X

JOHN R. SCOTT

Address Pocahontas
 Age 33
 Occupation Farmer, Attorney
 Senatorial District 24 - Pocahontas, Buena Vista, Calhoun, Carroll, Cherokee, Crawford, Greene, Ida, Sac
 Former Legislative Service 67 (1st), 67X

ROGER J. SHAFF

Address Camanche
 Age 67
 Occupation Farmer
 Senatorial District 39 - Clinton, Scott
 Former Legislative Service 62, 63, 64, 65, 66, 67 (1st), 67X

TOM SLATER

Address Council Bluffs
 Age 32
 Occupation Partner - Advertising, Public Realtions Planning Firm
 Senatorial District 50 - Pottawattamie
 Former Legislative Service 67 (1st), 67X

RAY TAYLOR

Address Steamboat Rock
 Age 54
 Occupation Farmer
 Senatorial District 5 - Hardin, Cerro Gordo, Franklin, Hancock, Wright
 Former Legislative Service 65, 66, 67 (1st), 67X

DALE L. TIEDEN

Address Elkader
 Age 55
 Occupation Farmer
 Senatorial District 9 - Clayton, Allamakee, Delaware, Dubuque, Fayette, Winneshiek
 Former Legislative Service 61, 62, 63, 64, 65, 66, 67 (1st), 67X

SENATORS

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BASS VAN GILST

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

EARL M. WILLITS

Address Des Moines
Age 31
Occupation Attorney
Senatorial District 31 — Polk
Former Legislative Service 64, 65, 66, 67 (1st), 67X

JOURNAL OF THE HOUSE

First Calendar Day – First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 9, 1978

Pursuant to chapter two (2), section two point one (2.1), Code 1977, the House of Representatives of the Sixty-seventh General Assembly of Iowa, 1978 Regular Session, convened at 10:00 a.m., Monday, January 9, 1978.

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

Prayer was offered by the Reverend Wayne Shoemaker, pastor of Grace United Methodist Church, Des Moines, Iowa.

The Journal of June 13, 1977, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stan Haugland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Den Herder of Sioux for an indefinite period on request of Millen of Van Buren; Miller of Buchanan for January 9 and 10 on request of Avenson of Fayette; Gilson of Guthrie on request of Hullinger of Decatur; Lindeen of Henry for the morning session on request of Stephens of Plymouth.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed and the following committee was appointed: Scheelhaase of Woodbury, Miller of Calhoun, Anderson of Jasper, Evans of Grundy and Crabb of Crawford.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Monroe of Des Moines, Lonergan of Boone and Pelton of Clinton.

REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION
STATE OF IOWA
Office of
THE SECRETARY OF STATE

To The Honorable, Speaker of the House:

I, MELVIN D. SYNHORST, Secretary of the State of Iowa, custodian of the files and records pertaining to elections in the state,

DO HEREBY CERTIFY, That the State Canvassing Board has declared that at Special Elections held on December 13, 1977, Thomas A. Lind was elected to fill the office of State Representative for the Thirty-third District, and Robert C. Arnould was declared elected to fill the office of State Representative for the Eighty-second District, to fill vacancies in the two year terms which began on January 1, 1977.

(Seal)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the capitol, in Des Moines, this 4th day of January, 1978.

MELVIN D. SYNHORST
Secretary of State

Mary O'Halloran, Chair
Norman G. Jesse
Robert T. Anderson
Glenn F. Brockett
Horace Daggett

The report was adopted.

Varley of Adair moved that a committee of four be appointed to escort Representatives-elect Robert C. Arnould and Thomas A. Lind to the well of the House.

The motion prevailed and the Speaker appointed Varley of Adair and Bina of Scott to escort Representative-elect Robert C. Arnould and Millen of Van Buren and O'Halloran of Black Hawk to escort Representative Thomas Lind. The Chief Clerk administered the following oath of office to Representatives-elect Arnould and Lind:

OATH OF OFFICE

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

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

HOUSE CONCURRENT RESOLUTION 101

By Fitzgerald

- 1 *Be It Resolved By The House, The Senate Concurring,*
- 2 That a joint convention of the two houses of the 1978
- 3 regular session of the Sixty-seventh General Assembly
- 4 be held on Wednesday, January 11, 1978 at 10:00 a.m.
- 5 *Be It Further Resolved, That Governor Robert D.*
- 6 Ray be invited to deliver his annual state of the state
- 7 and budget messages at this joint convention of the two
- 8 houses, and that the Speaker of the House and the
- 9 President of the Senate be designated to deliver the
- 10 invitation to him.

The motion prevailed and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION 102

By Committee on Human Resources

- 1 *Whereas, the United States Congress has seen fit to*
- 2 enact laws under which individuals and families meeting

3 certain criteria are entitled to obtain food stamps,
4 thereby increasing their purchasing power with respect
5 to food items; and

6 *Whereas*, food stamps are therefore a very legitimate
7 means for low-income persons to achieve a more nutritious
8 diet, and to partially offset the effects of the inflation
9 which has particularly burdened elderly persons who have
10 retired on fixed or limited incomes after a lifetime of
11 work and self-support; and

12 *Whereas*, available data indicates that the rate of
13 utilization of the food stamp program in Iowa by eligible
14 persons has been rather low relative to that of many other
15 states; and

16 *Whereas*, the food stamps program offers the opportunity
17 not only to enhance the diet of low-income persons but also
18 to increase consumption of agricultural products, thereby
19 benefitting farmers in this and other states; and

20 *Whereas*, the General Assembly is concerned that this
21 low rate of utilization may reflect both some degree of
22 stigma wrongly associated with the program and shortcomings
23 in the quantity and quality of administrative efforts to in-
24 form eligible persons about the food stamps program and to
25 facilitate their use of the program; *Now Therefore*,

26 *Be It Resolved by the House of Representatives, The Senate*
27 *Concurring*,

28 1. That the General Assembly deplors the attachment of
29 any stigma to the acceptance and use of food stamps, and
30 urges that clients, food vendors and other concerned persons

Page 2

1 view the food stamps program as an effort to offset
2 inflation and to promote consumption of farm products.

3 2. That the Department of Social Services immediately
4 achieve and maintain compliance with all applicable federal
5 standards, and increase its efforts to inform eligible
6 persons of the food stamps program and to facilitate
7 their utilization of it.

8 3. That nongovernmental religious, civic, fraternal
9 and service agencies and groups are urged to assist and
10 reinforce the achievement of the goals expressed in sec-
11 tions one (1) and two (2) of this resolution.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 103

By Crabb

1 *Whereas*, with each passing year this Nation becomes
2 more deeply in debt as its expenditures grossly and
3 repeatedly exceed available revenues so that the public

4 debt now exceeds hundreds of billions of dollars; and
5 *Whereas*, the annual federal budget continually demon-
6 strates an unwillingness or inability of both the legis-
7 lative and executive branches of the federal government
8 to curtail spending to conform to available revenues;
9 and

10 *Whereas*, unified budgets do not reflect actual spend-
11 ing because of the exclusion of special outlays which
12 are not included in the budget nor subject to the legal
13 public debt limit and

14 *Whereas*, knowledgeable planning, fiscal prudence, and
15 plain good sense require that the budget reflect all
16 federal spending and be in balance; and

17 *Whereas*, believing that fiscal irresponsibility at
18 the federal level, with the inflation which results from
19 this policy, is the greatest threat which faces our
20 Nation, we firmly believe that constitutional restraint
21 is necessary to bring the fiscal discipline needed to
22 restore financial responsibility; and

23 *Whereas*, under Article V of the Constitution of the
24 United States, amendments to the federal Constitution
25 may be proposed by the Congress whenever two-thirds of
26 both houses deem it necessary, or on the application of
27 the legislatures of two-thirds of the several states the
28 Congress shall call a constitutional convention for the
29 purpose of proposing amendments. We believe such action
30 vital; *Now Therefore*,

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1 *Be It Resolved by the House of Representatives, the Senate*
2 *Concurring*, That the Iowa General Assembly proposes to the
3 Congress of the United States that procedures be instituted
4 in the Congress to add a new Article to the Constitution of
5 the United States, and that the Iowa General Assembly
6 requests the Congress to prepare and submit to the several
7 states an amendment to the Constitution of the United States
8 requiring in the absence of a national emergency that the
9 total of all federal appropriations made by the Congress for
10 any fiscal year may not exceed the total of all estimated
11 federal revenues for that fiscal year.

12 *Be It Further Resolved*, That, alternatively, the Iowa General
13 Assembly makes application and requests that the Congress of
14 the United States call a constitutional convention for the
15 specific and exclusive purpose of proposing an amendment to
16 the federal Constitution requiring in the absence of a
17 national emergency that the total of all federal appropri-
18 ations made by the Congress for any fiscal year may not
19 exceed the total of all estimated federal revenues for that
20 fiscal year.

21 *Be It Further Resolved*, That the Iowa General Assembly also
22 proposed that the legislatures of each of the several states

23 comprising the United States of America apply to the Congress
24 requesting the enactment of an appropriate amendment to the
25 federal Constitution; or requiring the Congress to call a
26 constitutional convention for proposing such an amendment to
27 the federal Constitution.

28 *Be It Further Resolved*, That copies of this Resolution be
29 sent by the Secretary of State of Iowa to the members of the
30 congressional delegation of the state of Iowa.

31 *Be It Further Resolved*, That the Secretary of State of
32 Iowa is directed to send copies of this Resolution to the
33 Secretary of State of the United States of America, the pre-
34 siding officers of both houses of the legislature of each of
35 the other States in the Union, the Chief Clerk of the United
36 States House of Representatives, Washington, D. C. and the
37 Secretary of the United States Senate, Washington, D.C.

Referred to committee on budget.

PRESENTATION OF HEART FUND PRINCESS

Speaker Cochran presented to the House Miss Tammy Brown of Independence, 1978 Iowa Heart Fund Princess. She was escorted to the Speaker's station by Harbor of Mills, State Heart Fund Chair.

Miss Brown addressed the House briefly encouraging support for the Heart Fund. The House extended its welcome.

REPORT OF COMMITTEE TO NOTIFY SENATE

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

The report was accepted and the committee discharged.

REPORT OF COMMITTEE TO NOTIFY GOVERNOR

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

The report was accepted and the committee discharged.

PAGES OF THE HOUSE

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

Stan Askren, Cedar Rapids, Iowa
Morgan A. Baethke, Centerville, Iowa
Sam Bernabe, West Des Moines, Iowa
Karen Bueb, Storm Lake, Iowa
Lynne D. Carey, Nevada, Iowa
William Edwards, Des Moines, Iowa
James Evans, Grundy Center, Iowa
Wynn Gochenour, Sioux City, Iowa
Holly Higgins, Traer, Iowa
Renea S. Horton, Davenport, Iowa
Brendan Kennedy, Hinton, Iowa
Zoe Ann Lamp, Coon Rapids, Iowa
Emily Matthews, Des Moines, Iowa
Jane McLaughlin, Dubuque, Iowa
Teresa F. Park, Maquoketa, Iowa
Jonathan Paulos, Davenport, Iowa
Jerald E. Prentice, West Bend, Iowa
David F. Strable, Prole, Iowa
Dennis Tift, Nora Springs, Iowa
Kevin J. Tobin, New Market, Iowa
Cynthia Van Veldhuizen, New Sharon, Iowa
Marc D. Weems, Waterloo, Iowa
Sherri L. Willits, Farmington, Iowa

OATH OF OFFICE

The Pages elected took the following oath of office:

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

REPORT OF THE HOUSE ADMINISTRATION COMMITTEE

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

Paula Feltner — Caucus Staff Director
Kenneth C. Cunningham — Research Analyst
Richard Norland — Research Analyst
Timothy N. Hyde — Research Analyst
Lessa Oldenburger — Clerk to Chief Clerk

Beverly A. Baker—Switchboard Operator
Thomas Marmion—Doorkeeper
Carman Breeding—Doorkeeper
M. Maralee Langholz—Aide to Public Information Office
Randall E. Lauer—Aide to Public Information Office
Anna Hart Whalen—Aide to Public Information Office
Elizabeth Johnson—Aide to Public Information Office
Christine K. Bishop—Aide to Chief Clerk

The report was adopted.

REMARKS BY THE SPEAKER

Speaker Cochran addressed the House as follows:

Welcome back to the second session of the Sixty-seventh General Assembly. We all extend an especially warm welcome to Bob Arnould and Tom Lind. To Representatives Arnould and Lind, I want to particularly say that you will be joining ninety-eight colleagues in this chamber whose efforts are carried out in an arena of healthy democratic debate — where competing interests are thoroughly aired, conflicting viewpoints are heard, and fairness and honesty are the base of our rules — and, I am proud to say, of our practice. The debate here sometimes produces sharp exchanges, occasionally, a critical rejoinder — but it is carried out in an arena of respect and admiration for ability and wise judgment. We are most pleased that our House is returned to its constitutionally mandated full membership of one hundred.

Second regular sessions open in a markedly different fashion than do first sessions of a General Assembly. We open "on the run," so to speak. We have had an intermission — and what an intermission this was! Hundreds of hours of work have resulted in debate calendars ready for action, budget hearings nearly complete, and vast amounts of research and committee work mean our committees have many important bills ready for votes or final action. Just as important — and easily overlooked — was the decision reached after careful study by some committees — that no further legislative action is needed in certain areas. It has been a productive interim, which stands as a challenge to us all to follow through with an accordingly productive session.

We will continue the budgetary process initiated in 1977; that is, nearly every legislator will participate directly in determining how the tax dollars of the people of Iowa are spent. Iowa has been designated as a "model" with respect to the budgetary process instituted this past year.

Scheduling during the early days of the session will allow committees time to complete preparation of bills. Budget subcommittees will meet several hours each week, in much the same manner as in 1977, to complete recommendations for fiscal 1979-1980 appropriations.

The adoption of a balanced budget without the need to raise taxes is our top priority, and is a realistic goal. The continuation of service to Iowans that will maintain and enhance our quality of life is our common goal; we differ in some ways on how to reach that general goal, and that is as it should be. But I assure you that we are acutely

mindful of economic conditions, and revenue projections, and are working within the boundaries of a balanced budget without a tax increase.

The legislative agenda contains an impressive list of major bills on which a great deal of work has already been done: the Senate's interim action has resulted in a calendar dealing with beverage container deposits, radiation safety, and juvenile justice code legislation eligible for debate this week. House committees have sent agriculture bills, education bills, state government bills, and tax measures to the calendar. We will be dealing with the corporate farm reporting law and obsolete boards and commissions. We anticipate work in criminal code law, county home rule and open meetings; the road use tax measure has advanced a step in the Senate. As always, we will be confronted with so-called "new" issues — though we all know there is nothing new under this sun anymore. There will be unforeseen situations that we will have to meet with statutory changes. There will be new ideas for legislation introduced this year — ideas, in my opinion, that will begin their legislative journey in 1978 that may become part of the record of laws passed by a future general assembly.

For we remind ourselves that we are part of an on-going representative process, and the Sixty-seventh General Assembly will end with the fall of the gavel early this Spring.

Our collective obligation is to be responsible, productive stewards of the legislature and its processes. Preceding assemblies built legislative records which have not always necessarily met with consistent praise and adulation. Our record will be subject to similar scrutiny and judgment. We can complete our budget work responsibly, dealing with people's pressing needs while carrying out the legislature's constitutional duty to spend the state's money wisely; we can complete our priorities and major items of unfinished business; we can provide time for the emergence of innovative thought expressed in new legislation; and we can meet unforeseen situations which need legislative remedy. We can do all of this and still give time for candidates to prepare for primary elections.

We can do all of that, and we will do it with your diligence and cooperation, with your hard work and your dedication to the people whom you have pledged to serve.

I look forward to working with all of you in the coming weeks and months and welcome you to the task ahead.

REMARKS BY THE MINORITY LEADER

Millen of Van Buren addressed the House as follows:

MR. SPEAKER, LADIES AND GENTLEMEN OF THE HOUSE:

Good morning. As the old school rhyme goes, it's good to see so many bright and shining faces, faces we haven't seen since adjournment last year.

Some of you seem to take exception to that statement, but at this time I do not intend to make any lengthy comments on the 1977 interim work load or product. As I stated when the Democratic leadership instituted its new committee process, I'm going to reserve judgment until we have had an opportunity to see if the interim work done by the numerous subcommittees proves beneficial and does cut down on the length of the session.

I will say, however, that I certainly agreed with the Senate majority leader when he stated that there probably were a few too many studies conducted during the 1977 interim.

I want to welcome back all of the "old" legislators and welcome into our midst, and to the rewards and frustrations, our two new Representatives. I know that we experienced legislators will assist them in every way possible and that each of us will work toward productive legislation that will aid the citizens of Iowa, and we will do this with the least amount of words and in the shortest amount of time so their pocket-books will be happy.

Mr. Speaker, I will conclude my brief remarks by saying again, as I have in previous years, that the House Republican Caucus is here to work with your caucus to make this a short, productive and fiscally responsible session.

We all know there are a number of issues such as sound budgeting, mandatory deposits, the correction of abuses in the unemployment compensation laws, a possible reorganization of the Department of Environmental Quality and Natural Resources Departments, a possible combining of the Banking Board, savings and loans and credit unions into one department, and, possibly, restructuring the Fair Board, just to name a few, which must be dealt with swiftly and economically. I trust this can be done without a lot of political and campaign rhetoric.

We Republicans will do everything we can toward that end, even to disagreeing with you when we feel it is in the best interest of Iowa and its citizens. Hopefully, few disagreements will be necessary.

Thank you.

REMARKS BY THE MAJORITY LEADER

Fitzgerald of Webster addressed the House as follows:

MR. SPEAKER, LADIES AND GENTLEMEN OF THE HOUSE:

Welcome back to the second session of the Sixty-seventh General Assembly.

We start this year with the normal quota of unresolved and partially resolved issues from the first session. We begin with apparently not a large number of entirely new issues. And we approach this session with the unusual combination in recent years of a rapidly reduced general fund balance and an election year in which virtually all state officials — save some senators — are up for election. If we add the volatile issue of property taxes to this combination, we must go back to 1970 for a similar set of circumstances.

The issue of property taxes has shown that it is sometimes easier to be a nay-sayer, dealing with complexities and, instead, succumb to short run popular misunderstandings. This must be avoided not only because of the public's need to know but also to insure that public and legislative attention can be focused on legitimate shortcomings that may otherwise be overlooked; and perhaps more importantly, to insure that future alternatives that are in the public interest are not precluded by designed or inadvertent misconceptions.

The issue of a balanced budget always requires more difficult decisions and actions than the finding of any one solution for any one problem. True fiscal integrity requires that we not overlook the needs of areas such as education, Title XIX, the disadvantaged, etc. True fiscal integrity also requires that we follow up our budget-balancing decisions with actions that are far more difficult, politically, than mere suggested actions.

In any election year there is the strong temptation for elected officials to "rate well" for the voters — though the rating may be done superficially and at the expense of non-glamorous, non-qualifiable effective legislative work. There is the temptation to succumb to sloganeering and easy sweeping solutions or denunciations of solutions to complex problems.

Fortunately, for the most part these temptations are avoided and legislators as a rule apply themselves, each in their own way, toward finding meaningful solutions to complex problems.

Yet, though our intentions and plans are worthy, we must constantly remind ourselves to probe for the elusive solution and to work together to bring to it fruition. We must remind ourselves that questions we face are not generally partisan questions; that each of us have the best opportunity for re-election if we apply ourselves toward solving problems and leave the ratings to our constituents.

COMMITTEE FROM THE SENATE

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

INTRODUCTION OF BILLS

House File 2001, by Spear, a bill for an act amending the criminal code revision to provide that it is sexual abuse in the third degree for a person to perform a sex act with a 14 or 15 year old person who is six or more years his or her junior, and providing a penalty.

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

House File 2002, by Tauke, a bill for an act amending the criminal code revision to make it an aggravated misdemeanor to sell, offer for sale, or disseminate obscene material depicting a sex act involving a child, prohibiting the employment or exhibition of a minor knowing that an obscene picture of the minor will be taken, and providing penalties.

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

House File 2003, by Brockett and Brunow, a bill for an act appropriating funds to the capitol planning commission to study the housing needs of the state historical department.

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

House File 2004, by Brockett and Brunow, a bill for an act authorizing the director of the department of general services with approval of the state executive council to proceed with the acquisition of land within certain geographical boundaries.

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

House File 2005, by Koogler, a bill for an act to require identical salaries to be paid to certain elected county officers.

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

House File 2006, by Spear, a bill for an act relating to the compensation of township trustees.

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

House File 2007, by Spear, Clark of Cerro Gordo, Branstad, Lageschulte, Halvorson, Hansen, Miller of Calhoun, Daggett, Thompson, Tofte, Spencer, Howell, Menke, Danker, Harbor, Krewson, Gentleman, Stephens, Clark of Lee, Conlon, Junker, Hoffmann, Pellett, Wyckoff, Miller of Buchanan, Lindeen, Evans, Egenes, Wulff and Dieleman, a bill for an act relating to payment of expenses to members of the general assembly.

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

House File 2008, by Svoboda, a bill for an act to require notification of termination of utility services, and to require utilities to offer budgeting plans of payment.

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

House File 2009, by Krause, a bill for an act relating to an epic history of Indians in Iowa, to establish an Indian epic history advisory committee, and to make an appropriation.

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

House File 2010, by Walter, a bill for an act removing the limit on fees certain cities may establish for inspection of multiple dwellings.

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

House File 2011, by Junker, a bill for an act to prohibit mandatory retirement policies for employees.

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

House File 2012, by Brunow, a bill for an act to designate chicory as a secondary noxious weed.

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

House File 2013, by Crabb, a bill for an act declaring wild cane or shatter cane to be a secondary noxious weed.

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

House File 2014, by Brandt, a bill for an act relating to adoption of policies by school boards concerning unused portions of leave of absence for medically-related disability at retirement or death.

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

House File 2015, by Miller of Buchanan, a bill for an act placing

limitations on the installation of limited access diagonal highways and highway placement.

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

House File 2016, by Spencer, a bill for an act providing that bail and release may be denied pending trial when a person is charged with committing a felony involving the use of a firearm after being convicted of a prior felony.

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

House File 2017, by Krause, a bill for an act appropriating funds to the state conservation commission to riprap the shore line of Five Island Lake.

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

House File 2018, by committee on state government, a bill for an act to clarify the applicability of certain sections to the women's reformatory and the Iowa security medical facility.

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

House File 2019, by Svoboda, a bill for an act to provide that an abandoned spouse is entitled to custody of minor children unless the court directs otherwise.

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

House File 2020, by Svoboda, a bill for an act relating to the conveyances of agricultural land, providing that all conveyances be in writing, acknowledged and recorded and providing a civil penalty.

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

House File 2021, by committee on agriculture, a bill for an act relating to definitions pertaining to corporate farming, restrictions on agricultural land holdings, and providing penalties for violations of the corporate farming Act.

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

House File 2022, by committee on agriculture, a bill for an act relating to changes allowed for keeping estrays and trespassing animals.

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

House File 2023, by Bina, a bill for an act relating to the denominations in which bonds of local governmental units may be issued.

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

House File 2024, by Krause, a bill for an act relating to the state archaeologist and providing a penalty.

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

House File 2025, by Miller of Buchanan, a bill for an act requiring that petitions for a permit to construct, maintain and operate a pipeline or gas underground storage facilities in this state include an environmental impact statement.

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

House File 2026, by Clark of Cerro Gordo, Shimanek and Norland, a bill for an act to clarify the notice of adoption hearing provision, section six hundred point eleven (600.11) of the Code.

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

House File 2027, by Junker, a bill for an act relating to the state individual income tax on income derived from annuities received from the United States civil service retirement and disability trust fund.

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

House File 2028, by Spear, a bill for an act relating to the payment of per diem expenses incurred by members of the general assembly when the general assembly is not in session.

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

House File 2029, by Thompson, a bill for an act relating to qualifications required for a school board secretary.

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

House File 2030, by Krause, a bill for an act relating to agricultural achievement by creating a hall of giants of agriculture in the Wallace state office building and appropriating funds for a bust of Roswell Garst to be placed in the hall.

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

House File 2031, by Walter, a bill for an act to authorize the manufacture, distribution, sale, prescription, and use of amygdalin in this state.

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

House File 2032, by Koogler, a bill for an act relating to persons eligible to administer a blood test for alcohol content.

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

House File 2033, by committee on state government, a bill for an act relating to obsolete or inconsistent provisions of the Code.

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

House File 2034, by committee on ways and means, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs.

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

House File 2035, by committee on ways and means, a bill for an act relating to the taxation of property used for agricultural and horticultural purposes and located within the corporate limits of a city and making the provisions of this Act retroactive.

Read first time and placed on the ways and means calendar.

House File 2036, by committee on ways and means, a bill for an act to define "political subdivision" for purposes of appeals to the state appeal board for suspension of statutory property tax levy limits on property tax budgets in certain situations.

Read first time and placed on the ways and means calendar.

House File 2037, by committee on ways and means, a bill for an act relating to the references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

Read first time and placed on the ways and means calendar.

House File 2038, by Monroe, a bill for an act providing for an exemption of income received from military pensions from state individual income taxes.

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

SENATE MESSAGES CONSIDERED

Senate File 413, a bill for an act to establish a task force on taxation and making an appropriation therefor.

Read first time and referred to committee on budget.

REFERRED TO COMMITTEE ON AGRICULTURE

(Senate File 209)

The Speaker announced that **Senate File 209**, not having been previously assigned to a standing committee, is hereby assigned to the committee on agriculture.

CONFERENCE COMMITTEE APPOINTMENT

(Senate File 361)

The Speaker announced the appointment of Woods of Polk to replace Higgins of Scott as a member of the Second Conference Committee on Senate File 361.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 9, 1978 adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, providing for a joint convention of the Senate and House of Representatives on Wednesday, January 11, 1978, and inviting Governor Ray to deliver his state of the state message.

STEVEN C. CROSS, Secretary

WEEKLY DEBATE CALENDAR

Fitzgerald of Webster asked and received unanimous consent to dispense with the requirement of a weekly debate calendar for the week of January 9, 1978.

HOUSE AND SENATE FILES AND RESOLUTIONS RETURNED TO COMMITTEES

Under the provisions of House Rule 45, the following House and Senate files and resolutions are returned to the following committees:

H.F. 2	Commerce
H.F. 41	County Government
H.F. 79	County Government
H.F. 94	Natural Resources
H.F. 117	Judiciary and Law Enforcement
H.F. 125	Education
H.F. 148	Judiciary and Law Enforcement
H.F. 149	Labor and Industrial Relations
H.F. 200	County Government
H.F. 230	Agriculture
H.F. 243	Judiciary and Law Enforcement
H.F. 304	Judiciary and Law Enforcement
H.F. 313	State Government
H.F. 335	Transportation

H.F. 336	Commerce
H.F. 351	State Government
H.F. 356	Natural Resources
H.F. 372	Judiciary and Law Enforcement
H.F. 392	Human Resources
H.F. 410	Transportation
H.F. 417	Transportation
H.F. 418	Budget
H.F. 420	Agriculture
H.F. 426	Natural Resources
H.F. 438	State Government
H.F. 442	Human Resources
H.F. 477	Agriculture
H.F. 485	Commerce
H.F. 487	Rules
H.F. 488	Labor and Industrial Relations
H.F. 489	State Government
H.F. 518	Ways and Means
H.F. 559	Energy
H.F. 560	State Government
H.F. 561	Agriculture
H.F. 570	Labor and Industrial Relations
H.F. 571	Human Resources
H.F. 572	Human Resources
H.F. 585	County Government
H.F. 586	County Government
H.F. 587	Education
H.F. 588	County Government
H.F. 589	Agriculture
H.F. 590	Education
H.F. 592	Judiciary and Law Enforcement
H.F. 599	County Government
H.F. 609	Commerce
H.F. 611	Energy
H.F. 620	Judiciary and Law Enforcement
H.F. 623	Human Resources
H.F. 624	Cities

H.F. 633 Budget
 S.F. 182 Energy
 S.F. 222 State Government
 S.F. 356 Cities
 S.C.R. 8 Energy

COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Robert C. Arnould	Human Resources Judiciary and Law Enforcement State Government Budget Subcommittee on Regulatory and Finance
Philip A. Davitt	Transportation, Vice-chair
William B. Griffee	Administration
LaVern R. Harvey	Budget
Thomas Lind	Cities Education Ways and Means Budget Subcommittee on Natural Resources
Joyce Lonergan	Human Resources, Vice-chair
Patricia Thompson	Legislative Intern Committee
Craig Walter	Human Resources, Chair

REPORT OF THE COMMITTEE ON HOUSE ADMINISTRATION

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classifications, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

Journal Editor	Elizabeth A. Isaacson	23-7 to 23-8	P-FT 11/25/77
Assistant Finance Clerk	Debra K. Rex	13-4 to 13-5	FT 9/30/77
Recording Clerk/ Supervisor of Pages	Sally L. Blanton	22-2 to 22-3	P-FT 10/14/77
Indexing Assistant	Wilma F. Zika	16-2 to 16-3	I-FT 8/19/77
Switchboard Operator	Beverly A. Baker	13-1	I-FT 1/9/78
Cloakroom Attendant	Bessie J. Bagby	8-3	P-FT 6/13/77
Doorkeeper	Thomas Marmion	9-1	I-FT 1/9/78
Doorkeeper	Carman Breeding	9-1	I-FT 1/9/78
Aide to Public Information Office	M. Maralee Langholz	\$2.54 per hr	P-PT 10/24/77
Aide to Public Information Office	Randall E. Lauer	\$2.54 per hr	P-PT 9/12/77
Aide to Public Information Office	Anna Hart Whalen	\$2.54 per hr	P-PT 9/12/77
Aide to Public Information Office	Elizabeth Johnson	\$2.54 per hr	P-PT 12/8/77
Aide to Chief Clerk	Catherine H. Engel	\$4.24 per hr	I-PT 7/7/77

Aide to Chief Clerk	Christine K. Bishop	\$4.24 per hr	I-PT	12/29/77
Page	Stanley A. Askren	7-1	I-FT	1/9/78
Page	Morgan A. Baethke	7-1	I-FT	1/9/78
Page	Samuel R. Bernabe	7-1	I-FT	1/9/78
Page	Karen E. Bueb	7-1	I-FT	1/9/78
Page	Lynne D. Carey	7-1	I-FT	1/9/78
Page	William Edwards	7-1	I-FT	1/9/78
Page	James A. Evans	7-1	I-FT	1/9/78
Page	Wynn M. Gochenour	7-1	I-FT	1/9/78
Page	Holly S. Higgins	7-1	I-FT	1/9/78
Page	Renea S. Horton	7-1	I-FT	1/9/78
Page	Brendan Kennedy	7-1	I-FT	1/9/78
Page	Zoe Ann Lamp	7-1	I-FT	1/9/78
Page	Emily E. Matthews	7-1	I-FT	1/9/78
Page	Jane E. McLaughlin	7-1	I-FT	1/9/78
Page	Teresa F. Park	7-1	I-FT	1/9/78
Page	Jonathan W. Paulos	7-1	I-FT	1/9/78
Page	Jerald E. Prentice	7-1	I-FT	1/9/78
Page	David F. Strable	7-1	I-FT	1/9/78
Page	Dennis Tift	7-1	I-FT	1/9/78
Page	Kevin J. Tobin	7-1	I-FT	1/9/78
Page	Cynthia Van Veldhuizen	7-1	I-FT	1/9/78
Page	Marcus D. Weems	7-1	I-FT	1/9/78
Page	Sherri L. Willits	7-1	I-FT	1/9/78
House Clerk	Norma Bakros	15-2	I-FT	1/9/78

House Clerk	Joyann Benoit	15-5 to 15-6	I-FT	4/14/78
House Clerk	Dorothy Breeding	15-3	I-FT	1/9/78
House Clerk	D. Joanne Brownell	15-6 to 15-7	I-FT	5/26/78
House Clerk	Roberta Chapman	15-7 to 15-8	I-FT	1/9/78
House Clerk	Roberta Cline	13-1	I-FT	1/10/78
House Clerk	Phyllis Cowles	15-6 to 15-7	I-FT	4/14/78
House Clerk	Mary Curtis	15-5 to 15-6	I-FT	5/26/78
House Clerk	Ruth Daggett	15-2 to 15-3	I-FT	2/3/78
House Clerk	Jeraldine Davis	13-2 to 13-3	I-FT	2/17/78
House Clerk	Mary Devin	13-3 to 13-4	I-FT	2/17/78
House Clerk	Colleen Dillon	15-6 to 15-7	I-FT	5/12/78
House Clerk	Loanne Dodge	15-5 to 15-6	I-FT	2/17/78
House Clerk	Janet Doyle	13-5 to 13-6	I-FT	4/28/78
House Clerk	Sarah Dunbar	13-1	I-FT	1/9/78
House Clerk	Joan Eggen	13-5 to 13-6	I-FT	5/26/78
House Clerk	Jon Euchner	13-1	I-FT	1/9/78
House Clerk	Mary Jo Eveleth	13-2 to 13-3	I-FT	3/31/78
House Clerk	M. Gaye Flesher	13-2	I-FT	1/9/78
House Clerk	Debra Foglesong	13-1 to 13-2	I-FT	2/17/78

House Clerk	Jinny Garrison	15-1	I-FT	1/9/78
House Clerk	Virginia Garretson	15-5 to 15-6	I-FT	3/3/78
House Clerk	Beverly Gettings	13-1 to 13-2	I-FT	6/23/78
House Clerk	Audrey Gibson	15-5 to 15-6	I-FT	2/17/78
House Clerk	Michelle Gorgas	15-4 to 15-5	I-FT	3/31/78
House Clerk	Dixie Harrington	13-3	I-FT	1/9/78
House Clerk	Merlie Howell	15-4 to 15-5	I-FT	2/17/78
House Clerk	Jeanette Hughes	13-1	I-FT	1/9/78
House Clerk	Cynthia Jensen	15-1	I-FT	1/9/78
House Clerk	Janet K. Johnson	13-3 to 13-4	I-FT	4/14/78
House Clerk	Judy Jordan	15-4 to 15-5	I-FT	1/9/78
House Clerk	Cathy Kelly	13-3	I-FT	1/9/78
House Clerk	Candace A. Kennedy	13-5	I-FT	1/9/78
House Clerk	Linda Kimm	15-3 to 15-4	I-FT	3/17/78
House Clerk	Pat King	15-1	I-FT	1/9/78
House Clerk	Mary Kay Labonia	13-2 to 13-3	I-FT	2/17/78
House Clerk	Virginia Lageschulte	13-1 to 13-2	I-FT	5/12/78
House Clerk	Joyce Lewis	15-4 to 15-5	I-FT	3/17/78
House Clerk	Kristie Lischefska	13-7	I-FT	1/9/78
House Clerk	B. J. Lind	13-1	I-FT	1/9/78

House Clerk	Dona Lloyd	15-5 to 15-6	I-FT	6/9/78
House Clerk	Pam Lovitt	13-3 to 13-4	I-FT	2/17/78
House Clerk	Maria C. Lynch	13-3	I-FT	1/9/78
House Clerk	Nanci A. Memmelaar	15-7	I-FT	1/9/78
House Clerk	Geraldine Middleswart	13-6 to 13-7	I-FT	2/17/78
House Clerk	Sheryl B. Millen	13-2	I-FT	1/9/78
House Clerk	Shirley Miller	15-4 to 15-5	I-FT	1/9/78
House Clerk	Marilyn Nielsen	15-6 to 15-7	I-FT	1/9/78
House Clerk	Marilyn Osborn	15-2 to 15-3	I-FT	3/31/78
House Clerk	Haleen Pellett	13-5 to 13-6	I-FT	5/12/78
House Clerk	Carol A. Petrucka	15-1	I-FT	1/9/78
House Clerk	Carolyn Ramsay	15-2 to 15-3	I-FT	3/4/78
House Clerk	Jean Robb	15-5 to 15-6	I-FT	5/12/78
House Clerk	Nancy Robertson	13-1	I-FT	1/9/78
House Clerk	Virginia Rowen	13-3 to 13-4	I-FT	3/31/78
House Clerk	Sandy Ryan	13-2	I-FT	1/9/78
House Clerk	Gerry Rydell	15-5 to 15-6	I-FT	3/31/78
House Clerk	Norma Scheelhaase	13-4 to 13-5	I-FT	1/9/78
House Clerk	Mary Ann Scott	15-6 to 15-7	I-FT	2/17/78

House Clerk	Julie Simon	13-3 to 13-4	I-FT	1/20/78
House Clerk	Donna Smith	15-5 to 15-6	I-FT	3/17/78
House Clerk	Pat Soliday	15-3 to 15-4	I-FT	2/17/78
House Clerk	Helen Stejskal	15-6 to 15-7	I-FT	4/14/78
House Clerk	Mildred Stewart	15-6 to 15-7	I-FT	6/9/78
House Clerk	Ruth Strait	13-3	I-FT	1/9/78
House Clerk	JoAnn Thomas	15-3 to 15-4	I-FT	1/20/78
House Clerk	Regina M. Tramontina	13-3	I-FT	1/9/78
House Clerk	Mary K. Vinton	13-3	I-FT	1/9/78
House Clerk	Marcia Walter	13-3	I-FT	1/9/78
House Clerk	Barb Wennerstrum	13-2	I-FT	1/9/78
House Clerk	Katie Whitfield	13-5 to 13-6	P-FT	2/3/78
House Clerk	Mary Whitmore	15-3	I-FT	1/9/78
House Clerk	Neva Wise	15-4	I-FT	1/9/78
House Clerk	Marsha Woodruff	13-3 to 13-4	I-FT	2/17/78
House Clerk	Michele Wray	15-7	I-FT	1/9/78

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 300 Agriculture

A bill to raise the charges permitted for distraining and keeping animals to two dollars a head.

S.B. 301 Agriculture

Relating to definitions pertaining to corporate farming, restrictions on agricultural land holdings, and providing penalties for violations of the corporate farming Act.

S.B. 302 Ways and Means

Relating to the taxation of property located on tracts of land used for agricultural and horticultural purposes within the corporate limits of a city at the full consolidated levy including the rate levied by the city on other property and making the provisions of this Act retroactive.

S.B. 303 Ways and Means

Relating to the recapture of taxes on certain classes of property when a change in use of the property occurs.

S.B. 304 Ways and Means

To define "political subdivision" for purposes of appeals to the state appeal board for suspension of statutory property tax levy limits on property tax budgets in certain situations.

S.B. 305 Ways and Means

Relating to the references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

S.B. 306 Education

Relating to discrimination in programs and services of area education agencies and merged area schools and requiring the board of public instruction and the board of regents to enforce discrimination prohibitions in the state's public education institutions.

S.B. 307 Education

To prohibit discrimination on the basis of sex in educational institutions receiving or benefiting from state financial assistance.

S.B. 308 Education

Relating to elementary and secondary education, including approval of school districts, reorganization procedures, employment procedures for reorganized districts, joint employment of school personnel and facilities, authority of the school budget review committee, additional enrichment amount, and pilot programs for gifted and talented pupils.

S.B. 309 State Government

To clarify the applicability of certain sections to the women's reformatory and the Iowa security medical facility.

S.B. 310 State Government

Relating to obsolete or inconsistent provisions of the Code.

S.B. 311 State Government

Relating to the holding of meetings by governmental bodies in closed and open session and providing remedies and damages.

S.B. 312 State Government

Relating to the Iowa civil rights statute of 1965.

S.B. 313 State Government

Relating to the reorganization of the department of environmental quality, to redistribute the authority over agriculture chemicals between the departments of agriculture and environmental quality, to transfer the powers and duties of the Iowa natural resources council to the department of environmental quality, to abolish the Iowa natural resources council and the executive committee, air quality commission, water quality commission, solid waste disposal commission, and chemical technology commission of the department, to attach the geological survey to the department of environmental quality and to abolish the geological board and subjecting violators to penalties.

S.B. 314 Natural Resources

Creating a civil penalty for violations of the laws under the jurisdiction of the Iowa natural resources council.

S.B. 315 Natural Resources

To authorize a legislative study of water policies in conjunction with legislative organizations of other states.

S.B. 316 Natural Resources

Relating to the authority of the Iowa natural resources council in regulating flood plains.

S.B. 317 State Government

Providing that the Iowa administrative code, its supplements and the Code of Iowa be purchased and sold separately.

S.B. 318 Transportation

To provide for the appointment of the director of transportation by the governor with the approval of the senate.

COMMUNICATIONS

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

IOWA MERIT EMPLOYMENT DEPARTMENT

The annual report for Iowa Merit Employment Department for the period of January 1, 1976 to December 31, 1976, in compliance with the Code of Iowa.

GENERAL ASSEMBLY OF NORTH CAROLINA

Resolution 97 Senate Joint Resolution 858, requesting Congress to propose an amendment to the Federal Constitution to require that the total of all federal appropriations not exceed the total of all estimated federal revenues in any fiscal year, with certain exceptions.

IOWA DRUG ABUSE AUTHORITY

A copy of the Iowa Drug Abuse Authority Assimilation Plan as required under Chapter 224B, Section 24, 1977 Code of Iowa, received June 29, 1977.

OREGON STATE SENATE

Senate Joint Memorial 2, relating to calling a convention for the specific purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget; and further proposes that the legislative body of each of the several states comprising the United States apply to the Congress to call a constitutional convention for proposing an appropriate amendment to the Federal Constitution or requesting the enactment of such an amendment to be submitted to the states for ratification.

DEPARTMENT OF SOCIAL SERVICES

The report from the Prison Industries Advisory Board relating to House File 57 consisting of discussion of which industries to maintain, recommendations regarding the section on mandatory purchase of Prison Industry products by state agencies and recommendations for revision of House File 57.

IOWA STATE COMMERCE COMMISSION

A copy of the Annual Report of the Iowa State Commerce Commission for 1976, submitted in accordance with Section seventeen point ten of the Iowa Code, containing all statistical data for the Commission during the year ending December 31, 1976, and reflecting proceedings and developments of the Commission to the date of publication.

PRESENTATION OF VISITOR

The Speaker announced the following visitor present in the House chamber:

April McHugh from the ninth grade government class of Hoyt Junior High School, Des Moines, Iowa. By Connors of Polk.

AMENDMENT FILED**H—5002****H.F. 534****Svoboda of Iowa**

On motion by Fitzgerald of Webster, the House adjourned at 10:58 a.m., until 9:30 a.m., Wednesday, January 11, 1978.

JOURNAL OF THE HOUSE

Second Calendar Day—Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 10, 1978

Pursuant to adjournment, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gene Michel, Cherokee, Iowa.

SPECIAL PRESENTATION

The Speaker introduced Representative Robert F. Bina, Scott County, who presented Barbara Nissman, Davenport Affiliate Artist; Jack Olds, Executive Director of the Iowa Art Council, and Lois Jecklin, Affiliate Artist Coordinator, Davenport. Miss Nissman played a piano concert for members of the House and guests as a "thank you" from the Iowa Arts Council.

PETITIONS FILED

The following petitions were received and placed on file:

By Schroeder of Pottawattamie from forty-two residents of Pottawattamie County opposing the planning decisions on Highway 92, Lewis Township, Pottawattamie County.

By Millen of Van Buren from thirteen constituents urging the appropriation of funds to the Commission for the Blind.

By Conlon of Muscatine from thirty constituents proposing a law to prevent using dogs and cats for experimental use in laboratories in Iowa.

By Koogler of Mahaska from six hundred forty-nine constituents; Newhard of Jones from forty-one residents of Iowa; Pelton of Clinton from five hundred sixty-five residents of Clinton County,

and Shimanek of Jones from one hundred twenty constituents, all opposing House File 187, relating to mandatory deposits on beverage packaging.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 319 Education

Relating to adjusted enrollment.

S.B. 320 Education

To provide that persons employed to coach certain extracurricular public school programs involving interscholastic competition need not be certificated teachers but must demonstrate certain areas of competence.

S.B. 321 Education

To establish a community education program.

S.B. 322 Ways and Means

Relating to the deposit of school district income surtax moneys.

S.B. 323 Ways and Means

Providing for the business and nonbusiness distinction in allocating and apportioning corporate net income for tax purposes and making the Act retroactive.

S.B. 324 Ways and Means

To exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax.

S.B. 325 Ways and Means

Relating to the chain store tax.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Scheduled: 10:00 a.m., November 21, 1977

Convened: 10:30 a.m.

Adjourned: 4:20 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Crabb, Danker, Davitt, Gettings, Howell, Husak, Krause, Lageschulte, Lindeen and Menke.

Absent: Binneboese, Byerly, Den Herder, Gilson, Miller of Calhoun and Svoboda.

Study Bill 300, a bill for an act to raise the charges permitted for distraining and keeping animals to two dollars a head.

Recommended **Do Pass**.

Aye: Scheelhaase, Pellett, Bennett, Crabb, Danker, Davitt, Gettings, Howell, Krause, Lageschulte, Lindeen and Menke.

Nay: None.

Absent or not voting: Binneboese, Byerly, Den Herder, Gilson, Hinkhouse, Husak, Miller of Calhoun and Svoboda.

Study Bill 301, a bill for an act relating to definitions pertaining to corporate farming, restrictions on agricultural land holdings, and providing penalties for violations of the corporate farming Act.

Recommended **Do Pass**.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Danker, Davitt, Gettings, Howell, Husak, Krause, Lageschulte and Lindeen.

Nay: Crabb and Menke.

Absent or not voting: Binneboese, Byerly, Den Herder, Gilson, Miller of Calhoun and Svoboda.

Discussed Senate File 321 and a proposed bill on bonding of grain dealers. Presentation by Robert Lounsberry, Secretary of Agriculture and Dr. E. A. Butler, Department of Agriculture on the rules pertaining to aujeszky's disease.

COMMITTEE ON WAYS AND MEANS

Scheduled: December 15 and 16, 1977

Convened: December 15, 1977 10:20 a.m.

Adjourned: December 16, 1977 4:00 p.m.

Present: Norland, chair; West, ranking member; Anderson, Bennett, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Absent: Miller of Buchanan, vice-chair; Bina, Brandt, Branstad, Den Herder and Harvey.

Senate File 141, a bill for an act relating to the definition of withholding agent for income tax purposes and making the Act retroactive.

Recommended Amend and Do Pass.

H-5001

- 1 Amend Senate File 141, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 26, by striking the figure "1977"
- 4 and inserting in lieu thereof the figure "1978".

Aye: Norland, West, Anderson, Clark of Lee, Cusack, Davitt, Dieleman, Dunton, Gilloon, Hines, Howell, Jochum, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley and Wyckoff.

Nay: Bennett, Conlon, Daggett and Egenes.

Absent or not voting: Miller of Buchanan, Bina, Brandt, Branstad, Den Herder, Harbor, Harvey, Horn, Junker, Menke, O'Halloran, Oxley, Wells and Husak.

Study Bill 302, a bill for an act relating to the taxation of property used for agricultural and horticultural purposes and located within the corporate limits of a city and making the provisions of this Act retroactive.

Recommended Do Pass.

Aye: Norland, West, Anderson, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Hines, Howell, Jochum, Pavich, Rinas, Schnekloth, Spencer, Thompson and Wells.

Nay: Bennett, Husak, Menke, O'Halloran, Oxley, Svoboda, Varley and Wyckoff.

Absent or not voting: Miller of Buchanan, Bina, Brandt, Branstad, Den Herder, Harbor, Harvey, Horn and Junker.

Study Bill 303, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs.

Recommended Do Pass.

Aye: Norland, West, Anderson, Bennett, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Hines, Howell, Husak, Jochum, Menke, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Wells and Wyckoff.

Nay: Clark of Lee, O'Halloran, Thompson and Varley.

Absent or not voting: Miller of Buchanan, Bina, Brandt, Branstad, Cusack, Den Herder, Gilloon, Harbor, Harvey, Horn and Junker.

Study Bill 304, a bill for an act to define "political subdivision" for purposes of appeals to the state appeal board for suspension of statutory property tax levy limits on property tax budgets in certain situations.

Recommended Do Pass.

Aye: Norland, West, Bennett, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Horn, Howell, Husak, Jochum, Junker, Menke, Oxley, Pavich, Rinas, Schnekloth, Svoboda, Wells and Wyckoff.

Nay: None.

Absent or not voting: Miller of Buchanan, Anderson, Bina, Brandt, Branstad, Cusack, Den Herder, Harvey, O'Halloran, Spencer, Thompson and Varley.

Study Bill 305, a bill for an act relating to the references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

Recommended Do Pass.

Aye: Norland, West, Anderson, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Hines, Howell, Husak, Jochum, Junker, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Wells and Wyckoff.

Nay: None.

Absent or not voting: Miller of Buchanan, Bina, Brandt, Branstad, Bennett, Clark of Lee, Den Herder, Harbor, Harvey, Horn, Menke, O'Halloran and Varley.

Presentations by State Comptroller, Marvin Selden; Director of Revenue, Gerald Bair; Gene Eich, Department of Revenue; and Jim Rose, State Comptroller's Office.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., December 20, 1977

Convened: 10:33 a.m.

Adjourned: 3:45 p.m.

Present: Walter, chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Krewson, Lipsky, Newhard and Tofte.

Absent: Lonergan, vice-chair; Hargrave, Miller of Buchanan and Schroeder.

House Concurrent Resolution, a concurrent resolution stating that the General Assembly deplors the attachment of any stigma to the acceptance and use of food stamps, and urges that clients, food vendors and other concerned persons view the food stamps program as an effort to offset inflation and to promote consumption of farm products.

Recommended Do Pass.

Aye: Walter, Crawford, Anderson, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Krewson, Lipsky, Newhard and Tofte.

Nay: None.

Absent or not voting: Lonergan, Hargrave, Miller of Buchanan and Schroeder.

Subcommittees met.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 10:00 a.m., December 21, 1977

Convened: 10:30 a.m.

Adjourned: 4:30 p.m.

Present: Monroe, chair; Woods, vice-chair; Avenson, Crawford, Dieleman, Griffie, Hansen, Middleswart, Patchett, Shimanek, Walter and West.

Absent: Harvey, ranking member; Brandt, Jesse, Junker, Poncy, Stromer and Tauke.

Study Bill 309, a bill for an act to clarify the applicability of certain sections to the women's reformatory and the Iowa security medical facility.

Recommended Do Pass.

Aye: Monroe, Woods, Avenson, Crawford, Dieleman, Griffie, Hansen, Middleswart, Patchett, and Walter.

Nay: Shimanek and West.

Absent or not voting: Harvey, Brandt, Jesse, Junker, Poncy, Stromer and Tauke.

Study Bill 310, a bill for an act relating to obsolete or inconsistent provisions of the Code.

Recommended Do Pass.

Aye: Monroe, Woods, Avenson, Dieleman, Griffee, Hansen, Middleswart, Shimanek, Walter and West.

Nay: None.

Absent or not voting: Harvey, Brandt, Crawford, Jesse, Junker, Patchett, Poncy, Stromer and Tauke.

Discussed and failed to pass Study Bill 311, relating to open meetings, and Study Bill 313, relating to reorganization of the department of environmental quality.

Presentation by Ron Langston, Legislative Service Bureau, on Study Bill 312, relating to civil rights.

Subcommittee appointed (Brandt, Shimanek and Monroe) to study and make recommendations for House Joint Resolution 12, relating to equal rights.

The committee agreed to have researchers draft a proposal for their consideration regarding the conflict between the purchase of the Code and Session Laws and the new Supplement to the Code.

COMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., December 22, 1977

Convened: 10:14 a.m.

Adjourned: 3:45 p.m.

Present: Patchett, chair; Daggett, ranking member; Baker, Brockett, Crawford, Dyrland, Gilson, Hansen, Koogler, Krewson, Poncy, Small, Stromer and Thompson.

Absent: Miller of Calhoun, Byerly, Horn (arrived 2:40 p.m.), Norland (arrived 10:20 a.m.) and Spear.

Study Bill 306, a bill for an act relating to discrimination in programs and services of area education agencies and merged area schools and requiring the board of public instruction and the board of regents to enforce discrimination prohibitions in the state's public education institutions.

Recommended Do Pass.

Aye: Patchett, Daggett, Baker, Brockett, Crawford, Dyrland, Gilson, Hansen, Koogler, Krewson, Poncey and Thompson.

Nay: None.

Absent or not voting: Miller of Calhoun, Byerly, Horn, Norland, Small, Spear and Stromer.

Study Bill 308, a bill for an act relating to elementary and secondary education, including approval of school districts, reorganization procedures, employment procedures for reorganized districts, joint employment of school personnel and facilities, authority of the school budget review committee, additional enrichment amount, and pilot programs for gifted and talented pupils.

Recommended Do Pass.

Aye: Patchett, Daggett, Brockett, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Norland, Poncey, Small, Stromer and Thompson.

Nay: None.

Absent or not voting: Baker, Miller of Calhoun, Byerly, Koogler and Spear.

Presentations and discussion by Patricia Thompson on a proposed bill relating to establishing a community education program; Diane Bolender on House File 463; Dr. G. Olney an overview report on school budget reviews actions and recommendations; Mary West on Study Bill 307, relating to prohibiting discrimination on the basis of sex in educational institutions receiving or benefiting from state financial assistance. Discussion relating to adjusted enrollment was deferred.

COMMITTEE ASSIGNMENT

The Speaker announced the appointment of Chiodo of Polk as vice-chair of the committee on commerce, replacing Lonergan of Boone, effective January 9, 1978.

AMENDMENTS FILED

H-5003	H.F. 468	Monroe of Des Moines
H-5004	S.F. 292	Monroe of Des Moines
H-5005	H.F. 2021	Svoboda of Iowa

JOURNAL OF THE HOUSE

Third Calendar Day – Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 11, 1978

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

Prayer was offered by the Reverend Carl Benander, pastor of the Grace Lutheran Church, Muscatine, Iowa.

The Journals of Monday, January 9 and Tuesday, January 10, 1978 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Larry Valin, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Buchanan on request of Hines of Story.

PETITIONS FILED

The following petitions were received and placed on file:

By Hinkhouse of Cedar from three hundred fifteen constituents and Millen of Van Buren from thirty-eight constituents opposed to a mandatory deposit law on beverage packaging.

By Lindeen of Henry from thirty-nine constituents expressing their concern with the increased costs of welfare plans, social security and unemployment and requesting that the legislature cease and desist from being excessively liberal with the taxpayer's money.

INTRODUCTION OF BILLS

House File 2039, by Bina, a bill for an act relating to platting of land.

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

House File 2040, by Doyle, Menke and Scheelhaase, a bill for an act to provide a paid leave of absence to compete in olympic competition.

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

House File 2041, by Bina, a bill for an act to authorize cities to utilize chapter four hundred nineteen (419) of the Code in providing housing for the elderly or handicapped or for low or moderate income families.

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

House File 2042, by Schroeder, a bill for an act to provide that foster children and foster parents stand in the same relationship as children and their natural parents for certain limited purposes.

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

House File 2043, by Hansen, a bill for an act relating to school district budgets providing for the fixing of the budget of each school district based upon the adjusted enrollment of the 1977 fiscal year and the weighted enrollment of the budget year.

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

House File 2044, by Stromer, a bill for an act relating to school funding providing for the calculation of budgets based upon each district's budget enrollment.

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

House File 2045, by committee on education, a bill for an act relating to discrimination in programs and services of area education agencies and merged area schools and requiring the state board of public instruction and the state board of regents to enforce discrimination prohibitions in the state's public education institutions.

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

House File 2046, by Husak, a bill for an act relating to the days school may be in session.

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

House File 2047, by Wyckoff, a bill for an act relating to the use of watercraft on artificial lakes under the jurisdiction of the Iowa state conservation commission.

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

SUPPLEMENTAL REPORT OF COMMITTEE
ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Miles round trip
Robert C. Arnould	360
Thomas A. Lind	246

Respectfully submitted,
WILLIAM J. HARGRAVE, JR.
HERBERT C. HINKHOUSE
WILLIAM R. MONROE, JR.

BILLS REFERRED TO COMMITTEE
(House Files 502 and 556)

The Speaker announced that House File 502 previously assigned to the committee on human resources was referred to the committee on **budget**, and House File 556, previously assigned to the committee on human resources, was referred to the committee on **state government**.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Fitzgerald of Webster, Brandt of Black Hawk and Schnekloth of Scott.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the Chair.

REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

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

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

JOINT CONVENTION

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

Senator Kinley of Polk 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 Neu announced a quorum present and the joint-convention duly organized.

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

The motion prevailed and the President appointed as such committee Senators Orr of Poweshiek, Calhoon of Woodbury, and Craft of Winneshiek, on the part of the Senate, and Representatives Brunow of Appanoose, Connors of Polk and Hoffmann of Muscatine, on the part of the House.

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

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

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

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices of the Supreme Court and Judges of the Appellate Court, State Officials, Senators and Representatives, Distinguished Guests, and Friends:

To this second session of the Sixty-seventh General Assembly, I know some of you bring ambition for higher office. I know others have specific legislative goals in mind. I hope you all share a keen interest in developing new approaches to maintain the open and effective government we have here in Iowa.

I have walked upstairs from the Governor's Office a number of times to talk with you about the Condition of the State. This year, I again welcome the opportunity. And this morning, I will also present in this one message my legislative recommendations and supplemental budget.

During the years I have served as Governor, and for a long time before that, I have known that no one enjoys paying taxes. Elmer Den Herder, (who could not be with us because of his illness — we miss him and wish him well) Keith Dunton, Joe Coleman, Jim Briles, and Eugene Hill — they know that too, and they have been here longer than I have. They have served in the Iowa General Assembly for two decades. Bob Arnould and Tom Lind know that also — and they have been legislators for just two days. All of us in public life, whether we are governors, legislative deans or freshmen, eventually hear the same message.

We have all heard Iowans insist on thrift in government. We also know our people want good schools for their kids, safe highways and bridges to travel, clean air to

breathe, and pure water to drink. Indeed, Iowans and all Americans expect government to serve what is now a very complex and changing society.

It is our shared responsibility to respond efficiently to the peoples' needs. With your cooperation, we will continue to meet the needs of our Iowans within their ability to pay. And that means no increase in sales tax. . . no increase in income tax!

As you begin this new session, Iowans are uneasy about our national economy. . . inflation. . . and most recently, the plummeting of the U.S. dollar. They are especially concerned about agriculture. Farmers in many parts of our state again were victims of a merciless drought which we pray has now been broken. Grain prices dropped last year. Production costs went up. This has placed an unbearable squeeze on many farmers, particularly young ones. The ripple effect is now beginning to show up in cutbacks in the production of farm implements. . . and that means jobs.

This past year, manufacturing layoffs and plant closings cost our state 7,100 jobs. On the brighter side, however, this was offset by the creation of 9,800 new ones — a net gain of 2,700 manufacturing jobs for Iowa workers.

And for Iowa there was some encouraging economic news in the last quarter. . . prompting renewed business confidence as we begin the new year.

Let me recap some of the highlights:

- Our Iowa unemployment rate dropped to only three percent, considerably less than one-half the U. S. average.
- Iowa exports topped the \$3 billion mark — equal to more than \$1,000 for every man, woman and child in Iowa.
- More Iowans held jobs than ever before, and the U. S. Commerce Department reported that Iowa workers are twenty-five percent more productive than the national average.
- Retail sales grew by almost eleven percent, while residential and commercial construction activity set new highs.

This upbeat economic news was complemented by progress in several non-economic areas. Let me cite some examples:

- Good law enforcement and our conscientious citizens helped Iowa to achieve the nation's greatest percentage drop in traffic deaths and to rank forty-seventh in violent crime among all the states.
- Unlike other states, Iowa's schools, factories and stores were kept open during last winter's bitter cold weather, because of wise energy planning and conservation.
- Our Department of Transportation completed the nation's first airport rating

system, and its railroad upgrading program now totals over 700 miles, more than all the other forty-nine states combined.

- Enrollment last fall in our Regents universities — Iowa, Iowa State, and U.N.I. — jumped by 2,000 students.
- The Social Services Department undertook a unique Prisoner Employment Program which is developing meaningful job skills for inmates.
- Job Service of Iowa placed a record 100,000 people in jobs and achieved the highest performance rating of any employment agency in the nation.
- And, our consumer-minded Commerce Commission awarded Iowans a utility rate refund of \$22 million, the largest in the history of the state.

Truly, state government is responding to the needs of our people and according to the Merit Employment Commission report of last month, we have fewer employees on the central payroll. And, at the same time, we now employ a larger percentage of women and minorities. Flex-time has been introduced and made available to 5,000 state employees. We have now merged our drug and alcoholism programs. And, collective bargaining started smoothly without any disruption in public service... a good example of what can happen when the legislative and executive branches cooperate to achieve a desired result.

It was Peter Drucker who wrote, "The only stability possible is stability in motion." And that is what we have here in Iowa — stability in motion... paced momentum.

Some would have you believe we have accomplished our big priorities and simply have to tinker with what we have. We can and we will fine tune and streamline. Nevertheless, there are many opportunities to be creative and imaginative... bold and daring.

We have those opportunities before us in 1978. Let me preview some of the specific items I am proposing.

A BETTER ENVIRONMENT. A responsible bottle and can bill will save energy, benefit the consumer, clean up the countryside, and create a conservation ethic.

URBAN REVITALIZATION. Tax abatement for new investment in old neighborhoods will spur vitality in our cities... a fresh idea for Iowa.

MORE OPEN GOVERNMENT. Iowa's open government is respected nationwide, but a more inclusive and definitive open meetings law will strengthen public confidence.

CONCERN FOR SENIOR IOWANS. We eliminate the mandatory retirement age for state government employees under IPERS... and, among other things, we boost the elderly property tax credit and IPERS benefits.

SUPPORT FOR EDUCATION. Iowa's local schools, area schools, universities, and the tuition grant program do so much for young Iowans... they will get more dollars.

PROPERTY TAX FAIRNESS. Iowa's property tax laws can be improved in 1978, thereby achieving greater fairness and equity.

Together we can take needed action on these initiatives. Let me suggest why each is important:

RETURNABLE BOTTLES AND CANS

One year ago in my message to you, I proposed legislation to return, re-use and recycle beverage bottles and cans. The Senate Energy Committee bill follows the plan we researched and introduced. Now we find big-spending lobbyists flexing their "money muscles" and a lavish advertising campaign barraging Iowans with misleading information. The minds of Iowans cannot be bought by this propaganda. The simple facts speak for our bill.

Studies show that in Oregon, where this concept has been adopted, ninety percent of the bottles and cans are returned, the average bottle is used fifteen times, and over eighty percent of the people support the law, almost identical to the figures appearing in this week's Iowa Poll. Bottle and can re-use and recycling will save energy and will save money for the consumers.

I ask you again not to delay this proven approach to litter reduction.

URBAN REVITALIZATION

Iowa is a delicate balance of rural and urban communities. Regardless of where we live, we recognize that the older portions of Iowa's cities need incentives for new capital and investment for rebuilding and reconstruction. Therefore, I submit to you today a new strategy for tax abatement. A very exciting complex. My plan would stall increased taxes for five years following new or remodeled commercial and residential development in designated neighborhoods. This will allow us to save, improve, and build again in center-city areas.

Our Governor's Task Force on Redlining recently took action to improve loan potential in the center-city cores of Iowa's metropolitan areas. Iowa Housing Finance Authority funds will be deposited in "lead lender" institutions with a proven record of fairness and community interest. This is a first-step incentive to discourage redlining.

And I can report that the Treasurer of State, Mo Baringer, will be consulting with local mortgage review boards so that state funds will be invested in institutions that join us in the fight against redlining.

Iowans have reason to be supportive of these new ideas for our state which offer short-term incentive and long-term stability.

OPEN MEETINGS

Virtually all public officials and public agencies have worked well in compliance

with the Iowa Open Meetings Law. Indeed, Chapter 28A has served the interests of the people of Iowa. Still, legitimate concern over the vague "third exception" to open meetings has prompted a new look at this law. Some have recommended we abolish all exceptions and, consequently, all protection afforded to individuals under privacy statutes. There is a better course. Further refinement of the open meetings law would clearly stipulate those necessary exceptions to its mandate. Moreover, I again urge you to pass legislation to open up the process of collective bargaining to public scrutiny.

We can enhance Iowa's open government — state, city, county and schools. With your support, we will.

SENIOR IOWANS

A very special resource in our state is our senior citizens — 367,000 Iowans sixty-five years of age or older . . . men and women who have helped build our country and helped build our state. Now, with better health care, a longer life expectancy, and as much vigor as ever, many of our senior Iowans can continue to contribute productive service later in life. Thus, I ask you to remove the mandatory retirement age for state employees under IPERS. I plan to appoint a study committee to review the possibility and ramifications of eliminating mandatory retirement in other units of government and for other state personnel who are tenured or in other retirement programs. Voluntary retirement with full benefits at age sixty-five will be retained and those who remain on the job will do so without further contribution to IPERS. This removal of mandatory retirement benefits not only the elderly, but all of us making use of their knowledge, talent and experience. This human resource need not be tossed aside because people become sixty-five on a given day.

In addition, we propose that retired state workers enrolled in the Iowa Public Employees Retirement System have their benefits boosted. And, future benefits for present government employees will be raised to forty-four percent.

My budget calls for expanded elderly property tax credits — real relief for those who need it. We also include increases for the Area Agencies on Aging, Retired Senior Volunteer Programs (RSVP), and Senior Citizen Centers. And today I am asking the Conservation Commission to set half-price camping fees for our senior citizens.

Our older Iowans have given so much of themselves. They have earned recognition and consideration from a legislature representing a grateful citizenry.

EDUCATION

Important in Iowa, education will remain a top priority so long as I am in the Governor's Office. Presently, the state pays for more than half of local school costs. The supplemental budget I submit today strengthens our School Foundation Plan by sending an additional \$46 million to elementary and secondary education, cushioning the impact of declining enrollments.

My budget adjustments respond to enrollment increases at Iowa State, U.N.I. and Iowa and include \$300,000 for continuing education in western Iowa. We also include \$5 million more for our growing area schools which so effectively teach vocational job skills to our young Iowans. Finally, I propose we increase the Iowa Tuition Grant program, begun at my request in 1969, which has quadrupled to 8,800 students this year.

This new funding level will allow the maximum grant to increase from \$1,300 to \$1,500 . . . keeping pace with higher costs.

All of these recommendations will keep Iowa in its educational leadership role.

PROPERTY TAX FAIRNESS

We took action in 1977 to protect Iowans from shocking increases in their property valuations. Final figures from the Revenue Department indicate that without such action, residential values would have increased twenty-five percent and agricultural values fifty percent almost overnight. We made the right move at the right time. This year we can further improve the property tax system.

Last year's bill was passed with the understanding that neither residential nor agricultural property would benefit at the expense of the other. To ensure this outcome, the growth of residential values should be limited in the second year to the actual growth experienced in agricultural values. If this equalization results in the reduction of a local government's present tax base, we provide that the state compensate affected cities and counties for such loss.

In addition, we continue to believe that counties and cities should have the authority to levy local option taxes if the people so desire. A local sales tax could be used by a local government to reduce reliance on property tax. The local hotel-motel tax I recommended last year — and already imposed in many other states where Iowans travel — deserves prompt attention in the House following adoption by the Senate in 1977.

Industrial property should be fairly and equitably assessed. We are providing for thorough education, training and assistance for local assessors so they can more accurately assess industrial property. And to assure this accuracy, I'm advocating that the Department of Revenue periodically reappraise this class of property. We have concluded this is a practical and cost-effective method to remedy the problem of inequitable industrial assessment.

If these and other property tax recommendations outlined in our addendum are adopted, we will have taken several more important steps in our continued effort to increase the fairness of Iowa taxes.

Returnable bottles and cans, urban revitalization, open meetings, senior Iowans, education and property tax fairness — these are highlights in our 1978 legislative program. There are other priorities, and they, too, deserve your attention. You will find a detailed listing in the written addendum to my remarks. I would like to take a moment to mention some of them in rapid-fire order:

- * Two-thirds of Iowa adults do not smoke — good reason to restrict smoking to designated areas in all public buildings, clearing the air for the majority.
- * Toxic materials cannot be casually discarded; authority is needed for the Department of Environmental Quality to determine safe standards and designate disposal sites.

- * The lives of Iowans could be more fulfilling with adult access to educational facilities as well as through volunteer service programs . . . we propose to begin both, as suggested by our Iowa 2000 effort.
- * Energy efficient public transit provides a reliable means of mobility for many, especially the young, elderly and handicapped — and this budget includes the necessary funding.
- * Congressional and legislative redistricting will follow the 1980 census, and I recommend a citizens' panel to prepare plans in anticipation of the task.
- * Streamlining government benefits everyone, and reorganization of state agencies should continue, including the Department of Environmental Quality, Natural Resources Council, State Fair Board, Banking Board and Law Enforcement Academy Council.
- * Our cities now have home rule and it has proven workable. You should take action to authorize home rule for counties.
- * Juveniles are entitled to full consideration under the law and certain children's rights are unclear . . . thus it is time for juvenile justice reform and a uniform parentage act.
- * Consumers will save money if appeals from Commerce Commission utility rate decisions can go directly to the Iowa Supreme Court, and I urge this revision.
- * Genetic counseling can help couples determine their chances of having children with hereditary birth defects. We are recommending a small appropriation to increase the availability of this new technique.
- * Health and the American competitive spirit are basic. I again request modest funding for a Physical Fitness and Sports Council Coordinator, as well as legislation to help qualifying Iowans train and compete for the Olympics.
- * Recommendations of the master plan for corrections are expected to include prison renovation and unitization; funding is provided for this, as well as for community-based corrections. And we must also continue to anticipate and plan for increased prison populations, which will be caused partially by the new criminal code.
- * To relieve the congested caseload in our district courts, an innovative "senior judge" program will speed up the judicial process.
- * Support for other needs such as Aid to Dependent Children, local public health programs, restaurant inspection, civil rights, nursing homes and regional libraries is provided in our supplemental budget.

We have also found room in our budget to include nearly \$15 million for capital improvements — one-time expenditures and sound investments for the future. Noteworthy among them are a new music building at Iowa State, equipment for the Lindquist Education Center at Iowa City, a student overpass at U.N.I., a new Iowa Exhibit Center at the State Fair, and \$3 million for conservation projects.

And, our budget takes care of those programs which you established last year but did not fund, such as certificate of need for health services and continuing education for licensed professionals.

Today, I again call your attention to the funding of roads and bridges. I have long endorsed a more fair distribution of road funds as well as a pump-price percentage revenue approach. Studies have indicated the cities are entitled to a larger share of road user funds . . . at the same time, counties cannot afford to lose the money they need.

The House has passed a bill based on a cents-per-gallon fee, and proposed a redistribution of road funds. A Senate Ways and Means subcommittee has concurred . . . and so has the Coalition on Iowa Issues, a problem-solving group of leaders from the cities, counties and state. Their cooperation led to a reasoned consensus on road funding which I respect. It deserves your acceptance, too.

As you dig in and digest the program and budget items outlined today, there will be other appealing ideas you would like to promote, as would we. Not all of them can be financed in 1978. Still, remember the precedent of removing the sales tax from food and drugs. This was a good idea — and when we could afford it, we took action. This year we can increase the property tax credit for our elderly. And when we can afford it, we will be looking at tax credits for other renters.

Details on the supplemental budget are included in the packet of information you are going to receive this morning. Those schedules and charts reveal that sixty-eight percent of the total state outlay provides some form of assistance to local governments and their people. This information will also depict our cash-flow status and budget balances through the biennium.

Including the salary adjustments already approved, plus supplemental askings, the state's treasury balance as of June 30, 1979, is estimated at \$49.2 million. This balance does not include the reserve for possible court-ordered corporate tax refunds.

Most important, the budget gives us that balance without raising taxes. For those who suggest big spending schemes bankrolled by big tax hikes, I have a one word reply . . . "No!" This is the same response I had to give when I slashed some \$130 million from budget askings in order to live within our means.

While we hold the line on taxes and spending by state government, we likewise will continue to battle red tape and paperwork. Back in 1970, our Governor's Economy Committee made literally dozens of recommendations . . . and most have since been implemented, saving millions of tax dollars.

We now have an Iowa Paperwork Task Force which is holding public hearings across the state to learn from citizens how state paperwork affects individuals, businesses, and local units of government. The Task Force will recommend the abolition or consolidation of overlapping reports and forms, saving time, paper and money. It will forward recommendations, some of which may require legislative action.

Also forthcoming will be the report of our Task Force on Ethics. Ten distinguished Iowans are working to develop a contemporary code of ethics for government employees. We should have their report before suggesting specific ethics legislation.

We begin this second session of the Sixty-seventh General Assembly with some good experience and the knowledge that our Iowa inventory is brimming with assets — a determined and resilient people, as talented as they are diverse . . . a beautiful and fertile land . . . and the ability to produce food in abundance and quality . . . which is the envy of the world. All of this prompts cautious optimism and confidence as we look not only at a legislative session now unfolding, but toward a new decade as well.

You will have many chances to tally points on the political scoreboard in the coming months. Being an election year, conventional wisdom suggests that nothing too substantive is likely to be addressed, let alone approved . . .

1978 can be different. Recall that in 1974, also an election year, lawmakers approved our coal research program, railroad branchline assistance, collective bargaining, and created the Energy Policy Council and the Department of Transportation.

A productive session gives meaning to what President Teddy Roosevelt said at the turn of the century. He said, "Any generation fit to do its work must work for the future, for the people of the future, as well as for itself."

In 1978 you are fit to do your work, as I believe we in the executive branch are fit to do ours. Let me assure you that my staff and I stand ready to assist you in your efforts, as you work for the future. This is a perfect time for me to offer a word of thanks to my staff and other state officials for their input and I hope you will take advantage of their willingness to share their expertise with you.

With patience and endurance, sensitivity and foresight, your work this year can be resourceful and rewarding.

I hope it will be — and so do the people of Iowa.

Thank you.

GOVERNOR'S RECOMMENDATIONS

Recommendations submitted to the Sixty-seventh General Assembly, 1978 Session, in accordance with Article IV, Section 12 of the Constitution of the State of Iowa:

Alcoholism/Drug Funding

The leadership of local government associations and the executive branch have mutually agreed through our new Coalition on Iowa Issues to achieve better control and review of current programs before a new approach is sought to finance our drug and alcohol programs. With the close cooperation of the new Substance Abuse Commission and county government, 1978 offers that opportunity. In the meantime, the funding change in last year's bill should be postponed for a year and additional state funds provided to prevent any new burden on county government.

Anti-smoking

Since two-thirds of Iowa's adults choose not to smoke, government can be of real service by restricting smoking to designated areas in government buildings. In addition, this can spur the private sector to take similar action voluntarily.

Appeal of Commerce Commission Rate Decisions

Ratepayers pay unnecessarily large amounts because of the litigation process currently employed to resolve appeals of Commerce Commission rate refunds which are challenged by utility companies. We can cut the time lag experienced in these appeals and return to the ratepayer these refunds more quickly by providing direct appeal of rate decisions to the Supreme Court.

Capitals

Each year it is wise for the State to invest in a non-recurring capital building program for current and future generations of Iowans. Major capitals included in the budget for FY 79 are:

- Iowa State University music building
- Exhibit center at the State Fair
- Conservation Commission projects
- Liquor warehouse
- Prison renovation and unitization
- Social Services projects

Community Education

With the tremendous investments we have made in our school facilities, we should enable local school districts to implement community education programs. Facilities could be better utilized, duplication of programs could be avoided, and a wide-ranging program of educational, cultural and recreational services could be offered the entire community regardless of age through community education.

Continuing Education and Certificate of Need Funding

The passage of the continuing education bill for licensed professions and certificate of need legislation in 1977 requires adequate funding so that licensing and examining boards and the Health Facilities Council can meet their new obligations under the law. We must meet these expenses required by last year's legislative action and our budget allots funds for this purpose.

County Home Rule

Counties need greater flexibility in meeting and accomplishing their duties and responsibilities. The proposed constitutional amendment authorizing county home rule should be passed and sent to the voters for ratification in this fall's election.

Drunk Driver Clarification

Despite the reduced number of highway fatalities in 1977, 253 Iowans were killed in auto accidents involving drunken drivers. Revision of the drunk driving statute should be addressed promptly in the 1978 session.

Emergency Medical Service

Adequate emergency care at times of crisis is something everyone desires. Certification of paramedics who have received advanced training will help to assure this service.

FICA Increase

In future years the State, as all employers, faces the unenviable task of funding large increases in the Social Security tax. We are providing funds to cover, at least in part, the tax increase which will occur in FY 79.

General Relief Revision

The current provisions of the general relief statute should be updated to recognize the many changes that have taken place in society's responsibility to needy individuals and the procedures used to provide assistance.

Genetic Counseling

A small investment of additional funds can expand the genetic counseling program begun in 1976. With this professional advice and assistance, couples can better judge the chances of giving birth to children with birth defects.

Hazardous Substances

It is estimated that an amount—equivalent to more than 500 pounds per person—of hazardous substances has to be disposed of annually in Iowa. So that Iowa's environment and resources can be protected from possible contamination, we should empower the Department of Environmental Quality to insist that hazardous wastes are properly and safely transported, stored and disposed.

Area Schools

Additional funds are important for the operation of Iowa's fifteen community colleges and area schools. Increases are sought for:

- General state aid
- State vocational match
- Enrollment increases and program expansion

Regents

Our state universities require increased funding in FY 79 for several programs. Among these are:

- Merit salary annualization
- FICA tax increase
- Federal fund losses
- Enrollment increases
- Fuel and purchased electricity
- Opening of new buildings

Tuition Grant Increase

So that Iowans can have a true choice of where they attend college, our tuition grant program needs a boost. By increasing the maximum grant from \$1,300 to \$1,500 and the appropriation to \$11,750,000, we can strengthen Iowa's entire academic community.

Highway Funding

We still are supportive of a percentage user fee for the fuel tax but are cognizant of the fact there appears to be insufficient legislative support for its adoption. Regardless, adequate funding for the maintenance and construction of our highway system is important. Our cities merit a larger share of the Road Use Tax Fund which can be obtained without reducing the funds our counties currently receive.

Iowa Public Employee Retirement System

State and local government employees rely on IPERS for a dependable source of retirement income. IPERS can be improved in 1978 to increase the benefit payout to 44 percent for future retirees. In addition, those who retired prior to 1976 should also receive an increase in benefits for their public service. These improvements can be accomplished without raising the present contribution rates.

Juvenile Justice

The House took good action to amend and pass the juvenile justice bill in 1977. We believe this comprehensive rewrite of the juvenile code will firmly establish that juveniles should not be housed with adult criminals and that status offenders are not to be treated as criminals.

Minority Stockholders Protection

Action can be completed this year to update and broaden the protection afforded minority investors when their interests might be unjustly jeopardized by the majority of stockholders of an Iowa corporation.

Olympic Competition

Amateur athletes who compete in the Olympic games usually make tremendous financial sacrifices. We can assist Iowa's athletes, as other states are doing, by adopting a concept of paid administrative leave at state expense for state and local government employees who are selected to compete in Olympic and other world-class athletic events.

Open Meetings Law Revision

A hallmark of Iowa government has been its openness. We can strengthen Iowa's open meetings law by eliminating the present exemptions and replacing them with tightly drawn exemptions which reflect an individual's right to privacy and the public's expectation of government efficiency while emphasizing the public's right to know.

Physical Fitness

As recreational and physical fitness activities continue to expand, we urge the funding of a physical fitness coordinator for the Department of Public Instruction and the Sports Council.

Aid to Families with Dependent Children

Our budget contains the matching funds to substantially strengthen the Child Support Recovery Unit within the Department of Social Services.

It also provides a cost-of-living adjustment for AFDC recipients who also face the ever-rising tide of higher food, housing and transportation costs.

Nursing Home Costs

The recent increase in the minimum wage has meant an unavoidable increase in the rates private and public patients have to pay for nursing home care. The medicaid appropriation should be revised to reflect this and additional increased costs.

Prisoner Employment Program

Iowa's prisoner employment program, unique in the nation, has met with initial success. Our budget supports the expansion of this initiative which offers some of the most promising evidence that there can be rehabilitation of prisoners.

Property Taxes

Revisions to property tax statutes deserve early and careful consideration. Each is designed to improve the procedures and mechanisms by which property is assessed and taxed:

- It was projected that in the second year of the tax bill passed in 1977, residential and farm property valuations would increase in similar fashion. To assure this result, the growth of residential values should be tied to the growth of agricultural values to prevent shifting of the burden to homes.
- The effect of limiting assessments on a statewide basis may mean that the tax base of some cities and counties might be reduced below present levels. To protect the tax levying ability of local government, the State should make available funds to replace lost property tax revenues.

- Local governments should also be able to levy local option taxes if approved by the voters. A local option sales tax could reduce a city or county's reliance on the property tax. A local option hotel/motel tax can provide additional flexibility for local budgets.
- The recent Revenue Department study shows that industrial property is not being assessed accurately. There are several options available to respond to this problem. We have concluded that the most cost-effective means is to have the State provide training, education and assistance to local assessors. In addition, the Revenue Department should on a periodic basis review the assessments of industrial property to insure that it is being assessed equitably and on a comparable basis with other classes of property. This cooperative approach between state and local government can help resolve one of the most difficult assessing jobs there is.
- The elderly tax credit should be expanded and increased so that elderly homeowners and renters will have an increase in their benefits.
- The taxes avoided because of the special assessments of agricultural and residential property should be recaptured if the use of that property is changed to other purposes. An unnecessary advantage should not be given to speculators.
- A program of mandatory continuing education jointly administered by the Revenue Department and local assessors should be implemented. In this manner assessors could be recertified every six years with the command of the latest knowledge needed to perform their tasks.
- By requiring that the sale of property be fully disclosed to assessors and the Revenue Department, more accurate data will be available for the valuation of real estate and the equalization of assessments.
- Local assessing jurisdictions should be permitted to borrow funds from the state to initiate reappraisals on an immediate basis rather than having to wait until they can collect revenue from a special levy for such a purpose.
- Buildings should be physically reinspected every four years so that assessors can have up-to-date information from which to make more accurate assessments.

Public Transit

Our Department of Transportation has made real strides in assisting local public transit programs to coordinate, consolidate and improve their service to the public. Cost savings to the taxpayer have resulted. We are providing state financial assistance to the cities and counties for their public transit programs.

Reapportionment

In anticipation of the 1980 census, we recommend the appointment of a bipartisan

citizens committee to draw up plans for the reapportionment of the legislature and for the redistricting of our congressional seats. This method can avoid the intense partisan wrangling that has occurred in the past and better insure fair and effective representation for all our people, at the same time retaining the legislature's final authority in reapportionment matters.

Restaurant Inspection

The health and welfare of the people can be better protected by semi-annual inspection of restaurants. We renew our request to provide for this consumer benefit.

Returnable Bottles and Cans

We need not delay implementing the already proven system of returnable beverage containers for Iowans. Deposits on soft drink and beer bottles and cans will reduce litter, save energy, reduce the depletion of our natural resources, and benefit the consumer. Just as importantly, a returnable container system can strengthen the conservation ethic of Iowans.

Senior Citizens

The State has initiated several meritorious programs for our senior citizens which deserve our continued support and expansion. Our budget provides for:

- Expansion of the elderly credit program
- Retired Iowans Employment Program
- Area aging agencies
- Senior citizens centers
- Well elderly clinics
- Retired Service Volunteer Program
- Green Thumb Program
- Arts in county care facilities

Senior Judge Program

An effective alternative to the addition of new courts and judges is a senior judge program. This innovation would enable us to continue to utilize the experience of judges who have retired by encouraging them to continue to work part-time without sacrificing their retirement benefits.

Solar Energy

One means of partially reducing our dependence on fossil fuels is to develop alternative renewable sources of energy. Solar energy development and use in Iowa should be encouraged through property tax exemptions for new solar energy systems, legal guarantees of access to the sun, and study and educational efforts from our Energy Policy Council.

State Government Reorganization

The task of improving and refining the structures of state agencies requires constant attention. Several improvements can be accomplished in 1978.

- A screening committee of citizens established to review proposed and existing licensure of professions and occupations by the State.
- The Natural Resources Council absorbed into other existing agencies.
- The four commissions of the Department of Environmental Quality consolidated into one.
- The composition of the Law Enforcement Academy Council, the Fair Board, and the Banking Board restructured.
- The Hospital and Other Health Facilities Advisory Council abolished.

State Agency Operations

In addition to the previously mentioned reorganization proposals, there are several areas of state government which should be reviewed at this time.

- The Energy Policy Council should be granted the authority to hire personnel directly.
- The procedures employed by the Civil Rights Commission should be revised to allow petitioners access to the courts in a reasonable time and to permit the waiver of waiting periods prior to public hearing when they are unnecessary and cause a delay in the settlement of cases.
- The Job Service Appeal Board needs to be continued in its present form so that employers and claimants can continue to receive speedy decisions on their appeals.

Student Loans

Iowa's experience with guaranteed student loan payback has been superior to that of the rest of the nation. Many of our college graduates were able to attend school because of this program and it holds the same key to success for future students. With the assistance of a Governor's task force comprised of Iowa lenders, students and school officials, we are examining whether and how Iowa should undertake its own guaranteed student loan program as a replacement for the existing federal program. Our recommendation will be presented to the legislature in mid-February.

Uniform Parentage Act

We can help clear up the sometimes confusing areas of custody rights and child support obligations through the adoption of the uniform parentage act. Such a statute would extend the parent-child relationship equally and equitably to all children and parents regardless of the marital status of the parents.

Urban Revitalization

Prompt attention should be given our proposal to provide an incentive for the redevelopment of the depressed areas of Iowa's cities. To confront the many apparent disadvantages individuals face in investing in the inner city, a program of property tax abatement over a five-year period should be offered to those who are willing to invest in, construct and rebuild residential, commercial and industrial property.

Washington, D.C. Office

Twenty-six states have established Washington offices, along with some larger counties and even cities. These offices provide information on available grant monies, probable regulatory changes and congressional action. They can serve home offices well by dealing on a personal basis with Washington officials, handling business that might otherwise require a trip to Washington or some less direct and less effective form of action.

Mandatory Retirement

The present mandatory retirement age of sixty-five should be eliminated for state employees under IPERS who desire to stay on the job. Voluntary retirement at sixty-five with full benefits will still be available and those who continue to work will not contribute to IPERS. For employees who are tenured, under other retirement programs, or work for other units of government, a study will be conducted to determine the feasibility and ramifications of removing the mandatory retirement age for them as well.

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

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

The motion prevailed.

The House reconvened, Speaker Cochran in the chair.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 326 Natural Resources**

Relating to the issuance of courtesy nonresident fish and game licenses.

S.B. 327 State Government

To adopt the Uniform Landlord Tenant Act.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY

Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 3:00 p.m., January 9, 1978

Convened: 3:10 p.m.

Adjourned: 4:00 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Brandt, Byerly, Clark of Lee, Gilloon, Harvey, Hinkhouse, Hoffmann, Miller of Calhoun, Oxley, Pellett, Stromer and Wyckoff.

Absent: Baker (arrived 3:30 p.m.), Junker (arrived 3:32 p.m.), Stephens (arrived 3:12 p.m.) and Wells (arrived 3:15 p.m.).

Excused: Gilson and Lindeen.

House File 79, a bill for an act relating to the withdrawal of a city from a county library district.

Recommended **Amend and Do Pass**, in accordance with amendment H-3584, filed April 14, 1977.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Clark of Lee, Gilloon, Harvey, Hinkhouse, Hoffmann, Junker, Miller of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or not voting: Gilson and Lindeen.

House Files 41, 200 and 586 were rereferred to subcommittee.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:30 a.m., January 10, 1978

Convened: 8:40 a.m.

Adjourned: 9:10 a.m.

Present: Monroe, chair; Woods, vice-chair; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffiee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Absent: Harvey, ranking member; and Stromer.

House Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights under the law shall not be denied or abridged by the state or by any of its political subdivisions on account of sex.

Recommended Do Pass.

Aye: Monroe, Arnould, Avenson, Brandt, Crawford, Griffiee, Jesse, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: Dieleman and Junker.

Absent or not voting: Woods, Harvey, Hansen and Stromer.

Study Bill 317, a bill for an act specifically allowing the separate purchase of the Code of Iowa and Iowa administrative code.

Recommended Do Pass.

Aye: Monroe, Woods, Arnould, Brandt, Crawford, Dieleman, Griffiee, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Tauke, Walter and West.

Nay: None

Absent or not voting: Harvey, Avenson, Patchett and Stromer.

COMMITTEE ON ENERGY

Scheduled: 9:00 a.m., January 10, 1978

Convened: 9:05 a.m.

Adjourned: 10:00 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Binneboese, Danker, Evans, Hinkhouse, Hullinger, Lindeen, Pellett, Pelton and Varley.

Absent: Daggett (arrived 9:10 a.m.), Doyle (arrived 9:10 a.m.), Griffiee (arrived 9:20 a.m.), Middleswart (arrived 9:10 a.m.), Norland (arrived 9:20 a.m.), Perkins (arrived 9:15 a.m.), Svoboda (arrived 9:15 a.m.) and Welden (arrived 9:10 a.m.).

Discussion of pending legislation and activity during the interim.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 10, 1978

Convened: 9:20 a.m.

Adjourned: 9:26 a.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Arnould, Baker, Brunow, Hansen, Hargrave, Lipsky and Schroeder.

Absent: Anderson, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Krewson, Miller of Buchanan, Newhard and Tofte.

Subcommittee assignments were announced. Meeting for January 11, 1978 was cancelled.

COMMITTEE ON WAYS AND MEANS

Scheduled: 10:00 a.m., January 10, 1978

Convened: 10:16 a.m.

Adjourned: 12:00 noon

Present: Norland, chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Spencer, Svoboda, Varley, Wells and Wyckoff.

Absent: Miller of Buchanan, Egenes (arrived 10:26 a.m.), Hines (arrived 10:40 a.m.), Horn, Junker and Rinas (arrived 10:20 a.m.).

Excused: Den Herder, Harvey and Thompson.

Deputy director of revenue, Elliott Hibbs gave a presentation of department requests. Assigned study bills to subcommittees.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., January 10, 1978

Convened: 1:30 p.m.

Adjourned: 3:30 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Poncy, Small, Spear and Stromer.

Absent: Norland (arrived 1:55 p.m.).

Excused: Thompson.

Discussed Study Bill 307.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., January 10, 1978

Convened: 1:39 p.m.

Adjourned: 3:00 p.m.

Present: Middleswart, chair; Halvorson, ranking member; Avenson, Bennett, Chiodo, Evans, Griffiee, O'Halloran, Pelton, Perkins, Scheelhaase, Shimaneck, Tofte, Varley and Wyckoff.

Absent: Jesse, vice-chair (arrived 1:45 p.m.); Garrison, Miller of Buchanan, Spencer (arrived 1:44 p.m.), Stephens and Welden (arrived 1:44 p.m.).

Assignment of House File 426 and Study Bills 314, 315 and 316 to subcommittees. Report by Middleswart of Warren on Water Study by Interim Committee and by Avenson of Fayette on study to examine policies and practices of Conservation Committee by Interim Committee.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., January 10, 1978

Convened: 1:30 p.m.

Adjourned: 2:10 p.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Doyle, Dunton, Egenes, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley, Rinas, Schneklath and Woods.

Organizational, assigned Study Bill 318 to subcommittee. Walt McDonald, Department of Transportation, presented legislative program objectives.

AMENDMENTS FILED

H-5006	H.F. 2033	Harvey of Scott
H-5007	H.F. 2033	Schroeder of Pottawattamie Clark of Lee
H-5008	S.F. 141	Conlon of Muscatine Rinas of Linn
H-5009	H.F. 2035	Wyckoff of Benton Husak of Tama Bennett of Ida Junker of Woodbury Baker of Buena Vista
H-5010	H.F. 2018	Schroeder of Pottawattamie Clark of Lee

On motion by Fitzgerald of Webster, the House adjourned at 10:43 a.m., until 9:00 a.m., Thursday, January 12, 1978.

JOURNAL OF THE HOUSE

Fourth Calendar Day – Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 12, 1978

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

Prayer was offered by the Reverend Leroy E. Riemer, pastor of the Bethel Lutheran Church, Sutherland, Iowa.

The Journal of Wednesday, January 11, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. D. Hayden, Cherokee, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Buchanan for the remainder of the week on request of Norland of Worth.

PETITIONS FILED

The following petitions were received and placed on file:

By Clark of Cerro Gordo from forty-one constituents relating to the need for long term help for the deaf.

By Speaker Cochran of Webster from forty-one constituents favoring House File 187, relating to mandatory deposits on beverage packaging.

By Danker of Pottawattamie, from fifty-eight constituents opposing a three cent per gallon increase in the Iowa gasoline tax.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2037, a bill for an act relating to the references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2037)

The ayes were, 87:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffey	Halvorson	Hansen	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, O.L.	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Peilton
Perkins	Poncy	Rinas	Schneklath
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Avenson	Den Herder	Egenes	Gilloon
Harbor	Hines	Jesse	Miller, K.D.
Monroe	Newhard	Nielsen	Scheelhaase
Small			

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

HOUSE FILES WITHDRAWN
(House Files 298, 329, 418, 633)

Cusack of Scott asked and received unanimous consent to withdraw House Files 298, 329, 418 and 633 from further consideration by the House.

House File 2036, a bill for an act to define "political subdivision" for purposes of appeals to the state appeal board for suspension of statutory property tax levy limits on property tax budgets in certain situations, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2036)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Dayitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schneklath	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Schroeder

Absent or not voting, 9:

Egenes	Gilloon	Hines	Jesse
Miller, K.D.	Miller, O.L.	Monroe	Nielsen
Scheelhaase			

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

House File 2035, a bill for an act relating to the taxation of property used for agricultural and horticultural purposes and located within the corporate limits of a city and making the provisions of this Act retroactive, was taken up for consideration.

Wyckoff of Benton offered the following amendment H—5009 filed by Wyckoff, et al., and moved its adoption:

H—5009

- 1 Amend House File 2035 as follows:
- 2 1. Page 1, by striking from lines 13 and 14
- 3 the words "and all residential dwellings".

Roll call was requested by Wyckoff of Benton and Harbor of Mills.

On the question "Shall amendmenmt H—5009 be adopted?"

The ayes were, 25:

Baker	Bennett	Clark, J.H.	Crabb
Daggett	Danker	Dieleman	Halvorson
Hansen	Harbor	Hinkhouse	Husak
Junker	Lindeen	Menke	Miller, O.L.
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Spencer	Stromer	Svoboda
Wyckoff			

The nays were, 64:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crawford	Cusack	Davitt	Den Herder

Doyle	Dunton	Dyrland	Evans
Garrison	Gentleman	Gettings	Gilson
Griffee	Hargrave	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lipsky
Loneragan	Millen	Newhard	Norland
O'Halloran	Patchett	Pavich	Poncy
Rinas	Shimanek	Small	Smalley
Spear	Stephens	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Mr. Speaker

Absent or not voting, 11:

Branstad	Brunow	Egenes	Fitzgerald
Gilloon	Middleswart	Miller, K.D.	Monroe
Nielsen	Oxley	Scheelhaase	

Amendment H—5009 lost.

Dieleman of Marion offered the following amendment H—5011 filed by him from the floor:

H—5011

1 Amend House File 2035 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 "Sec. Chapter three hundred eighty-
 5 four (384), division four (IV), Code 1977, is
 6 amended by adding the following new section:
 7 **NEW SECTION. EXEMPTION FROM SPECIAL**
 8 **ASSESSMENTS.** A city shall not impose a special
 9 assessment or special ad valorem levy under this
 10 division for any public improvement on land used
 11 primarily for agricultural production on the basis
 12 of frontage, acreage, or value, except a lot not
 13 exceeding one-half acre surrounding any dwelling
 14 or nonfarm structure located on that land unless
 15 the special assessment or special ad valorem
 16 levy is imposed before the effective date of this
 17 Act. If within ten years of the original assess-
 18 ment or levy the land used primarily for agricult-
 19 ural production is changed to a nonagricultural
 20 use, any special assessment or special ad valorem
 21 levy which was not imposed because of the provisions
 22 of this section shall be imposed and the full
 23 amount shall become payable in the same manner as
 24 the levy or assessment would have become payable
 25 if it had been imposed."

Davitt of Warren rose on a point of order that amendment H—5011 was not germane.

The Speaker ruled the point not well taken and amendment H—5011 germane.

Junker of Woodbury offered the following amendment H—5014, to amendment H—5011, filed by him from the floor and moved its adoption:

H—5014

- 1 Amend amendment H—5011, to House File 2035,
- 2 as follows:
- 3 1. Page 1, by striking from lines 22 and
- 4 23 the words "and the full amount" and insert-
- 5 ing in lieu thereof the following: "in the
- 6 manner prescribed in section three hundred
- 7 eighty-four point sixty-three (384.63), of the
- 8 Code, and".

Amendment H—5014 was adopted.

Dieleman of Marion moved the adoption of amendment H—5011, as amended.

Amendment H—5011, as amended, lost.

Schnekloth of Scott offered the following amendment H—5013 filed by him and Woods of Polk from the floor:

H—5013

- 1 Amend House File 2035 as follows:
- 2 1. Page 1, by inserting after line 19 the following
- 3 new section:
- 4 "Sec. Section three hundred eighty-four
- 5 point sixty-two (334.62), Code 1977, is amended by
- 6 adding the following new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. A special assessment
- 8 for a public improvement against property used and
- 9 assessed for agricultural purposes shall not become
- 10 payable until that property is no longer used and
- 11 assessed for agricultural purposes. At the time of
- 12 the change in the use of the property, the special
- 13 assessment shall become payable in the same manner
- 14 as the special assessment would have become payable

15 had it not been deferred by this section. This section
 16 shall not apply to a tract of land of less than one-
 17 quarter acre surrounding any dwelling or nonfarm
 18 structure on that property nor shall it apply to a
 19 special assessment levied before the effective date
 20 of this Act."

Spear of Lee offered the following amendment H-5016, to amendment H-5013, filed by him from the floor and moved its adoption:

H-5016

1 Amend amendment H-5013 to House File 2035,
 2 as follows:
 3 1. Page 1, line 17, by striking the word
 4 "quarter" and inserting in lieu thereof the
 5 word "half".

Amendment H-5016 was adopted.

Schnekloth of Scott moved the adoption of amendment H-5013, as amended.

Roll call was requested by Schroeder of Pottawattamie and Bennett of Ida.

On the question "Shall amendment H-5013, as amended, be adopted?"

The ayes were, 35:

Baker	Bennett	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Daggett	Danker
Dieleman	Evans	Halvorson	Hansen
Harvey	Hinkhouse	Husak	Jesse
Junker	Lageschulte	Lindeen	Menke
Miller, O.L.	Nielsen	Oxley	Pellett
Pelton	Schnekloth	Schroeder	Smalley
Spear	Spencer	Stephens	Stromer
Tofte	Woods	Wyckoff	

The nays were, 56:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Conlon
Connors	Crabb	Crawford	Cusack
Davitt	Doyle	Dunton	Dyrland

Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffie	Harbor
Hargrave	Hines	Hoffmann	Horn
Howell	Jochum	Koogler	Krause
Krewson	Lind	Lipsky	Lonergan
Middleswart	Millen	Newhard	Norland
O'Halloran	Pavich	Perkins	Poncy
Rinas	Shimanek	Small	Svoboda
Tauke	Thompson	Varley	Walter
Welden	Wells	West	Mr. Speaker

Absent or not voting, 9:

Branstad	Brockett	Den Herder	Giloon
Hullinger	Miller, K.D.	Monroe	Patchett
Scheelhaase			

Amendment H—5013, as amended, lost.

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

Under the provisions of Rule 71, Junker of Woodbury refrained from voting.

On the question "Shall the bill pass?" (H.F. 2035)

The ayes were, 79:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Brunow
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hoffmann
Horn	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Mr. Speaker	

The nays were, 13:

Baker	Chiodo	Clark, J.H.	Danker
Hinkhouse	Husak	Miller, O.L.	Pellett
Schroeder	Stromer	Svoboda	Woods
Wyckoff			

Absent or not voting, 8:

Branstad	Brockett	Byerly	Gilloon
Junker	Miller, K.D.	Monroe	Scheelhaase

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

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2048, by committee on education, a bill for an act relating to elementary and secondary education, including approval of school districts, reorganization procedures, employment procedures for reorganized districts, joint employment of school personnel and facilities, authority of the school budget review committee, additional enrichment amount, and pilot programs for gifted and talented pupils.

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

House File 2049, by Walter, a bill for an act changing the two bribery provisions of the criminal code revision.

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

House File 2050, by Spencer, a bill for an act to repeal that section of the Code authorizing the issuance of courtesy nonresident fish and game licenses.

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

House File 2051, by Evans, Brockett, West and Smalley, a bill for an act relating to liability insurance for school districts.

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

House File 2052, by Nielsen, a bill for an act providing for temporary service by retired district associate judges and magistrates.

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

House File 2053, by Newhard, a bill for an act to make violation of a custodial order punishable whether or not the child is removed from the state, and providing that a parent who takes a child from the custody of the other parent prior to a court order shall be guilty of a serious misdemeanor.

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

House File 2054, by Monroe, a bill for an act to require that campaign advertising include an identification of the source of the advertising, and imposing a penalty for violations.

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

House File 2055, by Patchett, a bill for an act to prohibit discrimination on the basis of sex in institutions under control of the board of regents.

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

House File 2056, by Bina, a bill for an act relating to choke saving first aid procedures.

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

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2034, a bill for an act relating to the recapture of taxes on certain classes of property when a change in use of the property occurs, was taken up for consideration.

Norland of Worth offered the following amendment H-5015 filed by him from the floor and moved its adoption:

H-5015

- 1 Amend House File 2034 as follows:
- 2 1. Page 1, lines 34 and 35, by striking the words
- 3 and figure "four hundred forty-one point six (441.6)"
- 4 and inserting in lieu thereof the words and figure
- 5 "four hundred forty-three point six (443.6)".
- 6 2. Page 2, line 17, by striking the words "That
- 7 the" and inserting in lieu thereof the word "The".

Amendment H-5015 was adopted.

Evans of Grundy offered amendment H-5012 filed by him from the floor and asked and received unanimous consent that it be withdrawn.

Evans of Grundy offered the following amendment H-5018 filed by Evans, Norland and West from the floor and moved its adoption.

H-5018

- 1 Amend House File 2034 as follows:
- 2 1. Page 3, by inserting after line 25 the following
- 3 new section:
- 4 "Sec. NEW SECTION. When real property is sold
- 5 or transferred after the effective date of this Act, the
- 6 seller shall provide written notice to the buyer that
- 7 the real property may be subject to additional taxes
- 8 imposed under the provisions of this Act if the use of

- 9 the real property is changed.
 10 Any standardized forms used by realtors, attorneys,
 11 or other persons for the sale or transfer of real
 12 property shall contain the written notice to the buyer
 13 as required by this Act."
 14 2. Renumber sections and correct internal references
 15 as are necessary in accordance with this amendment.

Amendment H—5018 was adopted.

Tauke of Dubuque moved that House File 2034 be rereferred to the committee on ways and means.

Roll call was requested by Norland of Worth and West of Marshall.

On the question "Shall House File 2034 be rereferred to the committee on ways and means?"

The ayes were, 22:

Byerly	Chiodo	Clark, J.H.	Crabb
Crawford	Danker	Evans	Gentleman
Halvorson	Harbor	Harvey	Krewson
Lipsky	Pelton	Schroeder	Shimanek
Smalley	Stephens	Tauke	Varley
Welden	Woods		

The nays were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Conlon	Connors	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, O.L.
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Perkins	Poney	Rinas	Schnekloth
Small	Spear	Spencer	Stromer
Svoboda	Thompson	Tofte	Walter
Wells	West	Wyckoff	Mr. Speaker

Absent or not voting, 6:

Den Herder	Junker	Krause	Miller, K.D.
Monroe	Scheelhaase		

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2034)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, B.J.
Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, O.L.	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pelton	Perkins	Poney
Rinas	Schneklloth	Shimaneck	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 14:

Brockett	Byerly	Clark, J.H.	Crabb
Danker	Evans	Harbor	Harvey
Lipsky	Pellett	Schroeder	Smalley
Thompson	Welden		

Absent or not voting, 8:

Den Herder	Hullinger	Junker	Krause
Miller, K.D.	Monroe	Patchett	Scheelhaase

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

REGULAR CALENDAR

House File 2018, a bill for an act to clarify the applicability of certain sections to the women's reformatory and the Iowa security medical facility, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5010 filed by him and Clark of Lee:

H—5010

- 1 Amend House File 2018 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 "Sec. 2. The provisions of section two hundred
- 5 forty-five point sixteen (245.16) of the Code shall
- 6 apply to the return of escaped, paroled, or released
- 7 inmates of institutions or programs established
- 8 pursuant to chapters two hundred forty-two (242),
- 9 two hundred forty-four (244), two hundred forty-six
- 10 (246), two hundred forty-six A (246A), two hundred
- 11 forty-seven (247), and two hundred forty-seven A
- 12 (247A) of the Code."
- 13 2. Title page, line 3, by inserting after the
- 14 word "facility" the words "and other correctional
- 15 institutions".

Avenson of Fayette rose on a point of order that amendment H—5010 was not germane.

The Speaker ruled the point well taken and amendment H—5010 not germane.

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

On the question "Shall the bill pass?" (H.F. 2018)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman

Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, O.L.	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schnekloth	Shimaneck
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 1:

Schroeder

Absent or not voting, 10:

Den Herder	Hargrave	Horn	Junker
Krause	Miller, K.D.	Monroe	Patchett
Scheelhaase	Small		

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

HOUSE FILE 585 WITHDRAWN

Hullinger of Decatur asked and received unanimous consent to withdraw House File 585 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Rinas of Linn; Patchett of Johnson for the remainder of the day on request of Dyrland of Clayton.

HOUSE FILE 2033 DEFERRED

House File 2033, a bill for an act relating to obsolete or inconsistent provisions of the Code, was taken up for consideration.

Dyrland of Clayton offered the following amendment H—5020 filed by Dyrland, Schroeder and Harvey from the floor:

H—5020

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, by striking lines 16, 17 and 18
- 3 and inserting in lieu thereof the following:
- 4 "(207), two hundred nine (209); and sections
- 5 one hundred thirty."

Avenson of Fayette asked and received unanimous consent that House File 2033 be deferred and that the bill retain its place on the calendar.

(Amendment H—5020 pending.)

WAYS AND MEANS CALENDAR

Senate File 141, a bill for an act relating to the definition of withholding agent for income tax purposes and making the Act retroactive, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine offered the following amendment H—5008 filed by him and Rinas of Linn and moved its adoption:

H—5008

- 1 Amend Senate File 141 as follows:
- 2 1. Page 1, line 22, by inserting after the
- 3 word "subsequently" the word "knowingly".

Amendment H—5008 was adopted.

Dieleman of Marion offered the following amendment H—5001 filed by the committee on ways and means and moved its adoption:

H—5001

- 1 Amend Senate File 141, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 26, by striking the figure "1977"
- 4 and inserting in lieu thereof the figure "1978".

Amendment H—5001 was adopted.

Clark of Lee offered the following amendment H—5019 filed by Clark, Schroeder, West and Norland from the floor and moved its adoption:

H—5019

1 Amend Senate File 141 as follows:

2 1. Page 1, by inserting after line 24 the
3 following new section:

4 "Sec. . Section four hundred twenty-two
5 point sixteen (422.16), Code 1977, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. The director may, when
8 necessary and advisable in order to secure the
9 collection of the tax required to be deducted
10 and withheld or the amount actually deducted,
11 whichever is greater, require a nonresident
12 employer or withholding agent to file with the
13 director a bond, issued by a surety company
14 authorized to conduct business in this state and
15 approved by the insurance commissioner as to
16 solvency and responsibility, in such amount as
17 the director may fix, to secure the payment of
18 the tax and penalty due or which may become due.
19 In lieu of the bond, securities shall be kept in
20 the custody of the department and may be sold by
21 the director at public or private sale, without
22 notice to the depositor, if it becomes necessary
23 to do so in order to recover any tax and penalty
24 due. Upon any such sale, any surplus above the
25 amounts due under this section shall be returned
26 to the nonresident employer or withholding agent
27 who deposited the securities."

28 2. Amend the title, line 1, by inserting
29 after the word "definition" the words "and
30 bonding".

Amendment H—5019 was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 3:46 p.m.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (S.F. 141)

The ayes were, 77:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Connors	Crabb
Crawford	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Jochum	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Newhard	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Rinas	Schnekloth
Schroeder	Small	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 15:

Byerly	Conlon	Daggett	Danker
Egenes	Harvey	Horn	Husak
Jesse	Lipsky	Millen	Poncy
Shimanek	Smalley	Stephens	

Absent or not voting, 8:

Binneboese	Den Herder	Junker	Miller, K.D.
Miller, O.L.	Monroe	Patchett	Scheelhaase

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth for the remainder of the day on request of Rinas of Linn.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 328 State Government

To establish a mobile home parks residential landlord and tenant act

and providing civil penalties.

S.B. 329 Budget

Relating to law enforcement communications between the department of public safety and local law enforcement agencies.

COMMUNICATION FROM DEPARTMENT OF PUBLIC INSTRUCTION

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

A copy of the Department of Public Instruction January 1978 report containing General Fund Expenditure Computation, 1976-1977 Data; and Iowa Public School Data, 1976-1977 School Year — High School Districts.

EXPLANATION OF VOTE

I was absent from the House Chamber on legislative business January 12, 1978. Had I been present I would have voted "aye" on House Files 2018 and 2034.

KRAUSE of Kossuth

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 1:30 p.m., January 11, 1978

Convened: 1:32 p.m.

Adjourned: 2:05 p.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Connors,

Dunton, Gentleman, Hoffmann, Koogler, Krewson, Lind, Pavich, Rinas, Schnekloth, Smalley, Spear, Stephens and Tofte.

Absent: Newhard, Nielsen and Perkins (arrived 1:45 p.m.).

Excused: Hargrave.

Organizational meeting: Announcement made that Marvin Selden, State Comptroller, will speak at the meeting on Tuesday, January 17, at 9:00 a.m. to discuss proposed legislation from the City Finance Committee. Chair assigned eleven bills to subcommittees. Representative Rinas gave report of interim committee on Metro Government.

COMMITTEE ON EDUCATION

Scheduled: 3:00 p.m., January 11, 1978

Convened: 3:05 p.m.

Adjourned: 4:45 p.m.

Present: Patchett, chair; Miller of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Poncy, Spear, Stromer and Thompson.

Absent: Norland (arrived 3:15 p.m.) and Small.

Discussion of Study Bill 307 and amendments. Presentation by Jim Rose and discussion of Study Bill 319 and "one-year statewide comparisons of funding alternatives."

COMMITTEE ON NATURAL RESOURCES

Scheduled: 3:00 p.m., January 11, 1978

Convened: 3:09 p.m.

Adjourned: 4:25 p.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Chiodo, Evans, Griffee, O'Halloran, Pelton, Shimanek, Tofte, Varley, Welden and Wyckoff.

Absent: Avenson, Garrison, Jesse, Miller of Buchanan, Perkins (arrived 3:14 p.m.), Scheelhaase and Stephens (arrived 3:21 p.m.).

House File 426, a bill for an act relating to the inspection of land and water craft registered with the Iowa state conservation commission.

Recommended Amend and Do Pass.

H-5017

- 1 Amend House File 426 as follows:
- 2 1. Page 1, line 32, by inserting after the
- 3 word "highways," the word "public".
- 4 2. Page 2, line 16, by inserting after the
- 5 word "highways," the word "public".
- 6 3. Page 2, line 22, by striking the figures
- 7 "1978" and inserting in lieu thereof the figures
- 8 "1979".

Aye: Middleswart, Spencer, Halvorson, Bennett, Chiodo, Evans, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Nay: None.

Absent or not voting: Avenson, Garrison, Griffee, Jesse, Miller of Buchanan, Scheelhaase and Varley.

Educational movie "Story of Mourning Dove" presented by Larry Davis of the Iowa Conservation Committee.

COMMITTEE ON TRANSPORTATION

Scheduled: 3:00 p.m., January 11, 1978

Convened: 3:00 p.m.

Adjourned: 3:45 p.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Clark of Cerro Gordo, Doyle, Dunton, Egenes, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley, Rinas, Schnekloth and Woods.

Absent: Brunow.

Study Bill 318, a bill for an act to provide for the appointment of the director of transportation by the governor with the approval of the senate.

Recommended **Do Pass**.

Aye: Krause, Davitt, Schroeder, Binneboese, Clark of Cerro Gordo, Doyle, Dunton, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Rinas, Schnekloth and Woods.

Nay: Oxley.

Absent or not voting: Brunow and Egenes.

Commissioner Larson, Department of Public Safety, presented legislative proposals.

AMENDMENT FILED

H-5021

H.F. 2021

Hinkhouse of Cedar
Pellett of Cass

On motion by Fitzgerald of Webster the House adjourned at 3:59 p.m. until 10:00 a.m., Monday, January 16, 1978.

JOURNAL OF THE HOUSE

Fifth Calendar Day — Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 13, 1978

Pursuant to adjournment, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

PETITIONS FILED

The following petitions were received and placed on file:

By Bina of Scott from three hundred one constituents; Bennett of Ida from sixty-seven constituents; Daggett of Adams from sixty-five constituents; Hoffmann of Muscatine from fifty-seven constituents; Pellett of Cass from two hundred fifteen constituents; Pelton of Clinton from eighty Clinton residents; Schnekloth of Scott from seventy-two residents of Clinton County, all opposing House File 187, relating to mandatory deposits on beverage packaging.

By Krause of Kossuth from forty-seven constituents opposing mandatory deposits on beverage packaging, and supporting a system of total litter pickup or control that does not include forced deposits.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 9

County Government: Hullinger, Chair; Danker, Spear, Stromer and Wyckoff.

House Joint Resolution 13

Labor and Industrial Relations: Jochum, Chair; Connors and Branstad.

House File 3

County Government: Brandt, Chair; Wells and Clark of Lee.

House File 9

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 11

County Government: Miller of Calhoun, Chair; Oxley and Hoffmann.

House File 17

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 18

County Government: Miller of Calhoun, Chair; Gilloon and Pellett.

House File 23

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 41

County Government: Wells, Chair; Wyckoff and Danker.

House File 45

County Government: Spear, Chair; Gilson and Stephens.

House File 56

Labor and Industrial Relations: Wells, Chair; Chido and Crabb.

House File 61

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 84

County Government: Miller of Calhoun, Chair; Wells and Hoffmann.

House File 107

Cities: Pavich, Chair; Hoffmann and Spear.

House File 109

Labor and Industrial Relations: Pavich, Chair; Gilloon and Lageschulte.

House File 113

Labor and Industrial Relations: Jochum, Chair; Pavich and Smalley.

House File 119

Cities: Hargrave, Chair; Bina, Gentleman, Krewson and Rinas.

House File 120

Education: Dyrland, Chair; Gilson, Baker, Lind and Thompson.

House File 121

Labor and Industrial Relations: Connors, Chair; Pavich, Poncy, Halvorson and Thompson.

House File 125

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 130

County Government: Gilson, Chair; Hinkhouse and Stromer.

House File 135

County Government: Byerly, Chair; Baker and Pellett.

House File 141

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 149

Labor and Industrial Relations: Small, Chair; Horn and Brockett.

House File 152

Cities: Hines, Chair; Nielsen, Perkins, Schneklath and Lind.

House File 154

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 162

County Government: Wells, Chair; Wyckoff and Stephens.

House File 168

Cities: Bina, Chair; Clark of Lee and Dunton.

House File 181

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 183

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 200

County Government: Gilson, Chair; Spear and Clark of Lee.

House File 206

Human Resources: Gentleman, Chair; Anderson and Dyrland.

House File 219

County Government: Wyckoff, Chair; Hinkhouse, Danker, Spear and Stromer.

House File 233

Labor and Industrial Relations: Hines, Chair; Gilloon and Thompson.

House File 236

County Government: Hinkhouse, Chair; Miller of Calhoun and Harvey.

House File 238

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 250

Labor and Industrial Relations: Wells, Chair; Small and Smalley.

House File 259

Labor and Industrial Relations: Connors, Chair; Pavich, Poncy, Halvorson and Thompson.

House File 283

Cities: Pavich, Chair; Hargrave, Smalley, Hoffmann and Nielsen.

House File 307

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Egenes and Branstad.

House File 308

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 309

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Egenes and Branstad.

House File 317

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Egenes and Branstad.

House File 321

Labor and Industrial Relations: Connors, Chair; Pavich, Poncy, Halvorson and Thompson.

House File 322

Labor and Industrial Relations: Poncy, Chair; Hines and Lageschulte.

House File 323

Labor and Industrial Relations: Jochum, Chair; Hines, Brockett, Small and Smalley.

House File 325

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Egenes and Branstad.

House File 341

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Egenes and Branstad.

House File 359

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Egenes and Branstad.

House File 361

Labor and Industrial Relations: Connors, Chair; Pavich, Poncy, Halvorson and Thompson.

House File 371

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 376

Labor and Industrial Relations: Jochum, Chair; Hines, Brockett, Small and Smalley.

House File 382

County Government: Miller of Calhoun, Chair; Oxley and Hoffmann.

House File 383

County Government: Hinkhouse, Chair; Gilson and Clark of Lee.

House File 384

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 399

Labor and Industrial Relations: Connors, Chair; Pavich, Poncey, Halvorson and Thompson.

House File 419

Labor and Industrial Relations: Chiodo, Chair; Poncey and Crabb.

House File 425

Education: Patchett, Chair; Poncey, Norland, Krewson and Stromer.

House File 426

Natural Resources: Welden, Chair; O'Halloran and Miller of Buchanan.

House File 429

County Government: Gilson, Chair; Miller of Calhoun and Pellett.

House File 432

Labor and Industrial Relations: Chiodo, Chair; Poncey and Crabb.

House File 435

County Government: Wyckoff, Chair; Hinkhouse, Danker, Spear and Stromer.

House File 436

Labor and Industrial Relations: Jochum, Chair; Hines and Brockett.

House File 442

Human Resources: Krewson, Chair; Miller of Buchanan and Baker.

House File 450

County Government: Gilson, Chair; Spear and Stephens.

House File 452

Labor and Industrial Relations: Connors, Chair; Pavich, Poncey, Halvorson and Thompson.

House File 470

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 480

County Government: Miller of Calhoun, Chair; Baker and Pellett.

House File 488

Labor and Industrial Relations: Connors, Chair; Halvorson, Pavich, Poncey and Thompson.

House File 498

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 499

Education: Patchett, Chair; Poncey, Norland, Krewson and Stromer.

House File 500

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 509

Labor and Industrial Relations: Jochum, Chair; Hines, Brockett, Small and Smalley.

House File 516

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 517

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 528

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 529

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 532

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 533

Cities: Bina, Chair; Clark of Lee, Koogler, Krewson, Pavich, Spear and Lind.

House File 539

Labor and Industrial Relations: Gilloon, Chair; Wells and Thompson.

House File 542

Labor and Industrial Relations: Hines, Chair; Wells and Crabb.

House File 543

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 549

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 562

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 567

County Government: Miller of Calhoun, Chair; Baker and Pellett.

House File 570

Labor and Industrial Relations: Wells, Chair; Small and Smalley.

House File 571

Human Resources: Lonergan, Chair; Anderson and Hansen.

House File 572

Human Resources: Brunow, Chair; Clark of Cerro Gordo and Gentleman.

House File 574

Cities: Krewson, Chair; Bina and Rinas.

House File 576

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Branstad and Egenes.

House File 579

Labor and Industrial Relations: Horn, Chair; Chiodo, Gilloon, Branstad and Egenes.

House File 586

County Government: Miller of Calhoun, Chair; Junker and Baker.

House File 588

County Government: Byerly, Chair; Hinkhouse and Lindeen.

House File 599

County Government: Spear, Chair; Danker and Gilloon.

House File 606

Labor and Industrial Relations: Pavich, Chair; Gilloon and Lageschulte.

House File 619

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 621

Labor and Industrial Relations: Poncy, Chair; Pavich and Lageschulte.

House File 623

Human Resources: Lonergan, Chair; Krewson and Arnould.

House File 628

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 2010

Cities: Pavich, Chair; Krewson and Rinas.

House File 2014

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 2023

Cities: Rinas, Chair; Bina and Hoffmann.

House File 2025

Natural Resources: Miller of Buchanan, Chair; Wyckoff and Stephens.

House File 2027

Ways and Means: Miller of Buchanan, Chair; Svoboda, Gilloon, Egenes and Schneklöth.

House File 2029

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 2038

Ways and Means: Miller of Buchanan, Chair; Svoboda, Gilloon, Egenes and Schnekloth.

Senate File 67

County Government: Wyckoff, Chair; Hinkhouse, Danker, Spear and Stromer.

Senate File 145

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

Senate File 154

Cities: Hines, Chair; Connors, Gentleman, Newhard, Nielsen, Schnekloth and Smalley.

Senate File 158

County Government: Byerly, Chair; Baker and Hoffmann.

Senate File 356

Cities: Spear, Chair; Bina, Rinas, Smalley and Krewson.

Senate File 397

County Government: Gilloon, Chair; Gilson and Lindeen.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 3**

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 6

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 7

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 8

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 10

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 11

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 13

Education: Miller of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

Study Bill 14

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 17

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 18

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 21

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 114

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 177

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 201

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 202

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 314

Natural Resources: Perkins, Chair; Scheelhaase and Evans.

Study Bill 315

Natural Resources: Middleswart, Chair; Scheelhaase, Varley and Halvorson.

Study Bill 316

Natural Resources: Perkins, Chair; Scheelhaase and Evans.

Study Bill 318

Transportation: Krause, Chair; Davitt and Schroeder.

Study Bill 320

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 321

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 322

Ways and Means: Davitt, Chair; Husak, Miller of Buchanan, Wells, Daggett, Lind and Menke.

Study Bill 323

Ways and Means: Jochum, Chair; Hines, Bina, Pavich, West, Clark of Lee and Thompson.

Study Bill 324

Ways and Means: Dieleman, Chair; Howell, Rinas, Varley and Harbor.

Study Bill 325

Ways and Means: Hines, Chair; Harvey, Wyckoff, O'Halloran and Conlon.

STUDY BILL COMMITTEE ASSIGNMENT**S.B. 330 Ways and Means**

Relating to the imposition of a tax on generation skipping transfers and making the Act retroactive.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., January 12, 1978

Convened: 8:10 a.m.

Adjourned: 8:50 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Brandt, Clark of Lee, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Oxley, Pellett, Stephens, Stromer and Wyckoff.

Absent: Baker (arrived 8:30 a.m.), Byerly (arrived 8:30 a.m.), Gilloon, Junker, Miller of Calhoun and Wells (arrived 8:15 a.m.).

Assignment of subcommittees.

AMENDMENT FILED

H-5022

H.F. 2033

Dyrland of Clayton
Schroeder of Pottawattamie
Harvey of Scott

JOURNAL OF THE HOUSE

Eighth Calendar Day—Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 16, 1978

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

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

The Journals of Thursday, January 12, and Friday, January 13, 1978, were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Gottula, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of West of Marshall; Gilloon of Dubuque for the morning session on request of Dyrland of Clayton; Byerly of Polk on request of Nielsen of Polk.

CONSIDERATION OF BILLS

Regular Calendar

House File 2022, a bill for an act relating to changes allowed for keeping estrays and trespassing animals, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2022)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Vochem	Junker
Koogler	Krause	ewson	Lageschulte
Lind	Lindeen	apsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Pony	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Clark, J.H.

Absent or not voting, 11:

Bennett	Byerly	Daggett	Egenes
Gilloon	Hines	Jesse	Miller, O.L.
Newhard	Nielsen	Small	

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

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 16, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, honoring Hubert H. Humphrey and extending the sympathy of the Iowa General Assembly to his family.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 104 and Senate Concurrent Resolution 102.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 104

Scheelhaase of Woodbury offered House Concurrent Resolution 104 as follows and moved its adoption:

HOUSE CONCURRENT RESOLUTION 104

By Scheelhaase, Perkins, Husak,
Pellett, Stromer, Hinkhouse,
Menke, Harbor, Halvorson, Hullinger
Anderson, Koogler, Danker, Krause,
Gettings, Crabb, Lageschulte,
Spencer, Hansen, Lindeen, Baker,
Wyckoff, Den Herder, Fitzgerald,
Svoboda, Schnekloth, West, Norland,
Millen, Schroeder, Brunow, Harvey,
Gilson, Oxley, Conlon, Hoffmann,
Clark of Cerro Gordo, Junker, Dunton, Evans,
Walter, Wells, Cusack, Davitt and
Cochran.

- 1 *A Concurrent Resolution* in support of the family farm
- 2 and the need for family farmers to earn an economic
- 3 profit.
- 4 *Whereas*, the family farm is the most efficient in
- 5 the nation; and
- 6 *Whereas*, Iowa family farmers have lost equity and
- 7 enormous sums of money in the last four years due to
- 8 drought and depressed prices for agricultural products;
- 9 and
- 10 *Whereas*, more than one-fourth of the nation's farmers
- 11 and ranchers will be forced to either liquidate or
- 12 refinance their operations this year; and
- 13 *Whereas*, it is a policy of the nation that a minimum
- 14 of the people's disposable income be spent on food; and
- 15 *Whereas*, this directly affects the prices paid to
- 16 family farmers; and
- 17 *Whereas*, unless positive action is taken by the
- 18 federal government to assure that family farmers are

19 able to recover production costs and earn an economic
 20 profit on their food products, large corporations will
 21 be the only entities left with the resources required
 22 for the production of food, *Now Therefore*,

Page 2

1 *Be It Resolved by the House of Representatives,*
 2 *The Senate Concurring,* That the members of the Sixty-
 3 seventh Iowa General Assembly, 1978 Session, recognizes
 4 that the Iowa family farmer needs and should recover
 5 fair, profitable return from his farming enterprise;
 6 and
 7 *Be It Further Resolved,* That a copy of this
 8 resolution be sent to President Carter, Secretary of
 9 Agriculture Bergland and members of the Iowa Congress-
 10 ional Delegation.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
 (House Concurrent Resolution 104)

Scheelhaase of Woodbury asked and received unanimous consent that House Concurrent Resolution 104 be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 102

Anderson of Jasper offered Senate Concurrent Resolution 102 as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 102
 By Committee on Rules and Administration

1 *Whereas,* Hubert Horatio Humphrey, a man respected
 2 and admired by persons all over the world, passed away
 3 on January 13, 1978; and
 4 *Whereas,* Hubert Horatio Humphrey held local
 5 and federal public offices and served with distinc-
 6 tion and dedication during the lengthy period he held
 7 such offices; and
 8 *Whereas,* the exuberance and enthusiasm which Hubert
 9 Humphrey exhibited while engaged in public life is
 10 unparalleled among political leaders the world over;
 11 *Now Therefore,*
 12 *Be It Resolved by the Senate, the House Concurring,*
 13 That the Iowa General Assembly pay tribute to the
 14 memory of Hubert Horatio Humphrey and recognize the

15 many great contributions of this man to the United
 16 States, and world, and humanity and the dignity and
 17 spirit that Hubert Horatio Humphrey radiated throughout
 18 his total life; and
 19 *Be It Further Resolved*, That the Iowa General Assembly
 20 extend its sympathy to the family of Hubert Horatio Humphrey
 21 and that a copy of this resolution be forwarded to the
 22 wife of Hubert Horatio Humphrey.

The motion prevailed and the resolution was adopted.

HOUSE FILE 590 WITHDRAWN

Patchett of Johnson asked and received unanimous consent to withdraw House File 590 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

West of Marshall for the remainder of the day on request of Brockett of Marshall.

CONSIDERATION OF BILLS

House Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights under the law shall not be denied or abridged by the state or by any of its political subdivisions on account of sex, with report of committee recommending passage was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-5024 filed by him from the floor:

H-5024

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by striking the words
- 3 "on account of sex" and inserting in lieu thereof
- 4 the words "to any person or persons".

Spencer of Clay offered the following amendment H-5026, to amendment H-5024, filed by him from the floor:

H-5026

- 1 Amend amendment H-5024, to House Joint

2 Resolution 12, as follows:

- 3 1. Page 1, by striking lines 2 through 4
 4 and inserting in lieu thereof the following:
 5 "1. Page 1, line 7, by striking the words
 6 "on account of sex" and inserting in lieu thereof
 7 the words "with respect to any individual within
 8 the jurisdiction of the state".

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5024, placing out of order H—5026.

Schroeder of Pottawattamie offered the following amendment H—5028 filed by him from the floor and moved its adoption:

H—5028

- 1 Amend House Joint Resolution 12 as follows:
 2 1. Page 1, line 7, by inserting after the
 3 word "subdivisions" the words "to any person or
 4 persons".

Roll call was requested by Tauke of Dubuque and Patchett of Johnson.

On the question "Shall amendment H—5028 be adopted?"

The ayes were, 35:

Avenson	Baker.	Bennett	Branstad
Chiodo	Crabb	Cusack	Danker
Den Herder	Dieleman	Dyrland	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Husak	Junker	Lind
Lindeen	Menke	Millen	Pellett
Perkins	Scheelhaase	Schneklloth	Schroeder
Spencer	Stephens	Stromer	Tofte
Welden	Woods	Wyckoff	

The nays were, 54:

Anderson	Arnould	Bina	Binneboese
Brandt	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Davitt	Doyle	Dunton	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Griffie	Hargrave	Hines	Hoffmann
Horn	Howell	Jesse	Jochum
Koogler	Krewson	Lageschulte	Lipsky

Lonergan	Miller, K.D.	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Poncy	Rinas	Shimanek
Small	Smalley	Spear	Svoboda
Tauke	Thompson	Varley	Walter
Wells	Mr. Speaker		

Absent or not voting, 11:

Byerly	Daggett	Egenes	Gilloon
Hullinger	Krause	Middleswart	Miller, O.L.
Newhard	Nielsen	West	

Amendment H — 5028 lost.

Tauke of Dubuque offered the following amendment H — 5029 filed by him from the floor and moved its adoption:

H — 5029

- 1 Amend House Joint Resolution 12 as follows:
- 2 1. Page 1, line 7, by striking the word
- 3 "account" and inserting in lieu thereof the words
- 4 "the basis".

Amendment H — 5029 was adopted.

Branstad of Winnebago offered the following amendment H — 5027 filed by him and Danker of Pottawattamie from the floor and moved its adoption:

H — 5027

- 1 Amend House Joint Resolution 12, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the
- 4 period the following:
- 5 "This article shall not apply to any law
- 6 prohibiting sexual activity between persons of
- 7 the same sex or the marriage of persons of the
- 8 same sex."

Roll call was requested by Branstad of Winnebago and Danker of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H — 5027 be adopted?"

The ayes were, 48:

Baker	Bennett	Branstad	Chiodi
Clark, B.J.	Conlon	Crabb	Daniels
Den Herder	Dieleman	Dunton	Evans
Garrison	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Howell
Hullinger	Husak	Junker	Lageschulte
Lind	Lindeen	Menke	Middleswart
Millen	Nielsen	Pavich	Pellett
Perkins	Poncy	Schnekloth	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Tofte	Varley
Welden	Wells	Woods	Wyckoff

The nays were, 44:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Clark, J.H.	Connors	Crawford	Cusack
Davitt	Doyle	Dyrland	Fitzgerald
Gentleman	Griffie	Hargrave	Hines
Hoffmann	Horn	Jesse	Jochum
Koogler	Krause	Krewson	Lipsky
Lonergan	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pelton
Rinas	Scheelhaase	Schroeder	Shimaneck
Small	Thompson	Walter	Mr. Speaker

Absent or not voting, 8:

Byerly	Daggett	Egenes	Gettings
Gilloon	Miller, K.D.	Miller, O.L.	West

Amendment H—5027 was adopted.

With the adoption of amendment H—5027, amendment H—5031 filed by Spencer of Clay from the floor was out of order.

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H—5030 filed by him from the floor.

Danker of Pottawattamie offered the following amendment H—5032 filed by him from the floor and moved its adoption:

H—5032

1 Amend House Joint Resolution 12 as follows:

- 2 1. Page 1, line 7, by inserting after the period
- 3 the words "This section shall not impair the validity
- 4 of any law of the state permitting sex segregation
- 5 of restrooms in public places."

Roll call was requested by Danker of Pottawattamie and Harbor of Mills.

On the question "Shall amendment H—5032 be adopted?"

The ayes were, 30:

Bennett	Binneboese	Branstad	Chiodo
Conlon	Crabb	Danker	Den Herder
Dunton	Garrison	Gilson	Halvorson
Hansen	Harbor	Hinkhouse	Lind
Lindeen	Menke	Miller, K.D.	Pellett
Scheelhaase	Schnekloth	Smalley	Spear
Spencer	Stephens	Stromer	Welden
Woods	Wyckoff		

The nays were, 60:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dyrland	Evans	Fitzgerald	Gentleman
Gettings	Griffee	Hargrave	Harvey
Hines	Hoffmann	Horn	Howell
Husak	Jochum	Krause	Krewson
Lageschulte	Lipsky	Lonergan	Middleswart
Millen	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Schroeder	Shimanek	Small
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Mr. Speaker

Absent or not voting, 10:

Byerly	Daggett	Egenes	Gilloon
Hullinger	Jesse	Junker	Koogler
Miller, O.L.	West		

Amendment H—5032 lost.

(House Joint Resolution 12 pending at adjournment and placed under unfinished business.)

MOTION TO RECONSIDER
(Amendment H—5027 to House Joint Resolution 12)

I move to reconsider the vote by which amendment H—5027 to House Joint Resolution 12 was adopted by the House on January 16, 1978.

CLARK of Cerro Gordo

SPONSOR ADDED
(House Concurrent Resolution 104)

Dieleman of Marion requested to be added as a sponsor of House Concurrent Resolution 104.

**COMMUNICATION FROM THE
STATE BOARD OF REGENTS**

A copy of the State Board of Regents' Ten-Year Building Program, 1977-1987, submitted in accordance with Chapter 262A.3, Code of Iowa, 1977, was received and placed on file in the office of the Chief Clerk.

ASSIGNMENT OF SEATS IN PRESS GALLERY

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

EAST PRESS GALLERY

Iowa News Radio—Black Hawk Broadcasting — Jon Janes, Dale Cerbin, Jim Craig
Iowa Public Television — Sara Frasher, Joan Krum, Daniel Miller, Bill Hanley, John Leiendecker
Iowa Radio Network — Don Silcott, John Lytle
KCCI—TV — Jim Worthington
KIMT—TV — Richard Connell, Mark Phipps, Mark Siegrist, Tia Slater, Max Lee
KMA Radio — Mark Munro, Jim Ross, Bill Bone
KRNT—KRNQ Radio — John McCarroll, George Davison, Jackie Clark, Dale Wooler
KSO—KGGO Radio — Greg Barman, Ed Anderson
WHO News Radio — Gem Meyer, Dave Busiek, Frank Stasio
WOI AM/FM — Robert Burlingame, Charlene Perrone, Richard Harris
WOI—TV — Bruce Frank, Bret Voorhees, Gregory O'Malia

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

WEST PRESS GALLERY

AFSCME/Iowa Advocate — Gordon R. Jackson
 Associated Press — William L. Eberline, Val Corley, Don Beman, Michael Holmes, Steve Daugherty, Bob Jarboe, Perre Pedersen, Sue Schaefer
 The Cedar Rapids Gazette — Frank T. Nye, Roger Munns, Gary Peterson, Judy Daubenmier, John Carlson
 Des Moines Register — Charles Bullard, Bonnie Wittenburg, David Yepsen, James Flansburg
 Des Moines Tribune — Richard L. Doak, Steven S. Walters, Norman Brewer, David C. Elbert
 Fort Dodge Messenger — Walter B. Stevens, Bob Brown, John Walker
 Iowa AFL—CIO News — Joe Poduska
 Iowa Legislative Bulletin Service — Otto Weber
 Iowa Daily Press Association — Harrison Weber, Michelle Becker
 Iowa Press Association — Don Reid
 Lee Town News — Russell K. Clingan
 Quad—City Times — Tom Witosky, John W. McCormick
 Telegraph—Herald — Steve Kelly, Fred Cohen, Steve Kircher
 United Press International — Norman Sandler, Pamela Huey, Thomas Peterson
 Waterloo Courier — Bob Case

AMENDMENTS FILED

H—5023	H.F. 2033	Baker of Buena Vista
H—5025	H.J.R. 12	Conlon of Muscatine
H—5033	H.J.R. 12	Danker of Pottawattamie
H—5034	H.J.R. 12	Danker of Pottawattamie
H—5035	H.J.R. 12	Danker of Pottawattamie
H—5036	H.J.R. 12	Danker of Pottawattamie
H—5037	H.J.R. 12	Danker of Pottawattamie
H—5038	H.J.R. 12	Danker of Pottawattamie
H—5039	H.J.R. 12	Danker of Pottawattamie
H—5040	H.J.R. 12	Hansen of O'Brien
H—5041	H.J.R. 12	Danker of Pottawattamie
H—5042	H.J.R. 12	Danker of Pottawattamie
H—5043	H.J.R. 12	Danker of Pottawattamie
H—5044	H.J.R. 12	Danker of Pottawattamie
H—5045	H.J.R. 12	Danker of Pottawattamie
H—5046	H.J.R. 12	Danker of Pottawattamie
H—5047	H.J.R. 12	Danker of Pottawattamie
H—5048	H.J.R. 12	Danker of Pottawattamie

H—5049

H.J.R. 12

Miller of Buchanan
Horn of Linn

On motion by Fitzgerald of Webster, the House adjourned at 12:01 p.m. until 9:30 a.m., Wednesday, January 18, 1978.

JOURNAL OF THE HOUSE

Ninth Calendar Day—Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 17, 1978

Pursuant to adjournment, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. Scott Tidball, Resident, University of Iowa Hospital, Iowa City, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Bennett of Ida from ninety-five constituents; Pelton of Clinton from six hundred twelve Clinton residents opposing House File 187, relating to mandatory deposits on beverage packaging.

By Hoffmann of Muscatine from one hundred two constituents opposing dogs and cats being used for laboratory experimental purposes.

INTRODUCTION OF BILLS

House File 2057, by committee on state government, a bill for an act specifically allowing the separate purchase of the Code of Iowa and Iowa administrative code.

Read and committed under Rule 31.4 and **placed on the calendar.**

House File 2058, by Brandt, a bill for an act to require preparation in human relations for all certificated teachers and administrators issued a contract by a school district, nonpublic school, area education agency, or merged area school.

Read and committed under Rule 31.4 to committee on **education.**

House File 2059, by Jochum and Rinas, a bill for an act creating the office of consumer advocate, prescribing powers and duties and making an appropriation.

Read and committed under Rule 31.4 to committee on **state government**.

House File 2060, by Walter, a bill for an act relating to the use of outside mirrors on van or van type motor vehicles.

Read and committed under Rule 31.4 to committee on **transportation**.

House File 2061, by Hansen, a bill for an act relating to the remission of excess funds from the soybean promotion fund.

Read and committed under Rule 31.4 to committee on **agriculture**.

House File 2062, by Brandt, a bill for an act to increase the compensation for jury selection commissioners.

Read and committed under Rule 31.4 to committee on **judiciary and law enforcement**.

enforcement.

House File 2063, by Spencer, a bill for an act to change the defined term "councilman" to "council member" in the city code of Iowa, and to make appropriate conforming amendments.

Read and committed under Rule 31.4 to committee on **cities**.

House File 2064, by Schneklath and Hinkhouse, a bill for an act relating to the method of establishing the population of cities, and prescribing a procedure by which cities may obtain recognition of unusually rapid population growth for the purpose of allocation of certain state funds.

Read and committed under Rule 31.4 to committee on **state government**.

House File 2065, by Wyckoff, Halvorson, West, Harbor, Tofte, Smalley and Miller of Buchanan, a bill for an act to provide for sales and use tax exemptions on expenditures for air and water pollution control.

Read and committed under Rule 31.4 to committee on **ways and means.**

House File 2066, by Chiodo, a bill for an act to require that members of precinct election boards be paid at least three dollars per hour.

Read and committed under Rule 31.4 to committee on **state government.**

House File 2067, by Brandt, a bill for an act relating to the disabled veteran's tax credit.

Read and committed under Rule 31.4 to committee on **ways and means.**

SPONSOR ADDED
(House File 2053)

Cusack of Scott requested to be added as a sponsor of House File 2053.

(House Concurrent Resolution 104)

Bina of Scott requested to be added as a sponsor of House Concurrent Resolution 104.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 331 Ways and Means

Relating to the period of limitations during which determination of income tax due can be made and refunds can be claimed.

**SUPPLEMENTAL REPORT OF COMMITTEE
ON MILEAGE**

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Miles round trip
Walter J. Conlon	310
Rollin K. Howell	254
Thomas A. Lind	260

Respectfully submitted,
WILLIAM J. HARGRAVE, JR.
HERBERT C. HINKHOUSE
WILLIAM R. MONROE, JR.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 10, 1978 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
L O C A L

Dear Mr. Wray:

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

These include 115 claims of a general nature that have been denied by the State Appeal Board during the year 1977.

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

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

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
494-65-25	McCellister & Co. Council Bluffs, Iowa Reciprocity fee refund	\$ 434.97	Disapproved
536-65-25	Gerald C. Sumner, M.D. Fort Dodge, Iowa Outdated invoice for medical services	12.00	Disapproved
623-65-25	Chamberlain Mfg. Corp. Albia, Iowa Reciprocity refund	1,310.39	Disapproved
679-65-25	Pottawattamie County Council Bluffs, Iowa Outdated invoice for equipment	4,012.80	Disapproved
760-65-25	Leonard Feed and Grain Tiffin, Iowa Reciprocity fee refund	482.89	Disapproved

884-65-25	Sedalia-Marshall Booneville Stage Lines, Inc. Des Moines, Iowa Reciprocity fee refund	932.33	Disapproved
1034-65-25	The Hertz Corporation Des Moines, Iowa Reciprocity fee refund	672.31	Disapproved
1191-65-25	Sedalia-Marshall Booneville Stage Lines, Inc. Des Moines, Iowa Reciprocity fee refund	1,150.99	Disapproved
1463-66-25	Frette-Nicholson Truck Line Ankeny, Iowa Reciprocity fee refund	974.18	Disapproved
1662-66-25	Northwestern Bell Telephone Co. Sioux City, Iowa Outdated invoice for directory service	13.30	Disapproved
1746-66-25	Mrs. Harry Teas New Carlisle, Indiana Property loss	Undetermined	Disapproved
1822-66-25	Karl Klein Grain & Feed Le Mars, Iowa Reciprocity refund	1,117.70	Disapproved
2241-66-25	Central Iowa Refuse Systems, Inc. Winterset, Iowa Outdated invoice	2,830.00	Disapproved
3118-67-25	Johnsrud Transport, Inc. Cresco, Iowa Reciprocity fee refund	1,730.22	Disapproved
3128-67-25	Family and Children's Service Davenport, Iowa Outdated invoice	373.20	Disapproved
3130-67-25	Family and Children's Service Davenport, Iowa Outdated invoice	39.00	Disapproved
3131-67-25	Family and Children's Service Davenport, Iowa Outdated invoice	33.42	Disapproved
3159-67-25	Mental Health Institute Independence, Iowa Request for payment of stolen drugs	1,719.99	Disapproved
3272-67-25	Mercy Hospital Davenport, Iowa Outdated invoice for services	427.55	Disapproved
3280-67-25	Carpenter Uniform Company Des Moines, Iowa Outdated invoice	45.00	Disapproved

3326-67-25	G. D. Skiye Trucking, Inc. Belmond, Iowa DOT Reciprocity refund	1,499.21	Disapproved
3327-67-25	D & C Express, Inc. Wilton, Iowa Reciprocity fee refund	538.20	Disapproved
3354-67-25	Othie R. McMurry Ankeny, Iowa Vacation pay refund	3,638.30	Disapproved
3485-67-25	Smyth Van Lines, Inc. Bellevue, Washington Reciprocity fee refund	65.29	Disapproved
3520-67-25	Iowa Better Trucking Bureau, Inc. Sioux City, Iowa Trip permit refund	20.00	Disapproved
3530-67-25	Langdon Implement Co. Langdon, North Dakota Reciprocity fee refund	172.11	Disapproved
3531-67-25	The Stout Trucking Co., Inc. Urbana, Illinois Reciprocity fee refund	91.50	Disapproved
3542-67-25	Bemis Company, Inc. Peoria, Illinois Reciprocity fee refund	1,088.69	Disapproved
3546-67-25	Francis McMillin Bedford, Iowa Reciprocity fee refund	278.25	Disapproved
3554-67-25	Steege Grain Hauling, Inc. New Hampton, Iowa Reciprocity fee refund	374.40	Disapproved
3560-67-25	Morris Schaller West Des Moines, Iowa Expense incurred	3.70	Disapproved
3566-67-25	Cyclone Transport, Inc. Reinbeck, Iowa Reciprocity fee refund	538.47	Disapproved
3578-67-25	Chemical Leaman Tank Lines, Inc. Downington, Pennsylvania Refund reciprocity permits and decals	12.00	Disapproved
3589-67-25	Feather-Lite Mfg. Co. Troy, Michigan Refund cab cards	14.00	Disapproved
3638-67-25	Leonard Feed & Grain, Inc. Cedar Rapids, Iowa Reciprocity fee refund	306.89	Disapproved

3643-67-25	Olen Johnson Camp Dodge, Grimes, Iowa Replacement of eyeglasses	75.00	Disapproved
3673-67-25	Larry Herfel Lawton, Iowa Refund of trailer fees	45.11	Disapproved
3683-67-25	Kenneth W. Cowman Prairie City, Iowa License fee refund	30.02	Disapproved
3695-67-25	Rich's Ag Service Manleus, Illinois Reciprocity permit refund	72.00	Disapproved
3698-67-25	Ruan Leasing Co. Des Moines, Iowa Registration fee refund	35.00	Disapproved
3699-67-25	Proficient Food Co., Inc. Santa Ana, California Reciprocity fee refund	997.04	Disapproved
3707-67-25	P. K. Pearson Mechanicsville, Iowa Motor Home license plate refund	180.00	Disapproved
3714-67-25	Wilson Concrete Co. Omaha, Nebraska Reciprocity fee refund	233.20	Disapproved
3718-67-25	Education Development Center, Inc. Newton, Massachusetts Outdated invoice for film	40.00	Disapproved
3762-67-25	Ryder Truck Rental, Inc. Rochester, New York Trip permit refund	20.00	Disapproved
3776-67-25	Leon H. Wombacher Iowa City, Iowa Broken eyeglasses	85.00	Disapproved
3783-67-25	Oscar Mayer & Co. Davenport, Iowa Refund registration fee for trailer	13.61	Disapproved
3784-67-25	Stan Hoist, Inc. Selma, Alabama Reciprocity fee refund	625.87	Disapproved
3796-67-25	Bart Steffen Corning, Iowa Medical costs incurred from inoculation	74.43	Disapproved
3808-67-25	Becker Distributing Co. Grand Island, Nebraska Reciprocity fee refund	145.20	Disapproved

3832-67-25	Family and Children's Service Davenport, Iowa Outdated invoice	3,109.89	Disapproved
3837-67-25	Ryder Truck Rental, Inc. Atlanta, Georgia Reciprocity fee refund	60.00	Disapproved
3840-67-25	Lloyd Thompson Bridgewater, Iowa Refund of trailer fees	Undetermined	Disapproved
3845-67-25	Red Oak Farm Supply Red Oak, Iowa Refund vehicle registration fees	33.75	Disapproved
3847-67-25	Experimental Aircraft Association Waterloo, Iowa Reciprocity permit refund	20.00	Disapproved
3848-67-25	Randy Boyd Coralville, Iowa Refund vehicle registration fees	40.09	Disapproved
3850-67-25	Vida R. Holmes Bayard, Iowa Replacement cost of radio	20.00	Disapproved
3851-67-25	Nancy M. Gardiner Minburn, Iowa Replacement cost of radio	30.00	Disapproved
3852-67-25	Superior Ambulance Service Burlington, Iowa Fees for ambulance service	1,466.56	Disapproved
3860-67-25	Pirkle Ref. Freight Lines Madison, Wisconsin Reciprocity trip permit refund	11.10	Disapproved
3867-67-25	Herbert Buchsbaum Iowa City, Iowa Vehicle registration fee refund	26.73	Disapproved
3870-67-25	Ryder Truck Rental, Inc. Dallas, Texas Reciprocity permit refund	42.00	Disapproved
3872-67-25	Momsen Trucking Co. Omaha, Nebraska Reciprocity fee refund	2,097.63	Disapproved
3876-67-25	American Central Transport, Inc. Joliet, Illinois Reciprocity trip permit refund	20.00	Disapproved

3886-67-25	Franklin County Hampton, Iowa Request for payment of property tax	535.65	Disapproved
3889-67-25	Johnny Thornton Oklahoma City, Oklahoma Reciprocity permit refund	2.00	Disapproved
3901-67-25	Charlotte Knutson Wapello, Iowa Outdated claim for mileage expense	126.00	Disapproved
3917-67-25	Maquoketa Medical Center Maquoketa, Iowa Outdated billing	11.00	Disapproved
3918-67-25	Maquoketa Medical Center Maquoketa, Iowa Outdated billing	164.50	Disapproved
3919-67-25	Maquoketa Medical Center Maquoketa, Iowa Outdated billing	62.00	Disapproved
3929-67-25	Forman Ford & Co. of Iowa Des Moines, Iowa Invoice previously paid	386.52	Disapproved
3935-67-25	Grégg E. Kreamer West Des Moines, Iowa Request for payment of books	28.90	Disapproved
3941-67-25	Joseph L. Simon Farley, Iowa Refund of registration fees	113.30	Disapproved
3946-67-25	Heyl Truck Lines, Inc. Akron, Iowa DOT Reciprocity refund	579.88	Disapproved
3947-67-25	Mike & Marcia Dennis Atlantic, Iowa Request for refund of registration fees	33.50	Disapproved
3958-67-25	Charles Leaders Minden, Iowa Request for reciprocity fee refund later rescinded	450.00- 500.00	Disapproved
3962-67-25	Carolyn Boots Sergeant Bluff, Iowa Property damage	15.14	Disapproved
3965-67-25	Patrick & Bridget Guccione Tampa, Florida Vehicle registration fee refund	45.00	Disapproved
3970-67-25	William C. Vance Fort Madison, Iowa Reimbursement for stolen coffee pot	12.05	Disapproved

3976-67-25	Laurence Radloff Garner, Iowa Seeks reimbursement for trapping costs	207.50	Disapproved
3989-67-25	L. A. Witherspoon Papillion, Nebraska Reciprocity fee refund	Undetermined	Disapproved
3996-67-25	W. N. Morehouse Truck Line, Inc. Omaha, Nebraska Reciprocity fee refund	146.47	Disapproved
3997-67-25	Eight Way Xpress Inc. Omaha, Nebraska Reciprocity fee refund	337.04	Disapproved
4010-67-25	M. E. Alberts, M.D. Des Moines, Iowa Outdated billing	25.00	Disapproved
4015-67-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated billing	284.00	Disapproved
4030-67-25	Nichols Well & Pump Co. Sioux City, Iowa Prorate refund	210.26	Disapproved
4034-67-25	Carrol Lebacken Reynolds, North Dakota Reciprocity fee refund	Undetermined	Disapproved
4040-67-25	Plymouth Co. Work Activity Center Le Mars, Iowa Outdated invoice for foster care	1,179.21	Disapproved
4059-67-25	Family Medical Center Oskaloosa, Iowa Outdated request for payment	320.00	Disapproved
4063-67-25	Quakerdale Home New Providence, Iowa Service fees for patient	290.25	Disapproved
4065-67-25	Dalton & Son Truck Co. Hamburg, Iowa Trailer fee refund	Undetermined	Disapproved
4072-67-25	Danny Kemerting Wahoo, Nebraska Reciprocity fee refund	Undetermined	Disapproved
4079-67-25	Gerald J. Green Dubuque, Iowa Sales tax refund	7,126.00	Disapproved
4085-67-25	A. L. Beardslée, D.D.S. Clinton, Iowa Request for payment of services provided	164.50	Disapproved

4103-67-25	Family and Children's Service Davenport, Iowa Outdated invoice for services	141.44	Disapproved
4125-67-25	Haldean McMurry Promise City, Iowa DOT Reciprocity refund	381.27	Disapproved
4128-67-25	Lead Way Centers, Inc. Shelby, Iowa Outdated invoice	479.64	Disapproved
4131-67-25	Kettleson Brothers, Inc. St. Ansgar, Iowa Gas Tax refund	570.29	Disapproved
4137-67-25	Northern Illinois Leasing, Inc. Rockford, Illinois Refund of fines paid	25.00	Disapproved
4140-67-25	H. Stumpf & Sons Worthington, Minnesota Reciprocity refund	139.59	Disapproved
4143-67-25	D.E.K. Rural Electric Cooperative Estherville, Iowa Invoice for late fees	79.23	Disapproved
4154-67-25	Martin Luther Home Beatrice, Nebraska Outdated invoice	2,119.64	Disapproved
4158-67-25	Nash Finch Company Cedar Rapids, Iowa DOT Reciprocity refund	283.49	Disapproved
4171-67-25	Nash Finch Company Cedar Rapids, Iowa DOT Reciprocity refund	39.84	Disapproved
4185-67-25	James Allen Van Syoc Indianola, Iowa Broken eyeglasses	12.00	Disapproved
4187-67-25	Walthill Transportation Co. Walthill, Nebraska DOT Reciprocity refund	73.42	Disapproved
4193-67-25	City Treasurer, City of Des Moines Des Moines, Iowa Request for payment of outdated claim	35.00	Disapproved
4202-67-25	Alan Lewis Beardslee, D.D.S. Clinton, Iowa Outdated claim	44.50	Disapproved
4207-67-25	Midwest OB - Gyn. P.C. Omaha, Nebraska Outdated invoice	37.00	Disapproved

4212-67-25	American Emergency Medical Services, Inc. Des Moines, Iowa Outdated Title XIX	258.00	Disapproved
4218-67-25	Tri City Beer Company Grand Island, Nebraska DOT Reciprocity refund	57.85	Disapproved
4235-67-25	James Thomas Correctionville, Iowa Ruined clothing	40.00	Disapproved
4239-67-25	Robert C. Jones, M.D. Des Moines, Iowa Outdated claim for medical services	70.00	Disapproved
4249-67-25	Alvis D. Wolfe Perry, Iowa Withheld information	88,405.75	Disapproved
4255-67-25	Osage Municipal Utilities Osage, Iowa Outdated invoice	52.46	Disapproved

COMMUNICATION FROM THE STATE COMPTROLLER

The following communication was received from the State Comptroller on January 10, 1978 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
L O C A L

Dear Mr. Wray:

In accordance with Section 25A.12, Code of Iowa 1977, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, settlements and judgments paid during 1977 by the State Appeal Board under Chapter 25A.

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

If at any time you wish to examine any claim in depth, the files are retained in this office under the control of Francis R. Larew, Executive Secretary of the State Appeal Board.

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

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

Chapter 25A - Tort Claims
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL - 1977

<u>Claim No.</u>	<u>Name of Claimant</u>	<u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-613-65	Darrell Hoff	Property loss (Judgment)	\$ 919.20	\$ 919.20 + Int. 8.76
T-707-65	Jeanne McLain Harms	Property loss (Judgment)	1,054.23	1,054.23 + Int. 10.05
T-2026-65	Gordon Harrington	Property loss (Judgment)	71,868.00	33,775.44 + Int. 321.80
T-2387-65	Teresa Nadine Tucker	Personal injury (Judgment)	15,000.00	1,500.00
H 45-65-T	Thomas P. Hunt	Personal injury (Supreme Court Judgment)	750,000.00	501,750.00 + Int. 91,126.02
Civil Suit	(Robert D. Rowland, payee) Jerry L. Addy vs State of Iowa, et al	Wrongful dismissal (Settlement)	-	4,000.00
Civil Suit	L. Greiner and related tower collapse cases (KCRG)	(Settlement)	3,000,000.00	100,000.00
	William Deering	Back wages (Settlement)	-	2,000.00
T-2526-65	Chester J. Bowen	Personal injury (Settlement)	1,000,000.00	5,000.00 + Costs
T-263-66	Hubert McClelland	Property loss (Settlement)	570.80	200.00
T-593-66	Irvin H. Parry	Personal injury (Settlement)	35,000.00	30,000.00 + Costs

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<u>Claim No.</u>	<u>Name of Claimant</u>	<u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-811-66	Kathy A. Knittle	Personal injury (Settlement)	10,000.00	2,000.00
T-1083-66	Farmers State Bank/ Executors of Estate of Escro Carl Henkle	Wrongful death (Settlement)	250,000.00	6,000.00
T-2091-66	Sam L. Scarpello, Jr.	Property damage (Settlement)	1,481.91	750.00
T-2252-66	Charles M. Dunlap as Administrator of Estate of Patricia Edwards, deceased.	Wrongful death (Settlement)	152,225.67	41,250.00
T-2253-66	Charles M. Dunlap as Administrator of Estate of Clarence D. Edwards, deceased.	Wrongful death (Settlement)	302,550.45	41,250.00
T-2265-66	Reggie Lee Campbell	Personal injury (Settlement)	75,000.00	525.00
T-2563-67	Edward B. Heeney/ Royal Globe Ins. Co.	Property damage (Settlement)	1,662.18	400.00
T-2959-67	Jack W. Maybee	Property damage & personal injury (Settlement)	4,589.40	1,100.00
T-3068-67	Iowa Kemper Ins. Co.	Property damage (Settlement)	17,131.34	2,500.00
T-3206-67	Kenneth Frank Rothmeyer Estate	Wrongful death (Settlement)	30,000.00	7,500.00
T-3282-67	Silas Marton Klepees	Personal injury (Settlement)	25,000.00	500.00 + Costs 11.00

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-1-66-T	Albert E. Seibert & Blanche E. Seibert Trust	Property damage (Settlement)	1,125.00	516.50
H-163-66-T	Verald William Fink	1975 Crop loss	Undetermined	
H-164-66-T	Verald William Fink	1974 Crop loss	Undetermined	
H-245-67-T	Verald William Fink	Tile damage	5,433.28	4,750.00
H-290-67-T	Verald William Fink	Land damage (Settlement)	3,000.00	
H-226-67-T	James Bates	Property damage & loss of business (Settlement)	57,730.00	10,000.00
H-300-67-T	Clarence Howard Walker	Property damage (Settlement)	6,909.04	5,279.82
H-312-67-T	State Farm Mutual Insurance Co.	Personal injury and death	7,348.90	125,000.00
H-324-67-T	Gary Shepard & Patricia Shepard, Lynette Shepard & Dionne Shepard	(Settlement)	691,000.00	

CHAPTER 25A HIGHWAY TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1977

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-267-67-T	Glenn O. Ferley	Tile damage resulting in crop loss	\$ 16,797.77	\$ 1,000.00
H-291-67-T	Arlette H. Paddock, et al	Property damage and crop loss	2,750.00	1,950.00

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Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-229-67-T	Selmer Sletten	Loss of crops	5,938.20	3,625.65
H-292-67-T	Pearlin G. Pederson	Loss of crops	5,938.20	
H-298-67-T	Dr. William Wildberger or Winifred Wildberger	Property damage	1,395.26	672.40
H-301-67-T	Ruby DeBerg	Property damage	1,395.00	116.90
H-306-67-T	Arlo Clay Stewart	Property damage	1,038.00	200.00
H-319-67-T	Aid Insurance Services/ Stephen B. Peer	Auto damage	2,922.41	2,922.41
H-320-67-T	Allan Leo Ertl	Personal injury & property damage	7,949.25	4,950.00
H-321-67-T	William P. Doe	Auto paint damage	Undetermined	61.80
H-322-67-T	Steve D. Johns	Auto paint damage	130.00	130.00
H-326-67-T	Eugene O. Schmelzer	Ruined tire	45.34	45.34
H-327-67-T	Gerald Leon Berkley	Auto damage	93.86	93.86
H-331-67-T	Aetna Life & Casualty/ Harold Hagemeyer	Auto damage	2,275.96	1,500.00
H-333-67-T	Jean Louise Eis	Auto paint damage	72.10	72.10
H-339-67-T	Bernard L. Christiansen	Crop damage	2,650.00	2,250.00
H-340-67-T	Louis Dreher	Crop damage	2,194.00	1,863.00
H-341-67-T	Robert E. Wegmuller	Auto damage	244.62	244.62
H-343-67-T	Gordon Charles McDowell, Jr.	Auto damage	176.39	176.39
H-347-67-T	James L. Paulsen	Auto damage	84.95	84.95

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
H-360-67-T	Jack E. Young	Auto windshield damage	180.18	180.18
H-368-67-T	Robert Lawrence Zurmuehlen	Auto damage	111.24	111.24
H-369-67-T	Michael Mally	Broken windshield	154.02	154.02
H-373-67-T	Carrie Mildred Morgan	Property damage	580.00	580.00
H-375-67-T	Archie S. Monson	Property damage	2,450.00	1,225.00
H-377-67-T	James Scott	Ruined machinery	110.00	110.00
H-379-67-T	Francis J. Shannon	Auto damage	Undetermined	123.00
H-382-67-T	Louis Kouba	Property loss	2,611.43	2,611.43
H-392-67-T	Martin Janss, Jr.	Auto damage	Undetermined	35.30
H-393-67-T	Reed Brothers, Inc.	Increased water bill due to water leak	790.05	790.05
H-397-67-T	Edgar C. Hartzer	Auto damage	66.23	66.23
H-399-67-T	Elaine R. Gehling	Tire puncture	3.61	3.61
H-400-67-T	Virginia Edna Dickerson	Broken auto windows	Undetermined	43.76
H-402-67-T	Pittsburgh-Des Moines Steel Co.	Property lost by DOT	418.95	418.95
H-410-67-T	Orrie Tanner Noah	Broken auto tailpipe	55.37	55.37
H-411-67-T	Marvin A. Van Sickle	Broken auto windshield	84.41	84.41
H-414-67-T	W. A. Kempenaar, Mahaska Marble Co., Inc.	Damaged sump pump	10.70	10.70

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TUESDAY, JANUARY 17, 1978

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<u>Claim No.</u>	<u>Name of Claimant</u>	<u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H-426-67-T	Inga Trestrail	Auto damage	52.82	52.82
H-427-67-T	Helen Jean Elliott	Ruined auto tire	42.70	42.70
H-428-67-T	Mickey L. Norman	Ruined tractor tire & tube	226.09	226.09
H-432-67-T	Emerson's Delivery, Inc.	Broken windshield	101.51	101.51
H-434-67-T	Mike & Sharon Hořan	Paint on auto	35.14	35.14
H-436-67-T	Gregory M. Hazer	Auto damage	136.48	136.48
H-448-67-T	William R. Oswald	Auto damage	103.26	103.26
H-457-67-T	Francis Hahn	Broken auto windshield	102.24	102.24

HIGHWAY TORT CLAIMS APPROVED BY APPEAL BOARD
AWAITING SIGNED RELEASES - 1977

H-328-67-T	Helen Hart	Property damage/ personal injury	3,649.52	1,825.00
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NOTE:

H-228-67-T. Glenn Howard Chrystal prayed for \$110.00 and his claim was approved. He then would not accept this amount and filed suit. In the end he accepted the original \$110.00. This claim appears on this list as it was accepted for the original sum.

CHAPTER 25A GENERAL TORT CLAIMS APPROVED
BY STATE APPEAL BOARD, 1977

Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-2192-66	Terry Thomas Finnegan	Auto damage	\$ 172.53	\$ 172.53
T-2523-67	Eldon E. Jensen	Medical expenses	30.00	30.00
T-2615-67	Russell Fitz	Unauthorized withdrawal of money from account	160.00	160.00
T-2702-67	David Jay Volkens	Auto paint damage	250.00	250.00
T-2811-67	Gregory Jon Knapp	Auto paint damage	Undetermined	196.00
T-3019-67	Tammy Coleen Reynolds	Broken eyeglasses	23.40	23.40
T-3075-67	Willie Heinrich	Auto paint damage	726.15	275.00
T-3122-67	Lyndell V. Streebin	Auto damage	138.00	138.00
T-3143-67	Rosemary Stieglitz	Personal injury	400.00	400.00
T-3151-67	Michael R. Ryerson	Auto paint damage	Undetermined	285.00
T-3184-67	Ronald William Simkins	Auto paint damage	355.35	355.35
T-3192-67	Ronald G. Adams	Personal injury	244.72	244.72
T-3229-67	Rick Hagen	Auto paint damage	206.00	186.00
T-3242-67	Anita L. Peckham Frimml	Medical expense	46.84	46.84
T-3243-67	Allen Kent Keel	Auto paint damage	200.00	151.00
T-3254-67	Glen Edward Deals	Auto paint damage	309.00	240.00
T-3269-67	Gary Wayne Werle	Auto paint damage	236.90	224.00

9th Day

TUESDAY, JANUARY 17, 1978

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<u>Claim No.</u>	<u>Name of Claimant</u>	<u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-3271-67	Claude Dixon	Auto damage	57.65	57.65
T-3279-67	Michael A. Wadas	Auto paint damage	180.25	90.00
T-3286-67	Dr. James C. Walters	Auto paint damage	175.10	110.00
T-3315-67	Michael Eugene Mohon	Auto paint damage	247.20	235.00
T-3351-67	Horace Stone	Damaged clothing	20.00	10.00
T-3352-67	Larry Toomey	Damaged clothing	35.00	30.00
T-3353-67	Dewey Allison	Damaged clothing	15.00	15.00
T-3405-67	David Dwight Conkling	Auto paint damage	Undetermined	140.00
T-3410-67	Dean Alfred Kruckeberg	Auto damage	7.20	7.20
T-3419-67	Marie A. Lark	Broken eyeglasses	19.50	19.50
T-3420-67	Priscilla Clark	Broken eyeglasses	20.00	20.00
T-3461-67	Michael J. Roberts	Property damage	102.95	102.95
T-3473-67	Jacob J. Hotz	Auto damage	Undetermined	34.50
T-3481-67	Harvey L. Moore	Auto reclaimed by auto theft bureau	4,914.40	3,750.00
T-3517-67	Daniel M. Gerst, Sr.	Pickup damage	77.25	77.25
T-3537-67	Tim J. Sear	Personal injury	837.00	300.00
T-3539-67	Steven Ray Wycoff	Property loss	20.00	15.45
T-3597-67	Marie P. Allen	Auto damage	82.92	82.92

<u>Claim No.</u>	<u>Name of Claimant</u>	<u>Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T 3609-67	Jerry Allen Lansing	Auto damage	75.00- 80.00	74.16
T-3624-67	William Ray Watson	Broken eyeglasses	50.00	44.50
T-3662-67	Brian Case Bigelow	Auto damage	290.46	278.10
T-3680-67	Robert Stewart Vane	Personal injury	75.00	75.00
T-3702-67	Pinball Wizard	Damage to equipment	1,271.04	1,271.04
T-3729-67	Carol Marie Knisley	Personal injury	879.38	450.00
T-3778-67	Hosea E. Morgan	Property loss	60.00	30.00
T-3801-67	Donna Brus	Auto damage	108.15	108.15
T-3820-67	Cynthia Gaileen Bohnenkamp	Auto damage	159.65	159.65
T-3823-67	Larry Lee Van Meeteren	Auto paint damage	262.65	262.65
T-3833-67	William A. Jordan	Property loss	421.59	421.59
T-3841-67	Horace M. Johnson, Jr.	Damaged property	66.00	33.00
T-3882-67	Robert Gene Roush	Motorcycle damage	6.18	6.18
T-3899-67	Bill J. Bunker	Auto damage	60.77	60.77
T-3920-67	David Rohlk	Auto damage	30.00	15.00
T-3937-67	Ronald D. Freeman	Auto damage	49.29	49.29
T-3972-67	Paul A. Brown	Auto damage	130.56	130.56
T-3981-67	Dean Alfred Kruckeberg	Auto damage	28.33	28.33

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TUESDAY, JANUARY 17, 1978

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Claim No.	Name of Claimant	Nature of Claim	Amount Claimed	Amount Approved
T-4022-67	Robert Lane Eakle	Damaged clothing	25.00	25.00
T-4032-67	Ralph E. Geisey	Damaged typewriter	150.00	150.00
T-4058-67	Jack Allen Habick	Damaged safety glasses	40.00	40.00
T-4068-67	Bernadine Beaumont	Auto damage	51.50	51.50
T-4074-67	Wendell McWilliams	Expenses	3,000.00	
T-4075-67	Winifred McWilliams	Personal injury	25,000.00	4,500.00
T-4092-67	Carol Feld, et al	Back wages	727.69	727.69
T-4133-67	Gary Kron	Property damage	28.30	28.30
T-4134-67	Howard Shoup	Camper damage	173.35	173.35
T-4139-67	Leonard Rex McCarroll	Pickup damage	166.00	83.00
T-4150-67	Ron Hegstrom	Damaged eyeglasses	65.00	65.00
T-4168-67	Merlyn Mohr	Auto damage	352.78	352.78
T-4228-67	Donald M. Duttweiler	Auto damage	131.47	131.47

GENERAL TORT CLAIMS APPROVED
AWAITING SIGNED RELEASES - 1977

T-2195-64	Kevin W. Brooks	Medical expenses	Undetermined	25.00
T-546-66	Daniel George Anderson	Property loss	280.00	80.00
T-1895-66	Patricia Barker	Personal injury	5,060.00	300.00
T-3322-67	Estate of Debbie A. Kime (deceased)	Property loss	129.95	80.00
T-3621-67	David George Dee	Property loss	93.55	28.00
T-3681-67	Emil H. Herting	Auto damage	35.02	35.02

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 1:30 p.m., January 16, 1978

Convened: 1:35 p.m.

Adjourned: 3:30 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Danker, Doyle, Griffee, Hinkhouse, Hullinger, Lindeen, Pellett, Pelton and Svoboda.

Absent: Evans (arrived 1:40 p.m.), Middleswart (arrived 1:40 p.m.), Norland (arrived 3:00 p.m.), Perkins (arrived 1:40 p.m.) and Varley (arrived 1:40 p.m.).

Excused: Daggett.

Committee Bill (Formerly House File 611), a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency.

Recommended **Amend and Do Pass**.

Aye: O'Halloran, Howell, Binneboese, Danker, Evans, Griffee, Hinkhouse, Lindeen, Norland, Perkins and Svoboda.

Nay: Welden, Doyle, Hullinger, Pellett, Pelton and Varley.

Absent or not voting: Daggett and Middleswart.

Assigned Senate Files 261 and 353 to subcommittee.

COMMITTEE ON HUMAN RESOURCES
(Joint Senate and House Meeting)

Scheduled: 3:30 p.m., January 16, 1978

Convened: 3:40 p.m.

Adjourned: 5:55 p.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Arnould, Baker, Clark of Cerro Gordo, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Schroeder and Tofte.

Absent: Anderson, Brunow (arrived 4:30 p.m.), Cusack (arrived 4:20 p.m.), Dyrland, Garrison, Miller of Buchanan (arrived 4:12 p.m.) and Newhard.

Report on mental health study during the interim.

AMENDMENTS FILED

H-5050	H.F. 2045	Schnekloth of Scott Harvey of Scott
H-5051	H.F. 2021	Davitt of Warren Lageschulte of Bremer
H-5052	H.F. 2033	Lipsky of Linn
H-5053	H.F. 2047	Wyckoff of Benton Halvorson of Clayton
H-5054	H.F. 426	Wyckoff of Benton Middleswart of Warren
H-5055	H.F. 2021	Junker of Woodbury
H-5056	H.F. 2021	Evans of Grundy

JOURNAL OF THE HOUSE

Tenth Calendar Day—Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 18, 1978

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

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

The Journals of Monday, January 16, and Tuesday, January 17, 1978 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. L. E. Masters, Des Moines, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Junker of Woodbury from eight constituents opposing the November 29, 1977 ruling regarding the compensation of state employees during inclement weather.

By Bina of Scott from ninety-four Davenport constituents and Fitzgerald of Webster from two hundred forty-six constituents all opposing House File 187, relating to a mandatory deposit law on beverage packaging.

INTRODUCTION OF BILL

House File 2068, by committee on ways and means, a bill for an act to exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax.

Read first time and placed on the ways and means calendar.

HOUSE RESOLUTION 101

By Crabb and Perkins

1 *Whereas*, the Manilla Hawks, their coaches and the
2 entire school district have won the Iowa Class 1 A high
3 school football championship for 1977; and
4 *Whereas*, this accomplishment includes an unblemished
5 record of 12 wins and no losses; and
6 *Whereas*, this most successful season was made possible
7 only through the complete cooperation of the young men
8 and their parents and families working together with
9 the coaching staff, administration and faculty of the
10 Manilla Community School District and all of the citizens
11 of the area; and
12 *Whereas*, the sacrifices of those persons are well-known
13 to all of the good people of Western Iowa who are most
14 proud of the Manilla Hawks and their accomplishments
15 not the least of which is the example the team has set
16 in good sportsmanship, citizenship and their dedication
17 to the tasks before them, regardless of their excellent
18 record and the championship they have won; *Now Therefore*,
19 *Be It Resolved by the House of Representatives*, That
20 the House of Representatives of the State of Iowa,
21 salutes and honors the Manilla Hawks and the Manilla Com-
22 munity School District for the commendable accomplish-
23 ments and points to their splendid example as a guide for
24 future teams at Manilla, as well as for all schools both
25 large and small in the great State of Iowa.

Laid over under Rule 25.

HOUSE FILE 2016 WITHDRAWN

Spencer of Clay asked and received unanimous consent to withdraw House File 2016 from further consideration by the House.

SPONSORS ADDED

(House File 2028)

The following members requested they be added as sponsors of House File 2028: Tofte of Winneshiek, Conlon of Muscatine, Pellett of Cass, Lageschulte of Bremer, Thompson of Polk, Lindeen of Henry and Hoffmann of Muscatine.

(House File 2001)

The following members requested they be added as sponsors of House File 2001: Tofte of Winneshiek, Wyckoff of Benton, Spencer

of Clay, Perkins of Greene, Baker of Buena Vista, Koogler of Mahaska, Dieleman of Marion, Gilson of Guthrie, Pelton of Clinton, Schnekloth of Scott, Lageschulte of Bremer, Thompson of Polk, Clark of Cerro Gordo, Lindeen of Henry, Garrison of Black Hawk, Welden of Hardin, Hoffmann of Muscatine, Lind of Black Hawk, Brunow of Appanoose, Tauke of Dubuque, Krewson of Polk, Menke of O'Brien, Stephens of Plymouth, Binneboese of Plymouth, Davitt of Warren, Bennett of Ida, Howell of Floyd, Harvey of Scott, Hullinger of Decatur, Rinas of Linn, Conlon of Muscatine, O'Halloran of Black Hawk, Gettings of Wapello, Crabb of Crawford, West of Marshall, Miller (Sergeant) of Calhoun, Miller of Buchanan, Husak of Tama, Harbor of Mills, Woods of Polk, Varley of Adair, Junker of Woodbury, Wells of Linn, Anderson of Jasper, Hansen of O'Brien, Daggett of Adams, Dunton of Keokuk, Hargrave of Johnson, Cusack of Scott, Krause of Kossuth, Danker of Pottawattamie, Oxley of Linn, Chiodo of Polk, Halvorson of Clayton, Egenes of Story, Middleswart of Warren, Monroe of Des Moines, Branstad of Winnebago, Millen of Van Buren, Den Herder of Sioux and Brockett of Marshall.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 332 Judiciary and Law Enforcement

Establishing an agency relationship in contracts giving rise to mechanics liens.

S.B. 333 Judiciary and Law Enforcement

Exempting certain married persons from the requirement that certain information be given prior to a name change.

S.B. 334 Judiciary and Law Enforcement

Creating a taxpayer derivative action to enable tax payers to maintain civil actions against persons who obtain undue or excess payment of money from the state or any of its political subdivisions under governmental health care aid programs, and providing for treble damages in certain cases.

S.B. 335 Judiciary and Law Enforcement

Relating to the salary of assistant county attorneys.

S.B. 336 Cities

Relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent and when interest as a penalty may be charged.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., January 17, 1978

Convened: 8:05 a.m.

Adjourned: 8:15 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Bina, Den Herder, Evans, Halvorson, Koogler, Tauke and Welden.

Absent: Anderson, Dieleman, Jochum, Krause, Lonergan, Schroeder, Walter and West.

There was not a quorum present so the meeting was dismissed. Representative Small did announce four standing subcommittees: Banks and Credit, Chiodo, Chair; Utilities, Jochum, Chair; Insurance, Koogler, Chair; and Real Estate, Dieleman, Chair.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., January 17, 1978

Convened: 8:08 a.m.

Adjourned: 8:42 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Gilson, Harvey, Hinkhouse, Lindeen, Miller (Sergeant) of Calhoun, Stephens, Stromer and Wyckoff.

Absent: Byerly, Clark of Cerro Gordo (arrived 8:34 a.m.), Gilloon, Hoffmann (arrived 8:12 a.m.), Junker, Oxley (arrived 8:22 a.m.), Pellett (arrived 8:13 a.m.) and Wells (arrived 8:13 a.m.).

Study Bill 358, a bill for an act relating to animals, providing for the licensing and vaccination for rabies of dogs and the repeal of the domestic animal fund.

Recommended Amend and Do Pass.

Aye: Hullinger, Spear, Danker, Clark of Lee, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Miller of Calhoun, Pellett, Stephens and Wyckoff.

Nay: Oxley, Stromer and Wells.

Absent or not voting: Brandt, Byerly, Gilloon and Junker.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 8:45 a.m., January 17, 1978

Convened: 8:55 a.m.

Adjourned: 9:00 a.m.

Present: Newhard, vice-chair; Branstad, ranking member; Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Absent: Jesse, chair; Dyrland, Garrison, Lipsky, Patchett and Smalley.

Assignment of bills to subcommittees.

COMMITTEE ON AGRICULTURE

Scheduled: 9:00 a.m., January 17, 1978

Convened: 9:05 a.m.

Adjourned: 9:40 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Crabb, Danker, Gilson, Gettings, Howell, Husak, Krause, Lageschulte, Lindeen and Menke.

Absent: Bennett (arrived 9:07 a.m.), Binneboese (arrived 9:09 a.m.), Byerly, Davitt (arrived 9:08 a.m.), Miller (Sergeant) of Calhoun (arrived 9:13 a.m.) and Svoboda (arrived 9:11 a.m.).

Excused: Den Herder.

Secretary of Agriculture, Robert Lounsberry, presented their ten priorities. Subcommittees were assigned. Veterinary Medicine Advisory Group will be meeting with some members of the House and Senate Agriculture Committees January 18 during the noon hour.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., January 17, 1978

Convened: 9:05 a.m.

Adjourned: 9:57 a.m.

Present: Bina, chair; Connors, Gentleman, Hargrave, Hoffmann, Koogler, Lind, Pavich, Schneklath, Spear, Stephens and Tofte.

Absent: Hines, vice-chair; (arrived 9:21 a.m.), Clark of Lee (arrived 9:09 a.m.), Dunton (arrived 9:15 a.m.), Krewson, Nielsen (arrived 9:09 a.m.), Newhard, Perkins (arrived 9:07 a.m.), Rinas (arrived 9:40 a.m.) and Smalley (arrived 9:11 a.m.).

State Comptroller, Marvin Selden, spoke to the committee about the nine member City Finance Committee which represents both city and state. He pointed out to the committee the needed legislation that would help the City Finance Committee better serve the cities.

Assigned subcommittees.

Discussed Senate File 356 and the proposed subcommittee amendment.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., January 17, 1978

Convened: 10:06 a.m.

Adjourned: 11:36 a.m.

Present: Husak, chair; Bennett, vice-chair; Crawford, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Gilloon.

Excused: Garrison.

Review of licensing boards and presentation of proposed legislation.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., January 17, 1978

Convened: 10:00 a.m.

Adjourned: 11:35 a.m.

Present: Griffee, chair; Crabb, ranking member; Arnould, Chiodo, Conlon, Connors, Gettings, Halvorson, Lipsky, Small, Svoboda and West.

Discussion of budgets and tentative recommendations.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 10:00 a.m., January 17, 1978

Convened: 10:15 a.m.

Adjourned: 11:50 a.m.

Present: Wyckoff, chair; Junker, vice-chair; Bina, Danker, Harbor, Lageschulte, Patchett, Smalley, Walter and Woods.

Absent: Byerly.

Excused: Dieleman.

Recommended appropriations to the following departments: Academy of Science, Iowa State Arts Council, Office of the Citizens' Aide (final recommendation deferred) Capitol Planning Commission, Executive Council, Pioneer Lawmakers, Commission on Uniform State Laws, Legislative Fiscal Bureau, Legislative Service Bureau and Code Data.

PRESENTATION OF VISITORS

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

One hundred twenty-three fifth grade students from Lincoln and Webster Elementary Schools, Pella, Iowa, accompanied by Mrs. Emily Thies, Mrs. Joyce Schippers, Mrs. Julie Moen and Mrs. Mildred DeCook. By Dieleman of Marion.

AMENDMENT FILED

H—5057

H.F. 2033

Baker of Buena Vista

On motion by Fitzgerald of Webster, the House adjourned at 10:07 a.m. until 10:00 a.m., Friday, January 20, 1978.

JOURNAL OF THE HOUSE

Eleventh Calendar Day—Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 19, 1978

Pursuant to adjournment, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. A. Manderscheid, Boone, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Koogler of Mahaska from twenty-three constituents; Krause of Kossuth from ninety constituents and Millen of Van Buren from eighty-five constituents all opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Middleswart of Warren from sixteen constituents favoring House File 187, relating to a mandatory deposit law on beverage packaging.

By Clark of Cerro Gordo from nine constituents favoring legislation providing products liability to preserve jobs and job opportunities.

INTRODUCTION OF BILLS

House File 2069, by Svoboda, Connors, Chiodo, Smalley, Thompson, Junker, Jochum and Poncy, a bill for an act relating to the inspection of boilers and similar vessels by the bureau of labor.

Read and committed under Rule 31.4 to committee on **labor and industrial relations**.

House File 2070, by Tauke, a bill for an act relating to the hours

during which alcoholic beverages and beer may be sold on December 31, 1978 and January 1, 1979.

Read and committed under Rule 31.4 to committee on **state government**.

House File 2071, by Husak, a bill for an act relating to the ownership of land by nonresident foreign aliens.

Read and committed under Rule 31.4 to committee on **agriculture**.

House File 2072, by Thompson, a bill for an act to establish a community education program.

Read and committed under Rule 31.4 to committee on **education**.

House File 2073, by committee on transportation, a bill for an act to provide for the appointment of the director of transportation by the governor with the approval of the senate.

Read and committed under Rule 31.4 to and **placed on the calendar**.

House File 2074, by committee on state government, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages.

Read and committed under Rule 31.4 and **placed on the calendar**.

SPONSOR ADDED
(House File 2066)

Bina of Scott requested to be added as a sponsor of House File 2066.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 337 State Government

Relating to the publication of administrative rules.

S.B. 338 Judiciary and Law Enforcement

Relating to the revocation of a motor vehicle operating license for driving with a certain amount of alcohol in the blood.

S.B. 339 Judiciary and Law Enforcement

Relating to the authority of the attorney general to prosecute public offenses in the district court.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., January 10, 1978

Convened: 9:05 a.m.

Adjourned: 9:20 a.m.

Present: Connors, chair; Jochum, vice-chair; Brockett, Gilloon, Halvorson, Lageschulte, Pavich and Wells.

Absent: Chiodo (arrived 9:20 a.m.), Crabb (arrived 9:15 a.m.), Egenes, Hines, Poncy (arrived 9:15 a.m.) and Small.

Excused: Branstad, Horn, Smalley and Thompson.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., January 11, 1978

Convened: 8:10 a.m.

Adjourned: 8:30 a.m.

Present: Connors, chair; Jochum, vice-chair; Brockett, Halvorson, Lageschulte and Wells.

Absent: Egenes, ranking member; Branstad, Chiodo (arrived 8:15 a.m.), Crabb, Gilloon, Hines, Horn (arrived 8:15 a.m.), Pavich (arrived 8:15 a.m.), Poncy, Small and Thompson.

Excused: Smalley.

Assigned bills to subcommittees.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS
(Joint House and Senate Meeting)

Scheduled: 1:30 p.m., January 16, 1978

Convened: 1:43 p.m.

Adjourned: 3:15 p.m.

Present: Jochum, vice-chair; Egenes, ranking member; Brockett, Chiodo, Gilloon, Hines, Horn, Halvorson, Lageschulte, Pavich, Poncy, Small, Smalley, Wells and Thompson.

Absent: Branstad (arrived 1:45 p.m.) and Crabb (arrived 2:40 p.m.).

Excused: Connors, chair.

Discussed 1978 legislative recommendations for Iowa Department of Job Services Advisory Board. Paul Moran and Harold Keenan, Job Service, in attendance.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., January 17, 1978

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Griffee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Excused: Dieleman.

Senate File 365, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

Recommended Amend and Do Pass.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Hansen, Arnould, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke and Walter.

Nay: Griffee, Stromer and West.

Absent or not voting: Dieleman and Jesse.

COMMITTEE ON WAYS AND MEANS

Scheduled: 3:00 p.m., January 17, 1978

Convened: 3:12 p.m.

Adjourned: 5:05 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Schneklath, Svoboda, Thompson, Varley, Wells and Wyckoff.

Absent: Anderson (arrived 4:09 p.m.), Bina (arrived 3:24 p.m.), Cusack (arrived 4:10 p.m.), Husak (arrived 3:20 p.m.), Junker (arrived 3:15 p.m.), Rinas (arrived 3:15 p.m.) and Spencer (arrived 3:24 p.m.).

Excused: Den Herder.

Senate File 292, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

Recommended Amend and Do Pass.

H-5058

- 1 Amend Senate File 292, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 18, by striking the word
- 4 "nonresident" and inserting in lieu thereof the word
- 5 "trust".
- 6 2. Page 1, lines 18 and 19, by striking the words
- 7 "such fact shall be so stated" and inserting in lieu
- 8 thereof the words "that portion of the declaration
- 9 of value which lists the name and address of the
- 10 buyer, the name and address of the seller, a legal
- 11 description of the agricultural land, and identifying
- 12 the buyer as a corporation, limited partnership,
- 13 trust, alien, or nonresident alien shall be a public
- 14 record".
- 15 3. Page 1, line 29, by inserting after the period
- 16 the words "The director of revenue shall, upon receipt
- 17 of the information required to be filed under the
- 18 provisions of this Act by the city or county assessor,
- 19 send to the office of the secretary of state that
- 20 part of the declaration of value which is public
- 21 record."
- 22 4. Page 1, line 31, by inserting after the word
- 23 "records" the words ", except that the county recorder
- 24 shall retain for public inspection a copy of that
- 25 portion of the declaration of value which is public

26 record".

27 5. Page 2, line 25, by striking the words

28 "contained in" and inserting in lieu thereof the words

29 "obtained from".

30 6. Page 2, line 26, by inserting after the word

31 "confidential" the words ", except that information

32 contained in the declaration which is deemed to be

33 a public record,".

34 7. Page 2, line 27, by striking the words "such

35 information" and inserting in lieu thereof the words

36 "any information contained in the declaration of value

37 which is confidential under the provisions of this

38 Act".

39 8. Page 2, line 32, by striking the word "and".

40 9. Page 2, line 33, by inserting after the word

41 "director" the words ", the state board of tax review,

42 local boards of review, other tax officials and the

43 courts in the exercise of their official duties".

44 10. Page 2, line 33, by inserting after the period

45 the words "This section shall not prohibit persons

46 initiating protests of assessment pursuant to section

47 four hundred forty-one point thirty-seven (441.37)

48 of the Code and protests of equalization actions

49 pursuant to section four hundred forty-one point

50 forty-eight (441.48) of the Code from obtaining

Page 2

1 information from the declarations of value that is
2 necessary and reasonable for statutory protest and
3 subsequent appeal proceedings nor shall this section
4 prohibit the department of revenue from preparing
5 and publishing annual assessment/sales ratio summaries
6 as required by section four hundred twenty-one point
7 seventeen (421.17), subsection six (6), of the Code."

8 11. Page 2, by inserting after line 33 the
9 following:

10 "Nothing in this section shall be construed to
11 make confidential any information which does not
12 appear on the face of the declaration of value or
13 is not obtained directly from the declaration of value
14 and further that all records deemed to be public
15 records under the provisions of chapter sixty-eight
16 A (68A) of the Code shall not be deemed confidential
17 under the provisions of this Act."

18 12. Page 2, line 35, by striking the figure "1978"
19 and inserting in lieu thereof the figure "1979".

Aye: Norland, Miller of Buchanan, West, Anderson, Bina, Brandt, Conlon,
Cusack, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Howell, Husak,
Jochum, Junker, Lind, Pavich, Rinas, Spencer, Svoboda, Thompson and Wells.

Nay: Bennett, Clark of Lee, Daggett, Harvey, Horn, Menke, Schnekloth and Wyckoff.

Absent or not voting: Branstad, Den Herder, O'Halloran, Oxley and Varley.

Study Bill 324, a bill for an act to exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Husak, Jochum, Junker, Lind, Menke, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Wells and Wyckoff.

Absent or not voting: Branstad, Cusack, Den Herder, Howell, O'Halloran, Oxley and Varley.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 8:15 a.m., January 18, 1978

Convened: 8:25 a.m.

Adjourned: 8:41 a.m.

Present: Middleswart, chair; Halvorson, ranking member; Bennett, Evans, Griffee, Miller of Buchanan, Pelton, Scheelhaase, Stephens, Tofte, Welden and Wyckoff.

Absent: Spencer, vice-chair (arrived 8:31 a.m.), Avenson, Chiodo, Garrison, Jesse, O'Halloran (arrived 8:40 a.m.), Perkins, Shimanek and Varley.

Assigned bills to subcommittees.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., January 18, 1978

Convened: 10:20 a.m.

Adjourned: 12:10 p.m.

Present: Husak, chair; Bennett, vice-chair; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Discussion by Bob Richards, Hospital Administrator, Independence, Iowa and Rick Middleton, Health Facility Commission, in regard to independent nursing homes and hospitals.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., January 18, 1978

Convened: 10:00 a.m.

Adjourned: 11:45 a.m.

Present: Griffee, chair; Crabb, ranking member; Arnould, Chiodo, Conlon, Connors, Gettings, Halvorson, Lipsky, Small, Svoboda and West.

Hearing on Iowa Beer and Liquor Control budget.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 10:00 a.m., January 18, 1978

Convened: 10:28 a.m.

Adjourned: 12:00 p.m.

Present: Wyckoff, chair; Junker, vice-chair; Bina, Danker, Dieleman, Harbor, Lageschulte, Patchett, Smalley, Walter and Woods.

Absent: Byerly.

Approved appropriations to: Lieutenant Governor, Council of State Governments, Governor's Budget (Salaries, Supp. Maint.), and National Conference of State Legislatures.

COMMITTEE ON ENERGY

Scheduled: 1:30 p.m., January 18, 1978

Convened: 1:30 p.m.

Adjourned: 3:30 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Daggett, Danker, Doyle, Hinkhouse, Hullinger, Lindeen and Middleswart.

Absent: Binneboese (arrived 1:35 p.m.), Evans (arrived 1:50 p.m.), Griffee (arrived 1:45 p.m.), Norland (arrived 1:45 p.m.), Pellett (arrived 1:45 p.m.), Pelton (arrived 1:45 p.m.), Perkins (arrived 1:50 p.m.), Svoboda (arrived 1:35 p.m.) and Varley (arrived 1:35 p.m.).

Presentations by the Building Code Commissioner, Energy Policy Council, Commerce Commission, and utilities industry representatives on the progress being made in establishing energy efficient standards for new construction. Discussed a new draft of hazardous waste legislation (revising House File 520 and consolidating it with proposed Senate legislation) prepared by the Subcommittee on Hazardous Waste during the interim.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:30 p.m., January 18, 1978

Convened: 1:40 p.m.

Adjourned: 2:50 p.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Arnould, Baker, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Krewson, Lipsky, Miller of Buchanan, Schroeder and Tofte.

Absent: Anderson, Hargrave and Newhard.

Discussed and deferred House Files 442 and 572. Presentations by Lipsky of Linn on the interim Juvenile Services Report and Michael Ryan, Director of Families, Inc., on services offered by their organization.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:30 p.m., January 18, 1978

Convened: 1:33 p.m.

Adjourned: 1:45 p.m.

Present: Connors, chair; Branstad, Brockett, Chiodo, Crabb, Gilloon, Lageschulte, Pavich, Poncy, Smalley and Wells.

Absent: Egenes (arrived 1:40 p.m.), Halvorson, Hines, Horn (arrived 1:45 p.m.), Jochum (arrived 1:42 p.m.), Small and Thompson (arrived 1:35 p.m.).

Bills assigned to subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 3:30 p.m., January 18, 1978

Convened: 3:45 p.m.

Adjourned: 6:45 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffie, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke and Walter.

Absent: West.

Study Bill 311, a bill for an act relating to the holding of meetings by governmental bodies created by statute, rule, resolution, ordinance or administrative delegation in closed and open session and providing remedies and damages.

Recommended Amend and Do Pass.

Aye: Monroe, Woods, Arnould, Avenson, Brandt, Dieleman, Griffee, Jesse, Middleswart, Patchett, Poney, Shimanek and Walter.

Nay: Harvey, Crawford, Hansen and Tauke.

Absent or not voting: Junker, Stromer and West.

AMENDMENTS FILED

H-5059	H.F. 2048	Bennett of Ida Miller of Calhoun (Sergeant)
H-5060	H.F. 2048	Bennett of Ida Miller of Calhoun (Sergeant)
H-5061	H.F. 2023	Rinas of Linn Junker of Woodbury
H-5062	S.F. 365	Committee on State Government

JOURNAL OF THE HOUSE

Twelfth Calendar Day – Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 20, 1978

The House met pursuant to adjournment, Speaker pro tempore Nielsen of Polk in the chair.

Prayer was offered by the Honorable Rollin Howell, State Representative from Floyd County.

The Journals of Wednesday, January 18 and Thursday, January 19, 1978 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Thomas Viner, Leon, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Byerly of Polk from one hundred sixty-eight constituents; Connors of Polk from one hundred sixty-two constituents; Daggett of Adams from two hundred eight citizens of Iowa; Danker of Pottawattamie from sixty-seven constituents; Hullinger of Decatur from five hundred forty-two constituents; Husak of Tama from fifty-six constituents; Miller (Sergeant) of Calhoun from one hundred fifty-five constituents; Monroe of Des Moines from forty-eight constituents; Pelton of Clinton from fifty-three Iowa residents; Schroeder of Pottawattamie from thirty-one residents of Pottawattamie County; Shimanek of Jones from seventy-six constituents and Thompson of Polk from one hundred forty-six constituents all opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Daggett of Adams from forty-one citizens of Iowa favoring products liability legislation to preserve jobs and job opportunities.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gettings of Wapello on request of Walter of Pottawattamie; Scheelhaase of Woodbury and Oxley of Linn on request of Hullinger of Decatur; Lindeen of Henry on request of Stephens of Plymouth and Arnould of Scott on request of Dyrland of Clayton.

SPECIAL ORDER (House File 2074)

Avenson of Fayette asked and received unanimous consent that House File 2074 be made a special order of business for 4:00 p.m., Tuesday, January 24, 1978.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration begs leave to submit the following changes in the classifications, grades or steps of the listed officers and employees to be effective on the date indicated:

Position	Name	Grade and Step	Class of Appointment	Eff. Date
House Clerk	Janet S. Clayton	13/3	I - FT	1/19/78
House Clerk	Deloris Cox	15/3	I - FT	1/10/78
House Clerk	Jeanette Hughes	13/1	I - FT	1/09/78
House Clerk	Donna Smith	15/5 to 15/6	I - FT	3/03/78
Administrative Assistant II	Nancy Robertson	13/1 to 15/1	I - FT	1/09/78
Research Analyst	Lynn M. Johnson	23/3 to 24/3	P - FT	1/10/78
Research Analyst	Linda J. King	23/4 to 24/4	P - FT	1/10/78
Research Analyst	William C. Maloney	23/4 to 26/4	P - FT	1/10/78

JAMES D. WELLS, Chair
House Administration Committee

SUBCOMMITTEE ASSIGNMENTS

House File 54

Cities: Rinas, Chair; Smalley and Hargrave.

House File 110

Agriculture: Gilson, Chair; Menke and Danker.

House File 117

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Lipsky and Clark of Cerro Gordo.

House File 134

Human Resources: Lipsky, Chair; Walter and Baker.

House File 139

Judiciary and Law Enforcement: Patchett, Chair; Gentleman and Conlon.

House File 148

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Lipsky and Clark of Cerro Gordo.

House File 199

Human Resources: Hargrave, Chair; Clark of Cerro Gordo and Arnould.

House File 243

Judiciary and Law Enforcement: Arnould, Chair; Gentleman, Clark of Cerro Gordo, Lipsky, Newhard and Pelton.

House File 255

Cities: Rinas, Chair; Dunton, Hargrave, Hoffmann, Perkins, Smalley and Tofte.

House File 262

Cities: Bina, Chair; Clark of Lee, Koogler, Krewson, Lind, Pavich and Spear.

House File 263

Cities: Bina, Chair; Clark of Lee, Koogler, Krewson, Lind, Pavich and Spear.

House File 303

Human Resources: Baker, Chair; Hansen and Miller of Buchanan.

House File 304

Judiciary and Law Enforcement: Dyrland, Chair; Clark of Cerro Gordo and Gentleman.

House File 320

Cities: Hines, Chair; Connors, Gentleman, Newhard, Nielsen, Schneklath and Stephens.

House File 356

Natural Resources: Wyckoff, Chair; Tofte and Spencer.

House File 362

State Government: Middleswart, Chair; West, Dieleman, Patchett and Stromer.

House File 372

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Woods and Dyrland.

House File 378

Cities: Rinas, Chair; Gentleman and Hines.

House File 413

Agriculture: Husak, Chair; Howell, Binneboese, Crabb and Den Herder.

House File 420

Agriculture: Husak, Chair; Bennett and Hinkhouse.

House File 423

Natural Resources: Tofte, Chair; Chiodo and Evans.

House File 434

Natural Resources: Miller of Buchanan, Chair; Wyckoff and Pelton.

House File 510

Natural Resources: Welden, Chair; Garrison and Tofte.

House File 556

State Government: Jesse, Chair; Crawford and Brandt.

House File 557

Cities: Bina, Chair; Dunton, Gentleman, Perkins and Lind.

House File 561

Agriculture: Gettings, Chair; Lageschulte and Miller (Sergeant) of Calhoun.

House File 575

Human Resources: Lonergan, Chair; Tofte and Dyrland.

House File 592

Judiciary and Law Enforcement: Lipsky, Chair; Jesse and Newhard.

House File 601

Human Resources: Gentleman, Chair; Hansen and Newhard.

House File 620

Judiciary and Law Enforcement: Jesse, Chair; Newhard and Lipsky.

House File 626

Natural Resources: Miller of Buchanan, Chair; Wyckoff and Halvorson.

House File 627

Agriculture: Binneboese, Chair; Krause and Crabb.

House File 2001

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

House File 2002

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

House File 2007

State Government: Avenson, Chair; Junker and Arnould.

House File 2011

Labor and Industrial Relations: Chiodo, Chair; Poncey and Crabb.

House File 2012

Agriculture: Scheelhaase, Chair; Miller (Sergeant) of Calhoun and Gilson.

House File 2013

Agriculture: Scheelhaase, Chair; Miller (Sergeant) of Calhoun and Gilson.

House File 2016

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

House File 2019

Human Resources: Arnould, Chair; Anderson and Lipsky.

House File 2020

Agriculture: Svoboda, Chair; Husak and Lindeen.

House File 2024

State Government: Avenson, Chair; Middleswart and Tauke.

House File 2026

Human Resources: Hargrave, Chair; Garrison and Crawford.

House File 2028

State Government: Avenson, Chair; Junker and Arnould.

House File 2031

Judiciary and Law Enforcement: Dyrland, Chair; Shimanek and Woods.

House File 2032

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

House File 2040

Labor and Industrial Relations: Jochum, Chair; Hines, Brockett, Small and Smalley.

House File 2042

Judiciary and Law Enforcement: Lipsky, Chair; Arnould and Clark of Cerro Gordo.

House File 2047

Natural Resources: Chiodo, Chair; Griffee and Jesse.

House File 2049

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

House File 2050

Natural Resources: Avenson, Chair; Tofte and Spencer.

House File 2053

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

House File 2055

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 2056

Human Resources: Krewson, Chair; Dyrland and Cusack.

House File 2059

State Government: Jesse, Chair; Monroe and Crawford.

House File 2062

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 2064

State Government: Poncy, Chair; Arnould and Tauke.

House File 2066

State Government: Arnould, Chair; Monroe, Patchett, Tauke and Crawford.

Senate File 209

Agriculture: Howell, Chair; Den Herder and Danker.

Senate File 261

Energy: Howell, Chair; Griffee, Lindeen, Norland and Pelton.

Senate File 353

Energy: O'Halloran, Chair; Howell, Binneboese, Daggett and Pellett.

Senate File 358

Agriculture: Hinkhouse, Chair; Pellett and Davitt.

Senate File 391

Natural Resources: Spencer, Chair; Bennett and Shimanek.

STUDY BILL COMMITTEE ASSIGNMENTS**Study Bill 332**

Judiciary and Law Enforcement: Conlon, Chair; Connors and Woods.

Study Bill 333

Judiciary and Law Enforcement: Conlon, Chair; Clark of Cerro Gordo and Scheelhaase.

Study Bill 334

Judiciary and Law Enforcement: Conlon, Chair; Doyle and Smalley.

Study Bill 335

Judiciary and Law Enforcement: Conlon, Chair; Nielsen and Arnould.

Study Bill 338

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

Study Bill 339

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

COMMUNICATIONS

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

CHIEF JUSTICE OF THE SUPREME COURT

A report filed on January 17, 1978 by the Honorable C. Edwin Moore, Chief Justice of the Supreme Court of Iowa, in the matter of Rules of Civil Procedure and Rules of Criminal Procedure pursuant to sections 684.18 (1), 684.19 and 813.4, Code of Iowa.

IOWA CONSERVATION COMMISSION

A final report on the Public Employment Program, submitted by the Iowa Conservation Commission, summarizing project accomplishments, numbers of persons employed and project expenditures, in compliance with Section 9, Chapter 290, Laws of the Sixty-sixth General Assembly, 1975 Session.

COMMISSION ON UNIFORM STATE LAWS

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

REPORT OF 1978 INTERN PROGRAM

The 1978 Intern Program Report for the 1978 legislative session submitted by Representative John Patchett.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES
(Joint House and Senate Meeting)

Scheduled: 10:00 a.m., January 18, 1978

Convened: 10:25 a.m.

Adjourned: 10:55 a.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Lind, Howell, Hullinger, Jochum, Pellett, Shimanek and Stephens.

Absent: Krause and Scheelhaase (arrived 10:33 a.m.).

Approved the report and recommendations of the special subcommittee on Iowa Conservation Commission Study.

COMMITTEE ON AGRICULTURE

Scheduled: 3:30 p.m., January 18, 1978

Convened: 3:39 p.m.

Adjourned: 3:45 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Crabb, Danker, Gilson, Gettings, Husak, Lageschulte, Lindeen, Menke and Miller (Sergeant) of Calhoun.

Absent: Byerly, Howell (arrived 3:42 p.m.), Krause and Svoboda (arrived 3:44 p.m.).

Excused: Binneboese, Davitt and Den Herder.

Assigned bills to subcommittees.

COMMITTEE ON WAYS AND MEANS

Scheduled: 9:00 a.m., January 19, 1978

Convened: 9:08 a.m.

Adjourned: 10:04 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Bennett, Brandt, Branstad, Conlon, Daggett, Davitt, Dunton, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Menke, Oxley, Schnekloth, Thompson, Varley and Wells.

Absent: West, ranking member (arrived 9:25 a.m.); Anderson, Bina (arrived 9:21 a.m.), Cusack, Clark of Lee (arrived 9:28 a.m.), Den Herder (arrived 9:11 a.m.), Dieleman, Egenes (arrived 9:33 a.m.), Hines, Junker, Lind (arrived 9:09 a.m.), O'Halloran, Pavich (arrived 9:11 a.m.), Rinas, Spencer (arrived 9:11 a.m.), Svoboda (arrived 9:20 a.m.) and Wyckoff.

Presentation on the impact of Iowa farm income on revenue projections by Dr. Jerald Barnard and Dr. Warren Dent, University of Iowa.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., January 19, 1978

Convened: 10:15 a.m.

Adjourned: 11:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Krewson.

Presentations: Gary Reedman, new division person of the Substance Abuse Commission, and Victor Zanora from Job Services in reference to Retired Iowan Community Employment Program.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

(Joint House and Senate Meeting)

Scheduled: 10:00 a.m., January 19, 1978

Convened: 10:15 a.m.

Adjourned: 12:30 p.m.

Present: Perkins, chair; Evans, ranking member; Dyrland, Howell, Hullinger, Jochum, Lind, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Krause.

Subcommittee approved appropriations to general fund operations, general fund grants and aids and appropriated trust funds of budget natural resource subcommittee.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., January 19, 1978

Convened: 10:00 a.m.

Adjourned: 12:00 Noon

Present: Griffee, chair; Crabb, ranking member; Arnould, Chiodo, Conlon, Connors, Halvorson, Lipsky, Small, Svoboda and West.

Excused: Gettings.

Hearing on Department of Revenue, discussion on salary adjustment bill and Comptroller - Transfer of funds.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 10:00 a.m., January 19, 1978

Convened: 10:20 a.m.

Adjourned: 11:30 a.m.

Present: Junker, ranking member; Byerly, Danker, Harbor, Lageschulte, Patchett, Smalley, Walter and Woods.

Absent: Dieleman.

Excused: Bina and Wyckoff.

Funding approved for appropriations to: Historical Department, Law Library, Medical Library, State Library and Regional Libraries.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., January 19, 1978

Convened: 1:30 p.m.

Adjourned: 2:40 p.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Poncy, Spear, Stromer and Thompson.

Absent: Norland (arrived 1:50 p.m.) and Small (arrived 1:50 p.m.).

Discussion of Study Bill 319 and subcommittees met.

COMMITTEE ON COMMERCE

Scheduled: 3:30 p.m., January 19, 1978

Convened: 3:35 p.m.

Adjourned: 3:51 p.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Evans, Jochum, Koogler, Lonergan, Schroeder, Tauke Walter, Welden and West.

Absent: Anderson, Brunow, Den Herder, Dieleman, Halvorson and Krause.

Excused: Bina.

Committee met and assigned bills.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 3:30 p.m., January 19, 1978

Convened: 3:36 p.m.

Adjourned: 3:41 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Oxley, Pellett, Stephens and Wells.

Absent: Miller (Sergeant) of Calhoun, Stromer and Wyckoff.

Adjourned to meet in subcommittees.

On motion by Avenson of Fayette, the House adjourned at 10:17 a.m. until 10:00 a.m., Monday, January 23, 1978.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 23, 1978

The House met pursuant to adjournment, Doyle of Woodbury in the chair.

Prayer was offered by the Reverend Robert L. Ossman, pastor of the United Methodist Church of Silver Creek and Galva, Iowa.

The Journal of Friday, January 20, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Thomas, Marshalltown, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn on request of Crawford of Story; Byerly of Polk and Nielsen of Polk on request of Woods of Polk; Daggett of Adams on request of Danker of Potawattamie and Clark of Cerro Gordo on request of Stromer of Hancock.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 18, 1978, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 104, providing for support of the family farm and the need for family farmers to earn an economic profit by the 1978 Session of the Sixty-seventh General Assembly and sending a copy of the resolution to President Carter, Secretary of Agriculture Bergland and members of the Iowa congressional delegation.

KEVIN P. LIGHT, Assistant Secretary

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Fifteen Girl Scouts from Lincoln Elementary School, Newton, Iowa. By Anderson of Jasper.

CONSIDERATION OF BILLS

Regular Calendar

House File 2057, a bill for an act specifically allowing the separate purchase of the Code of Iowa and Iowa administrative code, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2057)

The ayes were, 86:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brockett	Chiodo
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Scheelhaase	Schneklath	Schroeder	Shimaneck

Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Anderson	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Daggett	Egenes
Hinkhouse	Jesse	Lipsky	Newhard
Nielsen	Norland		

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

The House resumed consideration of **House File 2033**, a bill for an act relating to obsolete or inconsistent provisions of the Code, and amendment H-5020 filed by Dyrland, et al., on January 12, 1978, and found on page 82 of the House Journal.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H-5020.

Schroeder of Pottawattamie offered the following amendment H-5052 filed by Lipsky of Linn and moved its adoption:

H-5052

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, line 14, by striking the following:
- 3 "twenty-eight C (28C)."

Amendment H-5052 lost.

Dyrland of Clayton offered the following amendment H-5022 filed by Dyrland, et al. Division was requested as follows:

H-5022

- 1 Amend House File 2033 as follows:

H-5022A

- 2 1. Page 3, lines 16 and 17, by striking the
- 3 words and figures "and two hundred eighty-seven
- 4 (287)".

H—5022B

- 5 2. Page 3, line 17, by striking the words
- 6 and figures "twenty-nine A point thirty (29A.30)."

H—5022C

- 7 3. Page 3, line 18, by striking the words
- 8 and figures "twenty-nine A point fifty-six
- 9 (29A.56)."

On motion by Dyrland of Clayton, amendment H—5022A was adopted.

On motion by Harvey of Scott, amendment H—5022B lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5022C.

A non-record roll call was requested.

The ayes were 20, nays 47.

Amendment H—5022C lost.

Krause of Kossuth offered amendment H—5071 filed by him from the floor. Division was requested as follows:

H—5071

- 1 Amend House File 2033 as follows:

H—5071A

- 2 1. Page 3, line 16, by striking the word "and"
- 3 and inserting in lieu thereof the following: ",."

H—5071B

- 4 2. Page 3, line 17, by inserting after the
- 5 numerals "(287)" the following: "and three hundred
- 6 fifty (350)".

Krause of Kossuth asked and received unanimous consent to withdraw amendment H—5071A.

Krause of Kossuth moved the adoption of amendment H—5071B.

Roll call was requested by Pelton of Clinton and Wyckoff of Benton.

On the question "Shall amendment H—5071B be adopted?"

The ayes were, 35:

Arnould	Bina	Binneboese	Brockett
Chiodo	Connors	Crawford	Cusack
Den Herder	Dieleman	Doyle	Egenes
Evans	Gilloon	Gilson	Griffee
Hargrave	Harvey	Horn	Jochum
Junker	Koogler	Krause	O'Halloran
Patchett	Pavich	Pelton	Rinas
Scheelhaase	Small	Smalley	Walter
Wells	Woods	Mr. Speaker	

The nays were, 47:

Avenson	Baker	Bennett	Clark, J.H.
Conlon	Crabb	Danker	Davitt
Dunton	Dyrland	Garrison	Gentleman
Gettings	Halvorson	Hansen	Harbor
Hoffmann	Howell	Hullinger	Husak
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Oxley	Pellett	Perkins
Poney	Schnekloth	Schroeder	Shimanek
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Welden	West	Wyckoff	

Absent or not voting, 18:

Anderson	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Daggett	Fitzgerald
Hines	Hinkhouse	Jesse	Krewson
Lipsky	Loneragan	Newhard	Nielsen
Norland	Varley		

Amendment H—5071B lost.

Avenson of Fayette offered the following amendment H—5072 filed by him from the floor and moved its adoption:

H—5072

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, line 17, by inserting after the
- 3 word "sections" the words "twenty-five A point

4 fourteen (25A.14), subsection six (6)."

Amendment H—5072 was adopted.

Monroe of Des Moines offered the following amendment H—5068 filed by him from the floor and moved its adoption:

H—5068

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, line 20, by inserting after the number
- 3 "(135.17)," the words and number "one hundred forty-
- 4 seven point twenty-three (147.23)."

Amendment H—5068 was adopted.

Baker of Buena Vista asked and received unanimous consent to withdraw amendment H—5023 filed by him on January 16, 1978.

Baker of Buena Vista offered the following amendment H—5057 filed by him and moved its adoption:

H—5057

- 1 Amend House File 2033 as follows:
- 2 1. Page 3, lines 23 and 24, by striking the
- 3 words "two hundred thirty-four point two (234.2)."

Amendment H—5057 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5006 filed by Harvey of Scott and him on January 11, 1978 and amendment H—5007 filed by him and Clark of Lee on January 11, 1978.

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

On the question "Shall the bill pass?" (H.F. 2033)

The ayes were, 81:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brockett	Chiodo
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt

Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Harbor
Hargrave	Harvey	Hines	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 19:

Anderson	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Daggett	Hansen
Hinkhouse	Jesse	Krewson	Lipsky
Lonergan	Newhard	Nielsen	Norland
Stromer	Svoboda	Varley	

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

Senate File 365, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties with report of committee recommending amendment and passage was taken up for consideration.

Woods of Polk offered amendment H—5062 filed by the committee on state government and requested division as follows:

H—5062

- 1 Amend Senate File 365, as amended and passed by
- 2 the Senate, as follows:

H—5062A

- 3 1. Page 1, line 28, by inserting after the word
- 4 "include" the words "child day care facilities."

H-5062B

5 2. Page 2, by striking line 22 and inserting in
6 lieu thereof the following subsection:
7 "1. 1-102(h), (i), and (z) shall be deleted."

H-5062C

8 3. Page 3, line 28, by inserting after the word
9 "Act." the words "To avoid duplication of inspection,
10 the department, not a local board of health, shall
11 inspect a food service establishment located within
12 a food establishment."

H-5062D

13 4. Page 5, line 11, by inserting after the word
14 "thousand" the words "but less than two hundred fifty
15 thousand".
16 5. Page 5, line 13, by inserting after the word
17 "hundred" the word "twenty-five".
18 6. Page 5, by inserting after line 13 the following
19 subsection:
20 "6. For a food service establishment with annual
21 gross sales of two hundred fifty thousand dollars
22 or more, one hundred fifty dollars."

H-5062E

23 7. Page 6, by inserting after line 15 the following
24 sections:
25 "Sec. . **NEW SECTION. INSPECTION UPON REQUEST**
26 **OF PROSPECTIVE BUYER.** If a prospective buyer of a
27 food service establishment asks the regulatory
28 authority to make an inspection of the establishment
29 he or she is interested in buying, the regulatory
30 authority shall conduct the inspection within a
31 reasonable time at a cost of fifty dollars to the
32 prospective buyer. Money so collected shall be
33 disposed of as set forth in section five (5) of this
34 Act.
35 Sec. . **NEW SECTION. DUTY OF SELLER OF A FOOD**
36 **SERVICE ESTABLISHMENT.** The seller of a food service
37 establishment shall notify a prospective buyer that
38 the buyer may ask the regulatory authority to inspect
39 the seller's food service establishment, at a cost
40 of fifty dollars to the buyer. It is intended that
41 the inspection results will assist the prospective
42 buyer in determining what changes would have to be
43 made in order to bring the food service establishment
44 into compliance with the Iowa food service sanitation
45 code upon change in ownership."

H-5062F

- 46 8. Page 24, line 10, by striking the number "1977"
47 and inserting in lieu thereof the number "1978".
48 9. Page 24, line 12, by striking the number "1978"
49 and inserting in lieu thereof the number "1979".
50 10. By renumbering sections and correcting internal

Page 2

- 1 references as necessary.

On motion by Woods of Polk, amendment H-5062A was adopted.

On motion by Woods of Polk, amendment H-5062B was adopted.

Woods of Polk offered the following amendment H-5073, to the committee amendment H-5062C, filed by him from the floor and moved its adoption:

H-5073

- 1 Amend the House Committee on State Government
2 amendment, H-5062, to Senate File 365 as amended and
3 passed by the Senate, as follows:
4 1. Page 1, by inserting after line 12 the
5 following:
6 " Page 4, line 13, by inserting after the
7 word "thousand" the words "but less than two hundred
8 fifty thousand".
9 Page 4, by inserting after line 15 the
10 following lettered paragraph:
11 "f. Food service establishments with annual gross
12 sales of two hundred fifty thousand dollars or more
13 other than mobile food units, pushcarts, or temporary
14 food service establishments." "
15 2. By renumbering items of the amendment to conform
16 to this amendment.

Amendment H-5073 was adopted.

On motion by Woods of Polk, amendment H-5062C, as amended, was adopted.

On motion by Woods of Polk, amendment H-5062D was adopted.

Hargrave of Johnson asked and received unanimous consent that action on amendment H—5062E be temporarily deferred.

Woods of Polk moved the adoption of amendment H—5062F.

A non-record roll call was requested.

The ayes were 80, nays 0.

Amendment H—5062F was adopted.

Evans of Grundy offered the following amendment H—5064 filed by him and West of Marshall from the floor and moved its adoption:

H—5064

- 1 Amend Senate File 365 as amended and passed by
- 2 the Senate as follows:
- 3 1. Page 1, line 28, by inserting following
- 4 the word "include" the words "food service
- 5 facilities subject to inspection by other
- 6 agencies of the state and located in".
- 7 2. Page 1, line 29, by striking the words
- 8 "except where food is prepared for the general
- 9 public".

Amendment H—5064 was adopted.

Evans of Grundy offered the following amendment H—5070 filed by him and West of Marshall from the floor and moved its adoption:

H—5070

- 1 Amend Senate File 365 as amended and
- 2 passed by the Senate as follows:
- 3 1. Page 2, line 12, by striking the word
- 4 "five" and inserting in lieu thereof the word
- 5 "twelve".

Amendment H—5070 was adopted.

Evans of Grundy offered the following amendment H—5074 filed by him and West of Marshall from the floor and moved its adoption:

H-5074

- 1 Amend Senate File 365 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 5, line 22, by striking the words
- 4 "per month" and inserting in lieu thereof the
- 5 words "if the license is renewed at a later date".
- 6 2. Page 9, line 31, by striking the word
- 7 "per".
- 8 3. Page 9, line 32, by striking the word
- 9 "month" and inserting in lieu thereof the words
- 10 "if the license is renewed at a later date".
- 11 4. Page 14, line 24, by striking the word
- 12 "per".
- 13 5. Page 14, line 25, by striking the word
- 14 "month" and inserting in lieu thereof the words
- 15 "if the license is renewed at a later date".

Amendment H-5074 was adopted.

Woods of Polk offered the following amendment H-5066 filed by him from the floor and moved its adoption:

H-5066

- 1 Amend Senate File 365, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 6, line 4, by inserting before the word
- 4 "and" the words "of health".
- 5 2. Page 11, line 7, by inserting before the word
- 6 "and" the words "of health".

Amendment H-5066 was adopted.

Evans of Grundy offered the following amendment H-5065 filed by him and West of Marshall from the floor:

H-5065

- 1 Amend Senate File 365 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 15, by striking lines 6 through
- 4 11, and inserting in lieu thereof the following:
- 5 "170.10 FOOD ESTABLISHMENTS WITH PRIVATE
- 6 WATER AND SEWER FACILITIES. When a food estab-
- 7 lishment is served by privately owned water or
- 8 waste treatment facilities these facilities shall
- 9 meet the technical requirements of the local board
- 10 of health, the department of health, and the
- 11 department of environmental quality."

Harbor of Mills asked and received unanimous consent that action on amendment H—5065 be temporarily deferred.

The House resumed consideration of the committee amendment H—5062E.

Woods of Polk asked and received unanimous consent to withdraw amendment H—5062E.

Horn of Linn offered the following amendment H—5080 filed by him from the floor and moved its adoption:

H—5080

- 1 Amend Senate File 365, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 14, line 10, by striking the word "seventy"
- 4 and inserting in lieu thereof the word "fifty".
- 5 2. Page 14, line 12, by striking the word "ninety"
- 6 and inserting in lieu thereof the words "seventy-
- 7 five".
- 8 3. Page 14, line 14, by striking the words "one
- 9 hundred twenty-five" and inserting in lieu thereof
- 10 the words "one hundred".
- 11 4. Page 14, line 16 and 17, by striking the words
- 12 "one hundred eighty" and inserting in lieu thereof
- 13 the words "one hundred fifty".

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

On the question "Shall amendment H—5080 be adopted?"

The ayes were, 62:

Arnould	Avenson	Baker	Bennett
Bina	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Dieleman	Doyle	Dunton
Dyrland	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hoffmann
Horn	Husak	Jochum	Junker
Lageschulte	Lind	Lindeen	Lonergan
Menke	Millen	Miller, K.D.	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Smalley	Spear

Spencer	Stromer	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Wyckoff		

The nays were, 22:

Binneboese	Chiodo	Danker	Davitt
Den Herder	Egenes	Evans	Fitzgerald
Gentleman	Howell	Jesse	Koogler
Krause	Krewson	Middleswart	Miller (Sergeant)
Monroe	Schroeder	Stephens	Varley
Woods	Mr. Speaker		

Absent or not voting, 16:

Anderson	Brandt	Brunow	Byerly
Crabb	Daggett	Garrison	Hinkhouse
Hullinger	Lipsky	Newhard	Nielsen
Norland	Patchett	Small	Svoboda

Amendment H—5080 was adopted.

Baker of Buena Vista offered amendment H—5081 filed by Baker, Clark of Lee, Perkins and Gilson from the floor and requested division as follows:

H—5081

- 1 Amend Senate File 365, as passed by the Senate
- 2 and reprinted, as follows:

H—5081A

- 3 1. Page 6, by striking lines 25 through 35.

H—5081B

- 4 2. Page 7, by striking from lines 3 and 4 the
- 5 following: "Each day upon which such a violation
- 6 occurs constitutes a separate violation."

Baker of Buena Vista moved the adoption of amendment H—5081A.

A non-record roll call was requested.

The ayes were 26, nays 57.

Amendment H—5081A lost.

(Senate File 365 and amendment H-5081B pending at adjournment.)

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 340 State Government

To define an additional substance as a controlled substance under the uniform controlled substances Act.

S.B. 341 Education

Relating to the sale of student-constructed houses and/or other real estate or any article resulting from any vocational program or course offered at an area vocational school or area community college.

S.B. 342 Energy

Prohibiting the sale, use, and possession of radar detection devices, and providing exceptions and a penalty.

S.B. 343 Transportation

Relating to railroad laws and providing a penalty.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 3:30 p.m., January 18, 1978

Convened: 3:34 p.m.

Adjourned: 4:45 p.m.

Present: Bina, chair; Clark of Lee, ranking member; Dunton, Hoffmann, Koogler, Pavich, Schnekloth, Smalley, Spear, Stephens and Tofte.

Absent: Hines, vice-chair (arrived 3:38 p.m.); Connors (arrived 3:35 p.m.); Gentleman (arrived 3:37 p.m.), Hargrave (arrived 3:39 p.m.), Krewson (arrived 3:38 p.m.), Lind (arrived 3:36 p.m.), Newhard, Nielsen, Perkins (arrived 3:45 p.m.) and Rinas (arrived 3:35 p.m.).

House File 2023, a bill for an act relating to the denominations in which bonds of local governmental units may be issued.

Recommended Do Pass.

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Lind, Pavich, Rinas, Schneklath, Smalley, Spear, Stephens and Tofte.

Absent or not voting: Newhard, Nielsen and Perkins.

Senate File 356, a bill for an act relating to city development by changing the number of local representatives appointed when a petition for boundary adjustment involves territory in more than one county, clarifying the publication requirements for notice of election, etc.

Recommended Amend and Do Pass.

H-5090

- 1 Amend Senate File 356 as follows:
- 2 1. Page 1, line 5, by striking the word "
- 3 notwithstanding".
- 4 2. Page 1, by striking line 6.
- 5 3. Page 1, line 7, by striking the words
- 6 "subsection three (3) of the Code."
- 7 4. Page 1, line 22, by inserting after the word
- 8 "involved" the words "by its board of supervisors".
- 9 5. Page 1, line 34, by inserting before the word
- 10 "The" the words "The judicial review provisions of
- 11 this section and chapter seventeen A (17A) of the
- 12 Code shall be the exclusive means by which a person
- 13 or party who is aggrieved or adversely affected by
- 14 agency action may seek judicial review of that agency
- 15 action."
- 16 6. Page 2, by striking lines 4 through 10 and
- 17 inserting in lieu thereof the words "a committee,
- 18 with appropriate directions. The following portions
- 19 of section seventeen A point nineteen (17A.19) of
- 20 the Code are not applicable to this chapter:
- 21 1. The part of subsection two (2) which relates
- 22 to where proceedings for judicial review shall be
- 23 instituted.
- 24 2. Subsection five (5).
- 25 3. Subsection eight (8)."
- 26 7. Page 2, line 11, by striking the number "1978"
- 27 and inserting in lieu thereof the number "1979".

Aye: Bina, Clark of Lee, Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Pavich, Perkins, Smalley, Spear and Tofte.

Nay: Hargrave, Schnekloth and Stephens.

Absent or not voting: Hines, Lind, Newhard, Nielsen and Rinas.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., January 19, 1978

Convened: 10:15 a.m.

Adjourned: 12:00 Noon

Present: Horn, chair; Menke, ranking member; Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley, Pelton and Poncy.

Excused: Anderson.

Tentative votes taken on budget items.

AMENDMENTS FILED

H—5063	S.F. 365	Woods of Polk
H—5067	H.F. 2074	Halvorson of Clayton
H—5075	H.F. 2074	Bina of Scott
		Junker of Woodbury
H—5076	H.F. 2068	Gilson of Guthrie
Junker of Woodbury		Harbor of Mills
Menke of O'Brien		Wells of Linn
Danker of Pottawattamie		Varley of Adair
Halvorson of Clayton		Den Herder of Sioux
Welden of Hardin		West of Marshall
Miller (Sergeant) of Calhoun		Daggett of Adams
Doyle of Woodbury		Woods of Polk
Conlon of Muscatine		Smalley of Polk
Stromer of Hancock		Bina of Scott
Crawford of Story		Lindeen of Henry
Spencer of Clay		Schroeder of Pottawattamie
Tauke of Dubuque		Schnekloth of Scott
Pellett of Cass		Lageschulte of Bremer
Dieleman of Marion		Bennett of Ida
Howell of Floyd		Oxley of Linn
Harvey of Scott		Clark of Lee
Tofte of Winneshiek		Dunton of Keokuk
Spear of Lee		Garrison of Black Hawk

Clark of Cerro Gordo
 Lind of Black Hawk
 Branstad of Winnebago
 Millen of Van Buren
 Binneboese of Plymouth
 Wyckoff of Benton
 Crabb of Crawford
 Rinas of Linn
 Lonergan of Boone
 Hinkhouse of Cedar
 Husak of Tama
 Krewson of Polk

H-5077	H.F. 2007
H-5078	H.F. 2074
H-5082	S.F. 365
H-5083	S.F. 365
H-5084	H.F. 2045
H-5085	H.F. 2048
H-5086	H.F. 2048
H-5087	H.F. 2048
H-5088	S.F. 365
H-5089	H.F. 2048

Dyrland of Clayton
 Newhard of Jones
 Arnould of Scott
 Shimanek of Jones
 Hoffmann of Muscatine
 Gettings of Wapello
 Walter of Pottawattamie
 Stephens of Plymouth
 Pavich of Pottawattamie
 Hansen of O'Brien
 Jesse of Polk

Spear of Lee
 Spear of Lee
 Harbor of Mills
 Welden of Hardin
 Harvey of Scott
 Schnekloth of Scott
 Schroeder of Pottawattamie
 Baker of Buena Vista
 Stromer of Hancock
 Spear of Lee
 Miller of Buchanan
 Spear of Lee

On motion by Fitzgerald of Webster, the House adjourned at 4:05 p.m. until 1:30 p.m., Tuesday, January 24, 1978.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day—Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 24, 1978

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

Prayer was offered by the Reverend Warren Frahm, pastor of the Northminster Presbyterian Church, Ames, Iowa.

The Journal of Monday, January 23, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. Scott Tidball, Resident, University of Iowa Hospital, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poney of Wapello on request of Koogler of Mahaska; Harbor of Mills for the afternoon session on request of Wyckoff of Benton; Shimanek of Jones for the afternoon session on request of Pelton of Clinton and Byerly of Polk on request of Baker of Buena Vista.

PETITIONS FILED

The following petitions were received and placed on file:

By Danker of Pottawattamie from one hundred fifteen constituents; Lind of Black Hawk from thirty-six citizens; Pellett of Cass from five hundred fifty citizens of Iowa; Pelton of Clinton from two hundred eighty-six Clinton, Iowa residents and Varley of Adair from two hundred forty-six residents of Iowa all opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Varley of Adair from one hundred twenty-seven residents of Iowa favoring products liability legislation to preserve jobs and job opportunities in Iowa.

By Arnould of Scott from forty-one constituents opposing the statewide equal rights amendment.

By Crawford of Story from eighteen citizens supporting House File 187, relating to a mandatory deposit law on beverage packaging.

CONSIDERATION OF BILLS
Business Pending at Adjournment

The House resumed consideration of **Senate File 365**, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties, and amendment H-5081B filed by Baker, et al., on January 23, 1978 and found on page 175 of the House Journal.

Baker of Buena Vista moved the adoption of amendment H-5081B.

A non-record roll call was requested.

The ayes were 38, nays 41.

Amendment H-5081B lost.

Schroeder of Pottawattamie offered amendment H-5092 filed by him from the floor. Division was requested as follows:

H-5092

- 1 Amend Senate File 365 as amended, passed, and
- 2 reprinted by the Senate as follows:

H-5092A

- 3 1. Page 3, by striking lines 2 through 7 and
- 4 inserting in lieu thereof the following:
- 5 "6. Clean clothing shall be worn by food service
- 6 handlers and employees and they shall keep clean at
- 7 all times."
- 8 2. Page 6, line 15, by striking the word "shall"
- 9 and inserting in lieu thereof the words "may".
- 10 3. Page 12, line 6, by striking the word "shall"
- 11 and inserting in lieu thereof the word "may".

H—5092B

12 4. Page 15, by striking lines 25 through 28 and
13 inserting in lieu thereof the following:
14 "4. The clothing of all persons employed shall
15 be kept clean, and those who handle food shall keep
16 themselves clean, keep their fingernails well trimmed,
17 and wash their hands and arms before beginning work
18 and after visiting the toilet. Clean clothing shall
19 be worn by all food handlers and employees and all
20 employees shall wash themselves after engaging in
21 activities which may affect their cleanliness."

On motion by Schroeder of Pottawattamie, amendment H—5092A was adopted.

On motion by Schroeder of Pottawattamie, amendment H—5092B was adopted.

With the adoption of amendment H—5092A, amendment H—5083 filed by Welden of Hardin on January 23, 1978, was out of order.

The House resumed consideration of amendment H—5065 filed by Evans of Grundy and West of Marshall on January 23, 1978 and found on page 173 of the House Journal.

Evans of Grundy offered the following amendment H—5082, to amendment H—5065, filed by Harbor of Mills and moved its adoption:

H—5082

1 Amend amendment H—5065, to Senate, File 365 as
2 passed by the Senate and reprinted, as follows:
3 1. Page 1, lines 9 and 10, by striking the
4 words "local board of health, the department of
5 health, and the".

A non-record roll call was requested.

The ayes were 39, nays 39.

Amendment H—5082 lost.

Evans of Grundy moved the adoption of amendment H—5065.

Amendment H—5065 was adopted.

Woods of Polk offered the following amendment H—5063 filed by him and moved its adoption:

H—5063

- 1 Amend Senate File 365, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 16, line 12, by inserting after the number
- 4 "1977" the word "Supplement".

Amendment H—5063 was adopted.

Miller of Buchanan offered the following amendment H—5088 filed by him and moved its adoption:

H—5088

- 1 Amend Senate File 365 as passed by the Senate and
- 2 reprinted, as follows:
- 3 1. Page 3, by inserting after line 28 the following
- 4 new paragraph:
- 5 "If the secretary enters into an agreement with
- 6 a municipal corporation as provided by this section,
- 7 the secretary shall cause the inspection practices
- 8 of a municipal corporation to be spot checked on a
- 9 regular basis."

Amendment H—5088 was adopted.

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

On the question "Shall the bill pass?" (S.F. 365)

The ayes were, 58:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Branstad	Brunow
Chiodo	Connors	Crabb	Crawford
Cusack	Den Herder	Dieleman	Doyle
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Gilloon	Griffee	Hargrave
Hines	Hinkhouse	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lonergan	Menke

Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Norland	Oxley	Patchett	Pavich
Perkins	Rinas	Scheelhaase	Small
Smalley	Spear	Spencer	Svoboda
Tauke	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, 32:

Bennett	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Daggett	Danker	Davitt
Dunton	Evans	Gentleman	Gilson
Halvorson	Hansen	Hoffmann	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Millen	Pellet	Pelton	Schneklath
Schroeder	Stephens	Stromer	Thompson
Tofte	Varley	Welden	West

Absent or not voting, 10:

Brandt	Byerly	Harbor	Harvey
Horn	Newhard	Nielsen	O'Halloran
Poncy	Shimanek		

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

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

ADOPTION OF HOUSE RESOLUTION 102

Jesse of Polk asked and received unanimous consent for the immediate consideration of House Resolution 102 as follows and moved its adoption:

HOUSE RESOLUTION 102

By Jesse

- 1 *Whereas*, the State Comptroller has notified the Chief Clerk
- 2 of the House of Representatives that he intends to withhold
- 3 Federal Income Taxes from the legislative per diem expense of
- 4 office allowance, and
- 5 *Whereas*, it would be burdensome and inequitable to require
- 6 individual legislators to challenge such actions,
- 7 *Now, Therefore, Be It Resolved by the House of Representa-*
- 8 *tives*, That the legal counsel of the House of Representatives

- 9 be directed to institute the appropriate legal actions on
 10 behalf of its members to test the validity and legality of
 11 such actions.

Roll call was requested by Brunow of Appanoose and Scheelhaase of Woodbury.

On the question "Shall the resolution be adopted?" (HR 102)

The ayes were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Conlon	Connors	Crabb	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffee	Hansen	Hargrave	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellet	Pelton	Perkins	Scheelhaase
Schroeder	Small	Spencer	Stephens
Stromer	Svoboda	Varley	Walter
Wells	West	Wyckoff	Mr. Speaker

The nays were, 17:

Clark, J.H.	Crawford	Danker	Egenes
Gentleman	Halvorson	Harvey	Hines
Hoffmann	Rinas	Schneklath	Smalley
Spear	Tauke	Thompson	Tofte
Woods			

Absent or not voting, 11:

Byerly	Chiodo	Den Herder	Harbor
Jochum	Lipsky	Newhard	Nielsen
Poncy	Shimanek	Welden	

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE
(House Resolution 102)

Jesse of Polk asked and received unanimous consent that a copy of House Resolution 102 be immediately messaged to the Secretary of the Senate.

REREFERRED TO COMMITTEE ON CITIES
(House File 2064)

The Speaker announced that **House File 2064**, previously referred to the committee on **state government**, was rereferred to the committee on **cities**.

SPECIAL ORDER
(House File 2074)

The hour of 4:00 p.m. having arrived, the Speaker announced the special order of business for the consideration of **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages.

Crawford of Story offered the following amendment H-5104 filed by him and Tauke of Dubuque from the floor:

H-5104

- 1 Amend House File 2074 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section twenty point seventeen (20.17),
- 5 subsection three (3), Code 1977, is amended by striking
- 6 the subsection and inserting in lieu thereof the
- 7 following:
- 8 3. Negotiating sessions, fact finding sessions,
- 9 and hearings conducted by arbitrators shall be
- 10 conducted in compliance with chapter twenty-eight
- 11 A (28A) of the Code. Strategy meetings of public
- 12 employers or employee organizations, mediation, and
- 13 the deliberative process of arbitrators shall be
- 14 exempt from the provisions of chapter twenty-eight
- 15 A (28A) of the Code."
- 16 2. By renumbering the sections to conform with
- 17 this amendment.

18 3. Amend the title, lines 4 and 5, by striking
19 the words "unless otherwise exempted by statute."

Avenson of Fayette rose on a point of order that amendment H—5104 was not germane.

The Speaker ruled the point well taken and amendment H—5104 not germane.

Varley of Adair moved that the rules be suspended for the consideration of amendment H—5104.

Roll call was requested by Harvey of Scott and Crawford of Story.

On the question "Shall the rules be suspended?"

The ayes were, 40:

Bennett	Branstad	Brockett	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harvey	Hoffmann
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Menke	Millen
Patchett	Pellett	Pelton	Schneklath
Schroeder	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Wyckoff

The nays were, 52:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Krause	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	O'Halloran
Oxley	Pavich	Perkins	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Wells	Woods	Mr. Speaker

Absent or not voting, 8:

Byerly
Newhard

Den Herder
Nielsen

Harbor
Poncy

Lipsky
Shimanek

The motion lost.

Harvey of Scott offered the following amendment H—5096 filed by him from the floor:

H—5096

- 1 Amend House File 2074 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "e. The political party caucuses of the members
- 5 of the general assembly when assembled in caucus."
- 6 2. Page 3, by inserting after line 20 the
- 7 following:
- 8 "4. The requirements of this section shall not
- 9 apply to the political party caucuses of the members
- 10 of the general assembly."
- 11 3. Amend the title, lines 3 and 4, by striking
- 12 the words "created by such governmental bodies".

Avenson of Fayette rose on a point of order that amendment H—5096 was not germane.

The Speaker ruled the point well taken and amendment H—5096 not germane.

Branstad of Winnebago moved that the rules be suspended for the consideration of amendment H—5096.

Roll call was requested by Branstad of Winnebago and Harvey of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended?"

The ayes were, 41:

Baker
Clark, B.J.
Crawford
Evans
Harvey

Bennett
Clark, J.H.
Daggett
Gentleman
Hoffmann

Branstad
Conlon
Danker
Halvorson
Junker

Brockett
Crabb
Egenes
Hansen
Koogler

Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schneklath	Schroeder	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
West			

The nays were, 51:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Loneran	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Rinas	Small
Spear	Spencer	Svoboda	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 8:

Byerly	Davitt	Den Herder	Harbor
Newhard	Pony	Scheelhaase	Shimanek

The motion lost.

Tauke of Dubuque offered the following amendment H-5111 filed by Tauke, Walter, Small, Gentleman and Crawford from the floor:

H-5111

- 1 Amend House File 2074 as follows:
- 2 1. Page 1, by inserting after line 27 the
- 3 following:
- 4 "e. Both houses of the general assembly and their
- 5 committees, subcommittees, joint committees and interim
- 6 committees."
- 7 2. Page 1, line 32, by inserting after the word
- 8 "include" the words "legislative caucuses or".
- 9 3. Page 3, by inserting after line 20 the
- 10 following:
- 11 "4. The governmental bodies defined by section
- 12 three (3), subsection one (1), paragraph e of this
- 13 Act shall be exempt from the requirements of this
- 14 section."

15 4. Amend the title, line 2, by striking the words
 16 "expressly created by" and inserting in lieu thereof
 17 the words "created by the Constitution of the state
 18 of Iowa."

Avenson of Fayette rose on a point of order that amendment H—5111 was not germane.

The Speaker ruled the point well taken and amendment H—5111 not germane.

Tauke of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H—5111.

Roll call was requested by Harvey of Scott and Conlon of Muscatine.

On the question "Shall the rules be suspended?"

The ayes were, 39:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Halvorson	Hansen	Harvey
Hoffmann	Junker	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schneklath
Schroeder	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	

The nays were, 52:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Connors	Cusack	Davitt
Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffiee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Rinas
Scheelhaase	Small	Spear	Svoboda
Wells	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 9:

Byerly
Middleswart
Spencer

Den Herder
Newhard

Doyle
Pony

Harbor
Shimanek

The motion lost.

Griffie of Chickasaw offered the following amendment H—5113 filed by him from the floor:

H—5113

- 1 Amend House File 2074 as follows:
- 2 1. Page 2, by striking lines 16 through 18 and
- 3 inserting in lieu thereof the following: "and the
- 4 action taken at each meeting. The minutes".

(Amendment H—5113 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2075, by Lageschulte, a bill for an act prohibiting a person from disseminating, exhibiting, advertising, or possessing indecent material with intent to sell it to a minor, and providing a penalty.

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

House File 2076, by Doyle, a bill for an act relating to the compensation paid to local registrars of vital statistics.

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

House File 2077, by Thompson and Halvorson, a bill for an act relating to the maximum fee for the furnishing or procurement of employment.

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

House File 2078, by Shimanek, a bill for an act to increase the time between the holding of an informational meeting and the filing of a petition for the construction of a pipeline.

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

House File 2079, by Horn, a bill for an act to prohibit the recording of speeding tickets for violations ten miles per hour or less over the posted limit, subject to a penalty provided by law.

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

House File 2080, by Lipsky and Shimanek, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions.

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

House File 2081, by Brandt, a bill for an act relating to the promulgation of administrative rules.

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

House File 2082, by Woods, a bill for an act to defer special assessments on agricultural land.

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

House File 2083, by Harbor, Wyckoff, Husak, Crabb, West, Varley, Danker, Schroeder, Branstad, Menke, Walter, Halvorson and Horn, a bill for an act to exempt the gross receipts from the sales of tickets or admissions to activities operated or sponsored by an elementary or secondary educational institution from the state sales tax.

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

House File 2084, by committee on energy, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-three members present, twenty-seven absent.

SPECIAL ORDER CONTINUED

The House resumed consideration of **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages, and amendment H-5113 filed by Griffiee of Chickasaw.

Griffiee of Chickasaw moved the adoption of amendment H-5113.

Amendment H-5113 lost.

Avenson of Fayette offered the following amendment H-5121 filed by him from the floor and moved its adoption:

H-5121

- 1 Amend House File 2074 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "4. "Closed session" means a meeting which does not
- 5 qualify as an open session."

Amendment H—5121 was adopted.

Monroe of Des Moines offered the following amendment H—5094 filed by him from the floor and moved its adoption:

H—5094

- 1 Amend House File 2074 as follows:
- 2 1. Page 2, line 24, by inserting after the
- 3 word "information." the following: "The tentative
- 4 agenda shall include any proposed ratification of
- 5 ministerial matters conducted by mail."

Amendment H—5094 was adopted.

Bina of Scott offered amendment H—5075 filed by him and Junker of Woodbury. Division was requested as follows:

H—5075

- 1 Amend House File 2074 as follows:

H—5075A

- 2 1. Page 2, line 30, by inserting after the word
- 3 "held." the following:
- 4 "A governing body governing a governmental unit of
- 5 less than three hundred fifty (350) persons shall not
- 6 be required to give notice to the news media."

H—5075B

- 7 2. Page 3, by inserting after line 30 the following:
- 8 " . To discuss application for letters patent."

H—5075C

- 9 3. Page 5, line 26, by striking the words "taxpayer to".

H—5075D

- 10 4. Page 7, line 6, by striking the word "office" and
- 11 inserting in lieu thereof the word "office".

Speaker pro tempore Nielsen of Polk in the chair at 7:22 p.m.

Fitzgerald of Webster moved the previous question on House File 2074, with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 53, nays 39.

The motion prevailed.

Bina of Scott moved the adoption of amendment H—5075A.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 46, nays 48.

Amendment H—5075A lost.

Bina of Scott offered amendment H—5095 filed by him from the floor and requested division as follows:

H—5095

1 Amend House File 2074 as follows:

H—5095A

2 1. Page 3, by striking lines 5 and 6 and inserting
3 in lieu thereof the following:

4 "Special access to the meeting may only be granted
5 to handicapped or disabled individuals."

H—5095B

6 2. Page 6, line 33, by inserting after the word
7 "act" the words ", except with respect to the issuance
8 of bonds under paragraph d of this subsection."

9 3. Page 7, by inserting after line 4 the following
10 new paragraph:

11 "d. Shall void any action taken in violation of
12 this Act with respect to the issuance of bonds when
13 a public hearing has been held concerning the issuance
14 of the bonds or the bonds have been sold at public
15 auction if the suit for enforcement is brought within
16 forty-five days of the violation and the court finds
17 under the facts of the particular case that the public
18 interest in the enforcement of the policy of this
19 Act outweighs the public interest in sustaining the
20 validity of the action taken in the closed session."

On motion by Bina of Scott, amendment H—5095A was adopted.

Halvorson of Clayton offered the following amendment H—5067 filed by him:

H—5067

- 1 Amend House File 2074 as follows:
- 2 1. Page 3, by inserting after line 21 the
- 3 following:
- 4 "1. Chapter twenty (20) of the Code notwith-
- 5 standing, negotiating sessions, except strategy
- 6 meetings, shall be open to the public upon the
- 7 request of either the public employer or the
- 8 employee organization."

Avenson of Fayette rose on a point of order that amendment H—5067 was not germane.

The Speaker ruled the point well taken and amendment H—5067 not germane.

Harvey of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H—5067.

Roll call was requested by Hoffmann of Muscatine and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 42:

Baker	Bennett	Branstad	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Menke	Millen	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wyckoff		

The nays were, 51:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Cochran	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gettings
Gilloon	Griffie	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Rinas
Scheelhaase	Small	Spear	Svoboda
Wells	Woods	Mr. Speaker (Nielsen)	

Absent or not voting, 7:

Brockett	Byerly	Den Herder	Lipsky
Newhard	Poney	West	

The motion lost, placing out of order amendments H—5097 and H—5137, filed by Miller of Buchanan from the floor.

Griffie of Chickasaw asked and received unanimous consent to withdraw amendment H—5117 filed by him from the floor.

Avenson of Fayette offered the following amendment H—5124 filed by him from the floor and moved its adoption:

H—5124

- 1 Amend House File 2074 as follows:
- 2 1. Page 3, line 28 by inserting after the
- 3 word "confidential" the words "or exempted from any
- 4 disclosure requirements of the Code".

Amendment H—5124 was adopted.

The House resumed consideration of amendment H—5075B.

On motion by Bina of Scott, amendment H—5075B was adopted.

Griffie of Chickasaw offered the following amendment H—5114 filed by him from the floor and moved its adoption:

H—5114

- 1 Amend House File 2074 as follows:
- 2 1. Page 3, line 32, by striking the words "is
- 3 imminent where" and inserting in lieu thereof the
- 4 words "is possible when".

Amendment H—5114 lost.

Speaker Cochran in the chair at 8:29 p.m.

Menke of O'Brien offered the following amendment H—5102 filed by him from the floor and moved its adoption:

H—5102

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by striking lines 4, 5 and 6 and
- 3 inserting in lieu thereof the following:
- 4 "d. To conduct hearings to suspend or expel a
- 5 student."

Roll call was requested by Garrison of Black Hawk and Menke of O'Brien.

Rule 70 was invoked.

On the question "Shall amendment H—5102 be adopted?"

The ayes were, 25:

Bennett	Crabb	Daggett	Danker
Dunton	Gilloon	Griffee	Halvorson
Hansen	Harbor	Hoffmann	Junker
Lageschulte	Lindeen	Menke	Millen
Pellett	Schroeder	Spencer	Stephens
Stromer	Thompson	Tofte	Welden
Wyckoff			

The nays were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Davitt
Den Herder	Dieleman	Doyle	Dyrland
Egenes	Evans	Garrison	Gentleman
Gettings	Gilson	Hargrave	Harvey
Hines	Hinkhouse	Horn	Howell

Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lind
Lipsky	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Svoboda	Tauke	Varley	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 8:

Brandt	Brockett	Byerly	Fitzgerald
Newhard	Nielsen	Poncy	West

Amendment H—5102 lost.

Griffie of Chickasaw offered the following amendment H—5101 filed by him and Harvey of Scott from the floor:

H—5101

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by striking lines 18 through 21 and
- 3 inserting in lieu thereof the following:
- 4 "h. To consider the employment, evaluation,
- 5 appointment or discharge of a person whose reputation
- 6 might suffer needless or irreparable injury unless
- 7 that person requests an open session."

Griffie of Chickasaw asked and received unanimous consent that action on amendment H—5101 be temporarily deferred.

Avenson of Fayette asked and received unanimous consent that action on amendment H—5135 be temporarily deferred.

Spear of Lee offered the following amendment H—5099 filed by him from the floor:

H—5099

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by inserting after line 21 the
- 3 following:
- 4 "i. To prevent premature disclosure of a proposed
- 5 purchase of real estate by the governmental body."

Spear of Lee offered the following amendment H—5119, to amendment H—5099, filed by him from the floor:

H-5119

- 1 Amend H-5099 amending House File 2074 as follows:
- 2 1. Page 1, by striking lines 4 and 5 and inserting
- 3 in lieu thereof the following:
- 4 "i. To discuss the purchase, sale, leasing or
- 5 renting of real estate by the governmental body."

By unanimous consent, the following amendment H-5141, to amendment H-5119 (to amendment H-5099) filed by Junker of Woodbury from the floor was adopted:

H-5141

- 1 Amend amendment H-5119 to page 1 of House File
- 2 2074 as follows:
- 3 1. Page 1, line 4, by striking the word "leasing"
- 4 and inserting in lieu thereof the word "lease".
- 5 2. Page 1, line 5, by striking the word "renting"
- 6 and inserting in lieu thereof the word "rental".

Spear of Lee moved the adoption of amendment H-5119, as amended, to amendment H-5099.

Roll call was requested by Avenson of Fayette and Spear of Lee.

On the question "Shall amendment H-5119 be adopted?"

The ayes were, 63:

Anderson	Baker	Bennett	Bina
Binneboese	Branstad	Brunow	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Egenes	Evans
Garrison	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Hinkhouse
Hoffmann	Hullinger	Junker	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	O'Halloran	Oxley
Pellett	Perkins	Scheelhaase	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	Wyckoff	Mr. Speaker	

The nays were, 30:

Arnould	Avenson	Brandt	Chiodo
Clark, J.H.	Connors	Dyrland	Fitzgerald
Gentleman	Gettings	Griffiee	Hines
Horn	Howell	Husak	Jesse
Jochum	Krause	Lind	Loneragan
Nielsen	Norland	Patchett	Pavich
Pelton	Rinas	Schnekloth	Schroeder
Shimanek	Woods		

Absent or not voting, 7:

Brockett	Byerly	Den Herder	Harvey
Newhard	Poncy	West	

Amendment H—5119, as amended, was adopted.

(House File 2074 and amendment H—5099, as amended, pending at adjournment.)

EXPLANATION OF VOTE

I was necessarily absent from the House Chamber on January 23, 1978. Had I been present I would have voted "aye" on House Files 2033 and 2057.

DAGGETT of Adams

UNANIMOUS CONSENT CALENDAR (House Resolution 101)

We respectfully request that House Resolution 101, filed on January 18, 1978 and found on page 136 of the House Journal, be placed on the unanimous consent calendar.

CRABB of Crawford
HUSAK of Tama
WYCKOFF of Benton

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 344 State Government

To adopt the Uniform Landlord Tenant Act.

S.B. 345 State Government

To establish a mobile home parks residential landlord and tenant act and providing civil penalties.

S.B. 346 Judiciary and Law Enforcement

Providing for the reimbursement of counties for the expense of temporarily confining alleged work release or parole violators.

S.B. 347 Judiciary and Law Enforcement

Amending the criminal code revision to provide that a court shall order the county where a person was convicted to pay the cost of temporarily confining and transporting the person who is committed to the director of the division of adult corrections.

S.B. 348 Judiciary and Law Enforcement

To provide workers' compensation for state inmates.

S.B. 349 Judiciary and Law Enforcement

Relating to access to information by the citizens' aide.

S.B. 350 Judiciary and Law Enforcement

Relating to the state intestate succession statute.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., January 23, 1978

Convened: 4:30 p.m.

Adjourned: 5:45 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Doyle, Evans, Lindeen, Pellett, Perkins, Svoboda and Varley.

Absent: Danker (arrived 4:55 p.m.), Griffiee (arrived 5:00 p.m.), Hullinger (arrived 4:50 p.m.), Middleswart (arrived 4:40 p.m.), Norland and Pelton (arrived 4:50 p.m.).

Excused: Daggett.

Assigned study bill to subcommittee. Discussed proposed legislation relating to solid and hazardous waste.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., January 23, 1978

Convened: 1:00 p.m.

Adjourned: 1:10 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Crawford, Dieleman, Griffiee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke and West.

Absent: Arnould, Brandt, Stromer and Walter.

Assignment of bills.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., January 23, 1978

Convened: 4:10 p.m.

Adjourned: 4:34 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Gilloon, Halvorson, Horn, Pavich, Small, Smalley, Thompson and Wells.

Absent: Hines (arrived 4:20 p.m.) and Lageschulte.

Excused: Crabb and Poncy.

House File 149, a bill for an act providing a penalty for withholding or diverting any portion of an employer's gratuities and providing penalties.

Recommended Amend and Do Pass.

H—5112

- 1 Amend House File 149 as follows:
- 2 1. Page 1, line 9, by striking the numerals
- 3 "1978" and inserting in lieu thereof the numerals
- 4 "1979".
- 5 2. Title page, line 2, by striking the word
- 6 "employer's" and inserting in lieu there of the word
- 7 "employee's".

Aye: Connors, Jochum, Egenes, Branstad, Brockett, Chiodo, Gilloon, Halvorson, Horn, Pavich, Small, Smalley, Thompson and Wells.

Nay: None.

Absent or not voting: Crabb, Hines, Lageschulte and Pony.

House File 570, a bill for an act relating to inspections by insurance companies of any place of employment.

Recommended Do Pass.

Aye: Connors, Jochum, Egenes, Branstad, Brockett, Chiodo, Gilloon, Halvorson, Horn, Pavich, Small, Smalley, Thompson and Wells.

Nay: None.

Absent or not voting: Crabb, Hines, Lageschulte and Pony.

House File 2069, a bill for an act relating to the inspection of boilers and similar vessels by the bureau of labor.

Recommended Do Pass.

Aye: Connors, Jochum, Egenes, Branstad, Brockett, Chiodo, Gilloon, Halvorson, Horn, Pavich, Small, Smalley, Thompson and Wells.

Nay: None.

Absent or not voting: Crabb, Hines, Lageschulte and Pony.

AMENDMENTS FILED

H—5093
H—5098
H—5100
H—5103

H.J.R. 12
H.F. 2074
H.F. 2074
H.F. 2074

Junker of Woodbury
Miller of Buchanan
Harvey of Scott
Perkins of Greene
Thompson of Polk
Baker of Buena Vista
Evans of Grundy

H—5105	H.F. 2074	Spear of Lee
H—5106	H.F. 2074	Branstad of Winnebago
H—5107	H.F. 2074	Harvey of Scott
H—5108	H.F. 2074	Junker of Woodbury
H—5109	H.F. 2074	Krause of Kossuth
H—5110	H.F. 2074	Hansen of O'Brien
H—5115	H.F. 2074	Crawford of Story
H—5116	H.F. 2021	Griffiee of Chickasaw
		Hinkhouse of Cedar
		Pellett of Cass
H—5118	H.F. 2074	Griffiee of Chickasaw
		Connors of Polk
H—5120	S.F. 292	Norland of Worth
H—5122	H.F. 2074	Avenson of Fayette
H—5123	H.F. 2074	Avenson of Fayette
H—5125	H.F. 2074	Griffiee of Chickasaw
		Evans of Grundy
		Harvey of Scott
H—5126	H.F. 2074	Schroeder of Pottawattamie
H—5127	H.F. 2074	Welden of Hardin
H—5128	H.F. 2070	Junker of Woodbury
H—5129	H.F. 2072	Thompson of Polk
H—5130	H.J.R. 12	Crabb of Crawford
H—5131	H.J.R. 12	Dieleman of Marion
		Chiodo of Polk
		Hansen of O'Brien
		Howell of Floyd
H—5132	H.J.R. 12	Daggett of Adams
H—5133	H.J.R. 12	Danker of Pottawattamie
H—5134	H.F. 2074	Bennett of Ida
H—5135	H.F. 2074	Avenson of Fayette
H—5136	H.F. 2074	Thompson of Polk
H—5138	H.F. 2074	Jesse of Polk
H—5139	H.F. 2074	Harbor of Mills
H—5140	H.F. 2074	Rinas of Linn
		Junker of Woodbury

On motion by Fitzgerald of Webster, the House adjourned at 9:58 p.m. until 10:00 a.m., Wednesday, January 25, 1978.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day—Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 25, 1978

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

Prayer was offered by the Reverend Lewis Grady, Jr., pastor of the St. Paul African Methodist Episcopal Church, Des Moines, Iowa.

The Journal of Tuesday, January 24, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. David Youberg, Sac City, Iowa.

SPECIAL PRESENTATION

Davitt of Warren escorted to the Speaker's station and presented to the House Mrs. Robert D. Ray, 1978 Easter Seal Chairperson, who introduced to the House the 1978 Easter Seal Poster Child, Scott Hausschildt. The Adair County youngster represents the over 14,000 Iowans of all ages with physical and multiple handicaps assisted last year by the Easter Seal Society of Iowa.

Scott, who was accompanied by his parents, Mary and Don Hausschildt, is a second grader at Greenfield Elementary School, Greenfield, Iowa. Also accompanying Scott were his brother, John; grandparents, Marion Wilson of Adel and Viola Hausschildt, Earlham; teacher, Jen Summers and Senator Norman Rodgers.

Mrs. Ray and Scott urged support for the annual Easter Seal Fund campaign to be held February 14 through March 26.

The House rose and extended its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hargrave of Johnson on request of Speaker Cochran of Webster.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Adams from one hundred thirty-two citizens opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Halvorson of Clayton from thirty-six constituents favoring products liability legislation to preserve jobs and job opportunities in Iowa.

MOTIONS TO RECONSIDER

(Senate File 365)

I move to reconsider the vote by which Senate File 365 passed the House on January 24, 1978.

DEN HERDER of Sioux

(Amendment H—5119 to House File 2074)

I move to reconsider the vote by which amendment H—5119, as amended, to House File 2074, was adopted by the House on January 24, 1978.

TAUKE of Dubuque

INTRODUCTION OF BILLS

House Joint Resolution 2001, by Hargrave, a joint resolution proposing an amendment to the Constitution of the State of Iowa respecting the maximum time for which the same person may hold the office of Governor.

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

House File 2085, by Branstad and Conlon, a bill for an act relating to the share of the surviving spouse under the intestate succession laws.

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

House File 2086, by Newhard and Shimanek, a bill for an act amending the police activity section of the criminal code revision.

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

House File 2087, by Oxley, O'Halloran, Brandt, Wells, Poncy, Rinas, Woods, Monroe, Spencer, Bina, Patchett, Wyckoff, Doyle, Hullinger, Schneklath, Cusack, Harvey, Husak, Smalley, Chiodo, Baker, Connors, Thompson, Krewson, Gettings, Middleswart, Lind, Horn, Garrison, Dunton, Miller (Sergeant) of Calhoun, Lageschulte and Krause, a bill for an act increasing the dollar limit of real estate projects for which a proposition need not be submitted to electors in the case of federal revenue sharing or matching funds and funds on hand in counties having a population of more than one hundred thousand but not more than two hundred thousand persons.

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

House File 2088, by Chiodo, Woods, Smalley, Anderson, Small, Krewson, Walter, Pavich, Harvey, Connors, Rinas, Lipsky, Oxley, Monroe, Spear, Pelton, Byerly, Jesse, Doyle, Junker, Bina, Wells, Gentleman, Krause, Schroeder, Sjoboda, Dyrland, Horn, Thompson, Danker, Nielsen, Cusack and Arnould, a bill for an act relating to the payment for the operation and maintenance of freeway lighting systems in cities.

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

House File 2089, by Spencer, a bill for an act providing that cash bail will be set at one hundred thousand dollars when a prior felon is charged with committing a felony involving the use of a firearm.

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

House File 2090, by Baker, Perkins, Gilson and Husak, a bill for an act exempting certain custom farmers applying pesticides to corn plantings from the licensing requirements required of pesticide applicators.

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

House File 2091, by Hullinger, a bill for an act to change the effective date of an exception to the axle weight limitations for compacted rubbish vehicles.

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

House File 2092, by Evans, a bill for an act relating to cost-sharing funds for mandated soil conservation projects.

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

House File 2093, by O'Halloran, a bill for an act relating to judicial review of commerce commission actions pursuant to rate regulatory powers over public utilities.

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

House File 2094, by Monroe, Lipsky and Newhard, a bill for an act to place juvenile probation officers under the jurisdiction of the state department of social services.

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

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 351 Ways and Means

Providing for exemption certificates for exempt purchases under the sales tax law and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law.

S.B. 352 State Government

Relating to the Iowa Civil Rights Statute of 1965.

S.B. 353 Judiciary and Law Enforcement

Relating to the procedure for involuntary hospitalization of the mentally ill.

HOUSE CONCURRENT RESOLUTION 105

By Smalley, Bina, Junker, Walter, Binneboese, Pavich, Evans, West, Egenes, Wyckoff, Jochum, Middleswart, Pellett, Tofte, Hines, Dieleman, Davitt, Halvorson, Koogler, Brockett, Brandt, Crawford, Clark of Lee, Welden, O'Halloran, Clark of Cerro Gordo, Spear, Gilson, Pelton, Conlon, Hoffmann, Byerly, Svoboda, Krewson, Newhard, Crabb, Gilloon, Dyrland, Arnould, Rinas, Oxley, Patchett, Millen, Lind, Lipsky, Tauke, Krause, Perkins, Howell, Hullinger, Spencer, Bennett, Baker, Daggett, Lageschulte, Chiodo, Wells, Connors, Thompson, Miller (Sergeant) of Calhoun, Gettings, Stephens, Husak, Gentleman, Horn, Shimanek, Lindeen, Cusack and Woods

- 1 *Whereas*, the loess hills in Iowa are a unique
- 2 geological feature not found elsewhere in the
- 3 United States; and
- 4 *Whereas*, similar loess hills exist only in the
- 5 Peoples Republic of China where intensive agricultural
- 6 use has altered their natural state; and
- 7 *Whereas*, the loess hills in Iowa have not been
- 8 subject to such intensive agricultural use; and
- 9 *Whereas*, the loess hills in Iowa are also of
- 10 historical, botanical and zoological significance; and
- 11 *Whereas*, no national parks exist in the state of
- 12 Iowa; and
- 13 *Whereas*, a very low percentage of the land in the
- 14 state of Iowa is publicly owned; *Now Therefore*,
- 15 *Be It Resolved by the House of Representatives*,
- 16 *the Senate Concurring*, That the membership of the Sixty-
- 17 seventh General Assembly of the State of Iowa urges the
- 18 Congress of the United States to establish a national
- 19 park in the loess hills in Iowa; and
- 20 *Be It Further Resolved*, That a copy of this resolu-
- 21 tion be forwarded to each member of the Iowa congressional
- 22 delegation, the Speaker of the United States House of
- 23 Representatives, the President of the United States
- 24 Senate and the Secretary of the Interior of the
- 25 United States.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 106

By Bina, Cusack, Arnould,
Harvey and Conlon

- 1 *Whereas*, the West High Falcons football team of
2 Davenport, Iowa, won the 1977 Iowa State Football
3 Championship-Class 4A in a 21-14 title match over a
4 worthy opponent, Newton; and
5 *Whereas*, the Falcons were rated as high as third
6 in the statewide high school football poll; and
7 *Whereas*, four members of the state championship
8 Davenport Falcons football team earned awards of
9 outstanding distinction:
10 Todd Rubley — First Team All-State Quarterback
11 Ron Handy — First Team All-State End
12 Jerry Teel — Honorable Mention All-State End
13 Rick Keller — Honorable Mention All-State
14 Defensive Back;
15 and
16 *Whereas*, the Falcons defensive starting team
17 consisting of:
18 Ron Berrie
19 Pat Burken
20 Dave Dunn
21 Kirk Feuerbach
22 Craig Hufford
23 Rick Keller
24 Darl Osborne
25 Terry Rouse
26 Malcom Seline
27 Steve Wallace
28 Ed Wernecke
29 and
30 *Whereas*, the Falcons offensive starting team
31 consisting of:

Page 2

- 1 Ron Handy
2 Dwayne Hicks
3 Ben Juering
4 Greg Kern
5 Jim Lambert
6 Monty McCleary
7 Todd Rubley
8 Gary Sones
9 Scott Stevens
10 Jerry Teel
11 John Ward
12 earned a season record of ten wins and only two
13 losses; and

14 *Whereas*, this most successful season was made
 15 possible only through the complete cooperation of the
 16 young men and their parents and families working
 17 together with the coaching staff, administration and
 18 faculty of the Community School District and all of
 19 the citizens of the area; and

20 *Whereas*, the example the team has set in good
 21 sportsmanship, citizenship and their dedication to the
 22 tasks before them, regardless of their excellent record
 23 and the championship they have won; *Now Therefore,*
 24 *Be It Resolved by the House of Representatives, The*
 25 *Senate Concurring*, That we extend heartiest congratula-
 26 tions to Head Coach Roger Harrington; his coaching
 27 staff, Cy Robinson, Bob Potter, Ted Minnick and Gary
 28 Olson, and the Davenport West High Student Body and
 29 Faculty for its excellence and sportsmanship.

Laid over under Rule 25.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
 Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 8:00 a.m., January 24, 1978

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Crawford, Dyrland, Gilson, Koogler, Krewson, Lind, Small, Spear, Stromer and Thompson.

Absent: Byerly, Hansen (arrived 8:15 a.m.), Horn (arrived 8:30 a.m.), Norland (arrived 8:15 a.m.).

Excused: Patchett (arrived 8:20 a.m.) and Poncy.

Discussion of Senate File 145 and Study Bill 307.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 8:00 a.m., January 24, 1978

Convened: 8:15 a.m.

Adjourned: 9:05 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Avenson, Bennett, Evans, Griffee, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Stephens, Tofte, Varley and Wyckoff.

Absent: Chiodo, Garrison, Jesse, O'Halloran and Shimanek.

Excused: Welden.

House File 434, a bill for an act relating to deer hunting licenses.

Recommended Amend and Do Pass.

H-5143

1 Amend House File 434 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section one hundred nine point thirty-
5 eight (109.38), subsection two (2), Code 1977, is
6 amended to read as follows:

7 2. If following an investigation the commission
8 finds that the number of hunters licensed to take
9 deer or wild turkey should be limited or further
10 regulated, the commission shall conduct a drawing
11 to determine which applicants shall receive a license.
12 Applications for licenses shall be received and
13 accepted during a fifteen-day period established by
14 the commission. The commission shall establish
15 identification requirements or procedures to prevent
16 the accepting of multiple applications from any person.
17 At the end of such period the drawing shall be
18 conducted. If the quota has not been filled, licenses
19 shall then be issued in the order in which such
20 applications are received and shall continue to be
21 issued until such quota has been met or until a date
22 fifteen days prior to the opening day of the season,
23 whichever first occurs. If any applicant fails to
24 receive a deer license by either of the methods
25 provided herein, such applicant shall receive a
26 certificate at the time his application and monetary
27 remittance is returned to him which shall entitle
28 him to a license the following year before the drawing
29 is conducted by the commission. This subsection shall
30 not apply to the hunting of wild turkey on game
31 breeding and shooting preserves licensed under chapter
32 110A."

33 2. Page 1, line 6, by striking the words "Group

34 license" and inserting in lieu thereof the words
 35 "Special group deer hunting license, legal residents
 36 of the state".
 37 3. Page 1, line 11, by striking the word "shall"
 38 and inserting in lieu thereof the word "may".
 39 4. Page 1, line 12, by inserting after the word
 40 "licenses" the words "which shall specify the hunting
 41 zone and sex of deer allowed to be taken".
 42 5. Page 1, by striking line 16 and inserting in
 43 lieu thereof the following:
 44 "Sec. 4. This Act, being deemed of immediate
 45 importance, shall take effect and be in force from
 46 and after its publication in The Clinton Herald, a
 47 newspaper published in Clinton, Iowa, and in Monona
 48 Billboard, a newspaper published in Monona, Iowa."
 49 6. By renumbering the sections to conform with
 50 this amendment.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Griffee, Miller of Buchanan, Pelton, Perkins, Stephens, Tofte, Varley and Wyckoff.

Nay: Scheelhaase.

Absent or not voting: Chiodo, Garrison, Jesse, O'Halloran, Shimanek and Welden.

House File 2025, a bill for an act requiring that petitions for a permit to construct, maintain and operate a pipeline or gas underground storage facilities in this state include an environmental impact statement.

Recommended Do Pass.

Aye: Middleswart, Halvorson, Avenson, Bennett, Evans, Griffee, Miller of Buchanan, Pelton, Perkins, Stephens, Tofte, Varley and Wyckoff.

Nay: None.

Absent or not voting: Spencer, Chiodo, Garrison, Jesse, O'Halloran, Scheelhaase, Shimanek and Welden.

House File 423, a bill for an act to make doves a non-game bird, failed to pass.

COMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., January 24, 1978

Convened: 8:10 a.m.

Adjourned: 8:40 a.m.

Present: Krause, chair; Davitt, vice-chair; Binneboese, Brunow, Clark of Cerro Gordo, Dunton, Egenes, Gettings, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley and Schnekloth.

Absent: Schroeder, ranking member; Doyle, Harbor, Rinas and Woods.

House File 410, a bill for an act relating to the crime of operating of a motor vehicle while having alcohol in the blood and subjecting violators to a penalty.

Recommended **Amend and Do Pass**.

H-5144

1 Amend House File 410 as follows:

2 1. Page 1, by striking lines 1 through 22 and

3 inserting in lieu thereof the following:

4 "Section 1. Section three hundred twenty-one point

5 two hundred eighty-one (321.281), unnumbered paragraph

6 one (1), Code 1977 Supplement, is amended to read

7 as follows:

8 Whoever operates a motor vehicle upon the public

9 highways of this state while having ten-hundredths

10 of one percentum or more by weight of alcohol in the

11 blood or while under the influence of an alcoholic

12 beverage, a narcotic, hypnotic or other drug, or any

13 combination of such substances shall, upon conviction

14 or a plea of guilty, be guilty of a serious misdemeanor

15 for the first offense and shall be imprisoned in the

16 county jail not less than two days; be guilty of an

17 aggravated misdemeanor for the second offense and

18 shall be imprisoned in the county jail not less than

19 seven days; and be guilty of a class "D" felony for

20 a third offense and each offense thereafter."

21 2. Page 3, line 21, by striking the word and

22 figure "Code 1975" and inserting in lieu thereof the

23 word and figure "Code 1977".

24 3. Page 4, line 4, by striking the figure "1978"

25 and inserting in lieu thereof the figure "1979".

Aye: Krause, Davitt, Brunow, Binneboese, Clark of Cerro Gordo, Dunton, Egenes, Gettings, Hoffmann, Hullinger, Lageschulte, Lipsky, Oxley and Schneklath.

Nay: Monroe.

Absent or not voting: Schroeder, Doyle, Harbor, Rinas and Woods.

Assigned bills to subcommittees.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 24, 1978

Convened: 9:10 a.m.

Adjourned: 12:00 noon

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt and Oxley.

Absent: Egenes (arrived 9:11 a.m.) and Pelton (arrived 9:25 a.m.).

Excused: Nielsen and Poncy.

Tentative votes taken on budget items.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:00 a.m., January 24, 1978

Convened: 9:00 a.m.

Adjourned: 10:30 a.m.

Present: Griffee, chair; Crabb, ranking member; Arnould, Conlon, Connors, Gettings, Halvorson, Lipsky, Small, Svoboda and West.

Absent: Chiodo.

Made recommendations to present to Budget Committee.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 24, 1978.

Convened: 9:38 a.m.

Adjourned: 12:00 noon

Present: Wyckoff, chair; Junker, vice-chair; Bina, Danker, Dieleman, Lageschulte, Smalley and Woods.

Absent: Byerly and Patchett.

Excused: Harbor and Walter.

Presentations: Gerry Gamble and Phil Sickles for Division of Records Management of General Services; Glen Anderson for Communications Division of General Services. Discussed and deferred action on merit employment funding. Recommended funding for office for planning and programming.

AMENDMENTS FILED

H-5145	H.F. 2048	Stromer of Hancock Bennett of Ida
H-5146	S.F. 365	Den Herder of Sioux
H-5147	H.F. 2048	Stromer of Hancock

H-5148	H.F. 2048	Daggett of Adams
H-5149	S.F. 67	Halvorson of Clayton
		Wyckoff of Benton
		Hullinger of Decatur
		Harbor of Mills
H-5150	H.F. 2048	Bennett of Ida
		Miller (Sergeant) of
		Calhoun
H-5151	H.F. 426	Schroeder of Pottawattamie
		Clark of Cerro Gordo

On motion by Fitzgerald of Webster, the House adjourned at 10:15 a.m. until 3:00 p.m., Thursday, January 26, 1978.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day—Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 26, 1978

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

Prayer was offered by the Reverend Edward English, pastor of the West Branch Friends Church, West Branch, Iowa.

The Journal of Wednesday, January 25, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Francis Pisney, Red Oak, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall on request of Evans of Grundy; Arnould of Scott on request of Cusack of Scott; Hargrave of Johnson on request of Garrison of Black Hawk; Krewson of Polk on request of Rinas of Linn; Smalley of Polk on request of Harbor of Mills.

PRESENTATION OF VISITORS

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

Thirty fifth grade students from Dunlap Elementary School, Des Moines, Iowa, accompanied by Mrs. Deutche. By Connors of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Byerly of Polk from eighty-seven constituents; Fitzgerald of Webster from one thousand ninety-four constituents; Monroe of Des

Moines from twenty-four constituents; Patchett of Johnson from thirty citizens of Iowa and Thompson of Polk from forty-seven constituents, all opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Miller of Buchanan from forty-two constituents requesting immediate legislation regarding the installation of pipelines through agricultural land.

By Brockett of Marshall from two hundred thirty-six Marshall County constituents and Hansen of O'Brien from ninety-four citizens favoring products liability legislation to preserve jobs and job opportunities in Iowa.

By Krause of Kossuth from four constituents favoring increased width for county roads.

By Daggett of Adams from twenty-seven citizens opposing an increase in Iowa gasoline tax.

By Schroeder of Pottawattamie from seventy-nine residents of Pottawattamie County favoring rescinding the ratification of the equal rights amendment.

INTRODUCTION OF BILLS

House File 2095, by Davitt, a bill for an act to create a substance abuse rehabilitation and prevention fund, to provide for the use of the fund for the prevention and rehabilitation of substance abusers, and to levy a tax.

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

SPECIAL ORDER CONTINUED

The House resumed consideration of **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute and providing remedies and damages, and amendment H-5099, as amended, filed on January 24, 1978 and found on page 199 of the House Journal.

Tauke of Dubuque called up for consideration the motion to reconsider amendment H-5119, as amended, (to amendment H-5099) filed by him on January 24, 1978 and moved to reconsider the vote by which amendment H-5119, as amended, was adopted by the House on January 24, 1978.

A non-record roll call was requested.

The ayes were 40, nays 52.

The motion lost.

Small of Johnson asked for unanimous consent to temporarily defer action on amendment H-5099.

Objection was raised.

Small of Johnson moved that action on amendment H-5099 be temporarily deferred.

A non-record roll call was requested.

The ayes were 69, nays 24.

The motion prevailed and amendment H-5099, as amended, was temporarily deferred.

The House resumed consideration of amendment H-5101 found on page 199 of the House Journal.

Griffie of Chickasaw asked and received unanimous consent to suspend the rules to offer the following amendment H-5153, to amendment H-5101, filed by him and Harvey of Scott from the floor and moved its adoption:

H-5153

- 1 Amend H-5101 to page 4 of House File 2074 as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and inserting
- 4 in lieu thereof the following "might suffer needless
- 5 or irreparable injury and that person does not request
- 6 an open session."

Amendment H-5153 was adopted.

Gentleman of Polk asked for unanimous consent to temporarily defer action on amendment H—5101.

Objection was raised.

Gentleman of Polk moved that action on amendment H—5101 be temporarily deferred.

A non-record roll call was requested.

The ayes were 30, nays 50.

The motion lost.

Griffiee of Chickasaw moved the adoption of amendment H—5101, as amended.

Roll call was requested by Griffiee of Chickasaw and Junker of Woodbury.

On the question "Shall amendment H—5101, as amended, be adopted?"

The ayes were, 64:

Bennett	Bina	Binneboese	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Gentleman	Gilloon	Griffiee
Halvorson	Hansen	Harbor	Harvey
Hines	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Jochum	Junker
Lageschulte	Lindeen	Lipsky	Menke
Middleswart	Millen	Miller, K.D.	Monroe
O'Halloran	Oxley	Pellet	Pelton
Rinas	Scheelhaase	Schnekloth	Schroeder
Smalley	Spear	Spencer	Tauke
Thompson	Tofte	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 27:

Anderson	Avenson	Baker	Brandt
Branstad	Brunow	Davitt	Fitzgerald
Garrison	Gettings	Gilson	Horn

Jesse	Koogler	Lind	Loneragan
Nielsen	Pavich	Perkins	Poncy
Shimanek	Small	Stephens	Stromer
Svoboda	Varley	Walter	

Absent or not voting, 9:

Arnould	Brockett	Hargrave	Krause
Krewson	Miller (Sergeant)	Newhard	Norland
Patchett			

Amendment H—5101, as amended, was adopted placing out of order the following amendments:

Amendment H—5118 filed by Griffie of Chickasaw and Connors of Polk on January 24, 1978.

Amendment H—5135 filed by Avenson of Fayette on January 24, 1978.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the remainder of the day on request of Dyrland of Clayton.

Crawford of Story asked and received unanimous consent to withdraw amendment H—5110 filed by him on January 24, 1978.

Schroeder of Pottawattamie offered the following amendment H—5126 filed by him and moved its adoption:

H—5126

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by striking lines 32 through 35
- 3 and inserting in lieu thereof the following:
- 4 "4. A governmental body shall keep detailed
- 5 minutes of all discussion, persons present, and
- 6 action occurring at a closed session. The detailed
- 7 minutes of a closed".
- 8 2. Page 5, lines 3 and 4, by striking the words
- 9 "and tape recording".
- 10 3. Page 5, line 8, by striking the words
- 11 "or recording".
- 12 4. Page 5, line 11, by striking the words
- 13 "or recording".
- 14 5. Page 5, line 15, by striking the words

- 15 "and tape recording".
 16 6. Page 5, line 17, by striking the words
 17 "and tape recording".

Roll call was requested by Schroeder of Pottawattamie and Harbor of Mills.

On the question "Shall amendment H—5126 be adopted?"

The ayes were, 28:

Bennett	Branstad	Byerly	Crabb
Daggett	Danker	Doyle	Egenes
Halvorson	Hansen	Harbor	Hoffmann
Lind	Lindeen	Menke	Millen
Oxley	Pellett	Scheelhaase	Schneklloth
Schroeder	Stromer	Thompson	Tofte
Varley	Welden	West	Wyckoff

The nays were, 59:

Anderson	Avenson	Baker	Bina
Brandt	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Harvey	Hines	Hinkhouse
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krause	Lageschulte
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	O'Halloran	Pavich	Pelton
Perkins	Poncy	Rinas	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 13:

Arnould	Binneboese	Brockett	Brunow
Hargrave	Hullinger	Junker	Krewson
Lipsky	Newhard	Nielsen	Norland
Patchett			

Amendment H—5126 lost.

Welden of Hardin offered the following amendment H—5127 filed by him:

H—5127

- 1 Amend House File 2074 as follows:
- 2 1. Page 5, by inserting after line 21, the
- 3 following:
- 4 "6. Notwithstanding the provisions of section
- 5 twenty point seventeen (20.17), subsection three (3),
- 6 of the Code, negotiating sessions of a governmental
- 7 body, their representatives or designees and an em-
- 8 ployee organization, except strategy meetings, media-
- 9 tion and the deliberative process of arbitrators,
- 10 shall be subject to the provisions of this chapter."

Avenson of Fayette rose on a point of order that amendment H—5127 was not germane.

The Speaker ruled the point well taken and amendment H—5127 not germane.

(House File 2074 pending at adjournment and placed under unfinished business.)

SPONSOR ADDED
(House File 419)

Chido of Polk requested to be added as a sponsor on House File 419.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 354 Judiciary and Law Enforcement

Relating to the correction of erroneous, inconsistent and obsolete sections of the Code.

SUBCOMMITTEE ASSIGNMENTS

House File 4

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 8

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 12

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 19

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 27

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 29

Transportation: Rinas, Chair; Harbor, Krause, Brunow and Egenes.

House File 36

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 37

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 43

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 46

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 62

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 67

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

House File 73

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 81

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 83

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 93

Ways and Means: Brandt, Chair; Horn, Davitt, Egenes and Branstad.

House File 105

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

House File 129

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 142

Transportation: Rinas, Chair; Harbor, Krause, Brunow and Egenes.

House File 145

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 146

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 147

Transportation: Krause, Chair; Egenes, Monroe, Rinas and Clark of Cerro Gordo.

House File 155

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 160

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 165

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 166

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 169

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 185

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 193

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 204

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 205

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 217

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 218

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 222

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 223

Ways and Means: Miller of Buchanan, Chair; Pavich, Wells, Conlon and Egenes.

House File 227

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 235

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 240

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 247

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 258

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 265

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 266

Transportation: Rinas, Chair; Harbor, Krause, Brunow and Egenes.

House File 269

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 300

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 302

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 312

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 319

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 335

Transportation: Hullinger, Chair; Hoffmann and Doyle.

House File 336

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 340

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 343

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 350

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 351

State Government: Woods, Chair; Jesse and Shimanek

House File 353

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 355

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 365

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 386

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 388

Transportation: Rinas, Chair; Harbor, Krause, Brunow and Egenes.

House File 394

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 400

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 404

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 405

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 409

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 410

Transportation: Lageschulte, Chair; Davitt and Clark of Cerro Gordo

House File 416

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 417

Transportation: Krause, Chair; Egenes, Monroe, Rinas and Clark of Cerro Gordo.

House File 428

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 446

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 451

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 456

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 457

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 460

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 462

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 467

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 471

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 473

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 485

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 496

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 501

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 503

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 514

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 531

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 552

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 553

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 555

Transportation: Krause, Chair; Egenes, Monroe, Rinas and Clark of Cerro Gordo.

House File 578

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

House File 581

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 603

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 604

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 607

Commerce: Dieleman, Chair; Halvorson and Walter.

House File 608

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 609

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 618

Transportation: Rinas, Chair; Harbor, Krause, Brunow and Egenes.

House File 2060

Transportation: Lageschulte, Chair; Davitt and Clark of Cerro Gordo.

House File 2069

Labor and Industrial Relations: Chiodo, Chair; Poncey and Smalley.

House File 2077

Labor and Industrial Relations: Gilloon, Chair; Small and Crabb.

House Concurrent Resolution 24

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House Concurrent Resolution 29

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

Senate File 66

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

Senate File 74

Commerce: Koogler, Chair; Brockett, Schroeder and Bina.

Senate File 336

Ways and Means: Gilloon, Chair; Rinas, Bina, O'Halloran, Thompson, Varley and Schnekloth.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 330**

Ways and Means: Miller of Buchanan, Chair; Pavich, Wells, Branstad and Conlon.

Study Bill 331

Ways and Means: Davitt, Chair; Husak, Miller of Buchanan, Wells, Daggett, Lind and Menke.

Study Bill 337

State Government: Monroe, Chair; Harvey, West and Brandt.

Study Bill 340

State Government: Griffee, Chair; Tauke and Monroe.

Study Bill 341

Education: Koogler, Chair; Small, Daggett and Crawford.

Study Bill 343

Transportation: Krause, Chair; Egenes, Monroe, Rinas and Clark of Cerro Gordo.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES
(Joint House and Senate Meeting)

Scheduled: 10:00 a.m., January 17, 1978

Convened: 10:14 a.m.

Adjourned: 12:15 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hines and Newhard.

Presentations: Department of Social Service budget on aid to families with dependent children; Marvin Selden, Comptroller; Wythe Willey from the Governor's office and Kevin Burns, Department of Social Services on transfer of funds from foster care to district and general administration.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 10:00 a.m., January 18, 1978

Convened: 10:25 a.m.

Adjourned: 12:00 noon

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hines and Newhard.

Medical assistance was discussed.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 10:00 a.m., January 19, 1978

Convened: 10:20 a.m.

Adjourned: 11:47 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Pavich, Schnekloth and Schroeder.

Absent: Middleswart and Spencer (arrived 10:25 a.m.).

Discussed funding for Department of Public Safety and Disaster Services.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 24, 1978

Convened: 9:15 a.m.

Adjourned: 12:10 p.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Gilloon.

Presentations: Niel Ver Hoef, Audiologist Physicians Assistants; Dr. Barnes, chair of the Board of Dental Examiners; Connie Price, lay member, Dental Licensing Board and Glenn Bowles from the Commission on Aging.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 24, 1978

Convened: 9:20 a.m.

Adjourned: 11:40 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hines and Newhard.

Discussion on master plan study and the work of the interim committee on penal corrections put out by the consultant on mental health institutions and mental health system. Report of the department in reference to House File 464 and report of interim committee on our juvenile justice system.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:00 a.m., January 25, 1978

Convened: 8:20 a.m.

Adjourned: 9:50 a.m.

Present: Monroe, chair; Woods, vice-chair; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffiee, Hansen, Junker, Middleswart, Patchett, Shimanek, Stromer, Tauke and West.

Absent: Jesse, Poncey and Walter.

Excused: Harvey, ranking member.

Study Bill 337, a bill for an act relating to the publication of administrative rules.

Recommended Amend and Do Pass.

Aye: Monroe, Woods, Brandt, Dieleman, Griffiee, Hansen, Junker, Patchett, Shimanek, Stromer, Tauke and West.

Nay: None.

Absent or not voting: Harvey, Avenson, Crawford, Arnould, Jesse, Middleswart, Poncey and Walter.

Study Bill 345, a bill for an act to establish a mobile home parks residential landlord and tenant act and providing civil penalties.

Recommended Amend and Do Pass.

Aye: Monroe, Avenson, Brandt, Crawford, Griffiee, Hansen, Arnould, Middleswart, Patchett, Shimanek, Stromer, Tauke and West.

Nay: None.

Absent or not voting: Woods, Harvey, Dieleman, Jesse, Junker, Poncey and Walter.

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., January 25, 1978

Convened: 9:07 a.m.

Adjourned: 9:35 a.m.

Present: Bina, chair; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Lind, Pavich, Schneklath, Stephens and Tofte.

Absent: Hines, vice-chair; Clark of Lee, ranking member; Hargrave, Newhard, Nielsen, Perkins (arrived 9:14 a.m.), Rinas, Smalley (arrived 9:15 a.m.) and Spear (arrived 9:10 a.m.).

House File 2063, a bill for an act to change the defined term "councilman" to "council member" in the city code of Iowa, and to make appropriate conforming amendments.

Recommended Do Pass.

Aye: Bina, Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Lind, Pavich, Schnekloth, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Clark of Lee, Hargrave, Newhard, Nielsen, Perkins, Rinas and Smalley.

Senate File 384, a bill for an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple dwelling unit buildings of fifteen or more dwelling-units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

Recommended Amend and Do Pass.

H-5142

- 1 Amend Senate File 384, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Amend the title, line 3, by striking the
- 4 word "fifteen" and inserting in lieu thereof the
- 5 word "twelve".

Aye: Bina, Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Lind, Pavich, Perkins, Schnekloth, Smalley, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Clark of Lee, Hargrave, Newhard, Nielsen and Rinas.

House File 2010 rereferred to subcommittee.

SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., January 25, 1978

Convened: 10:20 a.m.

Adjourned: 12:00 noon

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Discussed inequities of National Guard, funding railroad bank, railroad branch line improvement program, public transit and appropriation to general fund for Department of Transportation.

COMMITTEE ON BUDGET

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:30 a.m.

Adjourned: 11:15 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Harvey, Koogler, Varley, Welden and Wells.

Absent: Avenson (arrived 10:47 a.m.), Jesse (arrived 10:58 a.m.), Norland (arrived 10:55 a.m.), O'Halloran (arrived 10:40 a.m.) and Stromer (arrived 11:05 a.m.).

Study Bill 217, a bill for an act relating to the appropriation of federal funds by the general assembly.

Recommended Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: None.

Informational meeting to inform committee members on status of bills coming out of budget subcommittees.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:30 a.m.

Adjourned: 12:00 noon

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Egenes, Nielsen, Oxley and Poncy.

Absent: Pelton (arrived 10:40 a.m.).

Discussion of tentative amounts.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:25 a.m.

Adjourned: 12:10 p.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Gilloon.

Presentation by the Cosmetology Board and discussion of the proposed bill.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES
(Joint House and Senate Meeting)

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:25 a.m.

Adjourned: 11:55 a.m.

Present: Perkins, chair; Evans, ranking member; Lind, Howell, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Dyrland (arrived 10:35 a.m.) and Hullinger.

Budget Subcommittee approved and submitted the study bill to the Budget Committee. Hearing from the Preserves Board on Indiana bat study and future plans of Preserves Board.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:00 a.m.

Adjourned: 12:00 noon

Present: Griffee, chair; Crabb, ranking member; Arnould, Chiodo, Conlon, Connors, Gettings, Lipsky, Small, Svoboda and West.

Absent: Halvorson.

Continued work on regulatory and finance recommendations.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:25 a.m.

Adjourned: 12:12 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Doyle, Gentleman, Gilson, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Daggett, Hines, Hargrave and Newhard.

Presentations: Don Page, chair for the Prison Industries Advisory Board; Al Way and Susan Sleeper on adult corrections.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 10:00 a.m., January 25, 1978

Convened: 10:28 a.m.

Adjourned: 12:00 noon

Present: Wyckoff, chair; Junker, vice-chair; Danker, Dieleman, Harbor, Lageschulte and Smalley.

Absent: Byerly and Patchett.

Excused: Bina, Walter and Woods.

Funded General Services Office of Director. Presentation by Stan McCausland on energy shortage, parking facilities, Valley National Bank Building and Farm Bureau Building. Committee also discussed General Administration, Records Management and Communications Division of General Services.

COMMITTEE ON WAYS AND MEANS

Scheduled: 3:00 p.m., January 25, 1978

Convened: 3:15 p.m.

Adjourned: 4:55 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Branstad, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Harbor, Harvey, Hines, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Oxley, Pavich, Spencer, Thompson, Wells and Wyckoff.

Absent: Anderson, Brandt (arrived 3:19 p.m.), Clark of Lee (arrived 3:26 p.m.), Cusack, Gilloon (arrived 4:10 p.m.), Horn (arrived 3:27 p.m.), Rinas (arrived 3:53 p.m.).

Schnekloth (arrived 3:55 p.m.), Svoboda (arrived 3:17 p.m.) and Varley (arrived 3:35 p.m.).

Excused: Den Herder.

Presentation and discussion by Revenue Department representative on Study Bill 157.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 1:00 p.m., January 26, 1978

Convened 1:11 p.m.

Adjourned: 2:48 p.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Byerly, Clark of Lee, Gilloon, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Stephens, Stromer, Wells and Wyckoff.

Absent: Baker (arrived 1:24 p.m.), Brandt (arrived 1:15 p.m.), Gilson (arrived 1:30 p.m.), Miller (Sergeant) of Calhoun (arrived 1:26 p.m.), Oxley (arrived 1:15 p.m.) and Pellett (arrived 1:13 p.m.).

House Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Recommended **Do Pass**.

Aye: Spear, Baker, Brandt, Byerly, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann; Junker, Miller (Sergeant) of Calhoun, Pellett and Wells.

Nay: Hullinger, Danker, Clark of Lee, Lindeen, Oxley, Stephens, Stromer and Wyckoff.

AMENDMENTS FILED

H—5155	S.F. 356	Clark of Lee
H—5156	H.F. 2069	Schroeder of Pottawattamie
H—5157	H.F. 2045	Conlon of Muscatine
		Woods of Polk
		Chiodo of Polk
		Schnekloth of Scott
H—5158	H.F. 2021	Svoboda of Iowa
		Scheelhaase of Woodbury
		Husak of Tama
		Krause of Kossuth

On motion by Fitzgerald of Webster the House adjourned at 5:45 p.m., until 10:00 a.m., Monday, January 30, 1978.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day—Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 30, 1978

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

Prayer was offered by the Reverend Douglas Peters, pastor of the United Methodist Church, Woodbine, Iowa.

The Journal of Thursday, January 26, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy Turner, Armstrong, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for January 30 and 31 on request of Crawford of Story; Brandt of Black Hawk for a portion of the day on request of Anderson of Jasper and Rinas of Linn on request of Krewson of Polk.

PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago from forty-eight constituents opposing House File 187, relating to a mandatory deposit law on beverage packaging.

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 27, 1978 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
 Chief Clerk
 House of Representatives
 State House
 L O C A L

Dear Mr. Wray:

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

These include fourteen (14) claims of a general nature. This supplements our filing on January 10, 1978.

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

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1071-66-25	Firestone Store #6244 Muscatine, Iowa Outdated invoice	\$ 258.41	Disapproved
2918-67-25	Des Moines County Clerk of the District Court Burlington, Iowa Overpayment filing fees	16,697.84	Disapproved
3501-67-25	Central Iowa Medical, P.C. Des Moines, Iowa Outdated invoice	1,557.61	Disapproved
3999-67-25	Creighton-Nebraska Neurology Program Omaha, Nebraska Outdated claim for Title XIX	40.00	Disapproved
4175-67-25	Hope Haven School Rock Valley, Iowa Outdated Title XX claim	442.80	Disapproved
4261-67-25	Iowa Civil Rights Commission Des Moines, Iowa Outdated invoice	125.00	Disapproved
4267-67-25	Rand Leasing Corporation, Inc. Council Bluffs, Iowa Prorate refund	Undetermined	Disapproved

4290-67-25	Neurological Institute & Pain Center, P.C. Sioux City, Iowa Outdated Title XIX claim	225.00	Disapproved
4291-67-25	Neurological Institute & Pain Center, P.C. Sioux City, Iowa Outdated Title XIX claim	80.00	Disapproved
4296-67-25	Paul R. Madison, M.D. Nebraska City, Nebraska Outdated Title XIX claim	56.00	Disapproved
4297-67-25	Paul R. Madison, M.D. Nebraska City, Nebraska Outdated Title XIX claim	27.00	Disapproved
4298-67-25	Paul R. Madison, M.D. Nebraska City, Nebraska Outdated Title XIX claim	27.00	Disapproved
4342-67-25	Teresa Lyn Peterson Sutherland, Iowa Property loss	75.00	Disapproved
4349-67-25	Iowa Department of Revenue Des Moines, Iowa Reimbursement for compromise and settlement	10,000.00	Disapproved

CONSIDERATION OF BILLS

Regular Calendar

House File 2069, a bill for an act relating to the inspection of boilers and similar vessels by the bureau of labor, with report of committee recommending passage was taken up for consideration.

Evans of Grundy offered the following amendment H-5160 filed by him from the floor and moved its adoption:

H-5160

- 1 Amend House File 2069 as follows:
- 2 1. Page 3, line 31 by striking the word "pressure,"
- 3 and inserting in lieu thereof the words "pressure, and
- 4 at least once every two years externally while under
- 5 pressure".
- 6 2. Page 4, by striking lines 4 through 7 and
- 7 inserting in lieu thereof the following:
- 8 "Not more than twenty-four months shall elapse
- 9 between internal inspections, and external inspections
- 10 while under pressure shall also be made at no greater
- 11 intervals."
- 12 3. Page 4, line 8 by inserting after the word

- 13 "boiler" the words "of one hundred thousand pounds per
14 hour or more capacity desiring to qualify for biennial
15 inspection".
16 4. Page 5, line 27 by inserting after the word
17 "commissioner" the words "and shall be exempt from regular
18 inspection under provisions of this chapter".

Amendment H-5160 was adopted.

Daggett of Adams offered the following amendment H-5163 filed by him from the floor and moved its adoption:

H-5163

- 1 Amend House File 2069 as follows:
2 1. Page 4, line 24, by striking the word
3 "six" and inserting in lieu thereof the word "three".
4 2. Page 4, line 26, by striking the word
5 "six-year" and inserting in lieu thereof the word
6 "three-year".

Amendment H-5163 lost.

Evans of Grundy offered the following amendment H-5161 filed by him from the floor and moved its adoption:

H-5161

- 1 Amend House File 2069 as follows:
2 1. Page 5, line 9, by striking the words "d. Boilers"
3 and inserting in lieu thereof the words "d. Steam heat-
4 ing boilers and unfired steam pressure vessels associated
5 therewith and mobile power boilers".

A non-record roll call was requested.

The ayes were 73, nays 9.

Amendment H-5161 was adopted.

Schroeder of Pottawattamie offered the following amendment H-5156 filed by him and moved its adoption:

H-5156

- 1 Amend House File 2069 as follows:
2 1. Page 7, by striking lines 22 through 28.

Amendment H—5156 lost.

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

On the question "Shall the bill pass?" (H.F. 2069)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Scheelhaase	Schneklloth
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 2:

Danker	Schroeder
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Absent or not voting, 7:

Brandt	Dyrland	Egenes	Hines
Jesse	Lipsky	Rinas	

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

SPECIAL ORDER CONTINUED

The House resumed consideration of **House File 2074**, a bill for

an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute and providing remedies and damages.

Fitzgerald of Webster asked and received unanimous consent to suspend the rules for the consideration of amendment H—5159.

Perkins of Greene offered the following amendment H—5159 filed by Perkins, Spear, Tauke, Baker, Small and Evans from the floor and moved its adoption:

H—5159

- 1 Amend House File 2074 as follows:
- 2 1. Page 4, by inserting after line 21, the
- 3 following:
- 4 "i. To discuss the purchase of particular real
- 5 estate only where premature disclosure could be
- 6 reasonably expected to increase the price the govern-
- 7 mental body would have to pay for that property. The
- 8 minutes and the tape recording of a session closed
- 9 under this paragraph shall be available for public
- 10 examination when the transaction discussed is completed."

Roll call was requested by Harvey of Scott and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall amendment H—5159 be adopted?"

The ayes were, 75:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Egenes	Evans	Gentleman	Gilloon
Gilson	Griffie	Hansen	Harbor
Hargrave	Hinkhouse	Horn	Howell
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	O'Halloran	Oxley

Patchett	Pellett	Perkins	Poncy
Scheelhaase	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 18:

Avenson	Clark, J.H.	Fitzgerald	Garrison
Gettings	Halvorson	Harvey	Hines
Hoffmann	Husak	Jesse	Jochum
Loneragan	Pavich	Pelton	Schnekloth
Thompson	Tofte		

Absent or not voting, 7:

Brandt	Dyrland	Hullinger	Lipsky
Newhard	Norland	Rinas	

Amendment H-5159 was adopted, placing out of order the following amendments:

H-5103 filed by Perkins, et al., on January 24, 1978.

H-5099, as amended, filed by Spear of Lee on January 24, 1978 and found on page 199 of the House Journal. (This also places amendments H-5119 and H-5141, to amendment H-5099, out of order.)

The House resumed consideration of amendment H-5075C found on page 194 of the House Journal.

Bina of Scott moved the adoption of amendment H-5075C.

A non-record roll call was requested.

The ayes were 22, nays 59.

Amendment H-5075C lost.

Hansen of O'Brien offered the following amendment H-5109 filed by him:

H-5109

1 Amend House File 2074 as follows:

- 2 1. Page 5, by striking lines 32 through 35,
3 and page 6, by striking line 1.

(House File 2074 and amendment H—5109 pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horn of Linn, Nielsen of Polk, and Byerly of Polk for a portion of the afternoon; all on request of Baker of Buena Vista and Newhard of Jones for January 30 and 31 on request of Jesse of Polk.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Lageschulte of Bremer to determine that a quorum was present.

Present: 78

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Giloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Pavich
Pellet	Pelton	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 22

Baker	Brandt	Byerly	Dunton
Dyrland	Hargrave	Hines	Horn
Jesse	Jochum	Krause	Lipsky
Millen	Newhard	Nielsen	Oxley
Patchett	Rinas	Small	Smalley
Svoboda	Walter		

SPECIAL ORDER CONTINUED

The House resumed consideration of **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute and providing remedies and damages, and amendment H—5109.

Hansen of O'Brien moved the adoption of amendment H—5109.

Roll call was requested by Tauke of Dubuque and Conlon of Muscatine.

Rule 70 was invoked.

On the question "Shall amendment H—5109 be adopted?"

The ayes were, 40:

Baker	Bennett	Branstad	Brockett
Chiodo	Clark, B.J.	Conlon	Crabb
Daggett	Danker	Den Herder	Dieleman
Egenes	Evans	Gilson	Halvorson
Hansen	Harbor	Hoffmann	Junker
Lind	Lindeen	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Oxley	Pellett
Perkins	Schneklöth	Schroeder	Smalley
Spencer	Stephens	Stromer	Thompson
Tofte	Weiden	West	Wyckoff

The nays were, 50:

Anderson	Arnould	Avenson	Bina
Binneboese	Brunow	Clark, J.H.	Connors
Crawford	Cusack	Davitt	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Griffee
Hargrave	Harvey	Hinkhouse	Horn

Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krewson	Lageschulte
Lonergan	Monroe	Norland	O'Halloran
Patchett	Pavich	Pelton	Poncy
Scheelhaase	Shimanek	Spear	Svoboda
Tauke	Varley	Walter	Wells
Woods	Mr. Speaker		

Absent or not voting, 10:

Brandt	Byerly	Hines	Krause
Lipsky	Millen	Newhard	Nielsen
Rinas	Small		

Amendment H—5109 lost.

Griffie of Chickasaw offered amendment H—5125 filed by Griffie, et al., and requested division as follows:

H—5125

1 Amend House File 2074 as follows:

H—5125A

2 1. Page 6, line 5, by striking the word "Shall"
3 and inserting in lieu thereof the word "May".

H—5125B

4 2. Page 6, line 7, by striking the words "of two"
5 and inserting in lieu thereof the words "of not more
6 than two".
7 3. Page 6, line 8, by inserting after the word
8 "of" the words "not more than".

H—5125C

9 4. Page 6, lines 22 and 23, by striking the words
10 "an appropriate county or city attorney" and inserting
11 in lieu thereof the words "the attorney for the
12 governmental body".

H—5125D

13 5. Page 6, line 24, by striking the word "Shall"
14 and inserting in lieu thereof the word "May".

H—5125F

15 6. Page 6, line 33, by striking the word "Shall"
16 and inserting in lieu thereof the word "May".

H-5125E

17 7. Page 7, line 5, by striking the word "Shall"
18 and inserting in lieu thereof the word "May".

H-5125G

19 8. Page 7, line 6, by striking the word "two"
20 and inserting in lieu thereof the word "three".

H-5125C

21 9. Page 7, by striking line 23 and inserting in
22 lieu thereof the following: "general or an attorney
23 for the governmental body."

Thompson of Polk asked and received unanimous consent to withdraw amendment H-5136, to amendment H-5125A, filed by her on January 24, 1978.

Brunow of Appanoose in the chair at 2:04 p.m.

Griffiee of Chickasaw moved the adoption of amendment H-5125A.

Roll call was requested by Junker of Woodbury and Conlon of Muscatine.

Rules 69 and 70 were invoked.

On the question "Shall amendment H-5125A be adopted?"

The ayes were, 47:

Baker	Bennett	Binneboese	Chiodo
Clark, B.J.	Conlon	Crabb	Den Herder
Dieleman	Doyle	Dunton	Egenes
Evans	Gentleman	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Hullinger	Junker	Lind	Lindeen
Menke	Middlewart	Millen	Miller, K.D.
Pellett	Perkins	Scheelhaase	Schneklath
Small	Spear	Spencer	Stephens
Stromer	Thompson	Tofte	Walter
Welden	West	Wyckoff	

The nays were, 42:

Anderson	Arnould	Avenson	Bina
Brandt	Branstad	Clark, J.H.	Connors
Crawford	Cusack	Davitt	Dyrland
Garrison	Gettings	Gilloon	Hines
Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lonergan	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Poncy	Shimanek	Smalley
Svoboda	Tauke	Varley	Wells
Woods	Mr. Speaker (Brunow)		

Absent or not voting, 11:

Brockett	Byerly	Cochran	Daggett
Danker	Fitzgerald	Lipsky	Newhard
Nielsen	Rinas	Schroeder	

Amendment H - 5125A was adopted.

Griffie of Chickasaw moved the adoption of amendment H - 5125B.

A non-record roll call was requested.

The ayes were 44, nays 37.

Amendment H - 5125B was adopted.

On motion by Griffie of Chickasaw, amendment H - 5125C was adopted.

Griffie of Chickasaw moved the adoption of amendment H - 5125D.

A non-record roll call was requested.

The ayes were 26, nays 55.

Amendment H - 5125D lost.

On motion by Griffie of Chickasaw, amendment H - 5125E lost.

Hargrave of Johnson moved to reconsider the vote by which amendment H-5125A was adopted by the House on January 30, 1978.

A non-record roll call was requested.

The ayes were 53, nays 27.

The motion prevailed and the House reconsidered amendment H-5125A.

Griffee of Chickasaw moved the adoption of amendment H-5125A.

Roll call was requested by Conlon of Muscatine and Hoffmann of Muscatine.

On the question "Shall amendment H-5125A be adopted?"

The ayes were, 35:

Bennett	Branstad	Conlon	Crabb
Daggett	Danker	Den Herder	Dieleman
Doyle	Dunton	Egenes	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hines	Hoffmann	Hullinger	Lind
Lindeen	Menke	Middleswart	Millen
Pellett	Schneklath	Schroeder	Spencer
Stephens	Stromer	Thompson	Tofte
Welden	West	Wyckoff	

The nays were, 53:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Crawford
Cusack	Davitt	Evans	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hinkhouse	Horn	Howell
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lonergan
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Pavich	Pelton
Perkins	Poney	Scheelhaase	Shimanek
Small	Smalley	Spear	Svoboda
Tauke	Walter	Wells	Woods
Mr. Speaker (Brunow)			

Absent or not voting, 12:

Anderson	Byerly	Cochran	Dyrland
Fitzgerald	Junker	Lipsky	Newhard
Nielsen	Patchett	Rinas	Varley

Amendment H—5125A lost.

Griffie of Chickasaw moved the adoption of amendment H—5125F.

A non-record roll call was requested.

The ayes were 11, nays 63.

Amendment H—5125F lost.

Griffie of Chickasaw asked and received unanimous consent to withdraw amendment H—5125G.

The Speaker announced that amendment H—5139, filed by Harbor of Mills on January 24, 1978, was out of order.

Junker of Woodbury offered amendment H—5107 filed by him and requested division as follows:

H—5107

1 Amend House File 2074 as follows:

H—5107A

2 1. Page 6, line 28, by inserting after the
3 word "subsection." the following: "Such damages
4 shall not exceed the limits imposed by that
5 paragraph. Costs and fees exceeding the limits
6 imposed by paragraph a of this subsection shall
7 be paid from the budget of the offending govern-
8 mental body or its parent."

H—5107B

9 2. Page 7, by inserting after line 29 the
10 following:
11 "1. A governing body may conduct a meeting by
12 electronic means in non-emergency circumstances if
13 the broadcast or telecast is covered live and in
14 its entirety and if the broadcast or telecast is
15 otherwise in compliance with this Act."

Junker of Woodbury moved the adoption of amendment H-5107A.

A non-record roll call was requested.

The ayes were 30, nays 46.

Amendment H-5107A lost.

Junker of Woodbury moved the adoption of amendment H-5107B.

A non-record roll call was requested.

The ayes were 16, nays 56.

Amendment H-5107B lost.

The House resumed consideration of amendment H-5095B, found on page 195 of the House Journal.

By unanimous consent, the following amendment H-5171, to amendment H-5095B, filed by Bina of Scott from the floor was adopted:

H-5171

- 1 Amend amendment H-5095 to page 7 of House File 2074
- 2 as follows:
- 3 1. Page 1, line 15, by striking the word "auction"
- 4 and inserting in lieu thereof the word "sale".

Bina of Scott moved the adoption of amendment H-5095B, as amended.

Amendment H-5095B, as amended, was adopted.

Krause of Kossuth offered the following amendment H-5108 filed by him and moved its adoption:

H-5108

- 1 Amend House File 2074 as follows:
- 2 1. Page 7, line 5, by inserting after the
- 3 words "removing a" the words "non-elected".

Roll call was requested by Conlon of Polk and Thompson of Polk.

On the question "Shall amendment H—5108 be adopted?"

The ayes were, 26:

Arnould	Bennett	Binneboese	Branstad
Brockett	Clark, J.H.	Conlon	Daggett
Danker	Doyle	Egenes	Griffie
Halvorson	Hines	Hoffmann	Krause
Millen	Pavich	Pellett	Scheelhaase
Schroeder	Small	Stephens	Stromer
Thompson	Welden		

The nays were, 58:

Avenson	Bina	Brandt	Chiodo
Clark, B.J.	Cochran	Connors	Crabb
Crawford	Davitt	Dieleman	Dunton
Dyrland	Evans	Gentleman	Gettings
Giloon	Gilson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Oxley	Pelton	Perkins	Poncy
Schneklloth	Shimanek	Smalley	Spear
Spencer	Svoboda	Tauke	Tofte
Varley	Walter	West	Woods
Wyckoff	Mr. Speaker (Brunow)		

Absent or not voting, 16:

Anderson	Baker	Byerly	Cusack
Den Herder	Fitzgerald	Garrison	Horn
Hullinger	Lipsky	Newhard	Nielsen
Norland	Patchett	Rinas	Wells

Amendment H—5108 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for a portion of the day on request of Dyrland of Clayton.

The House resumed consideration of amendment H—5075D.

On motion by Bina of Scott, amendment H—5075D was adopted.

Avenson of Fayette offered the following amendment H—5122 filed by him and moved its adoption:

H—5122

- 1 Amend House File 2074 as follows:
- 2 1. Page 7, by striking lines 13 and 14.

A non-record roll call was requested.

The ayes were 59, nays 14.

Amendment H—5122 was adopted.

Griffie of Chickasaw asked and received unanimous consent to suspend the rules for the consideration of amendment H—5115 filed by him as follows:

H—5115

- 1 Amend House File 2074 as follows:
- 2 1. Page 7, by striking lines 15 through 23.

Griffie of Chickasaw asked and received unanimous consent to withdraw amendment H—5115.

The Speaker ruled amendment H—5123, filed by Avenson of Fayette on January 24, 1978, out of order.

Junker of Woodbury offered the following amendment H—5140 filed by Rinas of Linn and himself and moved its adoption:

H—5140

- 1 Amend House File 2074 as follows:
- 2 1. Page 7, line 31, by striking the words "under
- 3 emergency circumstances" and inserting in lieu thereof
- 4 the words "in circumstances where such a meeting in
- 5 person is impossible or impractical".
- 6 2. Page 8, by inserting after line 5 the words
- 7 "The minutes shall include a statement explaining why
- 8 such a meeting in person was impossible or impractical."
- 9 3. Page 8, by inserting after line 7 the following
- 10 subsection:

11 "3. A meeting by electronic means may be conducted
12 without complying with paragraph 'a' of subsection one
13 (1) if conducted in accordance with all of the
14 requirements for a closed session contained in section
15 six (6) of this Act."

Amendment H—5140 was adopted.

Spear of Lee offered the following amendment H—5078 filed by him:

H—5078

1 Amend House File 2074 as follows:
2 1. Page 8, by inserting after line 7 the following:
3 "Sec. 10. Section twenty point seventeen (20.17),
4 subsection three (3), Code 1977, is amended to read
5 as follows:
6 3. Negotiating sessions, including strategy
7 meetings of public employers or employee organizations,
8 mediation and the deliberative process of arbitrators
9 shall be exempt from the provisions of chapter 28A.
10 However, negotiating sessions shall be open to the
11 public upon the request of either the public employer
12 or the employee organization. Hearings conducted
13 by arbitrators shall be open to the public."
14 2. By renumbering the sections to conform with
15 this amendment.

Miller of Buchanan offered the following amendment H—5098, to amendment H—5078, filed by him:

H—5098

1 Amend amendment H—5078, found on page 8 of House
2 File 2074, as follows:
3 1. Page 1, by striking lines 11 and 12 and
4 inserting in lieu thereof the words "public. Hearings
5 conducted".

Avenson of Fayette rose on a point of order that amendment H—5078 was not germane.

The Speaker ruled the point well taken and amendment H—5078 not germane.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H—5078.

Roll call was requested by Daggett of Adams and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 47:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Dunton	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Hoffmann
Husak	Koogler	Krewson	Lageschulte
Lind	Lindeen	Menke	Millen
Miller, K.D.	Pellet	Pelton	Schnekloth
Schroeder	Shimanek	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
West	Woods	Wyckoff	

The nays were, 43:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Cochran	Connors
Cusack	Davitt	Dieleman	Doyle
Dyrland	Fitzgerald	Gettings	Gilloon
Gilson	Griffee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Krause
Lonergan	Middleswart	Miller (Sergeant)	Monroe
Norland	O'Halloran	Oxley	Pavich
Perkins	Poncy	Scheelhaase	Small
Walter	Wells	Mr. Speaker (Brunow)	

Absent or not voting, 10:

Chiodo	Den Herder	Garrison	Harvey
Lipsky	Newhard	Nielsen	Patchett
Rinas	Smalley		

The motion, having failed to receive a constitutional majority, lost, placing amendment H—5098 out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk for the remainder of the day on request of Evans of Grundy.

Branstad of Winnebago offered the following amendment
H—5105 filed by him:

H—5105

- 1 Amend House File 2074 as follows:
- 2 1. Page 8, by inserting after line 7 the following:
- 3 "Sec. . . Section twenty point seventeen (20.17),
- 4 subsection three (3), is amended by striking the
- 5 subsection and inserting in lieu thereof the following:
- 6 3. Negotiating sessions, fact finding sessions,
- 7 hearings conducted by arbitrators, mediation, and
- 8 the deliberative process of arbitrators shall be
- 9 conducted in compliance with chapter twenty-eight
- 10 A (28A) of the Code. Strategy meetings of public
- 11 employers shall be exempt from the provisions of
- 12 chapter twenty-eight A (28A) of the Code."
- 13 2. By renumbering the sections to conform with
- 14 this amendment.
- 15 3. Amend the title, lines 4 and 5, by striking
- 16 the words "unless otherwise exempted by statute."

Avenson of Fayette rose on a point of order that amendment
H—5105 was not germane.

The Speaker ruled the point well taken and amendment
H—5105 not germane.

Pelton of Clinton moved to suspend the rules to take up for
immediate consideration House File 361.

Roll call was requested by Pelton of Clinton and Harvey of Scott.

On the question "Shall the rules be suspended?"

The ayes were, 38:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Lageschulte

Lind	Lindeen	Menke	Millen
Pellett	Pelton	Schneklath	Schroeder
Shimanek	Stephens	Stromer	Tauke
Thompson	Toffe	Varley	Welden
West	Wyckoff		

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Binnebose	Brandt	Byerly
Cochran	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Gettings	Gilloon	Gilson
Griffee	Hargrave	Hines	Hinkhouse
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Loneragan
Middleswart	Miller, K.D.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Pavich
Perkins	Poncy	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Mr. Speaker (Brunow)	

Absent or not voting, 11:

Chiodo	Den Herder	Garrison	Horn
Krewson	Lipsky	Miller (Sergeant)	Newhard
Patchett	Rinas	Smalley	

The motion lost.

Stromer of Hancock asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—5105.

Objection was raised.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H—5105.

Roll call was requested by Branstad of Winnebago and Danker of Pottawattamie.

On the question "Shall the rules be suspended?"

The ayes were, 40:

Bennett	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Menke	Millen	Miller, K.D.	Pellet
Pelton	Schneklath	Schroeder	Shimanek
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Weiden	West

The nays were, 46:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Gettings	Gilloon
Gilson	Griffee	Hargrave	Hines
Hinkhouse	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Loneragan
Middleswart	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Pavich
Perkins	Poncy	Scheelhaase	Small
Spear	Spencer	Walter	Wells
Wyckoff	Mr. Speaker (Brunow)		

Absent or not voting, 14:

Baker	Chiodo	Cochran	Den Herder
Garrison	Horn	Koogler	Lipsky
Newhard	Patchett	Rinas	Smalley
Svoboda	Woods		

The motion lost.

Speaker Cochran in the chair at 5:11 p.m.

Bennett of Ida offered the following amendment H-5134 filed by him and moved its adoption:

H-5134

- 1 Amend House File 2074 as follows:
- 2 1. Page 1, by striking lines 15 and 16 and in-
- 3 serting in lieu thereof the words "of this state."

Roll call was requested by Schneklath of Scott and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—5134 be adopted?"

The ayes were, 37:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Crawford	Daggett	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Menke	Millen	Pellet	Pelton
Schnekloth	Schroeder	Shimanek	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Woods			

The nays were, 49:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Jesse
Jochum	Krause	Lonergan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Scheelhaase	Small
Spear	Svoboda	Wells	Wyckoff
Mr. Speaker			

Absent or not voting, 14:

Branstad	Brockett	Byerly	Crabb
Den Herder	Garrison	Husak	Koogler
Lipsky	Newhard	Nielsen	Rinas
Smalley	West		

Amendment H—5134 lost.

Jesse of Polk offered the following amendment H—5138 filed by him and moved its adoption:

H—5138

- 1 Amend House File 2074 as follows:
- 2 1. Page 1, line 34, by striking the following
- 3 " , social or informational" and inserting the words
- 4 "or social".

Roll call was requested by Lageschulte of Bremer and Schroeder of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H—5138 be adopted?"

The ayes were, 39:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dyrland	Gettings
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Jesse	Krause
Krewson	Middleswart	Miller, K.D.	Miller (Sergeant)
Norland	O'Halloran	Patchett	Pavich
Scheelhaase	Small	Svoboda	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 46:

Baker	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Connors	Daggett	Dunton
Egenes	Evans	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Jochum
Junker	Lageschulte	Lind	Lindee
Lonergan	Menke	Millen	Monroe
Oxley	Pellett	Pelton	Perkins
Poncy	Schnekloth	Schroeder	Shimanek
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden		

Absent or not voting, 15:

Branstad	Brockett	Byerly	Crabb
Den Herder	Fitzgerald	Garrison	Husak
Koogler	Lipsky	Newhard	Nielsen
Rinas	Smalley	West	

Amendment H—5138 lost.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—5100 filed by him on January 24, 1978.

Harvey of Scott offered the following amendment H—5106 filed by him:

H—5106

- 1 Amend House File 2074 as follows:
- 2 1. Amend the title, lines 4 and 5, by striking
- 3 the words "unless otherwise exempted by statute,".

Avenson of Fayette rose on a point of order that amendment H—5106 was not germane.

The Speaker ruled the point well taken and amendment H—5106 not germane.

Miller of Buchanan asked and received unanimous consent to suspend the rules for the consideration of the following amendment H—5167 filed by him and Wyckoff of Benton from the floor:

H—5167

- 1 Amend House File 2074 as follows:
- 2 1. Page 8, by inserting after line 7 the
- 3 following:
- 4 "Sec. . Section eight hundred thirteen point
- 5 two (813.2), Rule 3, subsection 4, paragraph j, Code
- 6 1977 Supplement, is amended by adding the following
- 7 new subparagraph:
- 8 (4) The detailed minutes and tape recordings
- 9 sealed pursuant to section six (6) of this Act."

Junker of Woodbury rose on a point of order that amendment H—5167 was not germane.

The Speaker ruled the point not well taken and amendment H—5167 germane.

On motion by Miller of Buchanan, amendment H—5167 was adopted.

Conlon of Muscatine asked and received unanimous consent to suspend the rules for the consideration of the following amendment H—5170 filed by him from the floor and moved its adoption:

H—5170

- 1 Amend House File 2074 as follows:
- 2 1. Page 6, line 6, by striking the word
- 3 "liquidated".

Amendment H—5170 was adopted.

Svoboda of Iowa asked for unanimous consent to consider amendment H—5111.

Objection was raised.

Svoboda of Iowa moved to suspend the rules for the consideration of amendment H—5111, found on pages 189 and 190 of the House Journal.

A non-record roll call was requested.

The ayes were 32, nays 42.

The motion lost.

Small of Johnson asked for unanimous consent to suspend the rules to consider amendment H—5165.

Objection was raised.

Small of Johnson moved to suspend the rules for the consideration of the following amendment H—5165 filed by him and Jesse of Polk from the floor:

H—5165

- 1 Amend House File 2074 as follows:
- 2 1. Page 1, by inserting after line 13 the following:
- 3 "a. The board of directors of any public utility
- 4 as defined in chapter four hundred seventy six (476)
- 5 of the Code."

Roll call was requested by Small of Johnson and Dyrland of Clayton.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 44:

Arnould
Clark, B.J.

Baker
Clark, J.H.

Brandt
Conlon

Chiodo
Connors

Crawford	Cusack	Daggett	Danker
Dyrland	Egenes	Gentleman	Gettings
Gilloon	Griffie	Halvorson	Harvey
Hines	Hoffmann	Horn	Jesse
Jochum	Krause	Krewson	Lageschulte
Lind	Miller, K.D.	Monroe	O'Halloran
Patchett	Pavich	Schroeder	Shimanek
Small	Spear	Stephens	Stromer
Svoboda	Thompson	Tofte	Woods

The nays were, 40:

Anderson	Avenson	Bennett	Bina
Binneboese	Brunow	Davitt	Dieleman
Doyle	Dunton	Evans	Fitzgerald
Gilson	Hansen	Harbor	Hargrave
Hinkhouse	Howell	Hullinger	Junker
Lindeen	Lonergan	Menke	Middleswart
Millen	Norland	Oxley	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Spencer	Tauke	Varley
Walter	Welden	Wyckoff	Mr. Speaker

Absent or not voting, 16:

Branstad	Brockett	Byerly	Crabb
Den Herder	Garrison	Husak	Koogler
Lipsky	Miller (Sergeant)	Newhard	Nielsen
Rinas	Smalley	Wells	West

The motion, having failed to receive a constitutional majority, lost.

Jesse of Polk asked and received unanimous consent to suspend the rules for the consideration of amendment H—5169 filed by him from the floor and moved its adoption:

H—5169

1. Amend House File 2074 as follows:
2. 1. Page 5, line 35, by striking the word "proof"
3. and inserting in lieu thereof the words "going
4. forward".

Amendment H—5169 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2074)

The ayes were, 70:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Gentleman	Gettings
Gilloon	Gilson	Griffie	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jochum
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Lonergan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Shimanek	Small	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Wyckoff	Mr. Speaker		

The nays were, 15:

Brandt	Danker	Egenes	Evans
Halvorson	Hansen	Harbor	Jesse
Menke	Millen	Pellett	Schroeder
Tofte	Welden	Woods	

Absent or not voting, 15:

Branstad	Brockett	Byerly	Crabb
Den Herder	Garrison	Husak	Koogler
Lipsky	Newhard	Nielsen	Rinas
Smalley	Wells	West	

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

MOTION TO RECONSIDER LOST
(House File 2074)

Avenson of Fayette moved to reconsider the vote by which House File 2074 passed the House on January 30, 1978.

A non-record roll call was requested.

The ayes were 35, nays 45.

The motion lost.

SPECIAL ORDER
(House Joint Resolution 9)

Fitzgerald of Webster asked and received unanimous consent that House Joint Resolution 9 be made a special order of business for Tuesday, January 31, 1978, at 6:30 p.m.

INTRODUCTION OF BILLS

House File 2096, by Spencer, Daggett, Connors, Branstad, Koogler, Egenes, Spear, Gilson, Wyckoff, Smalley, Evans, Chiodo, Schnekloth, Tofte, Dunton, Dieleman, Welden, Wells, Harvey, Schroeder, Hoffmann, Howell, Poncy, Woods, Lindeen, Miller of Buchanan, Oxley, Binneboese, Lageschulte, Gettings, Danker, Baker, Junker, Pellett, Halvorson, Lind, Conlon, Crabb, Stephens, Bennett, Horn, Hansen, Garrison, Brockett and West, a bill for an act establishing the penalties of death or life imprisonment for the offense of murder when committed against the person killed in conjunction with the offense of sexual abuse in the first degree against the person killed.

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

House File 2097, by Pelton, a bill for an act to repeal bounties on certain wild animals.

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

House File 2098, by committee on budget, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research.

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

House File 2099, by committee on state government, a bill for an act relating to the publication of administrative rules.

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

House File 2100, by Woods and Tofte, a bill for an act relating to retirement allowances for active, vested, and retired members of the Iowa public employees' retirement system and to make an appropriation.

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

House File 2101, by Svoboda, O'Halloran, Griffie, Arnould, Husak, Krewson, Harvey, Jochum, Gilloon, Hoffmann, Krause, Gentleman, Brunow, Howell, Connors, Brandt, Scheelhaase, West, Small, Davitt, Pelton, Rinas, Patchett, Chiodo and Hinkhouse, a bill for an act encouraging the development and use of solar energy in Iowa.

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

EXPLANATION OF VOTE

I was necessarily absent from the House Chamber the morning of January 30, 1978. I been present, I would have voted "aye" on House File 2069 and "nay" on amendment H-5109 to House File 2074.

HINES of Story

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 355 Budget

Appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy policy and research, coal research, and natural resources management and research.

S.B. 356 Natural Resources

Relating to the appointment of a general counsel for the department of environmental quality and the duties thereof.

S.B. 357 Natural Resources

To require the licensing of water well contractors and pump installation contractors.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 8:00 a.m., January 26, 1978

Convened: 8:07 a.m.

Adjourned: 9:00 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Chiodo, Crabb, Gilloon, Halvorson, Horn, Pavich, Poney, Small, Smalley, Thompson and Wells.

Absent: Hines and Brockett.

Excused: Lageschulte.

Discussion of House File 419, relating to age discrimination in employment. Adopted unanimously a motion by Representative Crabb to hold a public hearing. Presentation by Dick Woods, Administrative Division Manager of Commission for the Aging.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 26, 1978

Convened: 9:16 a.m.

Adjourned: 12:10 p.m.

Present: Horn, chair; Menke, ranking member; Baker, Branstad, Davitt, Egenes, Oxley, Pelton and Poney.

Absent: Anderson (arrived 9:50 a.m.) and Nielsen (arrived 9:22 a.m.).

University of Iowa President Boyd and staff presented explanation of HEW audit. Committee took tentative votes on budget items.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 9:00 a.m., January 26, 1978

Convened: 9:00 a.m.

Adjourned: 11:30 a.m.

Present: Griffee, chair; Crabb, ranking member; Chiodo, Conlon, Connors, Gettings, Halvorson, Lipsky, West and Svoboda.

Absent: Arnould and Small.

Further study of recommendations for appropriations on regulatory and finance.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 26, 1978

Convened: 9:10 a.m.

Adjourned: 12:00 noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hargrave, Hines and Newhard.

Presentation by Bill Krahl, Comptroller's office, regarding welfare relief from the federal government. Discussion of the deeming law suit by committee members. Presentation by the Legislative Fiscal Bureau on their projections on AFDC and Medicaid.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 26, 1978

Convened: 9:25 a.m.

Adjourned: 12:00 noon

Present: Wyckoff, chair; Junker, vice-chair; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley and Woods.

Absent: Patchett.

Excused: Walter.

Discussed funding for: Merit Employment; General Services Communications, Utilities, Salaries, Supplemental Maintenance under General Administration, Printing, Buildings and Grounds; Citizens' Aide, and Terrace Hill.

COMMITTEE ON BUDGET

Scheduled: 10:00 a.m., January 26, 1978

Convened: 10:10 a.m.

Adjourned: 12:05 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Koogler, Varley, Welden, Wells and Harvey.

Absent: Avenson (arrived 10:40 a.m.), Jesse (arrived 10:25 a.m.), Norland (arrived 10:20 a.m.), O'Halloran (arrived 10:26 a.m.), and Stromer (arrived 10:20 a.m.).

Study Bill 355, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research.

Recommended Amend and Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Norland, O'Halloran, Varley, Welden, Wells and Harvey.

Nay: None.

Absent or not voting: Koogler and Stromer.

BUDGET SUBCOMMITTEE ON NATURAL RESOURCES

Scheduled: 10:00 a.m., January 26, 1978

Convened: 10:10 a.m.

Adjourned: 12:05 p.m.

Present: Lind, Howell, Hullinger, Jochum, Krause, Pellett, Scheelhaase, Shimanek and Stephens.

Absent: Perkins, chair; Evans, ranking member, and Dyrland.

Hearings from Iowa Conservation Commission on Squaw Creek Report and Iowa State Fair Board on proposed Iowa Exhibit Center.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., January 26, 1978

Convened: 1:15 p.m.

Adjourned: 2:25 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Garrison, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase and Woods.

Absent: Arnould, Dyrland, Nielsen (arrived 1:55 p.m.), Shimanek (arrived 1:26 p.m.), Smalley and Spencer (arrived 1:20 p.m.).

Study Bill 333, a bill for an act exempting certain married persons from the requirement that certain information be given prior to a name change.

Recommended **Do Pass**.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Garrison, Gentleman, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Arnould, Dyrland, Nielsen and Smalley.

Study Bill 335, a bill for an act relating to the salary of assistant county attorneys.

Recommended **Do Pass**.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Garrison, Gentleman, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Arnould, Dyrland and Smalley.

AMENDMENTS FILED

H-5164	H.F. 2021	Stromer of Hancock Daggett of Adams
H-5166	H.F. 2021	Hinkhouse of Cedar Scheelhaase of Woodbury
H-5172	H.J.R. 9	Schnekloth of Scott Woods of Polk
H-5173	S.F. 356	Schnekloth of Scott

H-5174	H.F. 2048
H-5175	S.F. 292
H-5176	H.F. 79
H-5177	H.F. 2014
H-5178	H.J.R. 9

Woods of Polk
Miller of Buchanan
Baker of Buena Vista
Spear of Lee
Nielsen of Polk
Bina of Scott
Brandt of Black Hawk
Schroeder of Pottawattamie
Hullinger of Decatur
Danker of Pottawattamie
Wyckoff of Benton
Daggett of Adams
Scheelhaase of Woodbury

On motion by Fitzgerald of Webster, the House adjourned at 6:33 p.m., until 3:00 p.m., Tuesday, January 31, 1978.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day—Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 31, 1978

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

Prayer was offered by the Reverend Noel D. Koss, pastor of the Zion Lutheran Church, Ocheyedan, Iowa.

The Journal of Monday, January 30, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Carlson, Ankeny, Iowa.

PRESENTATION OF VISITORS

Perkins of Greene presented to the House Anne Waldram, Rotary Youth Exchange Student from Sydney, Australia and Hans Hakansson, AFS student from Sweden. Anne and Hans are seniors at Jefferson Community School, Jefferson, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Daggett of Adams from fifty-five citizens; Dieleman of Marion from one hundred seven constituents; Lageschulte of Bremer from one hundred sixty-six citizens; Miller (Sergeant) of Calhoun from forty-eight citizens of Fonda, Iowa; Pellett of Cass from twenty-seven 4-H Girls from Pymosa Township and one hundred seventeen citizens of Iowa and Pelton of Clinton from fifty-two citizens all opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Den Herder of Sioux from twenty-five constituents favoring products liability legislation to preserve jobs and job opportunities in Iowa.

By Monroe of Des Moines from seven members of the Burlington Community School Board favoring open negotiating sessions.

By Patchett of Johnson from thirty-two constituents opposing the proposed inclusion of the word "women" in the Iowa Constitution.

INTRODUCTION OF BILLS

House File 2102, by Crabb, a bill for an act to provide a procedure for dissolution of certain drainage and levee districts and transfer of jurisdiction and control over the improvements of a district so dissolved to another overlying district without reclassification of the latter district.

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

House File 2103, by Griffee, a bill for an act to provide for a compact on midwestern regional education.

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

House File 2104, by Lipsky, a bill for an act to define, and to authorize establishment of standards for certification of individuals trained to perform certain emergency medical procedures.

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

House File 2105, by Krause, Hines, Crawford, Conlon, Pavich, Hansen, Halvorson and Scheelhaase, a bill for an act amending the sales, service, and use tax exemption of tax certifying or levying bodies of the state or its political subdivisions.

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

House File 2106, by Hargrave and Brunow, a bill for an act to amend certain provisions of the certificate of need legislation appearing as chapter seventy-five (75), Acts of the Sixty-seventh General Assembly, 1977 Session, pertaining to changes in bed capacity and to gathering of certain information by the department of health.

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

House File 2107, by Patchett, a bill for an act relating to the requirement of bonding for all travel agencies doing business within the state.

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

House File 2108, by Tauke, a bill for an act to provide Iowa income tax payers an opportunity to check off contributions to the Iowa election campaign fund without specifying a political party to receive the contribution, and specifying that such nondesignated contributions be divided equally among political parties eligible to receive such contributions.

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

House File 2109, by Gentleman, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence.

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

House File 2110, by Junker, Middleswart, Wells, Harbor, Husak, Hansen, Binneboese, Tofte, Smalley, Schroeder, Krewson, Gilson, Evans, Perkins, Hargrave, Stromer, O'Halloran, Howell and Connors, a bill for an act to change the interest rates on money due on judgments and decrees.

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

House File 2111, by Scheelhaase, Doyle, Binneboese, Gilson and Junker, a bill for an act relating to the issuance, care and maintenance of standard uniforms and accessories for sheriffs and deputy sheriffs.

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

House File 2112, by committee on county government, a bill for an act relating to animals, providing for the licensing and vaccination for rabies of dogs and the repeal of the domestic animal fund.

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

House File 2113, by committee on budget, a bill for an act relating to the appropriation of federal funds by the general assembly.

Read first time and placed on the budget calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 27, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2037, a bill for an act relating to the references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 2037

H-5179

- 1 Amend House File 2037, as passed by the House,
- 2 as follows:
- 3 1. Page 1, by inserting after line 8 the following
- 4 new section:
- 5 "Sec. Section four hundred twenty-two point
- 6 seven (422.7), Code 1977, as amended by the Acts of the
- 7 Sixty-seventh General Assembly, 1977 Session, chapter
- 8 one hundred nineteen (119), sections two (2) and three
- 9 (3), is amended by adding the following new subsection:
- 10 NEW SUBSECTION. Married taxpayers who file a joint
- 11 federal income tax return, and who elect to file
- 12 separate returns or separate filing on a combined
- 13 return for Iowa income tax purposes, may avail
- 14 themselves of the additional first-year depreciation
- 15 and capital loss provisions of sections one hundred
- 16 seventy-nine a (179(a)) and twelve hundred eleven
- 17 b (1211(b)) respectively of the Internal Revenue Code
- 18 of 1954 and shall compute the amount of additional
- 19 first-year depreciation and capital loss subject to
- 20 the limitations for joint federal income tax return
- 21 filers provided by sections one hundred seventy-nine
- 22 b (179(b)) and twelve hundred eleven b (1211(b))
- 23 respectively of the Internal Revenue Code of 1954.
- 24 NEW SUBSECTION. Subtract the amount of the new

25 jobs tax credit allowable for the tax year under
 26 section forty-four B (44B) of the Internal Revenue
 27 Code of 1954 to the extent that the credit increased
 28 federal adjusted gross income."

29 2. Page 1, by inserting after line 16 the following
 30 new section:

31 "Sec. . Section four hundred twenty-two point
 32 thirty-five (422.35), Code 1977, is amended by adding
 33 the following new subsection:

34 **NEW SUBSECTION.** Subtract the amount of the new
 35 jobs tax credit allowable for the tax year under
 36 section forty-four B (44B) of the Internal Revenue
 37 Code of 1954 to the extent that the credit increased
 38 federal taxable income."

39 3. Page 1, line 30, by striking the words and
 40 figures "Sections one (1), two (2), and three (3)"
 41 and inserting in lieu thereof the words "The
 42 provisions".

43 4. Amend the title, lines 1 and 2, by striking
 44 the words "the references to the internal revenue
 45 code in".

46 5. Amend the title, line 3, by inserting after
 47 the words "franchise tax" the words "by updating the
 48 references to the internal revenue code, by providing
 49 for the computation of depreciation and capital loss
 50 by certain taxpayers, by allowing a deduction from

Page 2

1 income by individuals and corporations for the amount
 2 of the allowable federal new jobs tax credit".

3 6. Renumber sections and correct internal
 4 references as are necessary by this amendment.

HOUSE CONCURRENT RESOLUTION 107

By Tauke, Brunow, Chiodo
 and Smalley

1 *Whereas*, the Supreme Court of the United States has
 2 in *Roe v. Wade* 410 U.S. 113 and *Doe v. Bolton* 410 U.S.
 3 179 established criteria whereby the laws of any state in
 4 effect on January 22, 1973, aimed at protecting unborn
 5 children were declared unconstitutional; and

6 *Whereas*, the Supreme Court of the United States in
 7 these decisions has not recognized any rights of the unborn;
 8 and

9 *Whereas*, the foremost responsibility of government is
 10 to protect the right of each individual to life; *Now Therefore*

11 *Be It Resolved by the House of Representatives, the*
 12 *Senate Concurring*, That this general assembly, in accord
 13 with Article V of the United States Constitution, respect-

14 fully applies to the Congress of the United States to call
 15 a convention for the purpose of considering an amendment to
 16 the Constitution of the United States which would define
 17 the rights of the unborn and more effectively protect the
 18 lives of the unborn.

19 *Be It Further Resolved*, That a duly attested copy of
 20 this resolution be immediately transmitted to the Secretary
 21 of the Senate of the United States, the Clerk of the House
 22 of Representatives of the United States and to each member
 23 of the Congress from this state.

Referred to committee on human resources.

HOUSE RESOLUTION 103

By Schroeder and Byerly

1 *Whereas*, rules have been adopted by the department
 2 of general services to provide legislators and staff
 3 with the benefit of parking space in specified lots
 4 within a reasonable distance of the capitol building;
 5 and

6 *Whereas*, the gates used to gain admittance to said
 7 lots assigned to legislators, staff and many other
 8 state employees in the capitol complex are not operat-
 9 ing in a manner that allows expedient admittance to
 10 said lots; and

11 *Whereas*, on January 31, 1978, at 8:00 a.m. on the
 12 morning traffic report on WHO radio, Captain Jack, the
 13 eye in the sky, reported problems in the state parking
 14 lot at the capitol building with cars backed up for two
 15 blocks; and

16 *Whereas*, legislative staff and state employees should
 17 not be reprimanded for being late for meetings or work
 18 on Tuesday, January 31, 1978, as they were unable to gain
 19 admittance to their designated parking space; and

20 *Whereas*, when attempts to gain admittance to said lots
 21 by using plastic cards issued to legislators, staff and
 22 state employees have failed, the boards on the gates
 23 have been broken as the only means of gaining admittance
 24 to said lots; and

25 *Whereas*, it would save the state a great deal of money
 26 because many more boards on the gates will be broken until
 27 such time as the gates are operating efficiently; and

28 *Whereas*, due to the difficulty in finding space avail-
 29 able in lots designated for employees, it is evident many
 30 more cards have been issued than spaces available in said

Page 2

1 designated lots; and

2 *Whereas*, said gates have caused concern to firemen

- 3 trying to answer a fire call at the state capitol;
 4 and
 5 *Whereas*, when the gates are not operating satis-
 6 factorily the department of public safety should pro-
 7 vide security guards to open said gates and check
 8 vehicles for proper identification; *Now Therefore*,
 9 *Be It Resolved by the House of Representatives*, That
 10 Mr. Stanley McCausland, director of general services,
 11 be instructed to remove the boards from the gates to the
 12 parking lots until such time when the cards inserted
 13 into the machine are working satisfactorily.

Referred to the administration committee.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Your committee on House administration reports the following resignation from the officers and employees of the House:

Aide to the Chief Clerk Catherine H. Engel Effective 1/19/78

Also:

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Leader's Administrative Assistant	Robert F. Davies	30-4 to 30-5	P-FT	1/06/78
Research Analyst	Richard Norland	23-1	P-FT	1/09/78
Aide to Chief Clerk	Lana R. Peterson	4.24 per hr	I-FT	1/30/78
Aide to Chief Clerk	Jeffrey L. Pattee	4.24 per hr	I-FT	1/30/78
Swing Clerk	Lynne G. Wright	13-1	I-FT	1/30/78
Supply Clerk	Theresa L. Magnani	13-1 to 13-2	I-FT	2/3/78

Doorkeeper	Charles T. Sergeant	9-1	I-FT	1/30/78
Clerk I	N. Kay Markell	13-4	P-FT	1/10/78
Clerk I	Janet S. Clayton	13-1	P-FT	1/30/78
House Clerk	Marcia Walter	13-1 to 15-1	I-FT	1/20/78

WELLS of Linn, Chair

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Brunow of Appanoose to determine that a quorum was present.

Present: 92

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent: 7

Branstad	Connors	Doyle	Jesse
Lipsky	Newhard	Walter	

Excused: 1

Nielsen

UNANIMOUS CONSENT

Byerly of Polk asked and received unanimous consent that Nielsen of Polk be excused from the quorum roll call, which request was complied with.

UNFINISHED BUSINESS

The House resumed consideration of **House Joint Resolution 12**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights under the law shall not be denied or abridged by the state or by any of its political subdivisions on account of sex.

Clark of Cerro Gordo called up for consideration the motion to reconsider amendment H-5027 filed by her on January 16, 1978, and moved to reconsider the vote by which amendment H-5027 was adopted by the House on January 16, 1978.

Roll call was requested by Danker of Pottawattamie and Spencer of Clay.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H-5027 was adopted be reconsidered?"

The ayes were, 59:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Connors
Crawford	Cusack	Davitt	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffee
Hargrave	Hines	Hoffmann	Horn
Howell	Jesse	Jochum	Koogler
Krause	Krewson	Lonergan	Millen
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Poncy	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Svoboda
Tauke	Thompson	Varley	Walter
Weiden	West	Mr. Speaker	

The nays were, 38:

Baker	Bennett	Branstad	Chiodo
Conlon	Crabb	Daggett	Danker
Dieleman	Dunton	Gettings	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hullinger	Husak	Junker
Lageschulte	Lind	Lindeen	Menke
Middleswart	Miller, K.D.	Pellett	Perkins
Schnekloth	Smalley	Spear	Spencer
Stephens	Stromer	Tofte	Wells
Woods	Wyckoff		

Absent or not voting, 3:

Den Herder	Lipsky	Newhard
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The motion prevailed and the House reconsidered amendment H—5027.

Brunow of Appanoose offered the following amendment H—5180, to amendment H—5027, filed by Brunow, Fitzgerald, Millen, Cusack, Shimanek, Avenson, Dyrland, O'Halloran, Anderson, Monroe, Hargrave, Koogler, Varley, Tauke, Small, Krewson, Bina, Crawford, Miller (Sergeant) of Calhoun, Schroeder, Clark of Cerro Gordo, Thompson, Brandt, Gentleman, Evans, Griffee, Walter, Lind, Hoffmann, Norland, West, Arnould, Krause, Lonergan, Garrison, Middleswart, Pavich, Horn, Connors, Hullinger, Davitt, Gilloon, Tofte, Clark of Lee, Lageschulte, Egenes, Hines, Rinas, Jochum, Patchett and Poncy, from the floor:

H—5180

1 Amend the amendment, H—5027, to House Joint Resolu-
 2 tion 12 as follows:
 3 1. Page 1, by striking lines 3 through 8 and in-
 4 serting in lieu thereof the following:
 5 "1. Page 1, by striking lines 3 through 7 and in-
 6 serting in lieu thereof the following:
 7 "Section one (1) of Article one (I) of the Constitu-
 8 tion of the State of Iowa is repealed and the following
 9 adopted in lieu thereof:
 10 RIGHTS OF PERSONS. Section 1. All men and women are,
 11 by nature, free and equal, and have certain inalienable
 12 rights—among which are those of enjoying and defending
 13 life and liberty, acquiring, possessing and protecting
 14 property, and pursuing and obtaining safety and happi-
 15 ness. Neither the State nor any of its political sub-
 16 divisions shall, on the basis of gender, deny or restrict

- 17 the equality of rights under the law."
 18 2. Title, by striking lines 3 and 4 and inserting in
 19 lieu thereof the words "of men and women under the law
 20 shall not be denied or restricted by the state or by any
 21 of its political subdivisions." "

Speaker pro tempore Nielsen of Polk in the chair at 4:28 p.m.

(House Joint Resolution 12 and amendment H—5180 pending at recess and placed under unfinished business.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Tofte of Winneshiek to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present: 73

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Harvey	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Walter	Welden	Wells	Wyckoff
Mr. Speaker			

Absent: 27

Avenson	Brockett	Brunow	Byerly
Chiodo	Connors	Crawford	Dyrland
Egenes	Evans	Gentleman	Hargrave
Horn	Jesse	Joehum	Lipsky
Newhard	Nielsen	O'Halloran	Patchett
Poney	Small	Smalley	Svoboda
Varley	West	Woods	

PRESENTATION OF VISITORS

Fitzgerald of Webster presented to the House the Honorable Thomas J. Higgins, former member of the House of Representatives representing Scott County.

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

Twenty-four sixth, seventh and eighth grade students from Peoria Christian School, Pella, Iowa, accompanied by Robert DeJager, Principal and twelve parents. By Dieleman of Marion.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall and West of Marshall on request of Evans of Grundy.

SPECIAL ORDER (House Joint Resolution 9)

The hour of 6:30 p.m. having arrived, the Speaker announced the special order of business for the consideration of **House Joint Resolution 9**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Wyckoff of Benton offered the following amendment H-5178 filed by Hullinger, et al. :

H-5178

- 1 Amend House Joint Resolution 9 as follows:
- 2 1. Page 1, by striking lines 13 through 15 and
- 3 inserting in lieu thereof the words "municipal corpora-

4 tion governments.”

5 2. Page 1, by striking lines 24 through 32 and

6 inserting in lieu thereof the following:

7 “Sec. 2. The foregoing proposed amendment to the

8 Constitution of the State of Iowa is hereby referred

9 to the general assembly to be chosen at the next

10 general election for members of the general assembly

11 and the secretary of state is directed to cause the

12 same to be published for three consecutive months

13 previous to the date of said election as provided

14 by law.”

Small of Johnson in the chair at 6:53 p.m.

Wyckoff of Benton moved the adoption of amendment H—5178.

Roll call was requested by Tauke of Dubuque and Cusack of Scott.

On the question “Shall amendment H—5178 be adopted?”

The ayes were, 28:

Bennett	Binneboese	Clark, J.H.	Daggett
Danker	Davitt	Doyle	Halvorson
Hansen	Howell	Hullinger	Junker
Lind	Lindeen	Menke	Middleswart
Miller (Sergeant)	Monroe	Oxley	Pellett
Scheelhaase	Schnekloth	Spencer	Stephens
Stromer	Welden	Wells	Wyckoff

The nays were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lonergan
Millen	Miller, K.D.	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Schroeder
Shimanek	Smalley	Spear	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Woods	Mr. Speaker	
		(Small)	

Absent or not voting, 5:

Brockett
West

Cochran

Lipsky

Newhard

Amendment H—5178 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5172 filed by him and Woods of Polk on January 30, 1978.

Hullinger of Decatur moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

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 three (III), legislative department, Constitution of the State of Iowa is hereby amended by adding the following new section:

NEW SECTION. Counties or joint county-municipal corporation governments are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly. The general assembly may provide for the creation and dissolution of joint county-municipal corporation governments. The general assembly may provide for the establishment of charters in county or joint county-municipal corporation governments.

If the power or authority of a county conflicts with the power and authority of a municipal corporation, the power and authority exercised by a municipal corporation shall prevail within its jurisdiction.

The proposition or rule of law that a county or joint county-

municipal corporation government possesses and can exercise only those powers granted in express words is not a part of the law of this state.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Sixty-sixth General Assembly, thereafter duly published, and now adopted and agreed to by the Sixty-seventh 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-eight (1978) 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 joint resolution be adopted and agreed to?" (H.J.R. 9)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Shimanek	Samalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Woods
Mr. Speaker (Small)			

The nays were, 7:

Clark, J.H.	Danker	Hullinger	Monroe
Schroeder	Welden	Wyckoff	

Absent or not voting, 4:

Brockett

Lipsky

Newhard

West

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

Speaker Cochran in the chair at 8:17 p.m.

UNFINISHED BUSINESS

The House resumed consideration of **House Joint Resolution 12**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights under the law shall not be denied or abridged by the state or by any of its political subdivisions on account of sex, and amendment H—5180, to amendment H—5027.

Brunow of Appanoose asked and received unanimous consent to withdraw amendment H—5180.

Brunow of Appanoose offered the following amendment H—5185, to amendment H—5027, filed by Brunow, Fitzgerald, Millen, Cusack, Shimanek, Avenson, Dyrland, O'Halloran, Anderson, Monroe, Hargrave, Koogler, Varley, Tauke, Small, Krewson, Bina, Crawford, Miller (Sergeant) of Calhoun, Schroeder, Clark of Cerro Gordo, Thompson, Brandt, Gentleman, Evans, Griffee, Walter, Lind, Hoffmann, Norland, West, Arnould, Krause, Lonergan, Garrison, Middleswart, Pavich, Horn, Connors, Hullinger, Davitt, Gilloon, Tofte, Clark of Lee, Lageschulte, Egenes, Hines, Rinas, Jochum, Patchett and Poncey from the floor:

H—5185

- 1 Amend amendment H—5027, to House Joint Resolution
- 2 12 as follows:
- 3 1. Page 1, by striking lines 3 through 8 and
- 4 inserting in lieu thereof the following:
- 5 "1. By striking all after the resolving clause
- 6 and inserting in lieu thereof the following:
- 7 Section 1. The following amendment to the
- 8 Constitution of the State of Iowa is hereby proposed.
- 9 Section one (1) of Article one (I) of the
- 10 Constitution of the State of Iowa is repealed and the
- 11 following adopted in lieu thereof:
- 12 NEW SECTION. RIGHTS OF PERSONS. Section 1. All

13 men and women are, by nature, free and equal, and have
 14 certain inalienable rights—among which are those of
 15 enjoying and defending life and liberty, acquiring,
 16 possessing and protecting property, and pursuing and
 17 obtaining safety and happiness. Neither the State
 18 nor any of its political subdivisions shall, on the
 19 basis of gender, deny or restrict the equality of
 20 rights under the law.

21 Sec. 2. The foregoing proposed amendment to the
 22 Constitution of the State of Iowa is hereby referred
 23 to the general assembly to be chosen at the next
 24 general election for members of the general assembly,
 25 and the secretary of state is directed to cause the
 26 same to be published for three consecutive months
 27 before the date of said election as provided by law."

28 2. Title, by striking lines 3 and 4 and inserting
 29 in lieu thereof the words "of men and women under the
 30 law shall not be denied or restricted by the state or
 31 by any of its political subdivisions.

Bennett of Ida rose on a point of order that amendment H—5185 was not germane.

The Speaker ruled the point not well taken and amendment H—5185 germane.

Spencer of Clay asked for unanimous consent to suspend the rules for the consideration of amendment H—5188.

Objection was raised.

Spencer of Clay moved to suspend the rules for the consideration of amendment H—5188.

Roll call was requested by Harbor of Mills and Junker of Woodbury.

On the question "Shall the rules be suspended?"

The ayes were, 34:

Baker	Bennett	Branstad	Chiodo
Conlon	Daggett	Danker	Den Herder
Dieleman	Doyle	Dunton	Halvorson
Hansen	Harbor	Harvey	Howell
Hullinger	Junker	Lageschulte	Pellett
Perkins	Schneklath	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer

Tauke
Woods

Tofte
Wyckoff

Welden

Wells

The nays were, 62:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crabb
Crawford	Cusack	Davitt	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Poncy	Rinas	Scheelhaase	Schroeder
Small	Svoboda	Thompson	Varley
Walter	Mr. Speaker		

Absent or not voting, 4:

Brockett

Lipsky

Newhard

West

The motion lost.

Wyckoff of Benton moved to suspend the rules for the consideration of amendment H—5049.

Roll call was requested by Miller of Buchanan and Junker of Woodbury.

On the question "Shall the rules be suspended?"

The ayes were, 38:

Baker	Bennett	Binneboese	Branstad
Chiodo	Conlon	Crabb	Daggett
Danker	Den Herder	Dunton	Evans
Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Horn	Hullinger
Husak	Junker	Lageschulte	Lind
Lindeen	Menke	Millen	Miller, K.D.
Pellett	Schnekloth	Smalley	Spencer
Stephens	Stromer	Tofte	Welden
Woods	Wyckoff		

The nays were, 56:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Griffee	Hargrave
Hines	Hoffmann	Howell	Jesse
Jochum	Koogler	Krause	Krewson
Lonergan	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Spear	Svoboda	Tauke	Thompson
Varley	Walter	Wells	Mr. Speaker

Absent or not voting, 6:

Brockett	Lipsky	Middleswart	Newhard
Perkins	West		

The motion lost.

Tauke of Dubuque asked and received unanimous consent to reconsider the vote by which amendment H—5029, found on page 105 of the House Journal, was adopted by the House on January 16, 1978 and that amendment H—5029 be withdrawn.

Brunow of Appanoose moved the adoption of amendment H—5185, to amendment H—5027.

Roll call was requested by Junker of Woodbury and Danker of Pottawattamie.

On the question "Shall amendment H—5185 be adopted?"

The ayes were, 63:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Clark, B.J.	Clark, J.H.
Connors	Crawford	Cusack	Davitt
Dieleman	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Griffee	Hargrave	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind

Lindeen	Lonergan	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Poncy	Rinas	Schroeder
Shimanek	Small	Spear	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Weiden	Mr. Speaker	

The nays were, 30:

Baker	Bennett	Binneboese	Branstad
Byerly	Chiodo	Conlon	Crabb
Daggett	Danker	Doyle	Dunton
Gilson	Halvorson	Hansen	Harbor
Harvey	Junker	Menke	Nielsen
Pelton	Perkins	Schnekloth	Smalley
Spencer	Stephens	Stromer	Wells
Woods	Wyckoff		

Absent or not voting, 7:

Brockett	Den Herder	Hinkhouse	Lipsky
Newhard	Scheelhaase	West	

Amendment H—5185 was adopted.

Branstad of Winnebago moved the adoption of amendment H—5027, as amended.

A non-record roll call was requested.

The ayes were 63, nays 28.

Amendment H—5027, as amended, was adopted.

With the adoption of amendment H—5027, as amended, the following amendments to page 1 are out of order:

H—5025 filed by Conlon of Muscatine on January 16, 1978.

H—5033, H—5034, H—5035, H—5036, H—5037, H—5038, H—5039, H—5041, H—5042, H—5043, H—5044, H—5045, H—5046, H—5047, and H—5048 filed by Danker of Pottawattamie on January 16, 1978.

H—5040 filed by Hansen of O'Brien on January 16, 1978.

H—5049 filed by Miller of Buchanan and Horn of Linn on January 16, 1978.

H—5093 filed by Junker of Woodbury on January 24, 1978.

H—5130 filed by Crabb of Crawford on January 24, 1978.

H—5131 filed by Dieleman, et al., on January 24, 1978.

H—5132 filed by Daggett of Adams on January 24, 1978.

H—5133 filed by Danker of Pottawattamie on January 24, 1978.

H—5181 filed from the floor by Junker of Woodbury.

H—5182 and H—5188 filed from the floor by Spencer of Clay.

H—5183 and H—5184 filed from the floor by Danker of Pottawattamie.

Dyrland of Clayton moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights of men and women under the law shall not be denied or restricted by the state or by any of its political subdivisions.

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 one (1) of Article one (I) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

NEW SECTION. RIGHTS OF PERSONS. Section 1. All men and women are, by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness. Neither the State nor

any of its political subdivisions shall, on the basis of gender, deny or restrict the equality of rights under the law.

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 joint resolution be adopted and agreed to?" (H.J.R. 12)

The ayes were, 70:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Connors	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Griffee
Halvorson	Hargrave	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Poncy
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Spear	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	Mr. Speaker		

The nays were, 25:

Baker	Bennett	Branstad	Chiodo
Conlon	Crabb	Daggett	Danker
Den Herder	Doyle	Gilson	Hansen
Harbor	Hinkhouse	Junker	Pellett
Perkins	Schnekloth	Smalley	Spencer
Stephens	Stromer	Welden	Woods
Wyckoff			

Absent or not voting, 5:

Binneboese	Brockett	Lipsky	Newhard
West			

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

MOTION TO RECONSIDER LOST
(House Joint Resolution 12)

Dyrland of Clayton moved to reconsider the vote by which House Joint Resolution 12 was adopted and agreed to by the House.

A non-record roll call was requested.

The ayes were 24, nays 61.

The motion lost.

HOUSE FILE 103 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 103 from further consideration by the House.

UNANIMOUS CONSENT CALENDAR
(House Concurrent Resolution 106)

We hereby respectfully request that House Concurrent Resolution 106, filed on January 25, 1978 and found on page 211 of the House Journal, be placed on the unanimous consent calendar.

WALTER of Pottawattamie
KREWSON of Polk
BINA of Scott

SPONSOR ADDED
(House File 2101)

Bina of Scott requested to be added as a sponsor of House File 2101.

**COMMUNICATION FROM IOWA COMMISSION
ON THE STATUS OF WOMEN**

A copy of the Annual Report of the Iowa Commission on the Status of Women has been received and placed on file in the office of the Chief Clerk.

EXPLANATIONS OF VOTE

At the time the vote was taken on H—5108 to House File 2074, I was in the Senate working on ironing out the differences between House and Senate Budget Subcommittees. Had I been present, I would have voted “aye” on amendment H—5108.

CUSACK of Scott

I was necessarily absent from the House Chamber during the evening session on January 30, 1978 because I had a conflicting meeting in Waterloo that required my attendance. Had I been present, I would have voted “aye” on House File 2074.

GARRISON of Black Hawk

I was necessarily absent from the House Chamber on January 30, 1978, when the vote was taken on House File 2074. Had I been present I would have voted “aye.”

KOOGLER of Mahaska

I was necessarily absent from the House Chamber when the vote was taken on House File 2074. Had I been present I would have voted “aye.”

HUSAK of Tama

I was necessarily absent from the House Chamber when the vote was taken on House File 2074. Had I been present I would have voted “aye.”

SMALLEY of Polk

I was absent from the House Chamber the afternoon of January 30, 1978 because I was receiving treatment at the hospital due to a car accident. I missed many votes on House File 2074 and had I been present for final passage, I would have voted “aye.”

BYERLY of Polk

I was absent from the House Chamber the afternoon of January 30, 1978 because I was receiving treatment at the hospital due to a

car accident. I missed many votes on House File 2074 and had I been present for final passage, I would have voted "aye."

NIELSEN of Polk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 358 County Government

Relating to animals, providing for the licensing and vaccination for rabies of dogs and the repeal of the domestic animal fund.

S.B. 359 Ways and Means

To provide for the determination of the assessed valuation of agricultural land and residential property as of January 1, 1979.

S.B. 360 Education

Providing school referrals of minors to treatment and counseling services.

S.B. 361 Education

Relating to bilingual instruction.

S.B. 362 Education

To harmonize the various statutes through updating Chapter 260, eliminating references to obsolete certificates and "diplomas" that have not been issued in many years, eliminating duplications, reconciling conflicts, and clarifying procedures.

S.B. 363 Education

To remove the special education division's authority to establish standards, to give examinations, and to issue certificates to teachers.

S.B. 364 Education

To provide greater involvement in programs, services and activities on the part of persons knowledgeable in the area of vocational

education in communities which by state statute have not been required to establish local advisory committees.

S.B. 365 Education

To prohibit the use of state funds to provide transportation for students attending nonpublic schools not approved by the Department of Public Instruction.

S.B. 366 Education

Relating to the improvement of educational programs by providing planning and consulting assistance as well as contracted services to local schools.

S.B. 367 Education

To allow the locally elected board of directors to set the salary of the AEA administrators.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., January 30, 1978

Convened: 9:10 a.m.

Adjourned: 11:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan; Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Discussion of proposed budget bill.

AMENDMENTS FILED

H-5186

H.F. 2048

Davitt of Warren

H— 5187

H.F. 2087

Bennett of Ida
Miller (Sergeant) of Calhoun
Spear of Lee
Clark of Cerro Gordo
Hoffmann of Muscatine

On motion by Fitzgerald of Webster, the House adjourned at 9:59 p.m., until 2:00 p.m., Thursday, February 2, 1978.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 1, 1978

Pursuant to adjournment, the following House Journal was printed while the House was not in session but during which time standing committees were scheduled to meet.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Veverka, Prairie City, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Spencer of Clay from seventy constituents opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Varley of Adair from fifty-two residents of Dallas County in support of House File 187, relating to a mandatory deposit law on beverage packaging.

INTRODUCTION OF BILLS

House File 2114, by Hines, a bill for an act relating to family and conjugal visits for inmates of penal and correctional institutions.

Read and committed under Rule 31.4 to committee on **judiciary and law enforcement**.

House File 2115, by Byerly, a bill for an act relating to identification of students receiving assistance from state or federal funds for certain programs.

Read and committed under Rule 31.4 to committee on **education**.

House File 2116, by committee on judiciary and law enforcement, a bill for an act exempting certain married persons from the requirement that certain information be given prior to a name change.

Read and committed under Rule 31.4 and placed on the calendar.

House File 2117, by Newhard, a bill for an act to prohibit a driver from eluding or attempting to elude a pursuing police vehicle, and providing penalties.

Read and committed under Rule 31.4 to committee on **judiciary and law enforcement**.

House File 2118, by Poncy, a bill for an act relating to the financial management of state programs, the consolidation of such programs, the elimination of unnecessary boards, commissions and agencies, establishing review procedures based upon performance and establishing specific guidance for the cooperation of state, federal and local program efforts and making an appropriation.

Read and committed under Rule 31.4 to committee on **state government**.

House File 2119, by Schroeder, a bill for an act relating to testimony of a person against his or her spouse as to information obtained prior to the marriage concerning an alleged felony.

Read and committed under Rule 31.4 to committee on **judiciary and law enforcement**.

House File 2120, by Gilson, a bill for an act exempting the amount of the costs of materials and labor of insulating residential property from property taxes.

Read and committed under Rule 31.4 to committee on **energy**.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 368 Education

Relating to the elimination of paperwork and expense.

S.B. 369 Education

Relating to payment of claims for nonpublic school pupil transportation.

S.B. 370 Budget

Appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program.

SPONSORS ADDED

(House File 2105)

Bina of Scott requested to be added as a sponsor of House File 2105.

(House File 2107)

Bina of Scott requested to be added as a sponsor of House File 2107.

(House File 2082)

Dieleman of Marion requested to be added as a sponsor of House File 2082.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., January 31, 1978

Convened: 8:07 a.m.

Adjourned: 8:45 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Gilloon, Gilson, Harvey, Hinkhouse, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Wells and Wyckoff.

Absent: Byerly (arrived 8:29 a.m.), Clark of Lee (arrived 8:34 a.m.), Hoffmann (arrived 8:19 a.m.), Junker (arrived 8:33 a.m.), Stephens (arrived 8:13 a.m.) and Stromer.

Assignment of House Files to subcommittees. Discussion of House File 45. Motion to table passed.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., January 31, 1978

Convened: 9:30 a.m.

Adjourned: 12:00 noon

Present: Horn, chair; Anderson, Baker, Branstad, Brockett, Davitt, Nielsen, Oxley and Poncy.

Absent: Egenes (arrived 9:50 a.m.) and Pelton (arrived 9:35 a.m.).

Excused: Menke.

Discussion of and tentative voting on items of the budget.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., January 31, 1978

Convened: 9:15 a.m.

Adjourned: 12:00 noon

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Doyle and Newhard.

Pennie Bjornstad and Victor Preisser, Department of Social Services, reported on Medicaid assistance. Craig Beek, Bureau of Criminal Investigation, reported on the fraud investigation.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., January 31, 1978

Convened: 9:28 a.m.

Adjourned: 12:00 noon

Present: Wyckoff, chair; Junker, vice-chair; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Walter and Woods.

Absent: Patchett.

Excused: Smalley.

Discussed licensing and permit fees for amusement rides and Terrace Hill funding. Funded Labor (salaries, supplement maintenance).

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., January 31, 1978

Convened: 1:15 p.m.

Adjourned: 3:05 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Hullinger, Lindeen, Middleswart, Pellett and Varley.

Absent: Evans (arrived 1:22 p.m.), Griffee (arrived 1:35 p.m.), Hinkhouse (arrived 1:25 p.m.), Norland (arrived 1:25 p.m.), Pelton (arrived 1:18 p.m.), Perkins (arrived 1:18 p.m.) and Svoboda (arrived 1:25 p.m.).

Assigned bills to subcommittee. Consideration of amendments to hazardous and solid waste bill.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:00 p.m., January 31, 1978

Convened: 1:10 p.m.

Adjourned: 2:45 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Crabb, Gilloon, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Chiodo (arrived 1:21 p.m.), Halvorson (arrived 1:14 p.m.), Hines (arrived 1:15 p.m.), Horn (arrived 1:20 p.m.) and Small (arrived 1:35 p.m.).

House File 606, a bill for an act relating to the standards for protective clothing and equipment used by fire fighters.

Recommended Amend and Do Pass.

H-5189

- 1 Amend House File 606 as follows:
- 2 1. Page 1, by inserting after line 14 the
- 3 following:

4 "Sec. . The standards promulgated by the
 5 commissioner under the provisions of this Act shall
 6 be effective for all equipment purchased after January
 7 1, 1979. All equipment for which standards are
 8 established under the provisions of this Act shall
 9 meet the standards promulgated under the provisions
 10 of this Act prior to January 1, 1981."
 11 2. Page 1, by striking line 15.

Aye: Connors, Jochum, Egenes, Branstad, Brockett, Chiodo, Crabb, Halvorson, Horn, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Nay: None.

Absent or not voting: Hines and Gilloon.

Report from the subcommittee on House File 488, a bill for an act relating to public employment relations, amending the public employment relations Act, and providing penalties for violations. John Beamer from the Public Employment Relations Board, Vern Cook, a board member and Nancy Powers, legal counsel and attorney were present. Austin Kessler, who represented the Iowa Association of Counties, was also present. The bill was discussed and deferred.

Representative Chiodo announced February 8, 1978 as the date of the public hearing on mandatory retirement.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:30 p.m., January 31, 1978

Convened: 1:45 p.m.

Adjourned: 2:20 p.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Anderson, Arnould, Baker, Cusack, Garrison, Gentleman, Hansen, Hargrave, Krewson, Miller of Buchanan and Tofte.

Absent: Brunow, Clark of Cerro Gordo, Dyrland and Schroeder.

Excused: Lipsky and Newhard.

House File 571, a bill for an act relating to granting an easement at the Woodward State Hospital-School.

Recommended **Do Pass**.

Aye: Walter, Lonergan, Crawford, Anderson, Arnould, Baker, Cusack, Garrison, Gentleman, Hansen, Hargrave, Krewson, Miller of Buchanan and Tofte.

Nay: None.

Absent or not voting: Brunow, Clark of Cerro Gordo, Dyrland, Lipsky, Newhard and Schroeder.

House File 2056, an act relating to choke saving first aid procedures. Failed to pass out of committee.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day—Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 2, 1978

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

Prayer was offered by Dr. Harry Coulter, Region Minister of the American Baptist Churches in the U.S.A. for Iowa and Minnesota.

The Journals of Tuesday, January 31 and Wednesday, February 1, 1978 were approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Spearing, Harlan, Iowa.

PRESENTATION OF VISITORS

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

Two fifth grade classes from Crestview School, Clive, Iowa, accompanied by Miss Sedgwick and Mrs. Gtotfelty. By Thompson of Polk.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for the afternoon session, on request of Wyckoff of Benton; Poncy of Wapello and Horn of Linn; on request of Nielsen of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Pavich of Pottawattamie from sixteen constituents encouraging the Iowa General Assembly to enact legislation to provide for the unique needs of the gifted and talented.

By Dieleman of Marion from three hundred thirty-one citizens favoring passage of House File 182 repealing the three percent sales tax on draft horses.

By Pelton of Clinton from twenty-four constituents opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Davitt of Warren from seventeen members of the Progressive Study Club from Winterset, Iowa favoring House File 187, relating to a mandatory deposit-law on beverage packaging.

INTRODUCTION OF BILLS

House File 2121, by Lageschulte, Krewson, Schnekloth, Hansen, Den Herder, Stephens, Junker, Thompson, Menke, Harbor, Smalley, Danker, Crabb and Evans, a bill for an act to provide a maximum tuition grant of fifteen hundred dollars.

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

House File 2122, by Lageschulte and Griffee, a bill for an act to provide a two hundred dollar minimum tuition grant.

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

House File 2123, by Dieleman, a bill for an act to provide an income tax credit for contributions made to certain institutions of higher learning and to public libraries located within this state.

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

House File 2124, by Gilloon, a bill for an act relating to exemptions from execution.

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

House File 2125, by Danker, a bill for an act to prohibit the use of public funds for lobbying and to provide a penalty.

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

House File 2126, by Doyle, a bill for an act relating to the destruction of obsolete municipal court records.

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

House File 2127, by Harbor and Millen, a bill for an act to establish a fee for visiting certain areas under the jurisdiction of the Iowa state conservation commission.

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

SENATE AMENDMENT CONSIDERED

Dieleman of Marion called up for consideration **House File 2037**, a bill for an act relating to the references to the internal revenue code in the computation of individual and corporate income tax and the franchise tax and making the Act retroactive, amended by the Senate, and moved that the House concur in the Senate amendment H-5179, found on pages 278 and 279 of the House Journal.

On motion by Dieleman of Marion the House concurred in the Senate amendment H-5179.

Dieleman of Marion moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2037)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler

Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Rinas	Scheelhaase
Schneklath	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brockett	Cusack	Egenes	Harbor
Horn	Monroe	Poncy	Schroeder
Stromer			

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

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 292, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act, with report of committee recommending amendment and passage was taken up for consideration.

Hines of Story offered amendment H—5058 filed by the committee on ways and means on January 19, 1978 and found on pages 146 and 147 of the House Journal.

Fitzgerald of Webster asked and received unanimous consent that action on Senate File 292 be temporarily deferred.

(Committee amendment H—5058 pending.)

ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Smalley of Polk called up for consideration House Concurrent Resolution 105, filed on January 25, 1978 and found on page 210 of the House Journal, and moved its adoption.

Roll call was requested by Walter of Pottawattamie and Pavich of Pottawattamie.

On the question "Shall the resolution be adopted?"

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Shimanek
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Danker	Schnekloth
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Absent or not voting, 10:

Brockett	Harbor	Harvey	Horn
Krause	Monroe	Poncy	Schroeder
Small	Stromer		

The motion prevailed and the resolution was adopted.

BUSINESS PENDING

The House resumed consideration of **Senate File 292**, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act, and the committee amendment H-5058.

Baker of Buena Vista offered the following amendment H—5197, to the committee amendment H—5058, filed by Baker, Wyckoff and Rinas from the floor and moved its adoption:

H—5197

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5058, to Senate File 292, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, by striking lines 27 through 50 and
- 5 inserting in lieu thereof the following:
- 6 " Page 2, by striking lines 25 through 33."
- 7 2. Page 2, by striking lines 1 through 17.

Roll call was requested by Wyckoff of Benton and Baker of Buena Vista.

On the question "Shall amendment H—5197, to amendment H—5058, be adopted?"

The ayes were, 38:

Arnould	Baker	Bennett	Binneboese
Branstad	Byerly	Chiodo	Clark, B.J.
Cusack	Daggett	Danker	Doyle
Evans	Halvorson	Hansen	Harvey
Jesse	Junker	Koogler	Krause
Lindeen	Menke	Millen	Miller, K.D.
Nielsen	Oxley	Pavich	Pellett
Rinas	Schnekloth	Shimanek	Smalley
Stephens	Tauke	Tofte	Walter
Woods	Wyckoff		

The nays were, 52:

Anderson	Avenson	Bina	Brandt
Brunow	Clark, J.H.	Conlon	Connors
Crawford	Davitt	Dieleman	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Hoffmann	Howell	Husak	Jochum
Krewson	Lageschulte	Lind	Lipsky
Lonergan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Pelton
Perkins	Scheelhaase	Small	Spear
Spencer	Svoboda	Thompson	Varley
Welden	Wells	West	Mr. Speaker

Absent or not voting, 10:

Brockett
Horn
Schroeder

Crabb
Hullinger
Stromer

Den Herder
Patchett

Harbor
Poncy

Amendment H—5197 lost.

Norland of Worth offered the following amendment H—5120, to the committee amendment H—5058, filed by him and moved its adoption:

H—5120

- 1 Amend the Committee on Ways and Means amendment,
- 2 H—5058, to Senate File 292, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, line 36, by striking the words
- 5 "contained in" and inserting in lieu thereof the words
- 6 "obtained from".

Amendment H—5120 was adopted.

On motion by Hines of Story, the committee amendment H—5058, as amended, was adopted.

Nielsen of Polk offered the following amendment H—5175 filed by him and moved its adoption:

H—5175

- 1 Amend Senate File 292 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "At"
- 4 and inserting in lieu thereof the words "During
- 5 calendar year 1979 at".

Roll call was requested by Chiodo of Polk and Schroeder of Pottawattamie.

Under the provisions of Rule 71, Lipsky of Linn refrained from voting.

On the question "Shall amendment H—5175 be adopted?"

The ayes were, 47:

Baker	Bennett	Bina	Brandt
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Daggett
Danker	Doyle	Evans	Garrison
Gentleman	Halvorson	Hansen	Hargrave
Harvey	Hoffmann	Husak	Jesse
Koogler	Krause	Lageschulte	Lind
Lindeen	Menke	Millen	Nielsen
Oxley	Pavich	Pellett	Pelton
Schnekloth	Schroeder	Small	Smalley
Stephens	Tauke	Thompson	Tofte
Walter	Woods	Wyckoff	

The nays were, 40:

Anderson	Arnould	Avenson	Brunow
Cusack	Davitt	Dieleman	Dunton
Dyrland	Egenes	Fitzgerald	Gettings
Gilloon	Gilson	Griffie	Hines
Hinkhouse	Howell	Jochum	Krewson
Lonergan	Middleswart	Miller, K.D.	Monroe
Newhard	Norland	O'Halloran	Patchett
Perkins	Rinas	Scheelhaase	Shimanek
Spear	Spencer	Svoboda	Varley
Welden	Wells	West	Mr. Speaker

Absent or not voting, 13:

Binneboese	Brockett	Connors	Crabb
Den Herder	Harbor	Horn	Hullinger
Junker	Lipsky	Miller (Sergeant)	Poncy
Stromer			

Amendment H—5175 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth for the remainder of the day and Junker of Woodbury for the remainder of the day and February 6, 1978 on request of Wyckoff of Benton.

Monroe of Des Moines asked for unanimous consent to withdraw the following amendment H—5004 filed by him:

H—5004

2 and reprinted, as follows:

3 1. Page 2, line 27, by inserting after the
4 word "person" the words "other than a buyer or
5 seller".

Objection was raised.

Monroe of Des Moines moved that amendment H-5004 be withdrawn.

Varley of Adair rose on a point of order that amendment H-5004 was out of order.

The Speaker ruled the point not well taken and amendment H-5004 in order.

On the motion to withdraw amendment H-5004, a non-record roll call was requested.

The ayes were 48, nays 29.

The motion prevailed and amendment H-5004 was withdrawn.

Hines of Story asked and received unanimous consent that Senate File 292 be deferred and that the bill retain its place on the ways and means calendar.

MOTION TO RECONSIDER
(Amendment H-5175 to Senate File 292)

I move to reconsider the vote by which the Nielsen amendment H-5175 to Senate File 292 was adopted by the House on February 2, 1978.

HARGRAVE of Johnson

SPECIAL ORDER
(House File 2021)

Fitzgerald of Webster asked and received unanimous consent that House File 2021 be made a special order of business for Tuesday, February 7, 1978 at 6:30 p.m.

EXPLANATION OF VOTE
(House Concurrent Resolution 105)

I was meeting with the Commissioner of Public Safety when the vote was taken on House Concurrent Resolution 105. Had I been present I would have voted "nay."

SCHROEDER of Pottawattamie

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 371 Agriculture

Relating to the regulation of commercial kennels and the imposition of an annual fifteen dollar license fee.

S.B. 372 Education

Relating to authorization for accrual and encumbrance accounting.

S.B. 373 Cities

Relating to the administration of the Bankhead—Jones Farm Tenant Act.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2001

State Government: Arnould, Chair; Walter and West.

House File 28

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

House File 34

Judiciary and Law Enforcement: Nielsen, Chair; Connors and Smalley.

House File 35

Judiciary and Law Enforcement: Dyrland, Chair; Connors and Conlon.

House File 38

Judiciary and Law Enforcement: Branstad, Chair; Clark of Cerro Gordo and Spencer.

House File 42

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 65

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 71

Human Resources: Miller of Buchanan, Chair; Newhard and Baker.

House File 72

Ways and Means: Anderson, Chair; Miller of Buchanan, Svoboda, Jochum, Clark of Lee, Harbor and Conlon.

House File 86

Judiciary and Law Enforcement: Conlon, Chair; Nielsen and Smalley.

House File 88

Judiciary and Law Enforcement: Nielsen, Chair; Patchett and Clark of Cerro Gordo.

House File 91

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 98

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 99

Judiciary and Law Enforcement: Doyle, Chair; Newhard, Garrison, Clark of Cerro Gordo and Lipsky.

House File 103

Judiciary and Law Enforcement: Doyle, Chair; Newhard, Garrison, Clark of Cerro Gordo and Lipsky.

House File 114

Judiciary and Law Enforcement: Newhard, Chair; Dyrland and Lipsky.

House File 122

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 133

Judiciary and Law Enforcement: Woods, Chair; Gentleman and Spencer.

House File 138

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 143

Judiciary and Law Enforcement: Nielsen, Chair; Connors and Gentleman.

House File 156

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 171

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Gentleman and Nielsen.

House File 180

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Gentleman and Nielsen.

House File 188

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 189

Judiciary and Law Enforcement: Dyrland, Chair; Gentleman and Scheelhaase.

House File 201

Judiciary and Law Enforcement: Nielsen, Chair; Lipsky and Patchett.

House File 208

Judiciary and Law Enforcement: Nielsen, Chair; Smalley and Shimanek.

House File 234

Judiciary and Law Enforcement: Shimanek, Chair; Nielsen and Connors.

House File 242

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Gentleman and Nielsen.

House File 260

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 261

Judiciary and Law Enforcement: Jesse, Chair; Nielsen, Newhard, Branstad and Gentleman.

House File 268

Judiciary and Law Enforcement: Dyrland, Chair; Garrison and Smalley.

House File 284

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 293

Judiciary and Law Enforcement: Nielsen, Chair; Shimanek and Connors.

House File 295

Judiciary and Law Enforcement: Nielsen, Chair; Lipsky and Patchett.

House File 315

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 316

Judiciary and Law Enforcement: Conlon, Chair; Nielsen and Smalley.

House File 324

Judiciary and Law Enforcement: Nielsen, Chair; Smalley and Clark of Cerro Gordo.

House File 326

Judiciary and Law Enforcement: Branstad, Chair; Clark of Cerro Gordo and Spencer.

House File 334

Judiciary and Law Enforcement: Jesse, Chair; Arnould and Lipsky.

House File 352

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Gentleman and Nielsen.

House File 401

Judiciary and Law Enforcement: Dyrland, Chair; Connors and Clark of Cerro Gordo.

House File 402

Judiciary and Law Enforcement: Scheelhaase, Chair; Spencer and Branstad.

House File 407

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 454

Judiciary and Law Enforcement: Nielsen, Chair; Shimanek and Connors.

House File 472

Ways and Means: Norland, Chair; Davitt, Brandt, Howell, Daggett, West and Menke.

House File 481

Judiciary and Law Enforcement: Dyrland, Chair; Clark of Cerro Gordo and Arnould.

House File 484

Judiciary and Law Enforcement: Dyrland, Chair; Garrison and Smalley.

House File 486

Judiciary and Law Enforcement: Conlon, Chair; Pelton and Spencer.

House File 494

Judiciary and Law Enforcement: Doyle, Chair; Connors and Smalley.

House File 497

Judiciary and Law Enforcement: Scheelhaase, Chair; Spencer and Clark of Cerro Gordo.

House File 508

Judiciary and Law Enforcement: Dyrland, Chair; Garrison and Smalley.

House File 524

Judiciary and Law Enforcement: Patchett, Chair; Lipsky and Clark of Cerro Gordo.

House File 530

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 563

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Gentleman and Nielsen.

House File 600

Judiciary and Law Enforcement: Newhard, Chair; Jesse and Gentleman.

House File 602

Human Resources: Cusack, Chair; Clark of Cerro Gordo and Brunow.

House File 605

Judiciary and Law Enforcement: Doyle, Chair; Smalley and Pelton.

House File 610

Human Resources: Hargrave, Chair; Garrison and Schroeder.

House File 624

Cities: Connors, Chair; Dunton, Hines, Hoffmann and Krewson.

House File 2005

County Government: Baker, Chair; Lindeen and Spear.

House File 2006

County Government: Hinkhouse, Chair; Stephens and Wyckoff.

House File 2009

State Government: Arnould, Chair; Brandt.

House File 2015

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 2039

County Government: Wells, Chair; Hinkhouse and Harvey.

House File 2041

Cities: Hines, Chair; Connors, Gentleman, Pavich and Tofte.

House File 2046

Education: Miller (Sergeant) of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 2058

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 2064

Cities: Schnekloth, Chair; Connors, Dunton, Hoffmann and Rinas.

House File 2067

Ways and Means: Miller of Buchanan, Chair; Svoboda, Gilloon, Egenes and Schnekloth.

House File 2072

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 2075

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

House File 2076

County Government: Gilson, Chair; Clark of Lee and Gilloon.

House File 2079

Judiciary and Law Enforcement: Doyle, Chair; Spencer and Smalley.

House File 2080

Judiciary and Law Enforcement: Lipsky, Chair; Connors and Shimanek.

House File 2081

State Government: Harvey, Chair; Monroe and Brandt.

House File 2082

Ways and Means: Dieleman, Chair; Husak, Howell, Junker, Daggett, Brandt and Egenes.

House File 2083

Ways and Means: Dieleman, Chair; Pavich, Dunton, Junker, Harbor and Horn.

House File 2086

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Gentleman, Nielsen and Branstad.

House File 2087

County Government: Brandt, Chair; Pellett and Wells.

House File 2088

Transportation: Woods, Chair; Rinas and Schroeder.

House File 2089

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

House File 2091

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 2092

Natural Resources: Perkins, Chair; Scheelhaase and Evans.

House File 2094

Judiciary and Law Enforcement: Lipsky, Chair; Dyrland and Arnould.

House File 2097

Natural Resources: Wyckoff, Chair; Varley and Miller of Buchanan.

House File 2100

State Government: Brandt, Chair; Monroe, Griffee, Crawford and Hansen.

House File 2101

Energy: Griffee, Chair; Evans, Howell, Pelton and Svoboda.

Senate File 18

Judiciary and Law Enforcement: Pelton, Chair; Garrison and Doyle.

Senate File 149

Human Resources: Lonergan, Chair; Krewson and Dyrland.

Senate File 217

Judiciary and Law Enforcement: Gentleman, Chair; Clark of Cerro Gordo and Connors.

Senate File 275

Judiciary and Law Enforcement: Nielsen, Chair; Connors and Shimanek.

Senate File 375

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Senate File 376

Judiciary and Law Enforcement: Jesse, Chair; Patchett, Newhard, Conlon and Lipsky.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 163**

Judiciary and Law Enforcement: Nielsen, Chair; Jesse and Patchett.

Study Bill 164

Judiciary and Law Enforcement: Conlon, Chair; Nielsen and Pelton.

Study Bill 184

Judiciary and Law Enforcement: Connors, Chair; Nielsen and Clark of Cerro Gordo.

Study Bill 186

Judiciary and Law Enforcement: Dyrland, Chair; Garrison and Smalley.

Study Bill 209

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Study Bill 210

Judiciary and Law Enforcement: Patchett, Chair; Conlon, Jesse and Lipsky.

Study Bill 215

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Study Bill 255

Judiciary and Law Enforcement: Jesse, Chair; Lipsky and Newhard.

Study Bill 336

Cities: Connors, Chair; Dunton, Hines, Hoffmann and Krewson.

Study Bill 342

Energy: Perkins, Chair; Norland, Howell, Danker and Pelton.

Study Bill 346

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

Study Bill 347

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Lipsky.

Study Bill 348

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

Study Bill 349

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

Study Bill 350

Judiciary and Law Enforcement: Conlon, Chair; Pelton and Shimanek.

Study Bill 351

Ways and Means: Dieleman, Chair; Pavich, Dunton, Junker, Harbor, Horn and Harvey.

Study Bill 353

Judiciary and Law Enforcement: Newhard, Chair; Jesse and Shimanek.

Study Bill 354

Judiciary and Law Enforcement: Jesse, Chair; Branstad and Connors.

Study Bill 356

Natural Resources: Scheelhaase, Chair; Halvorson and Jesse.

Study Bill 357

Natural Resources: Griffee, Chair; Varley and O'Halloran.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 8:00 a.m., February 1, 1978

Convened: 8:10 a.m.

Adjourned: 8:22 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Pavich, Schnekloth, Spear, Stephens and Tofte.

Absent: Hines, Hargrave, Krewson, Lind (arrived 8:15 a.m.), Newhard, Nielsen, Perkins, Rinas and Smalley (arrived 8:22 a.m.).

House File 2010, a bill for an act removing the limit on fees certain cities may establish for inspection of multiple dwellings.

Recommended Amend and Do Pass.

H-5190

- 1 Amend House File 2010 as follows:
- 2 1. Page 1, line 12, by striking the word "shall"
- 3 and inserting in lieu thereof the following: "~~shall~~
- 4 may".
- 5 2. Page 1, lines 14 and 15, by striking the
- 6 words "of twenty-five thousand or more population"
- 7 and inserting in lieu thereof the words "~~of twenty-~~
- 8 ~~five thousand or more population~~".

Aye: Bina, Clark of Lee, Connors, Dunton, Gentleman, Hoffmann, Koogler, Lind, Pavich, Schnekloth, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Hargrave, Krewson, Newhard, Nielsen, Perkins, Rinas and Smalley.

Assigned bills to subcommittee. Adjourned for subcommittee meetings.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 8:00 a.m., February 1, 1978

Convened: 8:30 a.m.

Adjourned: 9:00 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Brandt, Dieleman, Hansen, Jesse, Junker, Middleswart, Patchett, Shimanek, Stromer, Tauke and Walter.

Absent: Arnould, Avenson, Griffee, Poncy and West.

Excused: Crawford.

Discussed Study Bill 344—Landlord Tenant.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 1, 1978

Convened: 9:15 a.m.

Adjourned: 11:50 a.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Davitt, Nielsen, Oxley and Pelton.

Absent: Egenes.

Excused: Poncy.

Further study of budget items. Draft of bill was voted out of subcommittee.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 1, 1978

Convened: 9:28 a.m.

Adjourned: 12:00 noon

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Patchett, Smalley, Walter and Woods.

Approved LSB 3459S and 3460S. Discussed funding for Courts and Attorney General.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 1, 1978

Convened: 9:16 a.m.

Adjourned: 12:00 noon

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Newhard.

Discussion of Medicaid budget.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., February 1, 1978

Convened: 10:15 a.m.

Adjourned: 11:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear and Tofte.

Absent: Gilloon.

Excused: Thompson.

Discussion of proposed budget.

BUDGET SUBCOMMITTEE ON REGULATORY AND FINANCE

Scheduled: 10:00 a.m., February 1, 1978

Convened: 10:00 a.m.

Adjourned: 11:00 a.m.

Present: Griffee, chair; Crabb, ranking member; Arnould, Conlon, Gettings, Halvorson, Small, Svoboda and West.

Absent: Chiodo and Lipsky.

Excused: Connors.

Recommended LSB 3769H, LSB 4003H be sent to Budget Committee and LSB 3225S, with one exception.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., February 1, 1978

Convened: 1:10 p.m.

Adjourned: 2:33 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Harbor, Hines, Howell, Husak, Jochum, Lind, Menke, Oxley, Pavich, Schnekloth, Spencer, Thompson, Wells and Wyckoff.

Absent: Anderson, Cusack, Dunton (arrived 1:17 p.m.), Egenes, Gilloon, Harvey, Horn, Junker (arrived 1:30 p.m.), O'Halloran (arrived 1:15 p.m.), Rinas, Svoboda (arrived 1:20 p.m.) and Varley (arrived 1:26 p.m.).

Study Bill 157, a bill for an act relating to the revocation of sales tax permits, responsibility of corporate officers and members of partnerships for sales and use taxes, and changes to the sales and use tax civil and criminal penalties.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Harbor, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Pavich, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: Hines.

Absent or not voting: Anderson, Cusack, Dunton, Egenes, Gilloon, Harvey, Horn, Oxley and Rinas.

Study Bill 322, a bill for an act relating to the deposit of school district income sur-tax moneys.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Harbor, Hines, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Cusack, Egenes, Gilloon, Harvey, Horn and Rinas.

Study Bill 331, a bill for an act relating to the period of limitations during which determination of income tax due can be made and refunds can be claimed.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Harbor, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Oxley, Pavich, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Cusack, Egenes, Gilloon, Harvey, Hines, Horn and Rinas.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 2:30 p.m., February 1, 1978

Convened: 2:34 p.m.

Adjourned: 3:32 p.m.

Present: Middleswart, chair; Halvorson, ranking member; Bennett, Chiodo, Evans, Garrison, Griffie, Miller of Buchanan, O'Halloran, Pelton, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Spencer, vice-chair (arrived 2:38 p.m.); Avenson (arrived 3:00 p.m.), Jesse and Perkins (arrived 2:40 p.m.).

Committee Bill (Formerly House File 510), a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

Recommended Do Pass.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Griffie, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or not voting: Jesse.

Committee Bill (Formerly House File 626), a bill for an act relating to deer licensing.

Recommended Do Pass.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Chiodo, Evans, Garrison, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Nay: Griffie, Scheelhaase and Varley.

Absent or not voting: Jesse.

Assignment of bills. House File 423 failed to pass.

COMMITTEE ON TRANSPORTATION

Scheduled: 2:30 p.m., February 1, 1978

Convened: 2:40 p.m.

Adjourned: 3:30 p.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Clark of Cerro Gordo, Doyle, Egenes, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Monroe, Oxley, Schneklath and Woods.

Absent: Brunow, Lipsky and Rinas.

Excused: Dunton.

House File 335, a bill for an act relating to the registration of vehicles owned and used exclusively for activities for churches and religious organizations.

Recommended Amend and Do Pass.

H—5191

- 1 Amend House File 335 as follows:
- 2 1. Page 1, line 21, by striking the figure
- 3 "1977" and inserting in lieu thereof the figure
- 4 "1978".
- 5 2. Page 1, line 22, by striking the figure
- 6 "1977" and inserting in lieu thereof the figure
- 7 "1978".
- 8 3. Page 1, line 23, by striking the figure
- 9 "1978" and inserting in lieu thereof the figure
- 10 "1979".

Aye: Krause, Davitt, Schroeder, Binneboese, Clark of Cerro Gordo, Doyle, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Monroe, Oxley, Schnekloth and Woods.

Nay: None.

Absent or not voting: Brunow, Dunton, Egenes, Lipsky and Rinas.

Study Bill 343, a bill for an act relating to railroad laws and providing a penalty.

Recommended Amend and Do Pass.

Aye: Krause, Davitt, Schroeder, Binneboese, Clark of Cerro Gordo, Doyle, Egenes, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Monroe, Oxley, Schnekloth and Woods.

Nay: None.

Absent or not voting: Brunow, Dunton, Lipsky and Rinas.

COMMITTEE ON ENERGY

Scheduled: 3:30 p.m., February 1, 1978

Convened: 3:45 p.m.

Adjourned: 5:15 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Evans, Hinkhouse, Hullinger, Lindeen, Pellett, Perkins and Varley.

Absent: Doyle, Griffiee (arrived 4:00 p.m.), Middleswart (arrived 3:50 p.m.), Norland (arrived 3:46 p.m.), Pelton and Svoboda (arrived 3:47 p.m.).

Consideration of amendments to hazardous and solid waste bill.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 3:30 p.m., February 1, 1978

Convened: 3:40 p.m.

Adjourned: 5:20 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Small, Smalley, Thompson and Wells.

Absent: None.

Excused: Poncy.

Discussed and voted on amendments to House File 488.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 8:00 a.m., February 2, 1978

Convened: 8:13 a.m.

Adjourned: 9:36 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Evans, Miller of Buchanan, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Absent: Avenson (arrived 8:30 a.m.), Chiodo, Griffiee (arrived 9:35 a.m.), Jesse, O'Halloran (arrived 8:38 a.m.), Pelton (arrived 8:18 a.m.) and Varley (arrived 8:19 a.m.).

Excused: Garrison.

House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game.

Recommended Amend and Do Pass.

H-5195

- 1 Amend House File 356 as follows:
- 2 1. Page 1, line 2, by inserting after the word
- 3 "1977," the words "as amended by Acts of the Sixty-
- 4 seventh General Assembly, 1977 Session, chapter sixty-
- 5 six (66), section six (6),".

6 2. Page 4, by inserting after line 19 the fol-
7 lowing:

8 "m. Special wildlife habitat stamp.....\$3.00"

9 3. Page 4, by inserting after line 21 the follow-
10 ing:

11 "NEW SECTION. The commission shall not issue more
12 than two operator's certificates for commercial fishing
13 gear for each owner's certificate for commercial
14 fishing gear.

15 NEW SECTION. A resident or nonresident person
16 required to have a hunting or trapping license shall
17 not hunt or trap unless he or she has on his or her
18 person a valid wildlife habitat stamp signed in ink
19 with his or her signature across the face of the
20 stamp. Special wildlife habitat stamps shall be
21 administered in the same manner as hunting and trapping
22 licenses except all revenue derived from the sale
23 of the wildlife habitat stamps shall be used for
24 habitat development and shall be deposited in the
25 state fish and game protection fund and used for the
26 acquisition of land, leasing of land, and obtaining
27 of easements from persons willing to sell or lease
28 the land or grant the easements for use as wildlife
29 habitats. In addition such revenue may be used for
30 the development, management, and enhancement of
31 wildlife lands and habitat areas, and may be used
32 in whole or in part for the matching of federal funds.
33 Not less than fifty percent of all revenue from the
34 sale of wildlife habitat stamps shall be used by the
35 commission to enter into agreements with county
36 conservation boards or other public or private agencies
37 in order to carry out the purposes of this Act."

38 4. Page 4, by striking lines 31 through page 5,
39 line 3.

40 5. Page 5, by striking line 4 and inserting in
41 lieu thereof the following:

42 "Sec. 3. This Act is effective January 1, 1979.
43 However, effective July 1, 1978 and notwithstanding
44 section one hundred ten point one (110.1) of the Code,
45 the fee for a deer hunting license for residents shall
46 be fifteen dollars and the fee for nonresidents
47 hunting licenses shall be forty dollars."

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Griffee, Miller
of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Stephens, Tofte, Varley, Welden
and Wyckoff.

Nay: None.

Absent or not voting: Chiodo, Garrison, Jesse and Scheelhaase.

House File 2050, a bill for an act to repeal that section of the Code authorizing the issuance of courtesy nonresident fish and game licenses.

Recommended Amend and Do Pass.

H-5196

- 1 Amend House File 2050 as follows:
- 2 1. Page 1, by striking line 3.

Aye: Spencer, Halvorson, Avenson, Bennett, Evans, Miller of Buchanan, O'Halloran, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Varley and Wyckoff.

Nay: Middleswart, Tofte and Welden.

Absent or not voting: Chiodo, Garrison, Griffee and Jesse.

Discussed Study Bill 316. Referred it back to subcommittee for amendment.

AMENDMENTS FILED

H-5192	H.F. 2092	Evans of Grundy
H-5193	H.F. 2099	Monroe of Des Moines
H-5194	H.F. 2098	Pellett of Cass
H-5198	H.F. 2098	Perkins of Greene
		Scheelhaase of Woodbury
		Dyrland of Clayton
		Stephens of Plymouth
		Shimanek of Jones
		Lind of Black Hawk
		Jochum of Dubuque
H-5199	H.F. 2068	Lageschulte of Bremer
		Schneklöth of Scott

On motion by Fitzgerald of Webster, the House adjourned at 5:10 p.m., until 10:00 a.m., Monday, February 6, 1978.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day – Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 6, 1978

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

Prayer was offered by the Reverend Walden Askren, pastor of the Calvary Baptist Church, Cedar Rapids, Iowa.

The Journal of Thursday, February 2, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. E. Sinnard, Dubuque, Iowa

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Millen of Van Buren; Garrison of Black Hawk for the morning session, on request of Dunton of Keokuk; Bennett of Ida on request of Schneklath of Scott; Stephens of Plymouth on request of Lindeen of Henry.

SPECIAL PRESENTATION

Hoffmann of Muscatine escorted to the Speaker's station and presented to the House Tammy Cornick, Iowa's Junior Miss for 1978, and Tammy's parents, Mr. and Mrs. Dick Cornick.

Tammy, who is from West Liberty, will be representing Iowa at the National Junior Miss Contest in Mobile, Alabama.

The House rose and expressed its welcome. Miss Cornick addressed the House briefly.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
House Clerk	Dorothy Breeding	15-3 to 15-4	I- FT	1/20/78
House Clerk	D. Joanne Brownell	15-6 to 15-7	I- FT	1/20/78
House Clerk	Mary Devin	13-3 to 13-2	I- FT	1/20/78
House Clerk	Dixie Harrington	13-3 to 15-3	I- FT	1/20/78
House Clerk	Judy Jordan	15-5 to 15-6	I- FT	1/20/78
House Clerk	Pam Lovitt	13-3 to 13-2	I- FT	1/20/78
House Clerk	Maria C. Lynch	13-3 to 13-2	I- FT	1/20/78
House Clerk	Geraldine Middleswart	13-6 to 13-5	I- FT	1/20/78
House Clerk	Norma Scheelhaase	13-5 to 13-4	I- FT	1/20/78
House Clerk	Ruth Strait	13-3 to 15-3	I- FT	1/20/78
House Clerk	Marsha Woodruff	13-3 to 13-2	I- FT	1/20/78
Clerk II	Janet S. Clayton	13-1 to 15-1	P- FT	1/30/78

WELLS of Linn, Chair

ADOPTION OF HOUSE RESOLUTION 101

Pursuant to House Rule 26, the Speaker announced that House Resolution 101 filed on January 18, 1978 and found on page 136 of the House Journal was adopted by unanimous consent.

REREFERRED TO COMMITTEE ON AGRICULTURE
(Senate File 358)

Scheelhaase of Woodbury asked and received unanimous consent that **Senate File 358**, reported out of the committee on Agriculture on February 2, 1978 with a "Do Pass" recommendation, be rereferred to the committee on **agriculture**.

MOTION TO RECONSIDER PREVAILED
(Senate File 365)

Den Herder of Sioux called up for consideration the motion to reconsider **Senate File 365**, filed on January 25, 1978, and asked and received unanimous consent to reconsider the vote by which Senate File 365, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties, passed the House on January 24, 1978.

Den Herder of Sioux moved to reconsider the vote by which Senate File 365 was placed on its last reading, which motion prevailed.

Den Herder of Sioux offered the following amendment H-5146 filed by him and moved its adoption:

H-5146

- 1 Amend Senate File 365, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 5, line 32, by striking the words "The
- 4 plumbing".
- 5 2. Page 5, by striking lines 33 through 35.
- 6 3. Page 6, by striking lines 1 through 5 and
- 7 inserting in lieu thereof the words "The water supply
- 8 service and sewerage system of a food service estab-
- 9 lishment shall meet the technical requirements of
- 10 the local board of health, the department of health,
- 11 and the department of environmental quality".

Amendment H-5146 was adopted.

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

On the question "Shall the bill pass?" (S.F. 365)

The ayes were, 69:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Branstad	Byerly
Chiodo	Clark, B.J.	Connors	Crabb
Crawford	Cusack	Daggett	Den Herder
Dieleman	Doyle	Dunton	Evans
Fitzgerald	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Koogler	Krause	Krewson
Lindeen	Lonergan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Small	Spear
Spencer	Tauke	Tofte	Varley
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

The nays were, 12:

Clark, J.H.	Conlon	Davitt	Lageschulte
Lind	Lipsky	Millen	Smalley
Stromer	Thompson	Welden	West

Absent or not voting, 19:

Bennett	Binneboese	Brockett	Brunow
Danker	Dyrland	Egenes	Garrison
Hines	Jesse	Jochum	Junker
Newhard	Norland	Patchett	Schroeder
Shimanek	Stephens	Svoboda	

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

CONSIDERATION OF BILLS (Regular Calendar)

House File 2099, a bill for an act relating to the publication of administrative rules, was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5193 filed by him and moved its adoption:

H-5193

1 Amend House File 2099 as follows:
 2 1. Page 1, by striking lines 21 through 27 and
 3 inserting in lieu thereof the following: "than twenty-
 4 five members, the agency must give interested persons
 5 an opportunity to make oral presentation according
 6 to agency rules which give the public not less than
 7 twenty days notice of the time when and the place
 8 where oral presentation may be made, and which provide
 9 for the presentation prior to agency action on the
 10 rule which is the subject of the proceeding. The
 11 opportunity for oral presentation must be held at
 12 least twenty days after publication of the notice
 13 of its time and place in the Iowa administrative
 14 bulletin. The agency shall consider fully".

Amendment H-5193 was adopted.

Monroe of Des Moines offered the following amendment
 H-5200 filed by him from the floor and moved its adoption:

H-5200

1 Amend House File 2099 as follows:
 2 1. Page 5, by striking lines 30 through 34 and
 3 inserting in lieu thereof the following: "distributed
 4 with each order for purchase of the Code and the price
 5 set for the Code and administrative code as provided
 6 above shall include the cost of both the Code and
 7 administrative code. However, the The Iowa
 8 administrative code or, its supplements, the Iowa".
 9 2. Page 6, by striking lines 8 and 9 and inserting
 10 in lieu thereof the following: "distribution of the
 11 Iowa administrative code or its supplements."

Amendment H-5200 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2099)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon

Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Evans	Fitzgerald
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimaneck	Small	Smalley
Spear	Spencer	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 18:

Bennett	Binneboese	Brockett	Chiodo
Danker	Dyrland	Egenes	Garrison
Hines	Jesse	Jochum	Junker
Krause	Newhard	Patchett	Schroeder
Stephens	Svoboda		

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

HOUSE FILE 434 DEFERRED

Miller of Buchanan asked and received unanimous consent that House File 434 be temporarily deferred.

House File 2025, a bill for an act requiring that petitions for a permit to construct, maintain and operate a pipeline or gas underground storage facilities in this state include an environmental impact statement, with report of committee recommending passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—5203 filed by him from the floor and moved its adoption:

H-5203

- 1 Amend House File 2025 as follows:
- 2 1. Page 1, line 10, by inserting after the
- 3 word "facilities." the following: "Any pipeline
- 4 company which is required by federal regulation
- 5 to file an environmental impact statement shall
- 6 file an identical statement with the Iowa state
- 7 commerce commission."

A non-record roll call was requested.

The ayes were 33, nays 51.

Amendment H-5203 lost.

(House File 2025 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2128, by Bina, a bill for an act relating to the publication requirements for an additional public hearing required under local budget law.

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

House File 2129, by Connors, Wells, Doyle, Koogler, Anderson, Chiodo, Woods, Smalley, Dunton, Jochum, Walter, Pavich, Gettings, Cusack, Hines, Garrison, and Rinas, a bill for an act relating to the fee collected by officials for reporting fires.

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

House File 2130, by Lind, a bill for an act relating to containers in which prescription drugs are dispensed by pharmacists.

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

House File 2131, by Nielsen and Byerly, a bill for an act requiring the department of revenue to have a placard printed and distributed to all retail sales tax permit holders stating that a minimum of five years must be served upon conviction of a forcible felony in which a gun was used and making an appropriation.

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

House File 2132, by committee on ways and means, a bill for an act relating to the period of limitations during which determination of income tax due can be made and refunds can be claimed.

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

House File 2133, by committee on ways and means, a bill for an act relating to the revocation of sales tax permits, responsibility of corporate officers and members of partnerships for sales and use taxes, and changes to the sales and use tax civil and criminal penalties.

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

House File 2134, by committee on ways and means, a bill for an act relating to the deposit of school district income surtax moneys.

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

House File 2135, by committee on state government, a bill for an act to establish a mobile home parks residential landlord and tenant act and providing civil penalties.

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

HOUSE CONCURRENT RESOLUTION 108

By Cusack

- 1 *Whereas*, the Commission on the Aging of the State
- 2 of Iowa has initiated preparations to hold, on November
- 3 15-17, 1978, a model legislative session to be known
- 4 as the Older Iowans Model Legislature; and
- 5 *Whereas*, the Older Iowans Model Legislature will be
- 6 composed of one hundred of Iowa's senior citizens
- 7 selected by their peers from around the state, through
- 8 the various area agencies on the aging, who will come
- 9 together to consider and debate public issues of concern
- 10 to them; and
- 11 *Whereas*, the Older Iowans Model Legislature will serve

12 the purposes of making all Iowans more aware of the
 13 vigorous and useful roles played by older Iowans in the
 14 public affairs of this state more fully informing older
 15 Iowans themselves about the legislative process in this
 16 state, and more fully informing the General Assembly and
 17 the Commission on the Aging of the views of older Iowans
 18 on current questions of public policy; *Now Therefore,*
 19 *Be It Resolved by the House of Representatives, the*
 20 *Senate Concurring,* That the General Assembly expresses its
 21 approval of and support for the Commission on the Aging
 22 in planning, preparing for and conducting the first Older
 23 Iowans Model Legislature, and that it hereby directs the
 24 Secretary of the Senate and the Chief Clerk of the House
 25 to furnish to the Commission on the Aging such cooperation
 26 and assistance in connection with the Older Iowans Model
 27 Legislature as the Commission may reasonably request.

Laid over under Rule 25.

HOUSE RESOLUTION 104

By Gilson

1 *Whereas,* the citizens of Audubon County have recog-
 2 nized the potential of the establishment of a gasohol
 3 pilot project by establishing the Nishna Valley Gasohol
 4 Association; and
 5 *Whereas,* the establishment of a gasohol pilot project
 6 in the state of Iowa would be in the best interests of all
 7 Iowans, and all citizens of the United States of America;
 8 and
 9 *Whereas,* the benefits which might be derived may well
 10 be of value to the citizens of the United States by reduc-
 11 ing the dependency on foreign imports of petroleum, and
 12 such reduction would have a positive effect upon the
 13 balance of trade; and
 14 *Whereas,* in addition, the citizens of Iowa will
 15 particularly benefit because additional jobs will be
 16 generated and there will be better markets for grain
 17 and an increase in the utilization of our railroad net-
 18 work; and
 19 *Whereas,* the environmental impact of a gasohol pilot
 20 project may cause fewer problems if located in a rural
 21 area of our state; *Now Therefore,*
 22 *Be It Resolved by the House of Representatives,* That
 23 the Nishna Valley Gasohol Association be commended for its
 24 efforts in promoting the study of the use and potential
 25 of gasohol.

Laid over under Rule 25.

HOUSE RESOLUTION 105

By Krause

1 *Whereas*, the city of Whittemore, Iowa is nearing
 2 the centennial anniversary of its incorporation as a
 3 city; and
 4 *Whereas*, the citizens of Whittemore, Iowa are
 5 preparing for a centennial celebration June 23, 24 and
 6 25, 1978 to commemorate the one-hundredth anniversary
 7 of the city's incorporation; *Now Therefore*,
 8 *Be It Resolved by the House of Representatives*,
 9 That the membership of the House of Representatives of
 10 the Sixty-seventh General Assembly of the State of Iowa
 11 extends its heartiest congratulations to the city of
 12 Whittemore, Iowa in commemoration of the centennial
 13 anniversary of its incorporation in this year of 1978;
 14 and
 15 *Be It Further Resolved*, That a copy of this
 16 resolution be forwarded to the mayor and the citizens
 17 of Whittemore who are in charge of making preparations
 18 for the centennial celebration.

Laid over under Rule 25.

BUSINESS PENDING

The House resumed consideration of **House File 2025**, a bill for an act requiring that petitions for a permit to construct, maintain and operate a pipeline or gas underground storage facilities in this state include an environmental impact statement.

Hinkhouse of Cedar offered the following amendment H-5201 filed by Hinkhouse, Miller of Buchanan and Shimanek from the floor and moved its adoption:

H-5201

1 Amend House File 2025 as follows:
 2 1. Page 1, by inserting after line 10, the
 3 following:
 4 "Sec. 3. Section four hundred seventy-nine point
 5 eight (479.8), Code 1977, is amended to read as
 6 follows:
 7 479.8 **TIME AND PLACE**. Said hearing and inform-
 8 ational meetings shall not be less than ten days nor
 9 more than thirty days from the date of the last
 10 publication and shall be held in the office of said
 11 state commerce commission, or such place as the

- 12 commission shall designate at a location central to
 13 affected landowners, and within a reasonable distance
 14 of the route of said proposed line or lines."

Amendment H — 5201 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2025)

The ayes were, 75:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Koogler	Krause	Lageschulte
Lindeen	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pelton	Poncy	Rinas	Scheelhaase
Schneklath	Shimanek	Small	Spear
Spencer	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Wyckoff	Mr. Speaker	

The nays were, 15:

Chiodo	Crabb	Hansen	Harbor
Harvey	Lind	Lipsky	Menke
Millen	Nielsen	Pellett	Perkins
Smalley	Welden	Woods	

Absent or not voting, 10:

Bennett	Brockett	Danker	Jesse
Jochum	Junker	Krewson	Schroeder
Stephens	Svoboda		

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

CONSIDERATION OF BILLS
Regular Calendar

House File 434, a bill for an act relating to deer hunting licenses, with report of committee recommending amendment and passage was taken up for consideration.

Miller of Buchanan offered amendment H-5143 filed by the committee on natural resources on January 25, 1978 and found on pages 213 and 214 of the House Journal.

Pelton of Clinton offered the following amendment H-5204, to the committee amendment H-5143, filed by Pelton, Halvorson, Avenson and Evans from the floor and moved its adoption:

H-5204

- 1 Amend amendment H-5143, to House File 434, as
- 2 follows:
- 3 1. Page 1, by inserting after line 32 the
- 4 following:
- 5 "Sec. Chapter one hundred ten (110), Code
- 6 1977, is amended by adding the following new section:
- 7 NEW SECTION. It shall be unlawful for any person
- 8 to hunt in this state with any breech-loading rifle
- 9 larger than .22 caliber rimfire during the shotgun
- 10 or musket open season on deer."

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

On the question "Shall amendment H-5204, to amendment H-5143, be adopted?"

The ayes were, 62:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Clark, B.J.	Crawford	Cusack
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hargrave	Harvey	Hinkhouse	Hoffmann
Howell	Husak	Jesse	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Patchett	Pellett	Pelton	Perkins
Rinas	Scheelhaase	Shimanek	Small

Spear	Spencer	Stromer	Tauke
Tofte	Varley	Walter	Wells
West	Mr. Speaker		

The nays were, 28:

Byerly	Chiodo	Clark, J.H.	Conlon
Connors	Crabb	Daggett	Doyle
Gettings	Gilloon	Hansen	Harbor
Hines	Horn	Koogler	Lind
Middleswart	Millen	Newhard	Nielsen
Pavich	Poncy	Schneklath	Smalley
Thompson	Welden	Woods	Wyckoff

Absent or not voting, 10:

Bennett	Brockett	Danker	Fitzgerald
Hullinger	Jochum	Junker	Schroeder
Stephens	Svoboda		

Amendment H—5204 was adopted.

Miller of Buchanan moved the adoption of the committee amendment H—5143, as amended.

Amendment H—5143, as amended, was adopted.

Speaker pro tempore Nielsen of Polk in the chair at 3:03 p.m.

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

On the question "Shall the bill pass?" (H.F. 434)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Koogler	Krause	Krewson

Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff			

The nays were, 6:

Doyle	Hullinger	Newhard	Scheelhaase
Welden	Mr. Speaker (Nielsen)		

Absent or not voting, 9:

Bennett	Brockett	Brunow	Danker
Jochum	Junker	Schroeder	Stephens
Svoboda			

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

House File 571, a bill for an act relating to granting an easement at the Woodward hospital-school, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 571)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffee	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Koogler	Krause

Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, none:

Absent or not voting, 11:

Bennett	Brockett	Brunow	Danker
Harbor	Jochum	Junker	Middleswart
Schroeder	Stephens	Svoboda	

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

BUDGET CALENDAR

House File 2098, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research, was taken up for consideration.

Speaker Cochran in the chair at 3:25 p.m.

(House File 2098 pending at adjournment.)

MOTIONS TO RECONSIDER (House File 434)

I move to reconsider the vote by which House File 434 passed the House on February 6, 1978.

HANSEN of O'Brien

(House File 2025)

I move to reconsider the vote by which House File 2025 passed the House on February 6, 1978.

HALVORSON of Clayton

(Amendment H—5143 to House File 434)

I move to reconsider the vote by which amendment H—5143, to House File 434, was adopted by the House on February 6, 1978.

HANSEN of O'Brien

EXPLANATION OF VOTE

I was necessarily absent from the House when the vote was taken on House File 2037. I was talking to Wayne Richey, Executive Secretary of the Board of Regents, behind the House Chambers regarding several concerns he brought to my attention, concerns of the Board of Regents on their appropriation and the federal fund appropriations bill. Had I been present, I would have voted "aye" on House File 2037.

CUSACK of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 374 Budget

Appropriating from the general fund of the state for the operations of the energy policy council.

S.B. 375 Budget

Changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor and making provisions retroactive.

S.B. 376 Budget

Making appropriations to the department of general services for operating purposes.

S.B. 377 Natural Resources

Relating to the creation and administration of a protected water area system in this state.

S.B. 378 Budget

Making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies.

S.B. 379 Budget

Making appropriations to the department of general services for designated capital improvements and expenses.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 2, 1978

Convened: 9:15 a.m.

Adjourned: 12:10 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Newhard.

Discussed and made recommendations for: Medicaid budget; juvenile institutions, Toledo, Eldora and Mitchellville; AFDC budget; Iowa Veterans' Home; Prisoner Employment Program; Riverview Release Center; Glenwood and Woodward; Mini Title XX and community based juvenile corrections.

BUDGET SUBCOMMITTEE ON STATE DEPARTMENTS

Scheduled: 9:00 a.m., February 2, 1978

Convened: 9:43 a.m.

Adjourned: 10:30 a.m.

Present: Wyckoff, chair; Junker, ranking member; Bina, Byerly, Danker, Dieleman, Harbor, Lageschulte, Smalley and Woods.

Absent: Patchett and Walter.

Funded capitals.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., February 2, 1978

Convened: 10:10 a.m.

Adjourned: 12:00 noon.

Present: Husak, chair; Bennett, ranking member; Crawford, Garrison, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Discussion of proposed budget bill.

COMMITTEE ON AGRICULTURE

Scheduled: 1:00 p.m., February 2, 1978

Convened: 1:05 p.m.

Adjourned: 1:55 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gilson, Gettings, Howell, Husak, Krause, Lindeen, Menke, Miller (Sergeant) of Calhoun and Svoboda.

Absent: Den Herder (arrived 1:20 p.m.) and Lageschulte (arrived 1:12 p.m.).

Senate File 358, a bill for an act relating to the licensing and practicing of veterinarians.

Recommended Do Pass.

Aye: Scheelhaase, Hinkhouse, Pellett, Binneboese, Byerly, Crabb, Danker, Davitt, Gettings, Howell, Husak, Lindeen and Miller (Sergeant) of Calhoun.

Nay: Bennett, Den Herder, Krause, Lageschulte, Menke and Svoboda.

Absent or not voting: Gilson.

Subcommittee assigned to investigate the control of dust in grain elevators.

COMMITTEE ON CITIES

Scheduled: 1:00 p.m., February 2, 1978

Convened: 1:06 p.m.

Adjourned: 1:11 p.m.

Present: Bina, chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson, Lind, Rinas, Schneklath, Smalley and Spear.

Absent: Hines, Newhard, Nielsen, Perkins, Stephens (arrived 1:10 p.m.) and Tofte (arrived 1:11 p.m.).

Excused: Pavich and Hargrave.

Assigned study committees for the Tort Liability, 28E Agreements and City Development Committee. Adjourned in order that subcommittees could meet.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., February 2, 1978

Convened: 1:15 p.m.

Adjourned: 2:00 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffie, Hansen, Jesse, Middleswart, Patchett, Shimanek, Tauke, Walter and West.

Absent: Junker, Poncey and Stromer.

Discussed Study Bill 344 - Landlord Tenant.

AMENDMENTS FILED

H-5205	H.F. 2098	Small of Johnson
H-5206	H.F. 434	Hansen of O'Brien
H-5207	H.F. 2098	Lipsky of Linn
		Brandt of Black Hawk
		Varley of Adair
		Dyrland of Clayton
		Shimanek of Jones
		Thompson of Polk
		Hoffmann of Muscatine
		Crawford of Story
		Loneragan of Boone
		O'Halloran of Black Hawk

Harvey of Scott
 Brunow of Appanoose
 Howell of Floyd
 Doyle of Woodbury
 Egenes of Story
 Hinkhouse of Cedar
 Nielsen of Polk
 Hansen of O'Brien
 Byerly of Polk

H—5219 H.F. 2021

Pellett of Cass
 Daggett of Adams
 Menke of O'Brien
 Howell of Floyd
 Hullinger of Decatur
 Binneboese of Plymouth
 Lageschulte of Bremer
 Krause of Kossuth
 Stromer of Hancock

Dieleman of Marion
 Hoffmann of Muscatine
 O'Halloran of Black Hawk
 Millen of Van Buren
 Dyrland of Clayton
 Garrison of Black Hawk
 Gilson of Guthrie
 Menke of O'Brien

Husak of Tama
 Davitt of Warren
 Perkins of Greene
 Gilson of Guthrie
 Hinkhouse of Cedar
 Avenson of Fayette
 Gettings of Wapello
 Spencer of Clay
 Miller (Sergeant) of Calhoun

On motion by Fitzgerald of Webster, the House adjourned at 3:33 p.m., until 3:00 p.m., Tuesday, February 7, 1978.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 7, 1978

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

Prayer was offered by the Reverend Edward Wolfe, pastor of the St. Paul's Lutheran Church, Mount Vernon, Iowa.

The Journal of Monday, February 6, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Dale Christensen, Lake City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren for the afternoon session on request of Harbor of Mills.

PETITIONS FILED

The following petitions were received and placed on file:

By Anderson of Jasper from one hundred thirty-five citizens opposing House File 187, relating to a mandatory deposit law on beverage packaging.

By Bina of Scott from the Mayor and City Council of the City of Burlington, a resolution in support of increased funding for state transit assistance to cities operating bus transit services in order that adequate and quality transportation for all urban citizens may continue to be provided.

BUSINESS PENDING AT ADJOURNMENT Budget Calendar

The House resumed consideration of **House File 2098**, a bill for

an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research.

Action on amendment H—5205 was temporarily deferred.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Conlon of Muscatine to determine that a quorum was present.

Present: 90

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wyckoff	Mr. Speaker		

Absent: 10

Danker	Jesse	Lageschulte	Millen
Newhard	Norland	Small	Spencer
Svoboda	Woods		

Monroe of Des Moines offered the following amendment H—5226 filed by him from the floor and moved its adoption:

H—5226

- 1 Amend House File 2098, as follows:
- 2 1. Page 4, line 23, by inserting after the word
- 3 "shall" the words "such monies be used for other than
- 4 the payment of cash premiums, and in no case shall".

A non-record roll call was requested.

The ayes were 43, nays 32.

Amendment H—5226 was adopted.

Small of Johnson offered the following amendment H—5205 filed by him and moved its adoption:

H—5205

- 1 Amend House File 2098 as follows:
- 2 1. Page 3, by striking lines 31 through 35.

Amendment H—5205 lost.

Hines of Story offered amendment H—5230 filed by Hines, Rinas, Krause, Dyrland, Jochum and Arnould from the floor and requested division as follows:

H—5230

- 1 Amend House File 2098 as follows:

H—5230A

- 2 1. Page 3, by striking lines 31 through 35.

H—5230B

- 3 2. Page 8, line 4, by striking "\$135,000" and
- 4 inserting in lieu thereof "\$281,868".

Hines of Story asked and received unanimous consent to withdraw amendment H—5230A.

Hines of Story asked and received unanimous consent to withdraw amendment H—5230B.

Rinas of Linn asked for unanimous consent to reconsider amendment H—5205.

Objection was raised.

Rinas of Linn moved to reconsider the vote by which amendment H—5205 failed to be adopted by the House.

Roll call was requested by Rinas of Linn and Pavich of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the vote by which amendment H—5205 failed to be adopted be reconsidered?"

The ayes were, 32:

Arnould	Bina	Binneboese	Brunow
Chiodo	Conlon	Cusack	Doyle
Dunton	Dyrland	Garrison	Gilloon
Hargrave	Hines	Hullinger	Jochum
Koogler	Loneragan	Miller, K.D.	Monroe
Nielsen	O'Halloran	Patchett	Pavich
Rinas	Scheelhaase	Small	Smalley
Svoboda	Walter	Wells	Woods

The nays were, 62:

Anderson	Avenson	Baker	Bennett
Brandt	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Dieleman	Egenes	Evans	Gentleman
Gettings	Gilson	Griffiee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Husak
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Middleswart
Miller (Sergeant)	Norland	Oxley	Pellett
Pelton	Perkins	Poncy	Schneklath
Schroeder	Shimanek	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Wyckoff	Mr. Speaker		

Absent or not voting, 6:

Den Herder	Fitzgerald	Jesse	Krause
Millen	Newhard		

The motion lost.

Pellett of Cass offered the following amendment H—5194 filed by him and moved its adoption:

H—5194

- 1 Amend House File 2098 as follows:
- 2 1. Page 11, line 20, by striking the word "fifty"
- 3 and inserting in lieu thereof the word "seventy-five".

Roll call was requested by Schnekloth of Scott and Crabb of Crawford.

On the question "Shall amendment H—5194 be adopted?"

The ayes were, 41:

Bennett	Branstad	Brockett	Byerly
Conlon	Crabb	Crawford	Daggett
Danker	Dunton	Egenes	Evans
Gilson	Halvorson	Hansen	Harbor
Hines	Hinkhouse	Hoffmann	Junker
Krause	Lageschulte	Lindeen	Lönergan
Menke	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	Oxley	Patchett	Pellett
Pelton	Schnekloth	Smalley	Spencer
Stephens	Stromer	Varley	Woods
Wyckoff			

The nays were, 48:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Clark, B.J.	Clark, J.H.	Connors	Cusack
Davitt	Dieleman	Doyle	Dyrland
Garrison	Gentleman	Gettings	Griffie
Hargrave	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krewson
Lind	Lipsky	Middleswart	Newhard
O'Halloran	Pavich	Perkins	Pony
Rinas	Scheelhaase	Small	Spear
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Wells	Mr. Speaker

Absent or not voting, 11:

Chiodo	Den Herder	Fitzgerald	Gilloon
Harvey	Jesse	Millen	Monroe
Schroeder	Shimanek	West	

Amendment H—5194 lost.

Perkins of Greene offered the following amendment H-5198 filed by Perkins, et al., and moved its adoption:

H-5198

- 1 Amend House File 2098 as follows:
- 2 1. Page 11, line 31, by striking the number
- 3 "4,250,000" and inserting in lieu thereof the number
- 4 "4,220,000".
- 5 2. Page 13, line 21, by striking the word "four"
- 6 and inserting in lieu thereof the word "five".
- 7 3. Page 13, line 22, by striking the number
- 8 "86,110" and inserting in lieu thereof the number
- 9 "116,110".

Amendment H-5198 was adopted.

Bennett of Ida offered the following amendment H-5227 filed by him from the floor and moved its adoption:

H-5227

- 1 Amend House File 2098 as follows:
- 2 1. Page 12, line 29, by inserting before the word
- 3 "purposes" the words "and economic impact".
- 4 2. Page 13, by inserting after line 10 the
- 5 following:
- 6 "d. The department of environmental quality may
- 7 expend funds appropriated pursuant to paragraph a
- 8 of this subsection for the purpose of preparing
- 9 economic impact statements. An economic impact
- 10 statement shall be prepared in any case when the
- 11 department issues an order pursuant to chapter four
- 12 hundred fifty-five B (455B) of the Code which will
- 13 have a fiscal effect upon persons affected by the
- 14 order or upon the department of environmental quality
- 15 itself."

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-5227 lost.

Scheelhaase of Woodbury offered the following amendment H-5234 filed by him and Doyle of Woodbury from the floor:

H—5234

1 Amend House File 2098 as follows:

2 1. Page 14, by inserting after line 13 the
3 following sections:

4 "Section 1. Chapter two (2), Code 1977, is amended
5 by adding the following new section:

6 NEW SECTION. IOWA BOUNDARY COMMISSION.

7 1. There is established an Iowa boundary commission
8 which shall consist of three members of the senate
9 appointed by the president of the senate and three
10 members of the house of representatives appointed
11 by the speaker of the house. The commission shall
12 select a chairperson and shall meet at the call of
13 the chairperson.

14 2. Members shall be appointed on the effective
15 date of this Act to a term of four years. Vacancies
16 shall be filled in the same manner as original
17 appointments and shall be for the remainder of the
18 unexpired term of the vacancy. The members of the
19 commission shall be reimbursed for actual and necessary
20 expenses incurred in the performance of their duties
21 and shall receive forty dollars for each day in which
22 engaged in the performance of such duties. However,
23 such per diem compensation and expenses shall not
24 be paid when the general assembly is actually in
25 session at the seat of government. Per diem and
26 expenses of the commission and its members shall be
27 paid from funds appropriated pursuant to section two
28 point twelve (2.12) of the Code.

29 3. The commission is authorized to meet with the
30 appropriate representatives of affected states,
31 agencies of those states and Iowa, and agencies of
32 the United States to discuss the western Iowa boundary
33 and problems related to that boundary. The commission
34 is authorized to expend reasonable sums for the
35 purchase of maps and other information helpful to
36 its discussions.

37 Sec. 2. For the initial board, the president of
38 the senate and the speaker of the house shall each
39 appoint pursuant to section one (1) of this Act, one
40 member to a two-year term and two members to a four-
41 year term."

42 2. By numbering and renumbering sections as
43 necessary.

Cusack of Scott rose on a point of order that amendment
H—5234 was not germane.

The Speaker ruled the point well taken and amendment
H—5234 not germane.

Scheelhaase of Woodbury asked for unanimous consent to suspend the rules for the consideration of amendment H—5234.

Objection was raised.

Lipsky of Linn offered the following amendment H—5207 filed by Lipsky, et al. :

H—5207

- 1 Amend House File 2098 as follows:
- 2 1. Page 14, by adding after line 19 the following:
- 3 "Sec. Funds appropriated by this Act shall
- 4 not be used to pay travel and other necessary expenses
- 5 of any person who attends a conference, seminar, con-
- 6 vention, or other similar meeting in a state which has
- 7 not approved the proposed federal equal rights amend-
- 8 ment. The state comptroller shall not approve any
- 9 claim submitted requesting reimbursement which vio-
- 10 lates this section."

Miller of Buchanan offered the following amendment H—5231, to amendment H—5207, filed by him from the floor:

H—5231

- 1 Amend amendment H—5207, to House File 2098, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "state" the words "or country".

Lipsky of Linn rose on a point of order that amendment H—5231 was not in order.

The Speaker ruled the point not well taken and amendment H—5231 in order.

Miller of Buchanan moved the adoption of amendment H—5231, to amendment H—5207.

A non-record roll call was requested.

The ayes were 56, nays 32.

Amendment H—5231 was adopted.

Perkins of Greene offered the following amendment H—5229, to amendment H—5207, filed by him from the floor and moved its adoption:

H—5229

- 1 Amend amendment H—5207, to House File 2098, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "Sec. . Funds appropriated pursuant to chapter
- 6 two (2) of the Code shall not be used to pay travel
- 7 and other necessary expenses of any person who attends
- 8 a conference, seminar, convention, or other similar
- 9 meeting in a state which has not approved the proposed
- 10 federal equal rights amendment. The state comptroller
- 11 shall not approve any claim submitted requesting
- 12 reimbursement which violates this section."

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 84, nays 6.

Amendment H—5229 was adopted.

Wyckoff of Benton rose on a point of order that amendment H—5207 was not germane.

The Speaker ruled the point not well taken and amendment H—5207 germane.

(House File 2098 and amendment H—5207, as amended, pending at recess and placed under unfinished business.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall and West of Marshall, both for the evening session, on request of Evans of Grundy.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Koogler of Mahaska to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present: 77

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Halvorson	Hansen	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jochum	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	Woods	Wyckoff
Mr. Speaker			

Absent: 23

Avenson	Brandt	Branstad	Brockett
Brunow	Crawford	Cusack	Egenes
Griffie	Harbor	Hargrave	Howell
Jesse	Junker	Krause	Middleswart
Norland	Small	Smalley	Stromer
Varley	Wells	West	

HOUSE CONCURRENT RESOLUTION 109
By Administration Committee

- 1 *Whereas*, section two point eleven (2.11) of the Code
- 2 provides that "The compensation of chaplains, officers and

3 employees of the general assembly shall be fixed by joint
 4 action of the house and senate by resolution at the opening
 5 of each session, or as soon thereafter as conveniently can
 6 be done.", *Now Therefore,*

7 *Be It Resolved by the House, the Senate Concurring,* That
 8 Senate Concurrent Resolution 4 as amended and adopted by the
 9 House and Senate in January, 1977, and amended by House
 10 Concurrent Resolution 7 in March, 1977, be further amended as
 11 follows and as further amended is adopted to provide the
 12 compensation for the officers and employees of the House of
 13 Representatives and Senate for the period commencing January 9,
 14 1978 and ending January 8, 1979:

- 15 1. Page 3, by striking lines 19 and 20.
- 16 2. Page 4, by striking line 24 and inserting in lieu thereof
 17 the following:
 18 "Finance Clerk Grade 22"
- 19 3. Page 4, by striking line 25 and inserting in lieu thereof
 20 the following:
 21 "Assistant Finance Clerk I Grade 13
 22 Assistant Finance Clerk II Grade 15"
- 23 4. Page 5, by striking line 11.
- 24 5. Page 5, by striking lines 17 and 18 and inserting in
 25 lieu thereof the following:
 26 "Aide to Public Information Office
 27 (80 hours a week maximum) Federal Minimum Wage"
- 28 6. Page 5, by striking line 33 and inserting in lieu thereof
 29 the following:
 30 "Finance Clerk Grade 22"

Page 2

- 1 7. Page 5, by striking line 34 and inserting in lieu thereof
 2 the following:
 3 "Assistant Finance Clerk I Grade 13
 4 Assistant Finance Clerk II Grade 15"
- 5 8. Page 6, by striking line 18.
- 6 9. Page 6, by striking line 19.
- 7 10. Page 6, by striking lines 25 and 26.
- 8 11. Page 6, by striking line 27 and inserting in lieu thereof
 9 the following:
 10 "Aide to the Secretary of the Senate Grade 18"
- 11 12. Page 6, by striking lines 29 and 30.
- 12 13. Page 8, by striking line 35, and page 9, by striking lines
 13 1 through 3 and inserting in lieu thereof the following:
 14 "A Secretary I and Clerk I is a person who possesses
 15 the necessary skills to perform the duties as shall
 16 be assigned."
- 17 14. Page 9, by striking lines 32 through 34 and inserting in
 18 lieu thereof the following:
 19 "A Legal Counsel I shall be a person who has graduated
 20 from an accredited school of law."
- 21 15. Page 12, line 28, by striking the word "intermittent".

22 16. Add the following new paragraph:

23 "NEW PARAGRAPH. *Be It Further Resolved*, That an
24 Assistant Finance Clerk II shall be a person who has
25 graduated from high school or has G.E.D. equivalency
26 and two (2) years of clerical accounting experience
27 which involved the compilation, tabulation, examination,
28 verification or recording of financial, statistical or
29 related fiscal program using elementary bookkeeping
30 principles and practices; or, has an equivalent
31 combination of education and experience.

32 An Assistant Finance Clerk I shall be a person who
33 has graduated from high school or has G.E.D. equivalency
34 and sufficient experience involving the compilation,
35 tabulation, verification, recording or examination of

Page 3

1 financial, statistical or related numerical information
2 to perform such work as shall be assigned."

Laid over under Rule 25.

SPECIAL ORDER (House File 2021)

The hour of 6:30 p.m. having arrived, the Speaker announced the special order of business for the consideration of **House File 2021**, a bill for an act relating to definitions pertaining to corporate farming, restrictions on agricultural land holdings, and providing penalties for violations of the corporate farming Act.

Husak of Tama offered the following amendment H—5219 filed by Husak, et al., and moved its adoption:

H—5219

- 1 Amend House File 2021 as follows:
2 1. Page 1, by inserting after line 15 the
3 following new sections:
4 "Sec. . Section one hundred seventy-two C
5 point one (172C.1), subsection eight (8), Code 1977,
6 is amended by adding the following new paragraph:
7 d. At least one of its stockholders described
8 in paragraph "a" who owns ten percent or more of the
9 stock is:
10 1. A person residing on or actively engaged in
11 farming the farm owned or leased by the corporation;
12 2. A disabled or retired person who at one
13 time resided on or was actively engaged in farming

14 the farm owned or leased by the corporation; or,
 15 3. A surviving spouse or minor child of a
 16 deceased person who at one time resided on or was
 17 actively engaged in farming the farm owned or
 18 leased by the corporation.
 19 Sec. . . . Section one hundred seventy-two C
 20 point one (172C.1), subsection nine (9), Code 1977,
 21 is amended by adding the following new paragraph:
 22 c. At least one of its stockholders who owns
 23 ten percent or more of the stock is:
 24 1. A person residing on or actively engaged in
 25 farming the farm owned or leased by the corporation;
 26 2. A disabled or retired person who at one time
 27 resided on or was actively engaged in farming the
 28 farm owned or leased by the corporation; or,
 29 3. A surviving spouse or minor child of a
 30 deceased person who at one time resided on or was
 31 actively engaged in farming the farm owned or
 32 leased by the corporation."

Amendment H—5219 was adopted.

Hinkhouse of Cedar offered the following amendment H—5166
 filed by him and Scheelhaase of Woodbury and moved its adoption:

H—5166

1 1. Page 1 by striking lines 19 through 22 and
 2 inserting in lieu thereof the following:
 3 "NEW PARAGRAPH. Commercial sales are incidental to
 4 the research or experimental objectives of the
 5 corporation when they are less than twenty-five (25)
 6 percent of the gross sales of the primary product of
 7 the research."

Amendment H—5166 was adopted.

Evans of Grundy offered the following amendment H—5056
 filed by him and moved its adoption:

H—5056

1 Amend House File 2021 as follows:
 2 1. Page 2, by inserting after line 1
 3 the following section:
 4 "Sec. . . . Section one hundred seventy-
 5 two C point five (172C.5), subsection nine (9),
 6 Code 1977, is amended to read as follows:
 7 9. Whether the corporation is a family
 8 farm corporation as defined in section 172C.1.

9 If a family farm corporation, the number of
 10 shares held by persons residing on or actively
 11 engaged in farming, and among other shares the
 12 number held by or for the benefit of natural
 13 persons less than twenty-one years of age or
 14 more than sixty-eight years of age who are
 15 members of the family holding the majority
 16 interest."

17 2. Title page, line 1, by inserting after
 18 the word "definitions" the words "and reports".

Amendment H—5056 was adopted.

Hanvey of Scott offered amendment H—5236 filed by him from the floor.

Action on amendment H—5236 was temporarily deferred.

Hinkhouse of Cedar asked and received unanimous consent to withdraw amendment H—5021 filed by him and Pellett of Cass on January 12, 1978, placing out of order amendment H—5055, to amendment H—5021, filed by Junker of Woodbury on January 17, 1978.

Hinkhouse of Cedar offered the following amendment H—5116 filed by him and Pellett of Cass and moved its adoption:

H—5116

1 Amend House File 2021 as follows:
 2 1. Page 2, by striking lines 3 through 12 and
 3 inserting in lieu thereof the following:
 4 "(172C.11), Code 1977, is amended by striking
 5 that section and inserting in lieu thereof the
 6 following:
 7 172C.11 PENALTIES-REPORTS. Failure to timely
 8 file a report or the filing of false information
 9 is punishable by a civil fine not to exceed one
 10 thousand dollars.
 11 For purposes of this section a report is timely
 12 filed if the report is filed prior to May first of
 13 the year in which it is required to be filed."

Amendment H—5116 was adopted.

Svoboda of Iowa asked and received unanimous consent to withdraw amendment H—5005 filed by her on January 10, 1978.

Svoboda of Iowa offered the following amendment H—5158 filed by Svoboda, et al. :

H—5158

- 1 Amend House File 2021 as follows:
 2 1. Page 2, by inserting after line 12 the following
 3 section:
 4 "Sec. Chapter five hundred fifty-eight (558),
 5 Code 1977, is amended by adding the following new
 6 sections:
 7 NEW SECTION. DEFINITIONS. As used in this Act,
 8 1. "Agricultural land" means land suitable for
 9 use in farming.
 10 2. "Farming" means farming as defined in subsection
 11 six (6) of section one hundred seventy-two C point
 12 one (172C.1) of the Code.
 13 3. "Conveyance" means the transfer of legal or
 14 equitable title to any interest in real property with
 15 or without consideration.
 16 NEW SECTION. CONVEYANCE OF AGRICULTURAL LAND.
 17 Agricultural land located in this state shall not
 18 be conveyed after December 31, 1978 unless the
 19 conveyance is by an instrument in writing, subscribed
 20 and delivered by the party conveying agricultural
 21 land, or by the party's agent authorized in writing
 22 to so act. Every conveyance of agricultural land
 23 shall be recorded by the buyer with the county recorder
 24 not later than one hundred eighty days from the date
 25 of conveyance. If the grantee is a limited
 26 partnership, a corporation, a trust, or a nonresident
 27 alien, the conveyance shall so state.
 28 NEW SECTION. CIVIL PENALTY-FAILURE TO FILE.
 29 Failure to record a conveyance of agricultural land
 30 by the buyer within the specified time limit is
 31 punishable by a civil fine not to exceed ten thousand
 32 dollars. A county recorder shall record a conveyance
 33 of agricultural land presented for recording even though
 34 not presented within one hundred eighty days after the
 35 date of conveyance. A county recorder shall forward to the
 36 county attorney a copy of each conveyance of agricultural
 37 land recorded more than one hundred eighty days from the
 38 date of conveyance. The county attorney shall initiate
 39 action in the district court to enforce the provisions
 40 of this Act.
 41 2. Title page, line 2, by inserting after the word
 42 "on" the words "and conveyance of".

Svoboda of Iowa offered the following amendment H—5208, to amendment H—5158, filed by her and moved its adoption:

H-5208

1 Amend amendment H-5158 to House File 2021 as follows:

- 2 1. Page 1, line 13, by inserting after the word
3 "transfer" the following: ", other than by will or by
4 operation of law resulting from death,".
5 2. Page 1, line 23, by striking the word "buyer"
6 and inserting in lieu thereof the word "grantee".
7 3. Page 1, line 30, by striking the word "buyer"
8 and inserting in lieu thereof the word "grantee".
9 4. Page 1, line 31, by striking the word "ten"
10 and inserting in lieu thereof the word "one".
11 5. Page 1, line 25, by inserting after the word
12 "conveyance." the following: "The conveyance shall
13 include the address of the grantee and of the grantor."

Amendment H-5208 was adopted.

Conlon of Muscatine rose on a point of order that amendment H-5158 was not germane.

The Speaker ruled the point well taken and amendment H-5158 not germane.

Svoboda of Iowa moved that the rules governing germaneness be suspended for the consideration of amendment H-5158.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 51, nays 43.

The motion prevailed and the rules were suspended.

Monroe of Des Moines asked for unanimous consent to amend amendment H-5158 by striking on line 32 the word "shall" and inserting in lieu thereof the word "may".

Objection was raised.

Monroe of Des Moines offered the following amendment H-5243, to amendment H-5158, filed by him from the floor and moved its adoption:

H—5243

- 1 Amend H—5158 to House File 2021 as follows:
- 2 1. Page 1, line 32, by striking the word "shall"
- 3 and inserting in lieu thereof the word "may".

Amendment H—5243 lost.

Nielsen of Polk offered the following amendment H—5244, to amendment H—5158, filed by him from the floor and moved its adoption:

H—5244

- 1 Amend H—5158 to page 2 of House File 2021 as
- 2 follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "consideration" the words "but shall not mean the offer
- 5 to buy and acceptance".

Amendment H—5244 was adopted.

Daggett of Adams offered the following amendment H—5245, to amendment H—5158, filed by him from the floor and moved its adoption:

H—5245

- 1 Amend H—5158 to House File 2021 as follows:
- 2 1. Page 1, by inserting after line 40 the
- 3 following:
- 4 "Failure to timely file, shall not invalidate
- 5 an otherwise valid conveyance."

Amendment H—5245 was adopted.

Conlon of Muscatine offered the following amendment H—5246, to amendment H—5158, filed by him from the floor:

H—5246

- 1 Amend H—5158 to House File 2021 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "conveyed" the words "to or by a person subject to
- 4 the reporting requirements of Chapter 172C of the Code".

Conlon of Muscatine asked for unanimous consent to amend amendment H—5246.

Objection was raised.

Conlon of Muscatine moved to amend amendment H—5246, to amendment H—5158, by adding on line 4 after "172C" the words and figures "or Section 567.9".

A non-record roll call was requested.

The ayes were 38, nays 47.

The motion lost.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—5246.

Svoboda of Iowa moved the adoption of amendment H—5158, as amended.

Roll call was requested by Rinas of Linn and Tauke of Dubuque.

Rule 70 was invoked.

On the question "Shall amendment H—5158, as amended, be adopted?"

The ayes were, 49:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Cusack	Daggett	Davitt	Dyrland
Fitzgerald	Garrison	Gentleman	Gettings
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Husak	Jesse
Jochum	Krause	Krewson	Lonerган
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Patchett	Pavich
Rinas	Scheelhaase	Small	Spear
Svoboda	Walter	Wells	Woods
Mr. Speaker			

The nays were, 47:

Baker	Bennett	Conlon	Crabb
Crawford	Danker	Den Herder	Dieleman
Doyle	Dunton	Egenes	Evans
Giloon	Gilson	Halvorson	Hansen

Harbor	Harvey	Hoffmann	Hullinger
Junker	Koogler	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Nielsen	Oxley	Pellett	Pelton
Perkins	Poncy	Schnekloth	Schroeder
Shimanek	Smalley	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	Wyckoff	

Absent or not voting, 4:

Brockett	Byerly	Middleswart	West
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Amendment H—5158, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Middleswart of Warren on request of Welden of Hardin.

Davitt of Warren offered the following amendment H—5051, filed by him and Lageschulte of Bremer and moved its adoption:

H—5051

- 1 Amend House File 2021 as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 “The secretary of state shall notify a person
- 5 whom he has reason to believe is required to
- 6 file a report as provided by this chapter, and
- 7 who has not filed a timely report, that the person
- 8 is in violation of this section. After thirty
- 9 days from receipt of the notice, a person shall
- 10 be assessed a civil fine of one hundred dollars
- 11 for each day in which the report is not filed.
- 12 The secretary of state shall include in the notice
- 13 a statement of the penalty which will be assessed
- 14 if the report is not filed within thirty days.
- 15 This penalty shall be in addition to any other
- 16 penalty under this chapter.”

A non-record roll call was requested.

The ayes were 54, nays 29.

Amendment H—5051 was adopted.

Harbor of Mills offered the following amendment H-5237 filed by him from the floor:

H-5237

1 Amend House File 2021 as follows:
2 1. Page 2, by inserting after line 12 the following
3 section:
4 "Sec. . Section five hundred sixty-seven point
5 one (567.1), unnumbered paragraphs one (1) and three
6 (3), Code 1977, are amended to read as follows:
7 Nonresident aliens, or corporations incorporated
8 under the laws of any foreign country, or corporations
9 organized in this country one half more than forty-
10 nine percent of the stock of which is owned or
11 controlled by nonresident aliens, are prohibited from
12 acquiring title to or holding any real estate in this
13 state, except as hereinafter provided.
14 Nothing in this section contained shall prevent
15 aliens, or corporations organized under the laws of
16 any foreign country, or corporations organized in
17 this country, one-half or more forty-nine percent
18 or less of the stock of which is owned or controlled
19 by nonresident aliens, from having title to or
20 acquiring property of any kind within the corporate
21 limits of any city in the state, and lands not to
22 exceed six hundred forty acres outside the corporate
23 limits of any city in the state, or from alienating,
24 mortgaging or devising the same."

Harbor of Mills offered the following amendment H-5242, to amendment H-5237, filed by him from the floor and moved its adoption:

H-5242

1 Amend the Harbor amendment, H-5237, to House File
2 2021, as follows:
3 1. Page 1, by adding after line 24 the following:
4 "Sec. . Section five hundred sixty-seven point
5 one (567.1), Code 1977, is amended by adding the
6 following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Any corporation owning
8 real estate in violation of this section on the
9 effective date of this Act may continue to hold such
10 property until it shall sell or dispose of property
11 so as not to be in violation of this section."

Amendment H-5242 was adopted.

Small of Johnson rose on a point of order that amendment H-5237 was not germane.

The Speaker ruled the point well taken and amendment H-5237 not germane.

(House File 2021 pending at adjournment.)

MOTION TO RECONSIDER
(Amendment H-5219 to House File 2021)

I move to reconsider the vote by which amendment H-5219 to House File 2021 was adopted by the House on February 7, 1978.

SCHROEDER of Pottawattamie

INTRODUCTION OF BILLS

House File 2136, by committee on education, a bill for an act relating to qualifications required for a school board secretary.

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

House File 2137, by committee on education, a bill for an act relating to the tax levied and budget approval dates for the operation of an area vocational school or area community college.

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

UNANIMOUS CONSENT CALENDAR
(House Resolution 105)

We hereby respectfully request that House Resolution 105, filed on February 6, 1978 and found on page 344 of the House Journal, be placed on the unanimous consent calendar.

KRAUSE of Kossuth
PELLETT of Cass
CONNORS of Polk

PRESENTATION OF VISITOR

Daggett of Adams presented to the House Nancy Gray, former Page to the Speaker.

SPONSOR ADDED
(Amendment H—5219 to House File 2021)

Svoboda of Iowa requested that she be added as a sponsor of amendment H—5219 to House File 2021.

COMMUNICATION FROM IOWA CRIME COMMISSION

The Annual Report covering the activities of the Iowa Crime Commission during the period January through December 1977, submitted pursuant to Chapter 80C of the Code of Iowa, has been received and placed on file in the office of the Chief Clerk.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 380 Energy

Relating to management of solid and hazardous wastes.

S.B. 381 Budget

Making appropriations to the department of justice and providing contingencies relating to such appropriations.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 2:30 p.m., February 1, 1978

Convened: 2:35 p.m.

Adjourned: 3:30 p.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Norland, Spear and Thompson.

Absent: Stromer and Small (arrived 2:50 p.m.).

Excused: Poncy.

Committee Bill (Formerly House File 500), a bill for an act relating to the tax levied and budget approval dates for the operation of an area vocational school or area community college.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Brockett, Byerly, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Norland, Small, Spear and Thompson.

Nay: Crawford.

Absent or not voting: Poncy and Stromer.

Committee Bill (Formerly House File 2029), a bill for an act relating to qualifications required for a school board secretary.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Brockett, Byerly, Crawford, Hansen, Horn, Koogler, Krewson, Lind, Norland, Small, Spear and Thompson.

Nay: Dyrland.

Absent or not voting: Gilson, Poncy and Stromer.

Discussed House File 470 and discussed combining House Files 549 and 562.

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., February 6, 1978

Convened: 1:10 p.m.

Adjourned: 2:10 p.m.

Present: O'Halloran, chair; Welden, ranking member; Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Pellett, Perkins and Varley.

Absent: Howell, vice-chair (arrived 1:15 p.m.); Binneboese (arrived 1:18 p.m.), Daggett (arrived 1:18 p.m.), Danker, Griffie (arrived 1:12 p.m.), Middleswart (arrived 1:18 p.m.), Norland, Pelton (arrived 1:40 p.m.) and Svoboda.

Study Bill 380, a bill for an act relating to solid and hazardous waste management, providing injunctive relief and providing penalties.

Recommended Amend and Do Pass.

Aye: O'Halloran, Howell, Welden, Binneboese, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Perkins and Varley.

Nay: Daggett and Pellett.

Absent or not voting: Danker, Doyle, Evans, Norland, Pelton and Svoboda.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:00 p.m., February 6, 1978

Convened: 1:04 p.m.

Adjourned: 2:01 p.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Clark of Cerro Gordo, Cusack, Gentleman, Hansen, Krewson, Lipsky, Miller of Buchanan and Tofte.

Absent: Anderson (arrived 1:12 p.m.), Arnould (arrived 1:08 p.m.), Baker (arrived 1:09 p.m.), Brunow (arrived 1:37 p.m.), Dyrland (arrived 1:11 p.m.), Garrison, Hargrave (arrived 1:10 p.m.), Newhard and Schroeder.

Discussion of House File 602. Assigned one bill to subcommittee.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:00 p.m., February 6, 1978

Convened: 1:10 p.m.

Adjourned: 2:12 p.m.

Present: Connors, chair; Chiodo, Crabb, Gilloon, Hines, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Jochum, vice-chair; Egenes, ranking member; Branstad (arrived 1:40 p.m.), Brockett, Halvorson (arrived 1:15 p.m.) and Small (arrived 1:55 p.m.).

Discussed House File 488.

AMENDMENTS FILED

H-5220	H.F. 2031	Monroe of Des Moines
H-5221	H.F. 356	Wyckoff of Benton
H-5222	H.F. 356	Wyckoff of Benton
H-5223	H.F. 356	Spear of Lee
H-5224	H.F. 356	Wyckoff of Benton
		Harbor of Mills
		Hinkhouse of Cedar
		Oxley of Linn
		Howell of Floyd

West of Marshall		Harvey of Scott
Dieleman of Marion		Schnekloth of Scott
Lageschulte of Bremer		Hullinger of Decatur
Lind of Black Hawk		Crabb of Crawford
Pellett of Cass		Brockett of Marshall
Poncy of Wapello		Evans of Grundy
Husak of Tama		Conlon of Muscatine
H-5225	H.F. 356	Pelton of Clinton
H-5228	H.F. 356	Byerly of Polk
Avenson of Fayette		Hullinger of Decatur
Schroeder of Pottawattamie		Danker of Pottawattamie
Daggett of Adams		Halvorson of Clayton
Baker of Buena Vista		Harbor of Mills
Varley of Adair		Millen of Van Buren
Clark of Lee		Pellett of Cass
Husak of Tama		Poncy of Wapello
Nielsen of Polk		Woods of Polk
Koogler of Mahaska		Walter of Pottawattamie
Pelton of Clinton		Chiodo of Polk
Brunow of Appanoose		
H-5233	H.F. 356	Wyckoff of Benton
H-5235	H.F. 2098	Conlon of Muscatine
H-5238	H.F. 2098	Rinas of Linn
		Hines of Story
		Small of Johnson
		Connors of Polk
		Jochum of Dubuque
		Arnould of Scott
H-5239	H.F. 2098	Horn of Linn
H-5240	H.F. 2021	Schroeder of Pottawattamie
H-5241	H.F. 2021	Harvey of Scott
H-5247	H.F. 2098	Spencer of Clay
H-5248	H.F. 356	Krause of Kossuth
H-5249	H.F. 356	Krause of Kossuth
H-5250	H.F. 356	Krause of Kossuth
H-5251	H.F. 356	Krause of Kossuth
H-5252	H.F. 356	Krause of Kossuth
H-5253	H.F. 356	Byerly of Polk
		Woods of Polk
		Chiodo of Polk
		Nielsen of Polk
H-5254	H.F. 356	Krause of Kossuth

On motion by Fitzgerald of Webster, the House adjourned at 9:55 p.m., until 3:30 p.m., Wednesday, February 8, 1978.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day — Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 8, 1978

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

Prayer was offered by the Reverend Herbert R. Gould, pastor of the Union Park United Methodist Church, Des Moines, Iowa.

The Journal of Tuesday, February 7, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Jim Coddington, Humboldt, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Shimanek of Jones from forty-eight constituents in support of legislation regarding the installation of pipelines through agricultural land, and authority regarding construction needs.

By Miller of Buchanan from fifty-three residents of Buchanan County in support of the People's Memorial Nursing Care Center remaining open.

INTRODUCTION OF BILLS

House File 2138, by Pelton, a bill for an act relating to the status of the energy policy council.

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

House File 2139, by Evans, a bill for an act relating to patronage dividends and preferred stock of corporations which are cooperative associations.

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

House File 2140, by Evans, Doyle and Connors, a bill for an act relating to furnishing prosthetic devices for injured workers.

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

House File 2141, by Dunton, a bill for an act relating to the resubmission of defeated bond proposals to the electorate.

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

House File 2142, by Tauke, a bill for an act relating to the date on which acts of the general assembly take effect.

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

House File 2143, by Monore, a bill for an act repealing the requirement that all pelts purchased by fur dealers are to be stamped with the dealers license number.

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

House File 2144, by Spear and Dunton, a bill for an act relating to the informal probate of estates.

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

House File 2145, By Spencer and Hansen, a bill for an act relating to the responsibility for the cost of extending a drainage or levee district right-of-way across certain public streets and making the Act retroactive.

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

House File 2146, by Krause, a bill for an act to repeal the law which requires motor vehicle registration plates to be treated with a reflectorized material.

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

House File 2147, by Brandt, a bill for an act authorizing a county to provide emergency shelter services and support services for battered women.

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

House File 2148, by Brandt, a bill for an act to establish uniform regions to facilitate the delivery of services to state residents and citizens.

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

House File 2149, by Egenes, a bill for an act relating to unemployment compensation providing for a definition of discharge for misconduct.

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

House File 2150, by Koogler, a bill for an act regulating the sale of personal property used in connection with the burial of dead human bodies, and providing penalties.

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

House File 2151, by Jochum, a bill for an act relating to new or changed rates, charges, schedules or regulations for utility service provided by a public utility.

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

House File 2152, by Binneboese, a bill for an act relating to annual reports by licensed warehouse operators.

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

House File 2153, by Hansen, Tauke, Branstad, Krewson, Schnekloth, Crawford, Stromer, Danker, Bennett, Harvey, Pellett, Pelton, Stephens, Conlon, Junker, Varley, Smalley, Lageschulte and Halvorson, a bill for an act permitting smoking only in designated areas of public buildings owned by or under the control of the state or any of its political subdivisions and providing a penalty.

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

House File 2154, by Harbor and Daggett, a bill for an act relating to the expenditure of funds by the county conservation board for land acquisition.

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

House File 2155, by Monroe, a bill for an act to subject certain sessions in collective bargaining to the provisions of chapter twenty-eight A (28A) of the Code.

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

House File 2156, by Krause, a bill for an act to provide an appropriation to draft plans for a transportation pavilion to be located on the Iowa state fair grounds.

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

House File 2157, by Lipsky, Halvorson, West, Brockett and Schnekloth, a bill for an act relating to the training and certification of and the services performed by advanced emergency medical technicians and paramedics, authorizing the department of health to make rules pursuant to this Act with the advice of an advanced emergency medical care board, and imposing penalties.

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

House File 2158, by Dunton, a bill for an act relating to the grounds for contesting an election.

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

House File 2159, by Halvorson, a bill for an act relating to appointments to the law enforcement academy council.

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

House File 2160, by Hines, Fitzgerald, Avenson, Monroe, Jesse, Garrison, O'Halloran, Miller of Buchanan, Wyckoff, Husak, Cusack,

Rinas, Bina, Patchett, Griffee, Krause, Connors, Jochum, Baker, Horn, Binneboese, Pavich, Gettings, Walter, Poncy, Dunton, Hargrave, Spear, Gilson, Perkins, Gilloon, Davitt, Howell, Dieleman, Dyrland, Arnould, Svoboda, Spencer, Oxley, Miller (Sergeant) of Calhoun, Middleswart, Lonergan, Wells, Chiodo, Brandt, Scheelhaase, Brunow, Woods, Anderson, Norland, Koogler, Newhard, Nielsen, Hinkhouse, Byerly and Cochran, a bill for an act relating to the latest date when political party precinct caucuses may be held in general election years.

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

House File 2161, by Dunton, a bill for an act to limit the terms of office held by the board of hospital trustees.

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

House File 2162, by Horn, a bill for an act relating to the hours during which alcoholic beverages and beer may be sold on December 31, 1978 and January 1, 1979 by liquor control licensees and beer permittees.

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

HOUSE RESOLUTION 106

By Hansen

1. *Whereas*, the city of Sanborn, Iowa is nearing
2. the centennial anniversary of its incorporation as a
3. city; and
4. *Whereas*, the citizens of Sanborn, Iowa are
5. preparing for a centennial celebration July 27, 28 and
6. 29, 1978 to commemorate the one-hundredth anniversary
7. of the city's incorporation; *Now Therefore*,
8. *Be It Resolved by the House of Representatives*,
9. That the membership of the House of Representatives of
10. the Sixty-seventh General Assembly of the State of Iowa
11. extends its heartiest congratulations to the city of
12. Sanborn, Iowa in commemoration of the centennial
13. anniversary of its incorporation in this year of 1978;
14. and
15. *Be It Further Resolved*, That a copy of this
16. resolution be forwarded to the mayor and the citizens
17. of Sanborn who are in charge of making preparations
18. for the centennial celebration

Laid over under Rule 25.

BUSINESS PENDING
Special Order Continued

The House resumed consideration of **House File 2021**, a bill for an act relating to definitions pertaining to corporate farming, restrictions on agricultural land holdings, and providing penalties for violations of the corporate farming Act.

Fitzgerald of Webster asked and received unanimous consent that House File 2021 be deferred and placed under unfinished business.

UNFINISHED BUSINESS

The House resumed consideration of **House File 2098**, a bill for an act appropriating from the general fund of the state and various trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research, and amendment H—5207, as amended, filed by Lipsky, et al., and found on page 363 of the House Journal.

Connors of Polk offered the following amendment H—5238, to amendment H—5207, filed by Connors, et al., and moved its adoption:

H—5238

- 1 Amend amendment H—5207, to House File 2098, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after "ment"
- 4 the words "and a public employment relations act".

Amendment H—5238 was adopted.

Spencer of Clay offered the following amendment H—5247, to amendment H—5207, filed by him and raised the point of order that amendment H—5247 was not germane.

H—5247

- 1 Amend amendment H—5207 to House File 2098 as
- 2 follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:

5 "The members of the state legislatures of the
6 United States shall be prohibited from entering Iowa's
7 state capitol on official business, if their respective
8 state laws do not conform with the laws of the state
9 of Iowa or if that state has adopted policy of
10 national importance that differs from legislation
11 adopted by the 67th General Assembly of the state
12 of Iowa."

The Speaker ruled the point well taken and amendment H-5247 not germane.

Patchett of Johnson moved to reconsider the vote by which amendment H-5231, (found on page 363 of the House Journal) to amendment H-5207, was adopted by the House on February 7, 1978.

The motion lost.

Lipsky of Linn moved the adoption of amendment H-5207, as amended.

Roll call was requested by Lipsky of Linn and Spencer of Clay.

On the question "Shall amendment H-5207, as amended, be adopted?"

The ayes were, 18:

Arnould	Brandt	Connors	Dyrland
Egenes	Gilloon	Hargrave	Hines
Howell	Lipsky	Monroe	Newhard
O'Halloran	Patchett	Schroeder	Svoboda
Varley	Wells		

The nays were, 72:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Horn	Hullinger	Jochum
Koogler	Krewson	Lageschulte	Lind
Lindeen	Menke	Middleswart	Millen

Miller, K.D.	Miller (Sergeant)	Nielsen	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schneklloth
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Walter	Welden
West	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 10:

Den Herder	Evans	Griffee	Harvey
Husak	Jesse	Junker	Krause
Loneragan	Scheelhaase		

Amendment H—5207, as amended, lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Husak of Tama for the remainder of the day on request of Wyckoff of Benton.

Rinas of Linn offered the following amendment H—5235 filed by Rinas, et al. Division was requested as follows:

H—5235

1 Amend House File 2098 as follows:

H—5235A

2 1. Page 3, by striking lines 31 through
3 35 and inserting in lieu thereof the following:
4 "2. For development and distribution of
5 information and brochure to be used by the Iowa
6 Development Commission in communication with
7 foreign countries stating the advantages of
8 development in Iowa.....\$25,000.00."

H—5235B

9 2. Page 8, line 4, by striking
10 "135,000" and inserting in lieu thereof
11 "256,868".

Lipsky of Linn rose on a point of order that amendment H—5235A contained subject matter previously considered and was, therefore, not in order.

The Speaker ruled the point not well taken and amendment H—5235A in order.

Rinas of Linn asked and received unanimous consent to defer action on amendment H—5235B.

Hines of Story asked for unanimous consent that the division of amendment H—5235 be rescinded.

Objection was raised.

Hines of Story moved that the rules be suspended to rescind the division of amendment H—5235.

A non-record roll call was requested.

The ayes were 30, nays 53.

The motion lost.

Rinas of Linn asked and received unanimous consent to withdraw amendment H—5235B.

Fitzgerald of Webster asked and received unanimous consent to withdraw amendment H—5235A.

(House File 2098 pending at adjournment.)

SPONSOR ADDED
(House Concurrent Resolution 108)

Bina of Scott requested to be added as a sponsor of House Concurrent Resolution 108.

BINA of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 382 Commerce

Requiring an energy efficiency appraisal of residential dwellings when an appraisal for making a mortgage loan is conducted.

S.B. 383 Judiciary and Law Enforcement

Providing for court-appointed private process servers.

S.B. 384 Education

To authorize cooperative agreements in teacher education and to establish the legal status and authority of students of teaching engaged in field experiences in teacher education.

S.B. 385 Energy

Appropriating funds for an ethanol production pilot project to be conducted at the Iowa state university of science and technology.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 7, 1978

Convened: 9:15 a.m.

Adjourned: 12:00 noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Hargrave, Hines, Gentleman, Gilson, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Newhard

The committee continued discussion of administration budget including proposed restructuring. Victor Preisser, Commissioner; Joe Baker, Director Community Services; Jay Barfels, Dubuque District Administrator and Mary Mitchell, Delaware County worker, presented to the committee the functions of district and county offices for the Department of Social Services. Discussed coordination of mental health and overview with members of Budget Subcommittee on Human Resources; the two subcommittees will meet jointly to review the human resources consulting report.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 10:00 a.m., February 7, 1978

Convened: 10:15 a.m.

Adjourned: 12:15 p.m.

Present: Horn, chair; Menke, ranking member; Anderson, Baker, Branstad, Brockett, Oxley, and Poncy.

Absent: Egenes (arrived 10:50 a.m.), Nielsen (arrived 10:25 a.m.) and Pelton (arrived 10:45 a.m.).

Excused: Davitt

Discussion of capitol budget requests.

COMMITTEE ON EDUCATION

Scheduled: 1:30 p.m., February 7, 1978

Convened: 1:30 p.m.

Adjourned: 2:30 p.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Norland, Poncy, Spear and Thompson.

Absent: Lind (arrived 1:50 p.m.), Small (arrived 2:15 p.m.) and Stromer (arrived 2:00 p.m.).

Committee bill (Formerly House File 529) a bill for an act authorizing merged areas to acquire and operate dormitories, student centers and parking facilities, and to finance the cost with revenue bonds.

Recommended: **Do pass.**

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Brockett, Byerly, Gilson, Hansen, Horn, Norland, Poncy, Stromer, Spear and Thompson.

Nay: Crawford, Dyrland, Koogler, Krewson, Lind and Small.

Absent or not voting: None.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:30 p.m., February 7, 1978.

Convened: 1:38 p.m.

Adjourned: 2:55 p.m.

Present: Middleswart, chair; Spencer vice-chair; Bennett, Chiodo, Evans, Jesse,

Miller of Buchanan, O'Halloran, Pelton Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Welden and Wyckoff.

Absent: Halvorson, ranking member; (arrived 1:55 p.m.), Garrison, Griffiee and Varley (arrived 2:17 p.m.).

Excused: Avenson.

House File 2047, a bill for an act relating to the use of watercraft on artificial lakes under the jurisdiction of the Iowa State conservation commission.

Recommended Do Pass.

Aye: Middleswart, Spencer, Halvorson, Bennett, Chiodo, Evans, Miller of Buchanan, O'Halloran, Scheelhaase, Shimanek, Stephens, Tofte and Wyckoff.

Nay: Jesse, Pelton, Perkins and Welden.

Absent or not voting: Avenson, Garrison, Griffiee and Varley.

Study Bill 316, a bill for an act relating to the authority of the Iowa natural resources council in regulating flood plains.

Recommended Do Pass.

Aye: Middleswart, Spencer, Halvorson, Chiodo, Evans, Miller of Buchanan, O'Halloran, Pelton, Perkins, Shimanek, Tofte, Welden and Wyckoff.

Nay: Bennett, Jesse, Scheelhaase and Stephens.

Absent or not voting: Avenson, Garrison, Griffiee and Varley.

Assigned bills. Presentation on the coal research project by Mr. Fisher and Mr. Crow.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:30 p.m., February 7, 1978

Convened: 1:30 p.m.

Adjourned: 2:35 p.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Doyle Dunton, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Rinas, Schneklloth and Woods.

Absent: Clark of Cerro Gordo, Egenes and Oxley.

General Benjamin O. Davis, Jr. and Special Assistant to U.S. Secretary of Transportation, Brock Adams, addressed the joint meeting of the House and Senate relating to the 55 mph speed limit and driving safety.

AMENDMENTS FILED

H—5256	H.F. 2068	Clark of Lee Smalley of Polk Evans of Grundy Harvey of Scott Clark of Cerro Gordo Gentleman of Polk
H—5257	H.F. 2083	Schnekloth of Scott Bennett of Ida Oxley of Linn Binneboese of Plymouth Danker of Pottawattamie Harbor of Mills Pellett of Cass Hoffmann of Muscatine Schroeder of Pottawattamie Daggett of Adams Halvorson of Clayton
H—5258	H.F. 2083	Clark of Lee Smalley of Polk Evans of Grundy Harvey of Scott Clark of Cerro Gordo Gentleman of Polk
H—5259	H.F. 2084	Smalley of Polk Chiodo of Polk
H—5260	H.F. 2135	Committee on State Government Monroe of Des Moines, Chair
H—5261	H.F. 2048	Welden of Hardin Stromer of Hancock Dunton of Keokuk Nielsen of Polk
H—5262	H.F. 2048	Spear of Lee Crawford of Story
H—5263	H.F. 2133	Bina of Scott Dieleman of Marion
H—5264	H.F. 2084	Harbor of Mills
H—5265	H.F. 2098	Horn of Linn
H—5266	H.F. 2021	Bennett of Ida Husak of Tama

H— 5267	H.F. 2098	Stromer of Hancock
H— 5268	H.F. 356	Hansen of O'Brien
		Middleswart of Warren
		Wyckoff of Benton
H— 5269	H.F. 2116	Lipsky of Linn

On motion by Fitzgerald of Webster, the House adjourned at 5:30 p.m., until 3:00 p.m., Thursday, February 9, 1978.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day—Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 9, 1978

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

Prayer was offered by the Reverend David Streyffler, pastor of the Trinity United Methodist Church, Waverly, Iowa.

The Journal of Wednesday, February 8, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Marvin Moles, Newton, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago from one hundred one citizens; Gentleman of Polk from twenty constituents; Howell of Floyd from four hundred sixty-eight residents of Cerro Gordo, Floyd and Mitchell Counties and Koogler of Mahaska from seven residents of Keokuk favoring products liability legislation to preserve jobs and job opportunities in Iowa.

By Brandt of Black Hawk from eleven constituents supporting House File 2100 relating to the improvement of the IPERS pension plan.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion on request of Howell of Floyd.

INTRODUCTION OF BILLS

House File 2163, by Cusack, Monroe, Hansen, Wells, Miller of Buchanan, Conlon, Stromer, Wyckoff, Harvey, Shimanek, Tauke, Tofte, Evans, Perkins, Scheelhaase, Clark of Cerro Gordo, Pavich, Krause, Daggett, Krewson, Howell, Arnould, Dyrland, Dunton, Gilson, Griffee, Bina and Davitt, a bill for an act relating to an exemption from the requirements for immunization of school children.

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

House File 2164, by committee on judiciary and law enforcement, a bill for an act relating to the salary of full-time prosecutors.

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

House File 2165, by committee on budget, a bill for an act appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program.

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

House File 2166, by Anderson, a bill for an act to grant a property tax exemption to privately-owned public use airports.

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

House File 2167, by Byerly, a bill for an act relating to mechanics' liens.

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

House File 2168, by Connors and Thompson, a bill for an act relating to the claims appeal board of the Iowa department of job service.

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

House File 2169, by committee on energy, a bill for an act relating to solid and hazardous waste management, providing injunctive relief and providing penalties.

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

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Research Analyst	Kristine A. Bowser	23-2 to 24-3	P - FT	2/03/78
Research Analyst	Mark W. Brandsgard	23-2 to 24-3	P - FT	2/03/78
Clerk II	Mary Devin	13-2 to 15-3	I - FT	2/03/78
Clerk II	Colleen Dillon	15-6 to 15-7	I - FT	2/03/78
Clerk II	Halleen Pellett	13-5 to 15-5	I - FT	2/03/78
Clerk II	Donna Smith	15-5 to 15-7	I - FT	2/03/78
Clerk II	Barb Wennerstrum	13-2 to 15-3	I - FT	2/03/78
Administrative Assistant II	Julie Simon	13-3 to 15-2	P - FT	2/03/78

WELLS of Linn. Chair

QUORUM CALL

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

REREFERRED TO COMMITTEE ON NATURAL RESOURCES
(House File 426)

Clark of Cerro Gordo asked and received unanimous consent that **House File 426**, presently on the regular calendar, be rereferred to the committee on **natural resources**.

REREFERRED TO COMMITTEE ON ENERGY
(House File 612)

The Speaker announced that **House File 612** previously referred to the committee on ways and means has been rereferred to the committee on **energy**.

MOTION TO RECONSIDER WITHDRAWN
(House File 2025)

Halvorson of Clayton asked and received unanimous consent to withdraw the motion to reconsider House File 2025 filed by him on February 6, 1978.

MOTION TO RECONSIDER PREVAILED
(House File 434)

Hansen of O'Brien called up for consideration the motion to reconsider **House File 434**, filed on February 6, 1978, and moved to reconsider the vote by which House File 434, a bill for an act relating to deer hunting licenses, passed the House on February 6, 1978.

A non-record roll call was requested.

The ayes were 89, nays 0.

The motion prevailed and the House reconsidered House File 434.

Hansen of O'Brien moved to reconsider the vote by which House File 434 was placed on its last reading, which motion prevailed.

Hansen of O'Brien asked and received unanimous consent to reconsider the vote by which amendment H—5143, as amended, was adopted by the House on February 6, 1978.

Hansen of O'Brien offered the following amendment H—5206, to amendment H—5143, filed by him and moved its adoption:

H—5206

- 1 Amend amendment H—5143, to House File 434, as
- 2 follows:
- 3 1. Page 1, by striking lines 42 through 48 and
- 4 inserting in lieu thereof the following:
- 5 "5. Page 1, by striking line 16."

Amendment H—5206 was adopted.

Hansen of O'Brien moved the adoption of amendment H—5143, as amended.

Amendment H—5143, as amended, was adopted.

Hansen of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 434)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Davitt	Den Herder	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Rinas
Schnekloth	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Wyckoff	Mr. Speaker		

The nays were, 16:

Binneboese	Byerly	Chiodo	Daggett
Danker	Doyle	Gilloon	Hullinger
Lipsky	Nielsen	Norland	Poncy
Scheelhaase	Schroeder	Welden	Woods

Absent or not voting, 2:

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

HOUSE FILE 2098 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2098 be deferred and placed under unfinished business.

UNFINISHED BUSINESS Special Order Continued

The House resumed consideration of **House File 2021**, a bill for an act relating to definitions pertaining to corporate farming, restrictions on agricultural land holdings, and providing penalties for violations of the corporate farming Act.

The House resumed consideration of amendment H—5236, filed by Harvey of Scott on February 7, 1978.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—5236.

Harvey of Scott offered the following amendment H—5241 filed by him and moved its adoption:

H—5241

- 1 Amend House File 2021 as follows:
- 2 1. Page 2, by inserting after line 1 the following
- 3 sections:
- 4 "Sec. . Section one hundred seventy-two C
- 5 point five (172C.5), unnumbered paragraph one (1),
- 6 Code 1977, as amended by chapter eighty-two (82),
- 7 section seven (7) of the Acts of the Sixty-seventh
- 8 General Assembly, 1977 Session, is amended to read

9 as follows:

10 All corporations, except a corporation which has
 11 its total holdings of agricultural land within the
 12 boundaries of a municipal corporation, which own or
 13 lease agricultural land in the state of Iowa, or which
 14 own or lease any land on which poultry or livestock
 15 are confined for feeding or other purposes for ten
 16 days or more, or which contract for keeping and feeding
 17 poultry or livestock, or which contract for the growing
 18 of agricultural crops, fruits or other horticultural
 19 products in the state of Iowa, shall file with their
 20 annual report, on forms approved pursuant to the
 21 provisions of chapter 17A and supplied by the secretary
 22 of state, the following information, unless otherwise
 23 provided:

24 Sec. . Section one hundred seventy-two C point
 25 five (172C.5), subsection two (2), Code 1977, is
 26 amended to read as follows:

27 2. The acreage and location listed by township
 28 and county; ~~or legally described urban plat of each~~
 29 ~~lot or parcel of agricultural land in this state owned~~
 30 ~~or leased by the corporation at the end of the~~
 31 ~~preceding fiscal or calendar year.~~

32 Sec. . Section one hundred seventy-two C point
 33 five (172C.5), subsection ten (10), unnumbered
 34 paragraph two (2), Code 1977, is amended to read as
 35 follows:

36 This section shall not apply to land held for the
 37 purpose of railroad or highway rights of way; ~~nor~~
 38 ~~shall it apply to lots within city limits which are~~
 39 ~~smaller than twenty acres.~~

40 Sec. . Section one hundred seventy-two C point
 41 six (172C.6), subsection three (3), Code 1977, is
 42 amended to read as follows:

43 3. The acreage and location listed by township
 44 and county; ~~or legally described urban plat, of each~~
 45 ~~lot or parcel of agricultural land in this state owned~~
 46 ~~or leased by the limited partnership at the end of~~
 47 ~~the preceding calendar or fiscal year."~~

Amendment H—5241 lost.

Stromer of Hancock offered the following amendment H—5164
 filed by him and Daggett of Adams:

H—5164

1 Amend House File 2021 as follows:

- 2 1. Page 2, by inserting after line 12 the following:
- 3 "Sec. Chapter one hundred seventy-two C (172C),
- 4 Code 1977, is amended by adding the following new

5 section:

6 NEW SECTION. REPORTS BY INDIVIDUALS. Any individual
7 who owns agricultural land with an assessed value
8 of five hundred thousand dollars or more and who earns
9 fifty percent or more of his or her income from sources
10 other than farming, shall file with the secretary
11 of state on or before March thirty-first of each year,
12 on forms supplied by the secretary of state, the
13 following information:
14 1. Declaration of the type of agricultural activity
15 engaged in by the individual.
16 2. The acreage and location listed by township
17 and county, or legally described urban plat of each
18 lot or parcel of agricultural land in this state owned
19 or leased by the individual at the end of the preceding
20 fiscal or calendar year.
21 3. The approximate number and kind of poultry
22 or livestock owned, contracted for, fed or kept by
23 the individual during the preceding calendar or fiscal
24 year.
25 4. The approximate number of acres used for each
26 agricultural crop, fruit or other horticultural product
27 grown or contracted for during the preceding calendar
28 or fiscal year.
29 5. The number of acres owned and operated by the
30 individual, the number of acres leased by the
31 individual, and the number of acres leased to the
32 individual. If a livestock or crop-share lease, the
33 individual shall disclose the share of the livestock
34 or the crop to which the individual is entitled under
35 the lease.
36 6. In the case of an individual holding
37 agricultural land for immediate or potential use in
38 nonfarming purposes, a statement specifying for what
39 purpose such land is being held."

Hinkhouse of Cedar rose on a point of order that amendment H—5164 was not germane.

The Speaker ruled the point well taken and amendment H—5164 not germane.

Stromer of Hancock asked for unanimous consent to suspend the rules for the immediate consideration of amendment H—5164.

Objection was raised.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H—5164.

Roll call was requested by Harvey of Scott and Stromer of Hancock.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 36:

Bennett	Brockett	Clark, B.J.	Conlon
Crabb	Crawford	Daggett	Danker
Evans	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Lageschulte
Lind	Lindeen	Lonergan	Menke
Millen	Pellett	Pelton	Schnekloth
Schroeder	Shimaneck	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	West	Woods

The nays were, 56:

Anderson	Arnould	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krewson	Lipsky	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Small	Smalley	Spear	Spencer
Walter	Wells	Wyckoff	Mr. Speaker

Absent or not voting, 8:

Avenson	Branstad	Clark, J.H.	Den Herder
Dieleman	Egenes	Krause	Middleswart

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story for the remainder of the day on request of West of Marshall.

Bennett of Ida offered the following amendment H—5266 filed by him and Husak of Tama:

H—5266

- 1 Amend House File 2021 as follows:
- 2 1. Page 2, by inserting after line 12 the
- 3 following:
- 4 "Sec. Chapter one hundred seventy-two C
- 5 (172C), Code 1977, is amended by adding the following
- 6 new section:
- 7 **NEW SECTION. RULE OF PERPETUITIES.** An express
- 8 trust whose corpus contains agricultural land, shall
- 9 be subject to the rule respecting remoteness known
- 10 as the rule of perpetuities as defined in section
- 11 five hundred fifty-eight point sixty-eight (558.68)
- 12 of the Code."

Scheelhaase of Woodbury rose on a point of order that amendment H—5266 was not germane.

The Speaker ruled the point well taken and amendment H—5266 not germane.

Schroeder of Pottawattamie called up for consideration his motion to reconsider amendment H—5219 filed by him on February 7, 1978 and moved to reconsider the vote by which amendment H—5219 (found on pages 367 and 368 of the House Journal) was adopted by the House on February 7, 1978.

Roll call was requested by Gilloon of Dubuque and Schroeder of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the vote by which amendment H—5219 was adopted be reconsidered?"

The ayes were, 45:

Bennett	Branstad	Brockett	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen

Miller, K.D.	Nielsen	Pellett	Pelton
Schnekloth	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West
Woods			

The nays were, 49:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Cusack
Davitt	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Krause
Lonergan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wyckoff
Mr. Speaker			

Absent or not voting, 6:

Brunow	Connors	Den Herder	Dieleman
Egenes	Wells		

The motion lost, placing out of order amendment H-5240, to amendment H-5219, filed by Schroeder of Pottawattamie on February 7, 1978.

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

On the question "Shall the bill pass?" (H.F. 2021)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell

Hullinger	Husak	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 4:

Clark, J.H.	Harvey	Koogler	Schroeder
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Absent or not voting, 5:

Brunow	Den Herder	Dieleman	Egenes
Hansen			

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

UNANIMOUS CONSENT CALENDAR (House Resolution 104)

We hereby respectfully request that House Resolution 104, filed on February 6, 1978 and found on page 343 of the House Journal, be placed on the unanimous consent calendar.

GILSON of Guthrie
BYERLY of Polk
BAKER of Buena Vista

PRESENTATION OF VISITORS

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

Fifty-two students from the Gospel Assembly Christian Academy, Des Moines, Iowa, accompanied by Lee Ray. By Byerly of Polk.

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 386 Ways and Means**

Relating to the terms of the redemption of property sold at a tax sale.

S.B. 387 Budget

Relating to and appropriating funds to state agencies for designated service programs including health programs, civil rights and parole services and programs for minority, elderly and disadvantaged persons.

SUBCOMMITTEE ASSIGNMENTS**House File 230**

Agriculture: Scheelhaase, Chair; Davitt and Danker.

House File 2008

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2051

Commerce: Small, Chair; Brockett, Chiodo, Tauke, Den Herder and Krause.

House File 2061

Agriculture: Husak, Chair; Crabb and Gilson.

House File 2071

Agriculture: Hinkhouse, Chair; Svoboda and Pellett.

House File 2078

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2090

Agriculture: Scheelhaase, Chair; Binneboese and Bennett.

House File 2093

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2102

Natural Resources: Welden, Chair; Garrison and Tofte.

House File 2106

Human Resources: Hargrave, Chair; Brunow and Clark of Cerro Gordo.

House File 2107

Commerce: Small, Chair; Brockett, Chiodo, Tauke, Den Herder and Krause.

House File 2110

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 2127

Natural Resources: O'Halloran, Chair; Pelton and Jesse.

House File 2128

Cities: Hargrave, Chair; Smalley, Tofte, Newhard and Perkins.

Senate File 321

Agriculture: Svoboda, Chair; Krause and Menke.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 371**

Agriculture: Byerly, Chair; Bennett and Binneboese.

Study Bill 373

Cities: Bina, Chair; Dunton, Gentleman, Lind and Perkins.

Study Bill 377

Natural Resources: Halvorson, Chair; Perkins and Shimanek

Study Bill 382

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 8, 1978

Convened: 9:09 a.m.

Adjourned: 12:00 noon.

Present: Horn, chair; Menke, ranking member; Baker, Branstad, Brockett, Davitt, Oxley and Popcy.

Absent: Anderson (arrived 9:13 a.m.), Egenes (arrived 9:15 a.m.), Nielsen and Pelton (arrived 9:42 a.m.).

Tentative voting on capital requests. Reconsideration of budget subcommittee on education bill and voting on certain items.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., February 8, 1978

Convened: 9:15 a.m.

Adjourned: 12:00 noon.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Newhard.

Discussed: Administration budget and made recommendations for district administration, central administration and funding of food stamp workers; intent language for juvenile homes and recommended the additional home at Toledo not be opened, recommending a move toward community based homes; residential care facilities; Victor Preisser, Commissioner, and Joe Baker, Director, Community Services, Department of Social Services, and Chris Blau, Audubon County Worker, presented child abuse program.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 9:15 a.m., February 8, 1978

Convened: 9:30 a.m.

Adjourned: 11:20 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: Hinkhouse.

Don McClain, Director of Highway Divisions of Department of Transportation; Walt McDonald, Legislative Liaison for Department of Transportation; James Lynch, American Institute of Architecture; and Dick Stanley, Consulting Engineer and Counsel for Iowa Engineering Society made presentations of the bidding procedures of the Department of Transportation as they now exist. They presented arguments in favor of retaining present system and not switching to bidding procedures.

COMMITTEE ON BUDGET

Scheduled: 10:00 a.m., February 8, 1978

Convened: 10:10 a.m.

Adjourned: 11:33 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Harvey, Koogler, Stromer, Varley, Welden and Wells.

Absent: Avenson (arrived 10:43 a.m.), Jesse (arrived 10:30 a.m.), Norland and O'Halloran (arrived 10:21 a.m.).

Study Bill 370, a bill for an act appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program.

Recommended Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, Koogler, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Norland.

Study Bill 375, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor and making provisions retroactive.

Recommended Amend and Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley and Wells.

Nay: Harvey and Welden.

Absent or not voting: Norland.

COMMITTEE ON AGRICULTURE

Scheduled: 2:30 p.m., February 8, 1978

Convened: 2:34 p.m.

Adjourned: 3:10 p.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Crabb, Davitt, Gettings, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen and Menke.

Absent: Den Herder, Miller (Sergeant) of Calhoun (arrived 2:40 p.m.) and Svoboda (arrived 2:53 p.m.).

Excused: Danker.

House File 561, a bill for an act relating to the state standard of weights and measures .

Recommended Do Pass.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Davitt, Gettings, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller (Sergeant) of Calhoun.

Nay: None.

Absent or not voting: Danker, Den Herder and Svoboda.

Senate File 358, a bill for an act relating to the licensing and practicing of veterinarians.

Recommended Amend and Do Pass.

H—5270

- 1 Amend Senate File 358, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 5, line 9, by inserting after the word
- 4 "livestock" the words "or poultry, or artificial
- 5 insemination of livestock and poultry".
- 6 2. Page 5, by inserting after line 9 the
- 7 following:
- 8 "15. Any person from castrating, dehorning or
- 9 branding."
- 10 3. Page 5, by striking lines 10 through 19.
- 11 4. Page 18, line 11, by striking the numerals
- 12 "1978" and inserting in lieu thereof the numerals
- 13 "1979".

Assigned Senate file to subcommittee.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 2:30 p.m., February 8, 1978

Convened: 2:45 p.m.

Adjourned: 3:30 p.m.

Present: Monroe, chair; Woods, vice-chair; Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Harvey and Junker.

Excused: Griffiee.

Discussion of Study Bill 344 and assigned bills.

AMENDMENTS FILED

H-5271	H.F. 612	Harbor of Mills
H-5272	H.F. 2048	Evans of Grundy
H-5273	H.F. 2116	Conlon of Muscatine
H-5274	H.F. 2098	Schroeder of Pottawattamie Clark of Lee

On motion by Fitzgerald of Webster, the House adjourned at 5:02 p.m., until 8:00 a.m., Monday, February 13, 1978.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day—Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 13, 1978

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

Prayer was offered by the Reverend Father Michael Hess, President, Dowling High School, West Des Moines, Iowa.

The Journal of Thursday, February 9, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Gleason, West Des Moines, Iowa.

PETITION FILED

The following petition was received and placed on file:

By Bina of Scott from two hundred eighty Scott County constituents opposing House File 187, relating to a mandatory deposit law on beverage packaging.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 106

Pursuant to House Rule 26, the Speaker announced that House Concurrent Resolution 106, filed on January 25, 1978 and found on pages 211 and 212 of the House Journal was adopted by unanimous consent.

EXPLANATION OF VOTE

I was necessarily absent from the House when the vote was taken on House File 2021, the corporate farming act. Had I been present, I would have voted "aye."

HANSEN of O'Brien

UNANIMOUS CONSENT CALENDAR
(House Resolution 106)

We hereby respectfully request that House Resolution 106, filed on February 8, 1978, and found on page 386 of the House Journal, be placed on the unanimous consent calendar.

HANSEN of O'Brien
DEN HERDER of Sioux
MILLEN of Van Buren

MOTION TO RECONSIDER
(House File 2021)

I move to reconsider the vote by which House File 2021 passed the House on February 9, 1978

STROMER of Hancock

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 388 Natural Resources

Relating to the penalties for violations of the fish and game laws.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., February 9, 1978

Convened: 7:40 a.m.

Adjourned: 9:15 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett,

Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen, Miller (Sergeant) of Calhoun and Newhard.

Medicaid Budget was discussed. The committee recommended the Department of Social Services continue to pursue the possibility of a third party plan for Title XIX ADCF recipients.

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., February 9, 1978

Convened: 8:25 a.m.

Adjourned: 8:57 a.m.

Present: Cusack, chair; Dunton, vice-chair; Harvey, Norland, Stromer, Varley, Welden and Wells.

Absent: Avenson, Jesse, Koogler and O'Halloran.

Excused: Den Herder (arrived 8:38 a.m.).

Study Bill 376, a bill for an act making appropriations to the department of general services for operating purposes.

Recommended Amend and Do Pass.

Aye: Cusack, Dunton, Den Herder, Harvey, Norland, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Avenson, Jesse, Koogler and O'Halloran.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., February 9, 1978

Convened: 8:25 a.m.

Adjourned: 9:05 a.m.

Present: Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hoffmann, Middleswart, Pavich, Schneklath, Schroeder and Spencer.

Absent: Rinas, chair (arrived 8:35 a.m.) and Hinkhouse (arrived 8:55 a.m.).

Committee bill discussed. Further action pending at adjournment.

COMMITTEE ON COMMERCE

Scheduled: 10:00 a.m., February 9, 1978

Convened: 10:05 a.m.

Adjourned: 10:40 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Tauke, Welden and West.

Absent: Den Herder, Schroeder and Walter.

Excused: Lonergan.

Committee Bill (Formerly House File 240), a bill for an act relating to the number of residential parties connected on a telephone party line.

Recommended Amend and Do Pass.

Aye: Small, Chiodo, Brockett, Anderson, Bina, Brunow, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Tauke, Welden and West.

Nay: None.

Absent or not voting: Den Herder, Lonergan, Schroeder and Walter.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., February 9, 1978

Convened: 10:09 a.m.

Adjourned: 11:45 a.m.

Present: Newhard, vice-chair; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Nielsen, Smalley, Spencer and Woods.

Absent: Jesse, chair; Branstad, ranking member (arrived 10:20 a.m.); Arnould (arrived 10:15 a.m.), Garrison (arrived 10:15 a.m.), Patchett, Pelton, Scheelhaase (arrived 10:11 a.m.) and Shimanek.

Committee Bill (Formerly House File 234), a bill for an act relating to investigation of arson and providing penalties.

Recommended Amend and Do Pass.

Aye: Newhard, Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Lipsky, Nielsen, Scheelhaase, Smalley and Woods.

Nay: Gentleman.

Absent or not voting: Jesse, Branstad, Patchett, Pelton, Shimanek and Spencer.

Committee Bill (Formerly House File 2080), a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions.

Recommended Amend and Do Pass.

Aye: Newhard, Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Nielsen, Scheelhaase, Smalley and Woods.

Nay: None.

Absent or not voting: Jesse, Branstad, Patchett, Pelton, Shimanek and Spencer.

Study Bill 350, a bill for an act relating to the state intestate succession statute.

Recommended Do Pass.

Aye: Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Scheelhaase, Smalley and Woods.

Nay: Nielsen.

Absent or not voting: Jesse, Patchett, Pelton, Shimanek and Spencer.

Deferred Study Bill 332.

AMENDMENT FILED

H—5275

H.C.R. 109

Schroeder of Pottawattamie

On motion by Scheelhaase of Woodbury the House adjourned at 8:22 a.m., until 1:30 p.m., Tuesday, February 14, 1978.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 14, 1978

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

Prayer was offered by the Reverend Father John Vakulskas, pastor of the St. Cecelia's Catholic Church, Algona, Iowa.

The Journal of Monday, February 13, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gerald Fogarty, Cedar Rapids, Iowa.

PRESENTATION OF VISITOR

Pelton of Clinton presented to the House Ian Edwards, foreign exchange student from Orange, New South Wales, Australia. Ian attends Clinton High School, Clinton, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

West of Marshall for the afternoon session on request of Millen of Van Buren.

PETITION FILED

The following petition was received and placed on file:

By Junker of Woodbury, Doyle of Woodbury, Scheelhaase of Woodbury and Binneboese of Plymouth from two hundred thirty-nine Woodbury County residents favoring products liability legislation to preserve jobs and job opportunities in Iowa.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 411, a bill for an act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive.

Also: That the Senate has on February 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 412, a bill for an act relating to the reporting of stock transfers for inheritance tax purposes.

Also: That the Senate has on February 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 415, a bill for an act relating to the deduction of debts and property taxes for inheritance tax purposes.

Also: That the Senate has on February 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2018, a bill for an act to clarify the applicability of certain sections to the women's reformatory and the Iowa security medical facility.

Also: That the Senate has on February 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2036, a bill for an act to define "political subdivision" for purposes of appeals to the state appeal board for suspension of statutory property tax levy limits on property tax budgets in certain situations.

Also: That the Senate has on February 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2042, a bill for an act removing a sheriff's authorization to chain a disorderly prisoner in a jail and a sheriff's authorization to feed a prisoner only bread and water.

Also: That the Senate has on February 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys.

Also: That the Senate has on February 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2056, a bill for an act providing for the business and nonbusiness distinction in allocating and apportioning corporate net income for tax purposes and making the Act retroactive.

SENATE AMENDMENT TO
HOUSE FILE 411

H-5280

- 1 Amend House File 411, as passed by the House
- 2 as follows:
- 3 1. Page 1, line 35, by striking the figure
- 4 "1976" and inserting in lieu thereof the figure
- 5 "1977".
- 6 2. Page 2, line 1, by striking the figure
- 7 "1976" and inserting in lieu thereof the figure
- 8 "1977".

SENATE AMENDMENT TO
HOUSE FILE 412

H-5279

- 1 Amend House File 412, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 8, by striking the figure "1978"
- 4 and inserting in lieu thereof the figure "1979".

SENATE AMENDMENT TO
HOUSE FILE 415

H-5278

- 1 Amend House File 415, as amended and passed by
- 2 the House as follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following new section:
- 5 "Sec. . This Act is effective January 1,
- 6 1979."

QUORUM CALL

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

CONSIDERATION OF BILLS
Regular Calendar

House File 2063, a bill for an act to change the defined term "councilman" to "council member" in the city code of Iowa, and to make appropriate conforming amendments, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2063)

The ayes were, 81:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Clark, B. J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Griffee	Halvorson
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind ¹
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K. D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Pavich	Pellett	Pelton	Perkins
Scheelhaase	Schneklath	Shimaneck	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	Woods
Mr. Speaker			

The nays were, 7:

Brockett	Gilson	Harbor	Schroeder
Stephens	Welden	Wyckoff	

Absent or not voting, 12:

Chiodo	Clark, J. H.	Dyrland	Egenes
Harvey	Jesse	Newhard	Oxley
Patchett	Poncy	Rinas	West

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

BUSINESS PENDING

The House resumed consideration of **House File 2098**, a bill for an act appropriating from the general fund of the state and various

trust funds for various operations and grants and aids to departments and agencies of the state whose responsibilities relate to agricultural affairs, economic development, energy research, coal research, and natural resources management and research.

Schroeder of Pottawattamie offered the following amendment H—5274 filed by him and Clark of Lee and moved its adoption:

H—5274

- 1 Amend House File 2098 as follows:
- 2 1. Page 8, line 4, by striking the numerals
- 3 "135,000" and inserting in lieu there of the numerals
- 4 "256,868".

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—5274 be adopted?"

The ayes were, 38:

Arnould	Bennett	Brandt	Branstad
Brockett	Byerly	Conlon	Crawford
Daggett	Danker	Dyrland	Evans
Garrison	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Junker	Lind
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	Woods		

The nays were, 54:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Clark, B. J.	Connors
Crabb	Cusack	Davitt	Den Herder
Dieleman	Doyle	Dunton	Fitzgerald
Gettings	Gilloon	Gilson	Griffie
Hargrave	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lonergan	Middleswart	Miller, K. D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Rinas	Scheelhaase	Small	Spear

Spencer
Wyckoff

Svoboda
Mr. Speaker

Walter

Wells

Absent or not voting, 8:

Chiodo
Hines

Clark, J. H.
Newhard

Egenes
Poncy

Harbor
West

Amendment H—5274 lost.

Horn of Linn offered the following amendment H—5239 filed by him and moved its adoption:

H—5239

- 1 Amend House File 2098 as follows:
- 2 1. Page 9, by inserting after line 22 the
- 3 following:
- 4 "Sec. Chapter one hundred seven (107), Code
- 5 1977, is amended by adding the following new section:
- 6 NEW SECTION. Commencing with the fiscal year
- 7 beginning July 1, 1979 and ending June 30, 1980 and
- 8 each subsequent fiscal year, there is appropriated
- 9 out of the general fund of the state not otherwise
- 10 appropriated to the state fish and game protection
- 11 fund an amount equal to ten percent of the moneys
- 12 accruing from license fees and other sources of revenue
- 13 arising under the division of fish and game. It is
- 14 the intent of the general assembly to increase the
- 15 percentage of funds from the general fund supplementing
- 16 the moneys accruing from license fees and other sources
- 17 so that the percentage equals fifty percent in the
- 18 fiscal year beginning July 1, 1984."

Amendment H—5239 lost.

Menke of O'Brien offered the following amendment H—5284 filed by Menke, Scheelhaase, Husak, Daggett, Dunton, Hullinger, Miller of Buchanan, Schroeder, Lindeen and Stephens from the floor:

H—5284

- 1 Amend House File 2098 as follows:
- 2 1. Page 12, by inserting after line 29 the
- 3 following:
- 4 "During the fiscal year for which funds are
- 5 appropriated by this section the Iowa department of
- 6 environmental quality shall not require the

- 7 installation or use of equipment to control the
8 emission of dust or other particulate matter on
9 facilities for the storage of grain."

Spear of Lee rose on a point of order that amendment H—5284 was not germane.

The Speaker ruled the point not well taken and amendment H—5284 germane.

Koogler of Mahaska asked and received unanimous consent to defer action on amendment H—5284.

Horn of Linn offered the following amendment H—5265 filed by him:

H—5265

- 1 Amend House File 2098 as follows:
2 1. Page 13, by inserting after line 10 the
3 following:
4 "Sec. . Section four hundred fifty-five B
5 point twenty-four (455B.24), subsection one (1), Code
6 1977, is amended by adding the following lettered
7 paragraph:
8 NEW LETTERED PARAGRAPH. Location of emission
9 monitoring devices in areas of the political
10 subdivision in compliance with uniform state standards
11 adopted by the commission. The commission shall adopt
12 uniform state standards for the location of emission
13 monitoring devices specifying such intervals and such
14 procedures to provide a reasonably consistent
15 measurement of emissions from air contaminant sources
16 regardless of the political subdivision of the state
17 in which the sources may be located."
18 2. By renumbering sections to conform to this
19 amendment.

Perkins of Greene rose on a point of order that amendment H—5265 was not germane.

The Speaker ruled the point well taken and amendment H—5265 not germane.

Horn of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5265.

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

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 44:

Baker	Bennett	Brockett	Byerly
Chiodo	Clark, B. J.	Conlon	Crabb
Crawford	Daggett	Dunton	Dyrland
Egenes	Evans	Garrison	Gentleman
Gettings	Halvorson	Hansen	Harvey
Hoffmann	Horn	Husak	Krewson
Lind	Lindeen	Lipsky	Menke
Millen	Nielsen	Patchett	Pellett
Schneklath	Schroeder	Shimanek	Smalley
Stromer	Tauke	Thompson	Tofte
Varley	Weiden	Wells	Woods

The nays were, 48:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Connors	Cusack	Danker	Davitt
Den Herder	Dieleman	Doyle	Gilloon
Gilson	Griffee	Harbor	Hargrave
Hines	Hinkhouse	Howell	Hullinger
Jochum	Junker	Koogler	Krause
Lageschulte	Lonergan	Middleswart	Miller, K. D.
Miller (Sergeant)	Monroe	O'Halloran	Oxley
Pavich	Pelton	Perkins	Scheelhaase
Small	Spear	Spencer	Stephens
Svoboda	Walter	Wyckoff	Mr. Speaker

Absent or not voting, 8:

Clark, J. H.	Fitzgerald	Jesse	Newhard
Norland	Poncy	Rinas	West

The motion lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5267 filed by him on February 8, 1978.

O'Halloran of Black Hawk offered the following amendment H—5285 filed by O'Halloran, Middleswart, Miller of Buchanan and Evans from the floor:

H—5825

1 Amend House File 2098, page 13, by inserting
2 after line 10 the following:
3 "d. The Department of Environmental Quality
4 shall report to the General Assembly no later than
5 June 30, 1979, the total expenditures of the
6 department in monitoring, regulating, or enforcing
7 their responsibilities with regard to the Cedar
8 aquifer and the Salsbury laboratories. Such
9 report shall be inclusive of all federal, state
10 and private funds expended by any state agency in
11 this regard."

Schroeder of Pottawattamie rose on a point of order that amendment H—5285 was not germane.

The Speaker ruled the point not well taken and amendment H—5285 germane.

O'Halloran of Black Hawk moved the adoption of amendment H—5285.

Amendment H—5285 was adopted.

The House resumed consideration of amendment H—5284.

Koogler of Mahaska offered the following amendment H—5286, to amendment H—5284, filed by him from the floor and moved its adoption:

H—5286

1 Amend amendment H—5284, to House File 2098, as
2 follows:
3 1. Page 1, line 8, by striking the words "or
4 other particulate matter".

Amendment H—5286 lost.

Menke of O'Brien moved the adoption of amendment H—5284.

Amendment H—5284 was adopted.

Wyckoff of Benton moved to suspend the rules governing germaneness for the consideration of amendment H—5265.

A non-record roll call was requested.

The ayes were 58, nays 30.

The motion prevailed and the rules were suspended.

Horn of Linn moved the adoption of amendment H—5265.

Amendment H—5265 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2098)

The ayes were, 95:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker	

The nays were, 2:

Hullinger

Monroe

Absent or not voting, 3:

Clark, J.H.

Newhard

West

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

House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game with report of committee recommending amendment and passage was taken up for consideration.

Middleswart of Warren offered amendment H-5195 filed by the committee on natural resources and requested division as follows:

H-5195

1 Amend House File 356 as follows:

H-5195A

2 1. Page 1, line 2, by inserting after the word
3 "1977," the words "as amended by Acts of the Sixty-
4 seventh General Assembly, 1977 Session, chapter sixty-
5 six (66), section six (6)."

H-5195B

6 2. Page 4, by inserting after line 19 the fol-
7 lowing:
8 "m. Special wildlife habitat stamp.....\$ 3.00"

H-5195C

9 3. Page 4, by inserting after line 21 the follow-
10 ing:
11 NEW SECTION. The commission shall not issue more
12 than two operator's certificates for commercial fishing
13 gear for each owner's certificate for commercial
14 fishing gear.

H-5195B

15 NEW SECTION. A resident or nonresident person
16 required to have a hunting or trapping license shall
17 not hunt or trap unless he or she has on his or her
18 person a valid wildlife habitat stamp signed in ink
19 with his or her signature across the face of the

20 stamp. Special wildlife habitat stamps shall be
 21 administered in the same manner as hunting and trapping
 22 licenses except all revenue derived from the sale
 23 of the wildlife habitat stamps shall be used for
 24 habitat development and shall be deposited in the
 25 state fish and game protection fund and used for the
 26 acquisition of land, leasing of land, and obtaining
 27 of easements from persons willing to sell or lease
 28 the land or grant the easements for use as wildlife
 29 habitats. In addition such revenue may be used for
 30 the development, management, and enhancement of
 31 wildlife lands and habitat areas, and may be used
 32 in whole or in part for the matching of federal funds.
 33 Not less than fifty percent of all revenue from the
 34 sale of wildlife habitat stamps shall be used by the
 35 commission to enter into agreements with county
 36 conservation boards or other public or private agencies
 37 in order to carry out the purposes of this Act."

H-5195A

38 4. Page 4, by striking lines 31 through page 5,
 39 line 3.

H-5195D

40 5. Page 5, by striking line 4 and inserting in
 41 lieu thereof the following:
 42 "Sec. This Act is effective January 1, 1979.
 43 However, effective July 1, 1978 and notwithstanding
 44 section one hundred ten point one (110.1) of the Code,
 45 the fee for a deer hunting license for residents shall
 46 be fifteen dollars and the fee for a nonresidents
 47 hunting license shall be forty dollars."

On motion by Middleswart of Warren, amendment H-5195A was adopted.

Wyckoff of Benton offered the following amendment H-5221, to the committee amendment H-5195B, filed by him:

H-5221

- 1 Amend H-5195 amending House File 356 as follows:
- 2 1. Page 1, line 8, by striking the number "3.00"
- 3 and inserting in lieu thereof the number "1.00"

Schroeder of Pottawattamie rose on a point of order and invoked Rule 32 on House File 356.

Avenson of Fayette moved that Rule 32 be suspended for the consideration of House File 356.

A non-record roll call was requested.

The ayes were 69, nays 13.

The motion prevailed and Rule 32 was suspended.

Wyckoff of Benton moved the adoption of amendment H—5221, to amendment H—5195B.

Amendment H—5221 lost.

(House File 356 and amendment H—5195B pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Eighteen Y.M.C.A. Trailblazers, North East Des Moines Red Wing Nation, accompanied by their fathers. By Connors of Polk.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall on request of Evans of Grundy; Dieleman of Marion on request of Howell of Floyd; Egenes of Story on request of West of Marshall; all for the evening session.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Bina of Scott to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present: 81

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Doyle	Dunton
Dyrland	Evans	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Svoboda
Tauke	Thompson	Tofte	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent: 19

Anderson	Brandt	Branstad	Brockett
Clark, J.H.	Den Herder	Dieleman	Egenes
Fitzgerald	Hargrave	Harvey	Hines
Horn	Newhard	O'Halloran	Rinas
Stromer	Varley	Walter	

BUSINESS PENDING

The House resumed consideration of **House File 356**, a bill for an act relating to licenses and certificates for the taking of fish and game, and amendment H—5195B.

Wyckoff of Benton offered the following amendment H—5222, to the committee amendment H—5195B, filed by him:

H—5222

- 1 Amend H—5195 amending House File 356 as follows:
- 2 1. Page 1, by striking line 15 and inserting in
- 3 lieu thereof the following:
- 4 "NEW SECTION. A resident between sixteen and
- 5 sixty-five years of age or a nonresident who is".

Brunow of Appanoose asked for unanimous consent to defer action on amendment H-5222.

Objection was raised.

Wyckoff of Benton moved the adoption of amendment H-5222, to amendment H-5195B.

Amendment H-5222 was adopted.

Cusack of Scott in the chair at 7:12 p.m.

Action on amendment H-5195B and H-5195C was temporarily deferred.

On motion by Middleswart of Warren, amendment H-5195D was adopted.

Hullinger of Decatur offered amendment H-5289, to the committee amendment H-5195B, filed by him and Davitt of Warren from the floor and requested division as follows:

H-5289

- 1 Amend amendment H-5195, to House File 356, as
- 2 follows:

H-5289A

- 3 1. Page 1, line 26, by inserting after the first
- 4 word "land" the words "not to exceed six hundred
- 5 forty acres per county".

H-5289B

- 6 2. Page 1, line 36, by striking the words "or
- 7 other public or private agencies".
- 8 3. Page 1, line 37, by inserting after the word
- 9 "Act." the following: "The fifty percent shall be
- 10 divided equally between the county conservation boards."

Hullinger of Decatur moved the adoption of amendment H-5289A, to the committee amendment H-5195B.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 22, nays 63.

Amendment H—5289A lost.

Hullinger of Decatur moved the adoption of amendment H—5289B, to amendment H—5195B.

Roll call was requested by Horn of Linn and Husak of Tama.

On the question "Shall amendment H—5289B be adopted?"

The ayes were, 28:

Baker	Bennett	Binneboese	Brunow
Connors	Daggett	Davitt	Doyle
Dyrland	Gentleman	Gettings	Gilson
Hinkhouse	Horn	Howell	Hullinger
Husak	Koogler	Miller (Sergeant)	Monroe
Oxley	Pellett	Scheelhaase	Schnekloth
Spencer	Stromer	Wells	Wyckoff

The nays were, 63:

Anderson	Arnould	Avenson	Bina
Brandt	Branstad	Byerly	Chiodo
Clark, B.J.	Conlon	Crabb	Crawford
Danker	Dunton	Evans	Fitzgerald
Garrison	Gilloon	Griffie	Halvorson
Hansen	Harbor	Hargrave	Hines
Hoffmann	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Schroeder	Shimanek	Small	Smalley
Spear	Stephens	Tauke	Thompson
Tofte	Varley	Walter	Welden
West	Woods	Mr. Speaker (Cusack)	

Absent or not voting, 9:

Brockett	Clark, J.H.	Cochran	Den Herder
Dieleman	Egenes	Harvey	Newhard
Svoboda			

Amendment H—5289B lost.

Brunow of Appanoose offered the following amendment H—5295, to the committee amendment H—5195, filed by him from the floor:

H—5295

- 1 Amend amendment H—5195 to House File 356 as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 37 and
- 4 inserting in lieu thereof the following:
- 5 "2. Page 1, line 26, by striking the numerals
- 6 "6.00" and inserting in lieu thereof the numerals
- 7 "9.00".
- 8 3. Page 1, line 31, by striking the numerals
- 9 "6.00" and inserting in lieu thereof the numerals
- 10 "9.00".
- 11 4. Page 2, line 1, by striking the numerals
- 12 "40.00" and inserting in lieu thereof the numerals
- 13 "43.00".
- 14 5. Page 2, line 7, by striking the numerals
- 15 "11.00" and inserting in lieu thereof the numerals
- 16 "14.00".
- 17 6. Page 2, line 11, by striking the numerals
- 18 "8.00" and inserting in lieu thereof the numerals
- 19 "11.00".
- 20 7. Page 2, line 16, by striking the numerals
- 21 "10.00" and inserting in lieu thereof the numerals
- 22 "13.00".
- 23 8. Page 2, line 21, by striking the numerals
- 24 "100.00" and inserting in lieu thereof the numerals
- 25 "103.00".
- 26 9. Page 4, by inserting after line 21 the
- 27 following:
- 28 NEW SECTION. The commission shall note on the
- 29 license issued pursuant to section one (1), sub-
- 30 section two (2), paragraphs a, c, and f, subsection
- 31 three (3), paragraphs a and c, subsection four (4),
- 32 paragraphs a and c, of this Act, that three dollars
- 33 of this fee shall be used for habitat development and
- 34 shall be deposited in the state fish and game protection
- 35 fund and used for the acquisition of land, leasing of
- 36 land, and obtaining of easements from persons willing
- 37 to sell or lease the land or grant the easements for
- 38 use as wildlife habitats. In addition, such revenue
- 39 may be used for the development, management, and enhance-
- 40 ment of wildlife lands and habitat areas, and may be used
- 41 in whole or in part for the matching of federal funds.
- 42 Not less than one dollar and fifty cents of the fees
- 43 collected as specified in this section shall be used
- 44 by the commission to enter into agreements with
- 45 county conservation boards or other public or private

46 agencies in order to carry out the purpose of this Act.
 47 **NEW SECTION.** The commission shall not issue more
 48 than two operator's certificates for commercial fishing
 49 gear for each owner's certificate for commercial fishing
 50 gear."

Byerly of Polk asked and received unanimous consent to defer action on amendment H—5295.

Spencer of Clay asked and received unanimous consent to withdraw amendments H—3454 and H—3547 filed by him on March 31, 1977 and April 6, 1977 respectively.

Avenson of Fayette offered the following amendment H—3649 filed by him:

H—3649

1 Amend House File 356 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section one hundred nine point
 5 one hundred seven (109.107), Code 1977, unnumbered
 6 paragraph one, is amended to read as follows:
 7 It shall be lawful to use seines, dip nets,
 8 trammel nets, gill nets, basket traps, hoop nets,
 9 wing nets, pound, fyke and trap nets and trotlines
 10 in the Missouri river or Mississippi river, except
 11 as hereinafter provided in this section but only
 12 when such nets, seines, traps or trotlines have been
 13 properly licensed, and properly tagged, in accordance
 14 with the provisions of chapter 110, and of this section
 15 and only when such nets, seines, traps or trotlines
 16 comply with the provisions of law and at such times
 17 and in such manner and for the taking of such species
 18 of fish as are permitted by law. Commercial fishing
 19 tackle must be checked at least once every seventy-
 20 two hours."

Spear of Lee offered amendment H—5212, to amendment H—3649, filed by him and requested division as follows:

H—5212

1 Amend H—3649 amending House File 356 as follows:

H-5212A

- 2 1. Page 1, line 9, by inserting after the second word
- 3 "and" the word "commercial".
- 4 2. Page 1, line 12, by inserting after the word "or"
- 5 the word "commercial".
- 6 3. Page 1, line 15, by inserting after the word "or"
- 7 the word "commercial".

H-5212B

- 8 4. Page 1, line 19, by striking the word "tackle"
- 9 and inserting in lieu thereof the word "gear".

H-5212C

- 10 5. Page 1, line 20, by inserting after the word
- 11 "hours" the following: "and the commission may require
- 12 commercial fishing gear used on the inland waters to
- 13 be checked more frequently than every seventy-two
- 14 hours".

Gilloon of Dubuque rose on a point of order that amendment H-3649 was not germane.

The Speaker ruled the point well taken and amendment H-3649 not germane, placing out of order amendment H-5212.

Loneragan of Boone offered the following amendment H-4139 filed by her and moved its adoption:

H-4139

- 1 Amend House File 356 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing:
- 4 "Section 1. Section one hundred nine point seventy-
- 5 four (109.74), Code 1977, is repealed."
- 6 2. By renumbering the sections to conform with
- 7 this amendment.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 49, nays 39.

Amendment H-4139 was adopted.

Patchett of Johnson offered the following amendment H—5218 filed by Patchett, et al. :

H—5218

- 1 Amend House File 356 as follows:
- 2 1. Page 1, by inserting before line 1 the follow-
- 3 ing:
- 4 "Sec. . . . Section one hundred nine point forty-
- 5 eight (109.48), unnumbered paragraph two (2), Code
- 6 1977, is amended by striking the paragraph and
- 7 inserting in lieu thereof the following new unnumbered
- 8 paragraph:
- 9 NEW UNNUMBERED PARAGRAPH. The commission may
- 10 adopt rules for the taking and possession of migratory
- 11 birds which are subject to the federal "Migratory Bird
- 12 Treaty Act" during the time and in the manner permitted
- 13 under those federal Acts. The commission shall not
- 14 adopt a rule for the taking or possession of a migratory
- 15 bird for which an open season is not authorized by
- 16 another paragraph of this section."

Schroeder of Pottawattamie rose on a point of order that amendment H—5218 was not germane.

The Speaker ruled the point well taken and amendment H—5218 not germane.

Patchett of Johnson moved that the rules governing germaneness be suspended for the consideration of amendment H—5218.

Roll call was requested by Patchett of Johnson and Bina of Scott.

Rules 69 and 70 were invoked.

On the question "Shall the rules be suspended?"

The ayes were, 62:

Anderson	Arnould	Bina	Binneboese
Brandt	Branstad	Brunow	Clark, B.J.
Conlon	Crawford	Daggett	Davitt
Den Herder	Doyle	Dunton	Dyrland
Garrison	Gentleman	Gettings	Gilson
Griffie	Hansen	Hargrave	Hines

Hinkhouse	Hoffmann	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Oxley	Patchett	Pelton	Poney
Rinas	Scheelhaase	Schneklloth	Small
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Wells	West		

The nays were, 30:

Avenson	Baker	Bennett	Byerly
Chiodo	Connors	Crabb	Danker
Evans	Fitzgerald	Gilloon	Halvorson
Harbor	Horn	Koogler	Loneragan
Middleswart	Nielsen	Pavich	Pellett
Perkins	Schroeder	Shimanek	Smalley
Stephens	Tofte	Welden	Woods
Wyckoff	Mr. Speaker (Cusack)		

Absent or not voting, 8:

Brockett	Clark, J.H.	Cochran	Dieleman
Egenes	Harvey	Newhard	Norland

The motion prevailed and the rules were suspended.

Pelton of Clinton offered the following amendment H—5225, to amendment H—5218, filed by him and moved its adoption:

H—5225

- 1 Amend H—5218 amending House File 356
- 2 as follows:
- 3 1. Page 1, line 12, by inserting after the word "Act" "
- 4 the words "and "Migratory Bird Stamp Hunting Act" "

Amendment H—5225 was adopted.

Patchett of Johnson moved the adoption of amendment H—5218, as amended.

Roll call was requested by Patchett of Johnson and Junker of Woodbury.

On the question "Shall amendment H—5218, as amended, be adopted?"

The ayes were, 77:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Cochran	Conlon
Connors	Crabb	Crawford	Daggett
Davitt	Den Herder	Doyle	Dunton
Dyrland	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Small	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	West	Wyckoff
Mr. Speaker (Cusack)			

The nays were, 13:

Avenson	Danker	Evans	Loneragan
Middleswart	Pavich	Schroeder	ShimaneK
Smalley	Stephens	Tofte	Welden
Woods			

Absent or not voting, 10:

Brockett	Chiodo	Clark, B.J.	Clark, J.H.
Dieleman	Egenes	Fitzgerald	Hargrave
Hinkhouse	Newhard		

Amendment H—5218, as amended, was adopted.

Spear of Lee offered amendment H—5223 filed by him and requested division as follows:

H—5223

1 Amend House File 356 as follows:

H—5223A

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section one hundred nine point seventy-
5 three (109.73), Code 1977, is amended to read as
6 follows:

7 109.73 NONCOMMERCIAL TROT LINES. It shall be
8 unlawful for any person to use in the waters of the
9 state open to the use of noncommercial trotlines or
10 throw lines, more than five noncommercial trotlines
11 or throw lines. Such trotlines or throw lines shall
12 not have in the aggregate more than fifteen hooks.
13 Each separate line when in use shall have attached
14 a tag plainly labeled with the owner's name and
15 address, shall be checked at least once each twenty-
16 four hours, and no person shall use such throw lines
17 or trotlines in any stocked lake or within three
18 hundred feet of any dam or spillway or in any stream
19 or portion of stream, closed or posted against the
20 use of such tackle. One end of such throw lines or
21 trotlines shall be set from the shore and be visible
22 above the shore water line, but no such throw line
23 or trotline shall be set entirely across a stream
24 or body of water. Any untagged lines when found in
25 use shall be confiscated by any officer appointed
26 by the commission.

27 Sec. 2. Section one hundred nine point one hundred
28 seven (109.107), unnumbered paragraphs two (2) and
29 three (3), Code 1977, are amended to read as follows:

30 It shall be unlawful for any person to place any
31 net or seine, trap or commercial trotline of any kind
32 within one hundred yards of the mouth of any tributary
33 stream emptying into the Mississippi river or Missouri
34 river or within three hundred yards from the farthest
35 projection of any dam in the Mississippi river and
36 Missouri river.

37 All licensed nets, seines, basket traps or
38 commercial trotlines shall have attached a metal tag
39 identifying the equipment and license for its use.
40 Tags must at all times be attached to commercial
41 fishing gear and officers appointed by the commission
42 shall have authority to confiscate any such commercial
43 fishing gear when found in use without such tags
44 attached. Identification tags shall be furnished
45 by the commission and a charge of ten cents shall
46 be made for each tag and such tags shall be renewed
47 annually.

48 Sec. 3. Section one hundred nine point one hundred
49 eight (109.108), Code 1977, is amended to read as
50 follows:

Page 2

1 109.108 MESH SIZE AND HOOK LIMIT. It shall be
 2 unlawful for any person to fish with or to use any
 3 trammel net having a mesh of less than two inches
 4 square or bar measure, or to fish with or use a gill
 5 net having a mesh of less than three and three-quarters
 6 inches square or bar measure, or to use in the
 7 Mississippi or Missouri rivers, basket traps, with
 8 the end opposite the throat having a hole of less
 9 than one and one-half inches in diameter or commercial
 10 trotlines with more than one hundred hooks. Such
 11 measurements shall apply to meshes when in use and
 12 no allowance shall be made for shrinkage due to any
 13 cause. Any commercial fishing equipment in use shall
 14 be subject to inspection by the commission or its
 15 authorized agents at any time.

16 Sec. 4. Section one hundred nine point one hundred
 17 ten (109.110), Code 1977, is amended to read as
 18 follows:

19 109.110 TRAPS AND COMMERCIAL TROT LINES ON BORDER
 20 RIVERS. It shall be lawful to operate in the
 21 Mississippi and Missouri rivers, one basket trap and
 22 one commercial trotline provided the operator has
 23 purchased a regular fishing license that is required
 24 in section 110.1, and pays the regular fee of one
 25 dollar for each basket trap or trotline. Each trap
 26 and trotline must have attached thereto an
 27 identification tag as required in section 109.107."

H-5223B

28 2. Page 2, line 27, by inserting after the word
 29 "trap," the word "commercial".

30 3. Page 3, by striking line 7 and inserting in
 31 lieu thereof the following:

32 "f. Commercial trotline:".

33 4. Page 3, line 14, by inserting after the word
 34 "trap," the word "commercial".

35 5. Page 3, line 30, by striking the word
 36 "Trotlines" and inserting in lieu thereof the words
 37 "Commercial trotlines".

38 6. By renumbering the sections to conform with
 39 this amendment.

Schneklath of Scott rose on a point of order that amendment
 H-5223A was not germane.

The Speaker ruled the point well taken and amendment
 H-5223A not germane.

Spear of Lee moved the adoption of amendment H—5223B.

Amendment H—5223B was adopted.

Loneragan of Boone offered the following amendment H—3332 filed by her:

H—3332

- 1 Amend House File 356 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "residents" the words "permanently disabled or".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "residents" the words "permanently disabled or".
- 6 3. Page 1, line 27, by inserting after the word
- 7 "residents" the words "permanently disabled or".
- 8 4. Page 1, line 30, by inserting after the word
- 9 "residents" the words "permanently disabled or".
- 10 5. Page 2, line 8, by inserting after the word
- 11 "residents" the words "permanently disabled or".
- 12 6. Page 2, line 10, by inserting after the word
- 13 "residents" the words "permanently disabled or".

Loneragan of Boone asked and received unanimous consent to withdraw amendment H—4138, to amendment H—3332, filed by her on May 12, 1977.

Byerly of Polk offered the following amendment H—5253, to amendment H—3332, filed by Byerly, et al., and moved its adoption:

H—5253

- 1 Amend H—3332 amending House File 356 as follows:
- 2 1. Page 1, by inserting after line 13 the
- 3 following:
- 4 "7. Page 4, by inserting after line 21 the
- 5 following:
- 6 "NEW SECTION. For the purpose of obtaining a
- 7 license, a person is permanently disabled if that
- 8 person has been found under the provisions of the
- 9 federal Social Security Act, title two (II), or any
- 10 other public or private pension system to have a
- 11 total, permanent physical or mental condition which
- 12 prevents that person from engaging in his or her
- 13 occupation or qualifies that person for retirement." "

Amendment H—5253 was adopted.

Lonergan of Boone moved the adoption of amendment H—3332, as amended.

Amendment H—3332, as amended, was adopted.

The House resumed consideration of amendment H—5295, to the committee amendment H—5195B.

Speaker Cochran in the chair at 9:03 p.m.

Brunow of Appanoose moved the adoption of amendment H—5295, to the committee amendment H—5195B.

Amendment H—5295 lost.

Wyckoff of Benton moved to reconsider the vote by which amendment H—5222 was adopted by the House on February 14, 1978.

The motion prevailed.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—5222.

Byerly of Polk offered the following amendment H—5298, to the committee amendment H—5195B, filed by him from the floor and moved its adoption:

H—5298

- 1 Amend H—5195 amending House File 356 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "stamp." the words "This section shall not apply to
- 4 residents who are permanently disabled or who are
- 5 younger than sixteen or older than sixty-five years
- 6 of age."

Amendment H—5298 was adopted.

(House File 356 and the committee amendment H—5195B, as amended, pending at adjournment.)

SPECIAL ORDER
(House File 2169)

Fitzgerald of Webster asked and received unanimous consent

that House File 2169 be made a special order of business for Tuesday, February 21, 1978 at 6:30 p.m.

MOTION TO RECONSIDER
(House File 2098)

I move to reconsider the vote by which House File 2098 passed the House on February 14, 1978.

AVENSON of Fayette

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 389 Transportation

Relating to the establishment of parking fees for parking at the Iowa state capitol facilities and providing for the use of such fees.

S.B. 390 Cities

Relating to city development by clarifying the definition of territory, defining qualified elector, requiring the city development board to be notified of annexation moratorium agreements and hearings, allowing a property owner under certain circumstances to serve on the city development committee even though he or she is not a qualified elector, and assigning election costs.

S.B. 391 Judiciary and Law Enforcement

Amending the weapons chapter of the criminal code revision to authorize a peace officer to go armed anywhere in the state at all times when he or she obtains a professional permit to carry weapons, to forbid a convicted felon to obtain a permit to carry weapons, to eliminate the need for a seller who is a federal firearm licensee to report sales or transfers of ownership of revolvers or pistols to other federal firearm licensees, to eliminate the need for a federal firearm licensee to obtain a permit to purchase a pistol or revolver, to eliminate the need for anyone to obtain a permit to purchase an antique firearm, and to forbid making a pistol or revolver available to a person under twenty-one.

S.B. 392 Cities

Relating to the tort liability of governmental subdivisions.

EXPLANATION OF VOTE

I was necessarily absent from the House Chamber on February 9, 1978. Had I been present I would have voted as follows: House Files 434 and 2021, "aye"; suspension of rules governing germaneness of amendment H-5164 and vote to reconsider amendment H-5219, "nay."

DIELEMAN of Marion

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 10:00 a.m., February 9, 1978

Convened: 10:20 a.m.

Adjourned: 11:45 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Brandt, Byerly, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Absent: Baker (arrived 10:12 a.m.), Clark of Lee (arrived 10:12 a.m.), Harvey (arrived 10:24 a.m.), Junker (arrived 10:18 a.m.) and Stromer (arrived 10:17 a.m.).

Senate File 67, a bill for an act authorizing ambulance services by townships.

Recommended **Amend and Do Pass**.

H-5276

- 1 Amend Senate File 67, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking line 35 and inserting in
- 4 lieu thereof the following:
- 5 "The township trustees may divide the township
- 6 into taxing districts for the purpose of providing
- 7 fire service and may levy a different tax rate in
- 8 each district, but the tax levy shall not exceed forty

9 and one-half cents per thousand dollars of taxable
10 assessed value in any district."

11 2. Amend the title, line 1, by inserting after
12 the word "townships" the words "and providing for
13 the levying of a different tax rate for districts
14 within a township".

Aye: Hullinger, Danker, Baker, Gilson, Harvey, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Pellett and Wyckoff.

Nay: Spear, Brandt, Byerly, Gilloon, Stephens and Stromer.

Absent or not voting: Clark of Lee, Hinkhouse, Oxley and Wells.

Committee Bill (Formerly House File 2087), a bill for an act increasing the dollar limit of real estate projects for which a proposition need not be submitted to electors in the case of federal revenue sharing or matching funds and funds on hand in counties having a population of more than one hundred, etc.

Recommended Amend and Do Pass.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Wells and Wyckoff.

Nay: Clark of Lee, Stephens and Stromer.

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., February 9, 1978

Convened: 1:20 p.m.

Adjourned: 3:10 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Griffee, Lindeen, Pellett, Perkins and Varley.

Absent: Evans (arrived 1:23 p.m.), Hinkhouse (arrived 1:30 p.m.), Norland (arrived 1:38 p.m.), Pelton (arrived 1:25 p.m.), and Svoboda (arrived 1:30 p.m.).

Excused: Doyle, Hullinger (arrived 1:35 p.m.) and Middleswart (arrived 2:50 p.m.).

House File 559, a bill for an act requiring existing residential dwellings or portions of existing structures used therefor to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

Recommended Amend and Do Pass.

H-5277

1 Amend House File 559 as follows:

- 2 1. Page 1, line 5, by striking the number "1978"
 3 and inserting in lieu thereof the number "1979".
 4 2. Page 1, line 5, by striking the words "all
 5 of".
 6 3. Page 1, line 5, by inserting after the word
 7 "used" the word "primarily".
 8 4. Page 1, line 21, by striking the number "1978"
 9 and inserting in lieu thereof the number "1979".
 10 5. Page 2, line 11, by inserting after the word
 11 "seller" the words "at the seller's address of record".
 12 6. Page 2, line 21, by striking the word "made"
 13 and inserting in lieu thereof the word "completed".
 14 7. Page 2, line 28, by striking the number "1978"
 15 and inserting in lieu thereof the number "1979".
 16 8. Page 2, line 29, by striking the words "secured
 17 by a lien on an existing structure".
 18 9. Page 2, line 30, by striking the words "reason
 19 to know" and inserting in lieu thereof the word
 20 "knowledge".
 21 10. Page 2, by striking line 31 and inserting
 22 in lieu thereof the words "for making improvements
 23 or alterations to an existing".
 24 11. Page 3, line 3, by inserting after the word
 25 "standards" the words "established in section five
 26 (5) of this Act".
 27 12. Page 3, by striking line 20 and inserting
 28 in lieu thereof the words "twenty-eight for structures
 29 that at the time application for the loan is made
 30 have a resistance to winter heat loss or summer heat
 31 gain value of less than nineteen."

Aye: O'Halloran, Howell, Binneboese, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pelton, Perkins, Svoboda and Varley.

Nay: Welden, Daggett, Danker and Pellett.

Absent or not voting: Doyle and Norland.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., February 9, 1978

Convened: 1:15 p.m.

Adjourned: 3:00 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Junker, Middleswart, Patchett, Poncey, Shimanek, Stromer, Tauke, Walter and West.

Absent: Griffee.

Study Bill 344, a bill for an act to adopt the Uniform Landlord Tenant Act.

Recommended Amend and Do Pass.

Aye: Monroe, Avenson, Brandt, Crawford, Arnould, Jesse, Junker, Middleswart, Patchett, Shimanek, Tauke, Walter and West.

Nay: Harvey, Hansen, Poncy and Stromer.

Absent or not voting: Woods, Dieleman and Griffee.

Discussed Study Bill 352 relating to civil rights.

ADMINISTRATIVE RULES REVIEW COMMITTEE*

Scheduled: 7:30 a.m., February 14, 1978

Convened: 7:50 a.m.

Adjourned: 12:35 p.m.

Present: Priebe, chair; Monroe, vice chair; Doderer, Doyle, Kelly and Schroeder, all members being present.

*Publication of this report requested by the Administrative Rules Review Committee at February 14, 1978 meeting.

AMENDMENTS FILED

H-5281	H.F. 2084	Stromer of Hancock
H-5282	H.F. 2050	Evans of Grundy
H-5283	H.F. 2072	Thompson of Polk
H-5287	H.F. 356	Byerly of Polk
		Avenson of Fayette
		Anderson of Jasper
H-5290	S.F. 358	Byerly of Polk
H-5291	H.F. 149	Horn of Linn
H-5292	H.F. 2084	Daggett of Adams
H-5293	H.F. 2084	Daggett of Adams
H-5294	H.F. 2112	Brandt of Black Hawk
		Oxley of Linn
H-5296	H.F. 356	Evans of Grundy
		Smalley of Polk
H-5297	H.F. 356	Halvorson of Clayton
		Stromer of Hancock
		Wyckoff of Benton
		Miller of Buchanan
H-5299	H.F. 356	Patchett of Johnson

On motion by Fitzgerald of Webster the House adjourned at 9:28 p.m. until 10:00 a.m., Wednesday, February 15, 1978.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 15, 1978

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

Prayer was offered by the Reverend Robert Hedges, pastor of the St. Timothy's Episcopal Church, West Des Moines, Iowa.

The Journal of Tuesday, February 14, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Lee Rosebrook, Ames, Iowa

PRESENTATION OF VISITORS

Lindeen of Henry presented to the House the Honorable Charles Strothman, former member of the House of Representatives representing Henry County.

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

Fifty fifth grade students from Milford Elementary School, Nevada, Iowa, accompanied by Mrs. Gallagher, Mr. Dunn, Mrs. Thompson and Mr. Walker, By Hines of Story.

PETITION FILED

The following petition was received and placed on file:

By Lindeen of Henry from thirteen constituents favoring legislation making gun permits more readily available to the average citizen.

SENATE MESSAGES CONSIDERED

Senate File 2042, a bill for an act removing a sheriff's authorization to chain a disorderly prisoner in a jail and sheriff's authorization to feed a prisoner only bread and water.

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

Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys.

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

Senate File 2056, a bill for an act providing for the business and nonbusiness distinction in allocating and apportioning corporate net income for tax purposes and making the Act retroactive.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 404, a bill for an act relating to payment of travel expenses of county officers and employees.

Also: That the Senate has on February 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2044, a bill for an act to clarify the authority of the Iowa state conservation commission in the setting of seasons for species subject to the federal "Migratory Bird Treaty Act".

Also: That the Senate has on February 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2066, a bill for an act to exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax.

STEVEN C. CROSS, Secretary

HOUSE CONCURRENT RESOLUTION 110

By Miller of Buchanan, Halvorson,
Anderson, Harvey, Shimanek and Tofte

- 1 *Whereas*, the cost of paper has increased substan-
2 tially over the past several years; and
3 *Whereas*, state government and other public agencies
4 serving the state as well as private businesses and
5 agencies use a great amount of paper; and
6 *Whereas*, lumber and other natural resources which
7 are used in the making of paper are becoming less avail-
8 able; and
9 *Whereas*, state government should concern itself with
10 and initiate endeavors to conserve the use of paper in
11 government; *Now Therefore*,
12 *Be It Resolved by the House of Representatives, the*
13 *Senate Concurring*, That the joint rules of the General
14 Assembly be amended to provide that every legislative
15 bill and amendment which is to be considered by the
16 General Assembly of the state of Iowa, shall contain a
17 statement estimating the amount of paperwork to be re-
18 quired of the individual citizen and the government by
19 the enactment of the bill or amendment.

Referred to committee on Rules.

HOUSE CONCURRENT RESOLUTION 111

By Cusack and Brunow

- 1 *Whereas*, in order to properly discharge its consti-
2 tutional function it is necessary and appropriate that
3 the General Assembly have adequate and authoritative
4 information concerning present and anticipated future
5 courses of action on the part of the Executive branch;
6 and
7 *Whereas*, the Governor and the major Executive branch
8 agency heads are the most direct and authoritative source
9 of such information; and
10 *Whereas*, in parliamentary systems of government the
11 legislature's need for such information from principal
12 executive officers is met by the tradition of the question
13 period, but that tradition has not developed at the federal
14 or state level in the United States although procedures
15 serving the same purpose are in common use at local levels
16 of government throughout the United States; and
17 *Whereas*, the traditional appearances of the Governor
18 before joint sessions of the General Assembly on such
19 occasions as inauguration, condition of the state messages,
20 and budget messages offer no opportunity for formal and
21 substantive two-way communication; and
22 *Whereas*, it is recognized that the separation of legis-

23 lative and executive powers is both mandated by the Consti-
 24 tution of the State of Iowa and strongly rooted in the
 25 political traditions of the United States and the State of
 26 Iowa, and the General Assembly accordingly acknowledges
 27 that it may not compel the appearance of the Governor
 28 before the General Assembly but is desirous of initiating
 29 such appearances on the basis of an agreement voluntarily
 30 entered into by the Governor and the General Assembly;

Page 2

1 *Now Therefore,*

2 *Be It Resolved By the House of Representatives, the*

3 *Senate Concurring :*

4 1. The presiding officers and majority and minority
 5 leadership of the House of Representatives and of the
 6 Senate are directed to appoint a joint committee or to
 7 designate existing committees of the House and Senate
 8 to draw up, in consultation with Governor Robert D. Ray,
 9 a memorandum of agreement providing for the regular
 10 periodic appearance of the Governor and, upon specific
 11 invitation of the General Assembly, heads of major
 12 agencies within the Executive branch of Iowa government
 13 before joint sessions of the General Assembly for the
 14 purpose of responding to questions from members of the
 15 General Assembly, and prescribing appropriate rules of
 16 procedure for such joint sessions.

17 2. Upon conclusion of a memorandum of agreement pur-
 18 suant to section one (1) of this resolution, the rules
 19 of procedure prescribed therein shall be submitted to
 20 the House of Representatives and to the Senate for adop-
 21 tion as a part of the joint rules, it being understood
 22 that adoption of any material amendments thereto which
 23 are not acceptable to the Governor may constitute grounds
 24 for him to decline to implement the memorandum of
 25 agreement.

Referred to committee on Rules.

HOUSE RESOLUTION 107

By Krause

1 *Whereas,* the city of Emmetsburg is nearing
 2 their annual St. Patrick's celebration March 17, 18
 3 and 19; and

4 *Whereas,* Joseph (Joe) Dowling, a senator in the
 5 Irish Parliament, will be honored at this celebration;

6 *Now Therefore,*

7 *Be It Resolved by the House of Representatives,*

8 That the membership of the House of Representatives
 9 of the Sixty-seventh General Assembly of the State of
 10 Iowa extends its heartiest congratulations to the city

11 of Emmetsburg, Iowa in commemoration of their eighteenth
 12 year of observance of St. Patrick's Day; and,
 13 *Be It Further Resolved*, That a copy of this
 14 resolution be forwarded to the mayor, the city council
 15 and the citizens of Emmetsburg by the Chief Clerk of
 16 the House.

Laid over under Rule 25.

REFERRED TO COMMITTEE ON WAYS AND MEANS
 UNDER RULE 32

(House File 2112)

Baker of Buena Vista rose on a point of order and invoked Rule 32 on House File 2112. The Speaker ruled the point well taken and House File 2112 referred to the committee on ways and means.

BUSINESS PENDING

The House resumed consideration of **House File 356**, a bill for an act relating to the licenses and certificates for the taking of fish and game, and the committee amendment H—5195B, as amended, found on pages 429 and 430 of the House Journal.

Evans of Grundy offered the following amendment H—5296, to amendment H—5195B, filed by him and Smalley of Polk and moved its adoption:

H—5296

- 1 Amend Amendment H—5195, to House File 356, as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "used" the words "within the state of Iowa".

Amendment H—5296 was adopted.

Halvorson of Clayton offered the following amendment H—5297, to amendment H—5195B, filed by Halvorson, et al.:

H—5297

- 1 Amend H—5195 to House File 356 as follows:
- 2 1. Page 1, by inserting after line 37 the follow-
- 3 ing paragraph:
- 4 "If lands are acquired in fee simple pursuant to

5 this section, the commission shall pay the sum of
 6 three dollars for each acre or portion thereof to
 7 the county in which such land is located. This payment
 8 shall be made every fiscal year and shall be in lieu
 9 of property taxes on such land for county services
 10 provided. All such payments shall be from the revenues
 11 derived from the sale of the wildlife habitat stamps."

Schroeder of Pottawattamie rose on a point of order that amendment H—5297 was not germane.

The Speaker ruled the point well taken and amendment H—5297 not germane.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—5297.

Roll call was requested by Halvorson of Clayton and Daggett of Adams.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 40:

Baker	Bennett	Branstad	Brockett
Clark, B.J.	Conlon	Crabb	Crawford
Daggett	Danker	Dyrland	Egenes
Evans	Gentleman	Gilson	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Millen	Miller, K.D.
Pellett	Schneklath	Shimaneck	Smalley
Stephens	Stromer	Tauke	Tofte
Varley	Welden	West	Wyckoff

The nays were, 48:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Garrison	Gettings
Gilloon	Griffiee	Hargrave	Hinkhouse
Horn	Howell	Husak	Jochum
Koogler	Krause	Lonergan	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard

Nielsen	Norland	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Schroeder	Small	Spear	Spencer
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 12:

Chiodo	Clark, J.H.	Connors	Fitzgerald
Hines	Hullinger	Jesse	O'Halloran
Pelton	Perkins	Svoboda	Thompson

The motion lost.

Action on amendment H—5195B, as amended, was temporarily deferred.

On motion by Middleswart of Warren, amendment H—5195C was adopted.

Lonergan of Boone offered the following amendment H—5211 filed by her:

H—5211

- 1 Amend House File 356 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following section:
- 4 "Sec. . . Section one hundred ten point seven-
- 5 teen (110.17), unnumbered paragraph ten (10), Code
- 6 1977, is amended to read as follows:
- 7 The commission shall issue without charge a
- 8 special fishing license to residents of Iowa sixteen
- 9 years or more of age who the commission finds are
- 10 mentally or physically severely handicapped. Such
- 11 special license shall be valid only when the holder
- 12 is fishing under supervision. The commission is
- 13 hereby authorized to prepare an application to be
- 14 used by the person requesting handicapped status,
- 15 which would require that his attending physician
- 16 sign the form declaring the person handicapped and
- 17 eligible for exempt status."

Wyckoff of Benton offered the following amendment H—5300 to amendment H—5211, filed by him from the floor and moved its adoption:

H—5300

- 1 Amend Amendment H—5211 to House File 356 as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the
- 4 word "shall" the following: "upon request".

Amendment H—5300 was adopted.

On motion by Lonergan of Boone, amendment H—5211, as amended, was adopted.

Wyckoff of Benton offered the following amendment H—5224 filed by Wyckoff, et al. :

H—5224

- 1 Amend House File 356 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following:
- 4 "Sec. 2. Section one hundred ten point five
- 5 (110.5), Code 1977, is amended by adding the following
- 6 new paragraph:
- 7 NEW PARAGRAPH. The County recorder shall deduct
- 8 five percent of the cost of each license issued by
- 9 the county recorder as a writing fee which shall be
- 10 credited to the county general fund."
- 11 2. By renumbering the sections to conform with
- 12 this amendment.

Wyckoff of Benton offered the following amendment H—5233, to amendment H—5224, filed by him and Conlon of Muscatine:

H—5233

- 1 Amend H—5224 amending House File 356 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the word
- 3 and figure "five (110.5)" and inserting in lieu thereof
- 4 the word and figure "eight (110.8)".
- 5 2. Page 1, line 8, by striking the words "of the
- 6 cost of each license" and inserting in lieu thereof
- 7 the words "of the fees remitted for the licenses".

Avenson of Fayette asked and received unanimous consent to defer action on amendment H—5233.

The House resumed consideration of amendment H—5195B.

Wyckoff of Benton offered the following amendment H—5301, to amendment H—5195B, filed by him from the floor and moved its adoption:

H—5301

- 1 Amend H—5195 amending House File 356 as follows:
- 2 1. Page 1, by striking lines 15 through 19 and
- 3 inserting in lieu thereof the following:
- 4 "NEW SECTION. Any person may purchase a special
- 5 wildlife habitat".

A non-record roll call was requested.

The ayes were 24, nays 67.

Amendment H—5301 lost.

Speaker pro tempore Nielsen of Polk in the chair at 11:10 a.m.

On motion by Middleswart of Warren, amendment H—5195B, as amended, was adopted.

Avenson of Fayette offered the following amendment H—5217 filed by Avenson, et al. :

H—5217

- 1 Amend House File 356 as follows:
- 2 1. Page 4, by inserting after line 21 the following:
- 3 "NEW SECTION. A county board of supervisors shall
- 4 not authorize the payment of bounties on the following
- 5 species: wolf, wildcat and lynx."

Wyckoff of Benton rose on a point of order that amendment H—5217 was not germane.

The Speaker ruled the point well taken and amendment H—5217 not germane.

Perkins of Greene moved that the rules governing germaneness be suspended for consideration of amendment H—5217.

Roll call was requested by Pelton of Clinton and Gilson of Guthrie.

On the question "Shall the rules be suspended?"

The ayes were, 59:

Anderson	Arnould	Bina	Binneboese
Brandt	Brockett	Brunow	Byerly
Chiodo	Clark, B. J.	Conlon	Crawford
Davitt	Dieleman	Dyrland	Egenes
Evans	Garrison	Gentleman	Gettings
Gilloon	Gilson	Halvorson	Hansen
Hargrave	Hines	Hoffmann	Horn
Howell	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lonergan
Menke	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Pelton	Perkins	Shimanek
Small	Smalley	Spear	Stephens
Svoboda	Tauke	Thompson	Tofte
Walter	Wells	Woods	

The nays were, 31:

Avenson	Baker	Bennett	Branstad
Crabb	Cusack	Daggett	Danker
Den Herder	Doyle	Dunton	Griffie
Harbor	Hinkhouse	Hullinger	Lind
Middleswart	Millen	Oxley	Pellett
Poncy	Scheelhaase	Schnekloth	Schroeder
Spencer	Stromer	Varley	Welden
West	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 10:

Clark, J. H.	Cochran	Connors	Fitzgerald
Harvey	Husak	Koogler	Lindeen
Lipsky	Rinas		

The motion prevailed and the rules were suspended.

Krause of Kossuth offered the following amendment H—5254, to amendment H—5217, filed by him:

H—5254

- 1 Amend amendment H—5217 amending House File 356
- 2 as follows:
- 3 1. By striking lines 2 through 5 and inserting
- 4 in lieu thereof the following:
- 5 "Page 5, by inserting after line 3 the following:
- 6 Sec. Chapter three hundred fifty (350),
- 7 Code of 1977 is repealed."

Schroeder of Pottawattamie rose on a point of order that amendment H—5254 was not germane.

The Speaker ruled the point not well taken inasmuch as the rules governing germaneness were suspended for the consideration of amendment H—5217 and, therefore, amendment H—5254 was germane.

Krause of Kossuth moved the adoption of amendment H—5254, to amendment H—5217.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 45, nays 48.

Amendment H—5254 lost.

Krause of Kossuth offered the following amendment H—5248, to amendment H—5217, filed by him and moved its adoption:

H—5248

- 1 Amend amendment H—5217 amending House File 356
- 2 as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "species:" the word "crow,".

A non-record roll call was requested.

The ayes were 45, nays 39.

Amendment H—5248 was adopted.

Krause of Kossuth offered the following amendment H—5249, to amendment H—5217, filed by him and moved its adoption.

H—5249

- 1 Amend amendment H—5217 amending House File 356
- 2 as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "species." the word "rattlesnake,".

A non-record roll call was requested.

The ayes were 31, nays 49.

Amendment H—5249 lost.

Krause of Kossuth offered the following amendment H—5250, to amendment H—5217, filed by him and moved its adoption:

H—5250

- 1 Amend amendment H—5217 amending House File 356
- 2 as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "species:" the word "fox,".

A non-record roll call was requested.

The ayes were 44, nays 40.

Amendment H—5250 was adopted.

Krause of Kossuth offered the following amendment H—5251, to amendment H—5217, filed by him and moved its adoption:

H—5251

- 1 Amend amendment H—5217 amending House File 356
- 2 as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "species:" the word "groundhog,".

Amendment H—5251 lost.

Krause of Kossuth asked and received unanimous consent to withdraw amendment H—5252, to amendment H—5217, filed by him on February 7, 1978.

By unanimous consent, the following amendment H—5308, to amendment H—5217, filed by Byerly of Polk from the floor was adopted:

H—5308

- 1 Amend amendment H—5217, to page 4 of House File
- 2 356, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "wildcat" the words "or bobcat".

On motion by Avenson of Fayette, amendment H—5217, as amended, was adopted.

(House File 356 pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILL

House File 2170, by committee on budget, a bill for an act making appropriations to the department of general services for operating purposes.

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

SENATE MESSAGES CONSIDERED

Senate File 404, a bill for an act relating to payment of travel expenses of county officers and employees.

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

Senate File 2044, a bill for an act to clarify the authority of the Iowa state conservation commission in the setting of seasons for species subject to the federal "Migratory Bird Treaty Act".

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

Senate File 2066, a bill for an act to exempt the gross receipts from the rental of prosthetic, orthotic and orthopedic devices from the sales and use tax.

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

BUSINESS PENDING

The House resumed consideration of **House File 356**, a bill for an

act relating to the licenses and certificates for the taking of fish and game.

Byerly of Polk offered the following amendment H—5228 filed by Byerly, et al., and moved its adoption:

H—5228

1 Amend House File 356 as follows:
 2 1. Page 4, by inserting after line 21 the
 3 following:
 4 "NEW SECTION. The commission shall establish zones
 5 for hunting by nonresidents and may establish a limit
 6 for the number of nonresident hunting licenses to
 7 be sold in each zone. A nonresident hunting license
 8 shall be valid only in the zone in which it is sold
 9 by a depository or a county recorder. The nonresident
 10 hunting license shall be valid for ten days after
 11 the date of its issuance and a nonresident may purchase
 12 another license, if available, upon the expiration
 13 of a license. Notwithstanding section one hundred
 14 ten point three (110.3) of the Code, nonresident
 15 hunting licenses may also be issued by the director
 16 upon the application of a nonresident for a zone and
 17 date of issuance for which the license is to be valid.
 18 Nothing in this section shall restrict a resident
 19 in hunting anywhere in this state. If the commission
 20 establishes a limit for a zone, all depositories in
 21 a county shall report weekly to the county recorder
 22 the number of nonresident hunting licenses sold during
 23 that week. The commission shall survey the county
 24 recorders of each zone at least monthly and more often
 25 if necessary to determine the number of nonresident
 26 hunting licenses issued in the zone. When the
 27 commission determines that the limit of licenses
 28 established for the zone has been met or exceeded,
 29 the commission shall notify the county recorders who
 30 shall notify the depositories in the county that
 31 nonresident hunting licenses shall not be issued for
 32 a period of time determined by the commission."

Amendment H—5228 was adopted.

Byerly of Polk offered the following amendment H—5287 filed by Byerly, et al., and moved its adoption:

H—5287

1 Amend House File 356 as follows:
 2 1. Page 4, by inserting after line 21 the

3 following:

4 "NEW SECTION. The commission shall employ a
5 biologist whose work shall concentrate on the study
6 of wildlife animals which are not game animals or
7 fur-bearing animals. The proceeds from the sale of
8 nongame certificates shall be used exclusively for
9 this purpose."

Amendment H—5287 was adopted.

Welden of Hardin offered the following amendment H—5213
filed by him and Avenson of Fayette and moved its adoption:

H—5213

1 Amend House File 356 as follows:

2 1. Page 5, by inserting after line 3 the following:

3 "Sec. . Section one hundred ten B point two
4 (110B.2), Code 1977, is amended to read as follows:
5 110B.2 STAMP REQUIRED. No person sixteen years
6 of age or older shall hunt or take any migratory
7 waterfowl within this state without first procuring
8 a state migratory waterfowl stamp and having such
9 stamp in his or her possession while hunting or taking
10 any migratory waterfowl. Each stamp shall be validated
11 by the signature of the licensee written across the
12 face of such stamp. The commission shall determine
13 the form of the stamp and shall furnish the stamps
14 to the county recorders and their designated
15 depositories for issuance or sale in the same manner
16 as hunting licenses are issued or sold under Chapter
17 110.

18 Sec. . Section one hundred ten B point three
19 (110B.3), Code 1977, is amended to read as follows:

20 110B.3 FEE. The fee for each stamp issued under
21 this chapter shall be one dollar two dollars. Each
22 stamp shall expire on the last day of February
23 following its issuance."

24 2. By renumbering the sections to conform with
25 this amendment.

A non-record roll call was requested.

The ayes were 53, nays 27.

Amendment H—5213 was adopted.

Byerly of Polk offered the following amendment H—5214 filed
by Byerly, et al.:

H—5214

- 1 Amend House File 356 as follows:
- 2 1. Page 5, by inserting after line 3 the following:
- 3 "Sec. . . . Section one hundred ten point eighteen
- 4 (110.18), Code 1977, is repealed."
- 5 2. By renumbering the sections to conform with
- 6 this amendment.

Hansen of O'Brien offered the following amendment H—5268, to amendment H—5214, filed by Hansen, et al. :

H—5268

- 1 Amend the Byerly, et al, amendment, H—5214, to
- 2 House File 356, by striking lines 3 and 4 and inserting
- 3 in lieu thereof the following:
- 4 "Sec. . . . Section one hundred ten point eighteen
- 5 (110.18), Code 1977, is amended to read as follows:
- 6 110.18 COURTESY NONRESIDENT LICENSES. The
- 7 commission is hereby authorized to issue a courtesy
- 8 nonresident license for the taking of any fish or
- 9 game, except deer. Such licenses may be issued by
- 10 the director of the commission, without charge, to
- 11 dignitaries and public officials of other states,
- 12 countries, or the United States another state who
- 13 are in the this state as guests of the governor or
- 14 the commission, but such privileges shall not be
- 15 extended unless the laws of the state in which such
- 16 persons are public officials extend the same privileges
- 17 to public officials of this state. Such licenses
- 18 shall be issued for a specific number of days. The
- 19 number of licenses to be issued for any one season
- 20 or species of fish or game shall not exceed one
- 21 hundred."

Fitzgerald of Webster asked unanimous consent for the previous question on House File 356, with respect to the filing of amendments.

Objection was raised.

Fitzgerald of Webster moved the previous question on House File 356, with respect to the filing of amendments.

A non-record roll call was requested.

The ayes were 54, nays 29.

The motion prevailed.

Hansen of O'Brien moved the adoption of amendment H—5268, to amendment H—5214.

Roll call was requested by Spencer of Clay and Nielsen of Polk.

On the question "Shall amendment H—5268, to amendment H—5214, be adopted?"

The ayes were, 32:

Bennett	Brandt	Branstad	Clark, B.J.
Crabb	Danker	Den Herder	Evans
Gilloon	Griffie	Halvorson	Hansen
Hinkhouse	Hoffmann	Junker	Lind
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller (Sergeant)	Pellett	Poncy
Schneklath	Stephens	Stromer	Thompson
Tofte	Welden	West	Wyckoff

The nays were, 62:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brockett	Brunow
Byerly	Chiodo	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Garrison	Gentleman	Gettings
Gilson	Harbor	Hargrave	Harvey
Hines	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krewson
Lageschulte	Lonergan	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Scheelhaase	Schroeder	Shimanek
Smalley	Spear	Spencer	Svoboda
Tauke	Varley	Walter	Wells
Woods	Mr. Speaker		

Absent or not voting, 6:

Clark, J.H.	Fitzgerald	Jesse	Krause
Rinas	Small		

Amendment H—5268 lost.

Perkins of Greene offered the following amendment H—5309, to amendment H—5214, filed by him from the floor and moved its adoption:

H—5309

1 Amend amendment H—5214 to page 5 of House File
2 356 as follows:
3 1. Page 1, by striking lines 3 and 4 and insert-
4 ing in lieu thereof the following:
5 "Sec. Section one hundred ten point eighteen
6 (110.18), Code 1977, is amended to read as follows:
7 110.18 COURTESY NONRESIDENT LICENSES. The
8 commission is hereby authorized to issue a courtesy
9 nonresident license for the taking of any fish or
10 game, except deer. Such licenses may be issued by
11 the director of the commission, without charge, to
12 dignitaries and officials of other states, countries,
13 or the United States who are in the state as guests
14 of the governor or the commission. Such licenses shall
15 be issued for a specific number of days. The number of
16 licenses to be issued for any one season or species of
17 fish or game shall not exceed one hundred twenty-five."

Amendment H—5309 lost.

Evans of Grundy offered the following amendment H—5314, to amendment H—5214, filed by him from the floor and moved its adoption:

H-5314

1 Amend the Byerly, et al, amendment, H—5214, to
2 House File 356, by striking lines 3 and 4 and inserting
3 in lieu thereof the following:
4 "Section 1. Section one hundred ten point eighteen
5 (110.18), Code 1977, is amended to read as follows:
6 110.18 COURTESY NONRESIDENT LICENSES. The Com-
7 mission is hereby authorized to issue a courtesy non-
8 resident license for the taking of any fish or game,
9 except deer. Such licenses may be issued by the dir-
10 ector of the commission, without charge, to dignitaries
11 employees and officials of other states, countries, or
12 the United States whose professional duties include wild-
13 life management and who are in the state as guests of the
14 governor or the commission for purposes related to wild-
15 life management. Such licenses shall be issued for a
16 specific number of days. The number of licenses to be
17 issued for in any one season or species of fish or game
18 calendar year shall not exceed fifty one hundred.
19 Sec. 2. This Act is effective January 1, 1979."

Amendment H—5314 lost.

Byerly of Polk moved the adoption of amendment H—5214.

Amendment H—5214 was adopted.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—3311 filed by him on March 17, 1977 and amendment H—3398 filed by him on March 24, 1977.

Newhard of Jones offered the following amendment H—5306 filed by him and Monroe of Des Moines from the floor and moved its adoption:

H—5306

1 Amend House File 356, page 5, by adding after
2 line 3 the following new section:
3 "NEW SECTION. It is the intent of the legisla-
4 ture that the commission institute a program to re-
5 establish the endangered mammalian species Canis
6 Lupus Lycaon in Iowa. The commission shall take
7 steps to stock Canis Lupus Lycaon in all appropriate
8 areas of the state where the species formerly rang-
9 ed and place the species under a management program
10 to foster its multiplication and growth. When
11 Canis Lupus Lycaon is, in the opinion of commission
12 biologist, firmly re-established to the extent that
13 the species is self-sustaining, the commission shall
14 submit to the legislature plans for an open season
15 for the taking and possession of the species, to-
16 gether with a recommendation for a special license fee
17 for the hunting of Canis Lupus Lycaon."

A non-record roll call was requested.

The ayes were 18, nays 60.

Amendment H—5306 lost.

The House resumed consideration of amendment H—5224.

Schroeder of Pottawattamie offered the following amendment H—5310, to amendment H—5224, filed by him from the floor and moved its adoption:

H-5310

- 1 Amend amendment H-5224 to page 4 of House File
 2 356 as follows:
 3 1. Page 1, by inserting after line 10 the fol-
 4 lowing:
 5 "Any private business involved in the sale of
 6 licenses may retain five percent of the license fee
 7 as a writing fee."

Amendment H-5310 lost.

Avenson of Fayette offered the following amendment H-5316,
 to amendment H-5224, filed by him from the floor:

H-5316

- 1 Amend H-5224 amending House File 356 as follows:
 2 1. Page 1, by striking lines 4 through 10 and
 3 inserting in lieu thereof the following:
 4 "Sec. 2. Section one hundred ten point three
 5 (110.3), Code 1977, is amended to read as follows:
 6 110.3 ISSUANCE OF LICENSE. All licenses other
 7 than hunting fishing, and trapping licenses, shall
 8 be issued by the director upon application to the
 9 departmental office at Des Moines. Hunting, fishing,
 10 and trapping licenses shall be issued by the recorder
 11 of each county depositaries designated by the director.
 12 Sec. 3. Section one hundred ten point four (110.4),
 13 Code 1977, is amended to read as follows:
 14 110.4 DEPOSITARIES - BOND. The county recorder
 15 may designate various depositaries for the sale of
 16 such licenses other than the office of the county
 17 recorder. The director may shall designate
 18 depositaries other than those designated by the
 19 recorders of the various in all the counties of the
 20 state but in so doing the interest of the state shall
 21 be fully protected either by a sufficient cash deposit
 22 or a satisfactory bond. Depositaries designated by
 23 the county recorder or the director may have the
 24 privilege of charging an additional five percent of
 25 the cost of each license to be retained for the service
 26 rendered in issuing the license.
 27 Sec. 4. Section one hundred ten point six (110.6),
 28 Code 1977, as amended by Acts of the Sixty-seventh
 29 General Assembly, 1977 Session, chapter sixty-six
 30 (66), section seven (7), is amended to read as follows:
 31 110.6 LOST OR DESTROYED BLANKS. When license
 32 blanks in the possession of the county recorder or
 33 depositaries are accidentally destroyed, the holder

34 of such blanks shall only be relieved from
35 accountability upon the presentation of satisfactory
36 explanation and the filing of a bond to the director
37 that such blanks have actually been so destroyed.
38 The commission may determine by rule what shall
39 constitute a satisfactory explanation of such
40 occurrence.

41 Sec. 5. Section one hundred ten point seven
42 (110.7), Code 1977, is amended to read as follows:

43 110.7 DUPLICATE LICENSES AND PERMITS. Whenever
44 any license, certificate or permit, for which a fee
45 has been set, has been lost, destroyed or stolen,
46 the director or the county recorder depositary where
47 the license was issued in the first instance, may
48 issue a certificate to replace said license, if written
49 evidence is filed with either director or recorder
50 depositary, in affidavit form, by the person to whom

Page 2

1 the original was issued, setting forth the
2 circumstances and accompanied by a fee of one dollar,
3 said fee to be kept by the county recorder for the
4 use of the county depositary, if issued by him or
5 her, and placed in the fish and game protection fund
6 if issued by the director. If, on examination of
7 the evidence, the director or the recorder depositary,
8 as the case may be, is satisfied that said license
9 has been lost, destroyed or stolen, he or she shall
10 issue a duplicate license which shall be plainly
11 marked "duplicate" and said duplicate shall serve
12 in lieu of the original license and it shall contain
13 the same information and signature as the original.

14 Sec. 6. Section one hundred ten point eight
15 (110.8), Code 1977, is amended to read as follows:

16 110.8 ACCOUNTING. Within five days after the end
17 of each month, each county recorder depositary shall
18 remit to the director, all duplicate licenses and
19 all fees for licenses issued during the previous
20 month. On or before the thirty-first of January
21 each year, each county recorder depositary shall remit
22 to the director all unused license blanks for the
23 previous year, and he or she shall make a final
24 accounting for all license fees received for that
25 period.

26 Sec. 7. Section one hundred ten point nine (110.9),
27 Code 1977, is amended to read as follows:

28 110.9 DUPLICATE ISSUANCE - OLD RECORDS DESTROYED.

29 All licenses shall be issued in duplicate, one copy
30 of which shall be given to the applicant, one shall
31 be forwarded to the director, and the license stub

- 32 shall be retained in the office of the county recorder
 33 by the depository.
 34 The board of supervisors/director may order the
 35 county recorder depositories to destroy all triplicate
 36 copies of hunting, fishing and trapping licenses which
 37 have been on file in the recorder's office for five
 38 years or more.
 39 Sec. 8. Section one hundred ten point five (110.5),
 40 Code 1977, is repealed."

Speaker pro tempore Nielsen of Polk in the chair at 4:27 p.m.

Avenson of Fayette moved the adoption of amendment H—5316, to amendment H—5224.

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

On the question "Shall amendment H—5316, to amendment H—5224, be adopted?"

The ayes were, 26:

Avenson	Binneboese	Byerly	Connors
Crawford	Dieleman	Egenes	Gentleman
Gettings	Gilloon	Griffie	Halvorson
Howell	Jesse	Jochum	Krewson
Lipsky	Lonerган	Middleswart	Perkins
Rinas	Smalley	Tauke	Varley
Welden	Mr. Speaker (Nielsen)		

The nays were, 68:

Anderson	Arnould	Baker	Bennett
Bina	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Conlon
Crabb	Cusack	Daggett	Danker
Davitt	Doyle	Dunton	Dyrland
Evans	Garrison	Gilson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Junker	Koogler	Krause
Lageschulte	Lind	Lindeen	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Thompson	Walter
Wells	West	Woods	Wyckoff

Absent or not voting, 6:

Clark, J.H.	Cochran	Den Herder	Fitzgerald
Newhard	Tofte		

Amendment H—5316 lost.

The House resumed consideration of amendment H—5233, to amendment H—5224.

By unanimous consent the following amendment H—5319, to amendment H—5233, (to amendment H—5224) filed by Wyckoff of Benton from the floor was adopted:

H—5319

- 1 Amend amendment H—5233, to amendment H—5224 to
- 2 House File 356, as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "fees" the words "to be".

On motion by Wyckoff of Benton, amendment H—5233, as amended, was adopted.

Wyckoff of Benton moved the adoption of amendment H—5224, as amended.

Roll call was requested by Husak of Tama and Crabb of Crawford.

On the question "Shall amendment H—5224, as amended, be adopted?"

The ayes were, 70:

Baker	Bennett	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Chiodo	Clark, B.J.	Conlon	Crabb
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Garrison	Gilson	Griffee
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jesse	Junker
Koogler	Lageschulte	Lind	Lindeen
Lonergan	Menke	Millen	Miller, K.D.

Miller (Sergeant)	Monroe	Newhard	O'Halloran
Oxley	Patchett	Pavich	Pellett
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Spear
Spencer	Stephens	Stromer	Svoboda
Thompson	Walter	Wells	West
Woods	Wyckoff		

The nays were, 25:

Anderson	Arnould	Avenson	Byerly
Connors	Crawford	Egenes	Gentleman
Gettings	Gilloon	Halvorson	Howell
Jochum	Krause	Krewson	Lipsky
Middleswart	Norland	Pelton	Perkins
Smalley	Tauke	Varley	Welden
Mr. Speaker (Nielsen)			

Absent or not voting, 5:

Clark, J.H.	Cochran	Den Herder	Fitzgerald
Tofte			

Amendment H—5224, as amended, was adopted.

Junker of Woodbury offered the following amendment H—5303 filed by him and Wyckoff of Benton from the floor:

H—5303

- 1 Amend House File 356 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following section:
- 4 "Section 1. Section one hundred nine point one
- 5 hundred twenty (109.120), Code 1977 Supplement, is
- 6 amended to read as follows:
- 7 109.120 HUNTING FROM AIRCRAFT OR SNOWMOBILES
- 8 PROHIBITED. It shall be unlawful for any person to
- 9 intentionally kill or wound, attempt to kill or
- 10 wound, or pursue any animal, fowl or fish from or
- 11 with an aircraft in flight, or with any licensed
- 12 vehicle with four or more wheels, or from or with
- 13 any self-propelled vehicles designed for travel
- 14 on snow or ice which utilize sled type runners, or
- 15 skis, or an endless belt tread or any combination
- 16 thereof and which are commonly known as snowmobiles.
- 17 Any person who violates the provisions of this
- 18 section shall be guilty of a simple misdemeanor."

Action on amendment H—5303 was temporarily deferred.

Husak of Tama offered the following amendment H—5305 filed by him from the floor:

H—5305

- 1 Amend House File 356 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following section:
- 4 "Section 1. Chapter one hundred nine (109), Code
- 5 1977, is amended by adding the following new section:
- 6 NEW SECTION. PROHIBITED HUNTING ON ROADWAYS.
- 7 A person shall not hunt any game along the roadway of
- 8 any secondary or primary highway of the state."

Middleswart of Warren rose on a point of order that amendment H—5305 was not germane.

The Speaker ruled the point well taken and amendment H—5305 not germane.

Husak of Tama moved that the rules governing germaneness be suspended for the consideration of amendment H—5305.

A non-record roll call was requested.

The ayes were 38, nays 40.

The motion lost.

The House resumed consideration of amendment H—5303.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H—5303.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 54, nays 40.

The motion prevailed and the rules were suspended.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek for the remainder of the day and February 16, 1978, on request of Millen of Van Buren.

Junker of Woodbury asked for unanimous consent to amend amendment H—5303 by striking the word “four” in line 12 and inserting in lieu thereof the word “two”.

Objection was raised.

Junker of Woodbury moved that the rules be suspended for the consideration of the following amendment H—5320, to amendment H—5303, filed by him from the floor and moved its adoption:

H—5320

- 1 Amend amendment H—5303, to page 1 of House File
- 2 356, as follows:
- 3 1. Page 1, line 12, by striking the word “four”
- 4 and inserting in lieu thereof the word “two”.

A non-record roll call was requested.

The ayes were 54, nays 29.

The rules were suspended and amendment H—5320 was adopted.

Junker of Woodbury moved the adoption of amendment H—5303, as amended.

Roll call was requested by Byerly of Polk and Harbor of Mills.

On the question “Shall amendment H—5303 be adopted?”

The ayes were, 46:

Arnould	Bennett	Bina	Binneboese
Branstad	Crabb	Crawford	Danker
Davitt	Dieleman	Doyle	Dunton
Evans	Garrison	Gentleman	Griffee
Halvorson	Harbor	Harvey	Hines
Howell	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Norland	Oxley	Patchett
Pellett	Pelton	Rinas	Scheelhaase
Schneklloth	Spencer	Stephens	Stromer
Tauke	Thompson	Varley	Walter
Wells	Wyckoff		

The nays were, 45:

Anderson	Avenson	Baker	Brandt
Byerly	Chiodo	Clark, B.J.	Cochran
Conlon	Connors	Cusack	Daggett
Dyrland	Egenes	Fitzgerald	Gettings
Gilloon	Gilson	Hansen	Hargrave
Hoffmann	Horn	Hullinger	Husak
Jesse	Koogler	Lind	Middleswart
Millen	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Pavich	Perkins	Poncy
Schroeder	Shimanek	Small	Smalley
Spear	Welden	West	Woods
Mr. Speaker (Nielsen)			

Absent or not voting, 9:

Brockett	Brunow	Clark, J.H.	Den Herder
Hinkhouse	Lonergan	Miller, K.D.	Svoboda
Tofte			

Amendment H—5303, as amended, was adopted.

Middleswart of Warren offered the following amendment H—5307 filed by him and Millen of Van Buren from the floor and moved its adoption:

H—5307

- 1 Amend House File 356 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 section:
- 4 "Section 1. Section one hundred nine point ninety-
- 5 two (109.92), Code 1977, as amended by Acts of the
- 6 Sixty-seventh General Assembly, 1977 Session, chapter
- 7 sixty-six, section four (4), is amended to read as
- 8 follows:
- 9 109.92 BOX TRAPS—DISTURBING DENS—TAGS FOR TRAPS.
- 10 Except as otherwise provided in this chapter no person
- 11 shall at any time, use or attempt to use any colony
- 12 traps in taking, capturing, trapping or killing any
- 13 game or fur-bearing animal. Box traps capable of
- 14 capturing more than one game or fur-bearing animal
- 15 at each setting are prohibited. A valid hunting
- 16 license is required for box trapping cottontail rabbits
- 17 and squirrels. All traps used for the taking of fur-
- 18 bearing animals shall have a metal tag attached plainly
- 19 labeled with the owner's name and address and must
- 20 be checked at least once in every twenty-four hour

21 period. Officers appointed by the commission shall
 22 have authority to confiscate such traps when found
 23 in use that are not properly labeled or checked.
 24 It shall be unlawful for any person, except as
 25 otherwise provided, to use any chemicals, explosives,
 26 smoking devices, mechanical ferrets, wire, tool,
 27 instrument, or water to remove fur-bearing animals
 28 from their dens. Humane traps, or traps designed
 29 to kill instantly, with a jaw spread exceeding eight
 30 inches shall be unlawful to use except when placed
 31 entirely under water."

Husak of Tama rose on a point of order that amendment H-5307 was not germane.

The Speaker ruled the point well taken and amendment H-5307 not germane.

Monroe of Des Moines offered the following amendment H-5304 filed by him from the floor and moved its adoption:

H-5304

- 1 Amend House File 356 as follows:
- 2 1. Page 2, line 23, by striking the numerals
- 3 "50.00" and inserting in lieu thereof the numerals
- 4 "150.00".
- 5 2. Page 2, line 25, by striking the numerals
- 6 "200.00" and inserting in lieu thereof the numerals
- 7 "300.00".

Amendment H-5304 was adopted.

Byerly of Polk offered the following amendment H-5315 filed by him and Daggett of Adams from the floor:

H-5315

- 1 Amend House File 356 as follows:
- 2 1. Page 4, by inserting after line 21 the
- 3 following:
- 4 "NEW SECTION. At least fifty percent of the annual
- 5 increase in the license and certificate revenues over
- 6 the revenues which would have been raised if the license
- 7 and certificate fees of the Code of 1977 were still
- 8 in effect shall be deposited in the state fish and
- 9 game protection fund and shall be used for the leasing
- 10 of land or obtaining of easements from willing sellers
- 11 for the purpose of habitat development. Those revenues

12 shall not be included in the gross amount of the fish
13 and game protection fund for the purposes of
14 determining the amount of the administration fund
15 nor shall those revenues be transferred to the
16 administration fund. Those revenues may also be used
17 for the development, management, and enhancement of
18 wildlife lands and habitat areas and may be used for
19 the matching of federal funds. Those revenues may
20 also be used by the commission to enter into agreement
21 with county conservation boards or other public or
22 private agencies in order to carry out the purposes
23 of this section."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn and Schroeder of Pottawattamie for the remainder of the day on request of Millen of Van Buren.

Speaker Cochran in the chair at 5:47 p.m.

Byerly of Polk moved the adoption of amendment H—5315.

Amendment H—5315 lost.

Patchett of Johnson asked and received unanimous consent to withdraw amendment H—5299 filed by him on February 14, 1978.

Norland of Worth moved to reconsider the vote by which amendment H—5303 was adopted by the House on February 15, 1978.

A non-record roll call was requested.

The ayes were 52, nays 29.

The motion prevailed and the House reconsidered amendment H—5303.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—5303.

By unanimous consent the following amendment H—5321 filed by Wyckoff of Benton from the floor was adopted:

H—5321

- 1 Amend House File 356 as follows:
 2 1. Title page, line 2, by inserting after the
 3 word "game" the following: "; repealing sections
 4 one hundred nine point seventy-four (109.74) and
 5 one hundred ten point eighteen (110.18) of the Code;
 6 the taking and possession of migratory birds; and
 7 removing authorization for the payment of bounties
 8 on wolf, wildcat or bobcat, lynx, crow and fox".

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

On the question "Shall the bill pass?" (H.F. 356)

The ayes were, 77:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hoffmann
Howell	Husak	Jesse	Jochum
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pelton	Perkins	Rinas
Schneklath	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Welden	Wells	West	Woods
Mr. Speaker			

The nays were, 17:

Baker	Danker	Doyle	Dunton
Gettings	Gilson	Horn	Hullinger
Junker	Koogler	Monroe	Pavich
Pellett	Poncy	Scheelhaase	Walter
Wyckoff			

Absent or not voting, 6:

Brockett
Schroeder

Den Herder
Tofte

Hinkhouse

Lipsky

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

MOTION TO RECONSIDER LOST
(House File 356)

Middleswart of Warren moved to reconsider the vote by which House File 356 passed the House on February 15, 1978.

A non-record roll call was requested.

The ayes were 18, nays 54.

The motion lost.

ADOPTION OF HOUSE RESOLUTION 105

Pursuant to Rule 26, the Speaker announced that House Resolution 105 filed on February 6, 1978 and found on page 344 of the House Journal was adopted by unanimous consent.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of February, 1978: House File 2037.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

SPONSOR ADDED
(Amendment H—5214 to House File 356)

Spencer of Clay requested to be added as a sponsor of amendment H—5214 to House File 356.

COMMUNICATION FROM THE OFFICE OF CITIZENS' AIDE

Pursuant to Section 601G.18, Code 1977, a report of the Citizens' Aide/Ombudsman, for the period from January 1, 1977 through December 31, 1977, has been received and placed on file in the office of the Chief Clerk.

EXPLANATION OF VOTE

I was necessarily absent from the House Chamber on February 14, 1978. Had I been present I would have voted as follows: suspension of rules governing germaneness of amendment H-5218 and amendment H-5218 "aye"; amendment H-5289B "nay."

DIELEMAN of Marion

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 393 State Government

Making technical corrections and relating to chapter ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977 Session.

S.F. 394 State Government

To consolidate the licensing of funeral directors and embalmers.

S.B. 395 Budget

Making an appropriation for the inmate employment program.

S.B. 396 Human Resources

Relating to reports of induced termination of pregnancy.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., February 14, 1978

Convened: 9:35 a.m.

Adjourned: 10:40 a.m.

Present: Connors, chair; Jochem, vice-chair; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Lageschulte, Pavich, Small, Smalley, Thompson and Wells.

Absent: Hines and Poncy.

Excused: Egenes, ranking member.

Discussed House File 488.

COMMITTEE ON BUDGET

Scheduled: 12:30 p.m., February 14, 1978

Convened: 12:42 p.m.

Adjourned: 1:25 p.m.

Present: Cusack, chair; Den Herder, ranking member; Avenson, Harvey, Koogler, Stromer and Wells.

Absent: Jesse, Norland (arrived 12:47 p.m.), O'Halloran (arrived 12:50 p.m.), Varley and Welden (arrived 12:43 p.m.).

Excused: Dunton, vice-chair (arrived 1:00 p.m.).

Study Bill 381, a bill for an act making appropriations to the department of justice and providing contingencies relating to such appropriations.

Recommended **Amend and Do Pass**.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Koogler, Norland, O'Halloran, Stromer, Welden and Wells.

Nay: None.

Absent or not voting: Jesse and Varley.

AMENDMENTS FILED

H—5311

S.F. 2066

Wyckoff of Benton

H—5312

H.F. 2164

Spear of Lee

H—5313	S.F. 358	Byerly of Polk
H—5317	H.F. 2164	Spear of Lee
H—5318	H.F. 2084	Junker of Woodbury

On motion by Fitzgerald of Webster, the House adjourned at 6:09 p.m. until 1:30 p.m., Thursday, February 16, 1978.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day—Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 16, 1978

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

Prayer was offered by the Reverend Judith Urquhart, pastor of the People's Unitarian Church, Cedar Rapids, Iowa.

The Journal of Wednesday, February 15, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wayne Rouse, Boone, Iowa.

PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk from thirty-five constituents opposing House File 419, relating to age discrimination in employment.

By Howell of Floyd, from thirteen constituents in opposition to state funds being used to pay for abortions.

INTRODUCTION OF BILLS

House File 2171, by Brandt, a bill for an act relating to retirement policies of certain public employees.

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

House File 2172, by committee on education, a bill for an act authorizing merged areas to acquire and operate dormitories, student centers and parking facilities, and to finance the cost with revenue bonds.

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

House File 2173, by committee on natural resources, a bill for an act relating to the procedures and priorities in the drawings for licenses to hunt deer.

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

House File 2174, by committee on budget, a bill for an act making appropriations to the department of justice.

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

House File 2175, by Hargrave, a bill for an act relating to the state military code.

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

House File 2176, by Connors and Thompson, a bill for an act relating to the claims appeal board of the Iowa department of job service.

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

House File 2177, by Monroe, a bill for an act to create an alcoholism rehabilitation fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

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

House File 2178, by Spear, a bill for an act relating to the full-time or part-time status of county attorneys and assistant county attorneys in certain counties.

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

House File 2179, by Bina, a bill for an act relating to the release of a security interest upon discharge of obligation.

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

House File 2180, by committee on budget, a bill for an act making an appropriation for the inmate employment program.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 14, 1978, adopted the following joint resolution in which the concurrence of the Senate was asked:

House Joint Resolution 9, proposing an amendment to the Constitution of the State of Iowa to provide home rule for counties and joint county-municipal corporation governments.

Also: That the Senate has on February 15, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 187, a bill for an act to regulate the sale and use of certain beverage containers and relating to the control of litter.

Also: That the Senate has on February 15, 1978, amended the House amendment to, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 141, a bill for an act relating to the definition of withholding agent for income tax purposes.

Also: That the Senate has on February 14, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 403, a bill for an act relating to the assessment of dues for membership in the Iowa state association of counties.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 187

H-5323

- 1 Amend House File 187, as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. DEFINITIONS. As used
- 6 in this Act unless the context otherwise requires:
- 7 1. "Beverage" means alcoholic liquor as defined .

- 8 in section one hundred twenty-three point three
9 (123.3), subsection (8) of the Code, beer as
10 defined in section one hundred twenty-three point
11 three (123.3), subsection nine (9) of the Code, mineral
12 water, soda water and similar carbonated soft drinks
13 in liquid form and intended for human consumption.
14 2. "Beverage container" means any sealed glass,
15 plastic, or metal bottle, can, jar or carton containing
16 a beverage.
17 3. "Consumer" means any person who purchases a
18 beverage in a beverage container for use or
19 consumption.
20 4. "Dealer" means any person who engages in the
21 sale of beverages in beverage containers to a consumer.
22 5. "Distributor" means any person who engages
23 in the sale of beverages in beverage containers to
24 a dealer, including any manufacturer who engages in
25 such sales.
26 6. "Manufacturer" means any person who bottles,
27 cans, or otherwise fills beverage containers for sale
28 to distributors or dealers.
29 7. "Director" means the executive director of
30 the department of environmental quality.
31 8. "Department" means the department of
32 environmental quality.
33 9. "Commission" means the solid waste disposal
34 commission of the department of environmental quality.

35 Sec. 2. NEW SECTION. REFUND VALUES.

- 36 1. Except purchases of alcoholic liquor as defined
37 in section one hundred twenty-three point three
38 (123.3), subsection eight (8), of the Code by holders
39 of Class "A", "B" and "C" liquor control licenses,
40 a refund value of not less than five cents shall be
41 paid by the consumer on each beverage container sold
42 in this state by a dealer. Upon return of the empty
43 beverage container to the dealer or person operating
44 a redemption center and acceptance of the empty
45 beverage container by the dealer or person operating
46 a redemption center, the dealer or person operating
47 a redemption center shall return the amount of the
48 refund value to the consumer.
49 2. A dealer, or person operating a redemption
50 center, who redeems empty beverage containers shall

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- 1 be reimbursed by the distributor required to accept
2 the empty beverage containers an amount which is at
3 least one cent per container. A dealer or person
4 operating a redemption center may compact empty metal
5 beverage containers with the approval of the

6 distributor required to accept such containers.

7 The provisions of this subsection shall apply for
8 two years from the effective date of this Act and
9 thereafter the amount shall be one-half cent per
10 container.

11 Sec. 3. NEW SECTION. PAYMENT OF REFUND VALUE.

12 Except as provided in section four (4) of this Act:

13 1. A dealer shall not refuse to accept from a
14 consumer any empty beverage container of the kind,
15 size and brand sold by the dealer, or refuse to pay
16 to the consumer the refund value of a beverage
17 container as determined under section two (2) of this
18 Act.

19 2. A distributor shall not refuse to accept from
20 a dealer any empty beverage container of the kind,
21 size and brand sold by the distributor, or refuse
22 to pay the dealer the refund value of a beverage
23 container as determined under section two (2) of this
24 Act.

25 Sec. 4. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

26 1. A dealer, a person operating a redemption
27 center, a distributor or a manufacturer may refuse
28 to accept any empty beverage container which does
29 not have stated on it a refund value as determined
30 under section two (2) of this Act.

31 2. A dealer or a person operating a redemption
32 center may refuse to accept and to pay the refund
33 value of any empty beverage container if the place
34 of business of the dealer or of the person operating
35 a redemption center and the kind and brand of empty
36 beverage containers are included in an order of the
37 department approving a redemption center under section
38 six (6) of this Act.

39 Sec. 5. NEW SECTION. REFUND VALUE STATED ON CON-
40 TAINER.

41 1. Each beverage container sold or offered for
42 sale in this state by a dealer shall clearly indicate
43 by embossing or by a stamp, label or other method
44 securely affixed to the container, the refund value
45 of the container. The department shall specify, by
46 rule, the minimum size of the refund value indication
47 on the beverage containers.

48 2. The provisions of subsection one (1) of this
49 section shall not apply to glass beverage containers
50 having a brand name permanently marked on it which,

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1 on the effective date of this Act, has a refund value
2 of not less than five cents.

3 Sec. 6. NEW SECTION. REDEMPTION CENTERS.

4 1. To facilitate the return of empty beverage

5 containers and to serve dealers of beverages, any
6 person may establish a redemption center, subject
7 to the approval of the department, at which consumers
8 may return empty beverage containers and receive
9 payment of the refund value of such beverage con-
10 tainers.

11 2. An application for approval of a redemption
12 center shall be filed with the department. The
13 application shall state the name and address of the
14 person responsible for the establishment and operation
15 of the redemption center, the kind and brand names
16 of the beverage containers which will be accepted
17 at the redemption center, and the names and addresses
18 of the dealers to be served by the redemption center.
19 The application shall contain such other information
20 as the director may reasonably require.

21 3. The department shall approve a redemption
22 center if it finds that the redemption center will
23 provide a convenient service to consumers for the
24 return of empty beverage containers. The order of
25 the department approving a redemption center shall
26 state the dealers to be served by the redemption
27 center and the kind and brand names of empty beverage
28 containers which the redemption center must accept.
29 The order may contain such other provisions to insure
30 that the redemption center will provide a convenient
31 service to the public as the director may determine.

32 4. The department may review the approval of any
33 redemption center at any time. After written notice
34 to the person responsible for the establishment and
35 operation of the redemption center, and to the dealers
36 served by the redemption center, the commission may,
37 after hearing, withdraw approval of a redemption
38 center if the commission finds there has not been
39 compliance with the department's order approving the
40 redemption center, or if the redemption center no
41 longer provides a convenient service to the public.

42 **Sec. 7. NEW SECTION . UNAPPROVED REDEMPTION**
43 **CENTERS.** Any person may establish a redemption center
44 which has not been approved by the department, at
45 which a consumer may return empty beverage containers
46 and receive payment of the refund value of the beverage
47 containers. The establishment of an unapproved
48 redemption center shall not relieve any dealer from
49 the responsibility of redeeming any empty beverage
50 containers of the kind and brand sold by the dealer.

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1 **Sec. 8. NEW SECTION. SNAP-TOP CANS PROHIBITED.**
2 **A person shall not sell or offer for sale at retail**
3 **in this state any metal beverage container so designed**

4 and constructed that a part of the container is
5 detachable in opening the container.

6 Sec. 9. NEW SECTION. RULES ADOPTED. The
7 commission shall adopt, upon recommendation of the
8 director, the rules necessary to carry out the
9 provisions of this Act, subject to the provisions
10 of chapter seventeen A (17A) of the Code.

11 Sec. 10. NEW SECTION. APPEAL. Any person
12 aggrieved by an order of the department relating to
13 the approval or withdrawal of approval for a redemption
14 center may seek judicial review of such order as
15 provided in chapter seventeen A (17A) of the Code.

16 Sec. 11. NEW SECTION. PENALTY. Any person
17 violating the provisions of sections two (2), three
18 (3), five (5), and eight (8) of this Act shall be
19 guilty of a simple misdemeanor.

20 Sec. 12. Section four hundred fifty-five B point
21 ninety-seven (455B.97), Code 1977, is amended by
22 striking unnumbered paragraph two (2).

23 Sec. 13. This Act is effective August 15, 1979."

24 2. Amend the title by striking lines 2 through
25 5 and inserting in lieu thereof the partial word
26 "tainers".

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 141

H-5322

- 1 Amend the House amendment, S-5025, to Senate File
- 2 141 as follows:
- 3 1. Page 1, by striking lines 5 through 28.
- 4 2. Page 1, by striking lines 31 through 32.

HOUSE CONCURRENT RESOLUTION 112
By Transportation Committee

1 *Whereas*, the Chicago, Milwaukee, St. Paul and
2 Pacific Railroad Company (Milwaukee Road) provides
3 rail transportation service to many Iowa counties and
4 directly serves many Iowa communities and population
5 centers; and

6 *Whereas*, the Milwaukee Road rail system is an essen-
7 tial portion of Iowa's grain transportation system; and

8 *Whereas*, this rail transportation system is essential
9 to Iowa's ability to participate in the international
10 grain market; and

11 *Whereas*, sales of Iowa grain exports help to sub-
12 stantially reduce the United States' deficit balance of
13 payments; and

14 *Whereas*, many of Iowa's industries are directly
15 dependent on the Milwaukee Road and will incur substan-
16 tial financial hardship if the Milwaukee Road ceases
17 or suspends operation; and
18 *Whereas*, there are over 13,000 employees on the
19 Milwaukee Road whose employment will be adversely
20 affected even to the point of furlough or termination,
21 if the Milwaukee Road were to cease or suspend opera-
22 tion; and
23 *Whereas*, the existing and anticipated long range
24 energy shortage requires that energy efficient means
25 of hauling bulk goods for long distances be preserved
26 and protected; and
27 *Whereas*, the calculated shortage of boxcars and jumbo
28 hopper cars the week of February 6, 1978, was 3,000 in Iowa
29 and 7,000 in the Midwest; and
30 *Whereas*, the Milwaukee Road's financial problems have

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1 been grievously aggravated by the intolerable delays of
2 the Interstate Commerce Commission in dealing with merger
3 requests of the Milwaukee Railroad and other railroad
4 companies; and
5 *Whereas*, the delays by the Federal Railroad Admin-
6 istration in processing and approving loan and grant
7 applications have further weakened the Milwaukee Road;
8 and
9 *Whereas*, federal aid and regulatory responsiveness
10 is essential for the Milwaukee Road to continue to pro-
11 vide transportation services and employment and pay
12 property and corporate taxes in Iowa and elsewhere;
13 *Now Therefore*,
14 *Be It Resolved by the House of Representatives, the*
15 *Senate Concurring*, That the President of the United
16 States, the Secretary of Transportation and the Federal
17 Railroad Administration act quickly in providing the
18 necessary loans and grants to the Milwaukee Road; and
19 *Be It Further Resolved*, That the President of the
20 United States, the Secretary of Transportation, the
21 Interstate Commerce Commission, the Federal Railroad
22 Administration and Congress consider and act on a perma-
23 nent solution to the midwest rail crisis; and
24 *Be It Further Resolved*, That copies of this resolu-
25 tion shall be transmitted to the President of the United
26 States, the President of the Senate of the United States,
27 the Speaker of the House of Representatives of the United
28 States, the Secretary of Transportation, the administrator
29 of the Federal Railroad Administration, and the Iowa
30 Representatives and Senators in Congress.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 113
By Harbor, Wyckoff, Crabb, Millen, Smalley
and Schroeder

- 1 *Whereas*, the Panama Canal was the result of the
2 ingenuity, enthusiasm, sweat and blood, and deter-
3 mination of many United States citizens; and
4 *Whereas*, through this dedication the Panama
5 Canal has continued to grow as an artery of com-
6 merce; and
7 *Whereas*, the Treaty of 1903 gave the United
8 States care and custody in perpetuity; and
9 *Whereas*, the now proposed treaty would be ad-
10 verse to the interests of American agriculture,
11 more specifically the midwest through increased
12 tolls on agricultural products and would promote the
13 relaxing of care in preventing animal diseases from cross-
14 ing the Canal Zone which is contrary to our interests; and
15 *Whereas*, priority of usage and questionable
16 defense posture of the canal is vague and ambi-
17 guous, which is contrary to the interests of all
18 Americans, *Now Therefore*,
19 *Be It Resolved by the House of Represent-*
20 *atives, the Senate Concurring,*
21 1. That the General Assembly expresses its
22 sentiment to retain the Panama Canal and is against
23 ratification of the proposed treaty.
24 2. That a copy of this resolution be sent to
25 President Jimmy Carter, U.S. Senator Dick Clark,
26 and U.S. Senator John Culver.

Referred to committee on agriculture.

HOUSE RESOLUTION 108
By Stromer

- 1 *Whereas*, there is a decline in the number of active
2 rural churches; and
3 *Whereas*, the Peace Reformed Church of Garner, Iowa
4 is a rural church which is and has been active for one
5 hundred years; and
6 *Whereas*, the Peace Reformed Church of Garner, Iowa
7 will be celebrating its one hundredth anniversary on
8 April 2, 1978; *Now Therefore*,
9 *Be It Resolved by the House of Representatives, That*
10 the Iowa House of Representatives extend its congratula-
11 tions to the Peace Reformed Church of Garner, Iowa and
12 the members of the congregation upon reaching the
13 centennial year of its existence.

Laid over under Rule 25.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed ninety-three members present, seven absent.

CONSIDERATION OF BILLS Regular Calendar

House File 2116, a bill for an act exempting certain married persons from the requirement that certain information be given prior to a name change, was taken up for consideration.

Lipsky of Linn offered the following amendment H-5269 filed by her and moved its adoption:

H-5269

- 1 Amend House File 2116 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "spouse" the words "or to a hyphenated combination
- 4 of the surnames of both spouses".

Amendment H-5269 was adopted.

Schroeder of Pottawattamie offered the following amendment H-5324 filed by him from the floor:

H-5324

- 1 Amend House File 2116 as follows:
- 2 1. Page 1, by inserting after line 21 the following
- 3 section:
- 4 "Sec. Section six hundred twenty-two point
- 5 seven (622.7), Code 1977, is amended to read as
- 6 follows:
- 7 622.7 HUSBAND OR WIFE AS WITNESS. Neither the
- 8 husband nor wife shall in any case be a witness against
- 9 the other, except as provided in section seven hundred
- 10 twenty-six point four (726.4), Code 1977 Supplement,
- 11 or in any of the following cases:
- 12 1. In a criminal prosecution for a crime committed

- 13 one against the other, or.
- 14 2. In a civil action or proceeding one against
- 15 the other, or.
- 16 3. In a civil action by one against a third party
- 17 for alienating the affections of the other, or.
- 18 4. In any civil action brought by a judgment
- 19 creditor against either the husband or the wife, to
- 20 set aside a conveyance of property from one to the
- 21 other on the ground of want of consideration or fraud,
- 22 and to subject the same to the payment of his or her
- 23 judgment.
- 24 5. In a criminal prosecution of a felony, the
- 25 spouse of the person charged may be examined as to
- 26 any information concerning the alleged crime gained
- 27 prior to marriage."
- 28 2. Page 1, by inserting after line 33 the following
- 29 section:
- 30 "Sec. . Section seven hundred twenty-six point
- 31 four (726.4), Code 1977 Supplement, is amended to
- 32 read as follows:
- 33 726.4 HUSBAND OR WIFE MAY BE WITNESS. In all
- 34 prosecutions under sections 726.3, 726.5, or 726.6,
- 35 the husband or wife shall be a competent witness for
- 36 the state and may testify to any relevant acts or
- 37 communications between them, anything in previous
- 38 statutes to the contrary notwithstanding, provided,
- 39 however, that no husband or wife shall be called or
- 40 compelled to testify against the other under ~~section~~
- 41 sections 726.3, 726.5, or 726.6 except upon consent
- 42 of such witness as to information concerning an alleged
- 43 felony gained prior to the marriage."
- 44 3. By renumbering sections to conform with this
- 45 amendment.

Pelton of Clinton rose on a point of order that amendment H-5324 was not germane.

The Speaker ruled the point well taken and amendment H-5324 not germane.

Schroeder of Pottawattamie moved that the rules governing germaneness be suspended for the consideration of amendment H-5324.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 50, nays 41.

The motion, having failed to receive a constitutional majority, lost.

Conlon of Muscatine offered the following amendment H—5273 filed by him and moved its adoption:

H—5273

- 1 Amend House File 2116 as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "Iowa." the words "This Act shall apply retroactively
- 4 to January 1, 1978 to married persons who changed
- 5 their names in good faith."

Amendment H—5273 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2116)

The ayes were, 80:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Den Herder
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller (Sergeant)	Monroe
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Walter
Welden	Wells	West	Mr. Speaker

The nays were, 13:

Baker	Byerly	Danker	Dieleman
Dunton	Hansen	Miller, K.D.	Nielsen

Schneklath
Wyckoff

Spencer

Stephens

Woods

Absent or not voting, 7:

Daggett
Norland

Jochum
Tofte

Krause
Varley

Newhard

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

House File 2135, a bill for an act to establish a mobile home parks residential landlord' and tenant act and providing civil penalties, with report of committee recommending amendment and passage was taken up for consideration.

Monroe of Des Moines offered the following amendment H—5260 filed by the committee on state government and moved its adoption:

H—5260

1 Amend House File 2135 as follows:

2 1. Page 22, by inserting after line 6 the
3 following:

4 "Sec. . . Section one hundred thirty-five D
5 point one (135D.1), Code 1977, is amended by adding
6 the following new subsection:

7 **NEW SUBSECTION.** "Modular home" means a factory-
8 built structure which is manufactured or constructed
9 to be used as a place for human habitation, but which
10 is not constructed or equipped with a permanent hitch
11 or other device allowing it to be attached or towed
12 behind a motor vehicle, and which does not have
13 permanently attached to its body or frame any wheels
14 or axles.

15 Sec. . . Section one hundred thirty-five D point
16 one (135D.1), subsection two (2), Code 1977, is amended
17 by adding the following new paragraph:

18 **NEW PARAGRAPH.** A mobile home park must be
19 classified as to whether it is a residential mobile
20 home park or a recreational mobile park or both.
21 Sections one hundred thirty-five D point fourteen
22 (135D.14) and one hundred thirty-five D point fifteen
23 (135D.15) of the Code shall apply only to recreational
24 mobile home parks. The mobile home park residential
25 landlord tenant Act shall only apply to residential
26 mobile home parks.

27 Sec. . . Section one hundred thirty-five D point

28 fourteen (135D.14), Code 1977, is amended to read
29 as follows:

30 135D.14 PARKS OWNED BY PUBLIC. Any mobile home
31 park owned and operated by any municipality shall
32 meet all provisions of this chapter. Any recreational
33 mobile home park owned or operated by any agency or
34 department of the state, county, city or any nonprofit
35 corporation within which the length of stay is limited
36 to not more than fourteen consecutive days shall not
37 be affected by any provision of this chapter except
38 that such parks shall be subject to routine inspection
39 by the state health department or a designee thereof.
40 Upon routine inspections by the state health department
41 or its designee, the inspecting officer shall make
42 a report of his findings and recommendations in writing
43 and submit such report to the agency or department
44 of the state responsible for operation of the park.

45 Sec. . Section one hundred thirty-five D point
46 twenty-four (135D.24), Code 1977, is amended by adding
47 the following new paragraph:

48 NEW PARAGRAPH. A modular home as defined by this
49 chapter shall not be subject to or assessed the
50 semiannual tax pursuant to this section, but shall

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1 be assessed and taxed as real estate pursuant to
2 chapter four hundred twenty-seven (427) of the Code.
3 Sec. . Chapter one hundred thirty-five D
4 (135D), Code 1977, is amended by adding the following
5 new section:

6 NEW SECTION. MODULAR HOME EXEMPTION. For the
7 purposes of this chapter a modular home shall not
8 be construed to be a mobile home and shall be exempt
9 from the provisions of this chapter. This section
10 shall not prohibit the location of a modular home
11 within a mobile home park."

Amendment H—5260 was adopted.

Small of Johnson in the chair at 3:24 p.m.

Harbor of Mills moved that House File 2135 be rereferred to the committee on state government.

A non-record roll call was requested.

The ayes were 30, nays 46.

The motion lost.

Arnould of Scott offered the following amendment H—5327 filed by Arnould, Jochum and Dyrland from the floor:

H—5327

- 1 Amend House File 2135 as follows:
- 2 1. Page 8, line 23, by striking the word "landlord"
- 3 and inserting in lieu thereof the word "tenant".

Rinas of Linn asked and received unanimous consent to temporarily defer action on amendment H—5327.

Nielsen of Polk offered the following amendment H—5328 filed by him from the floor and moved its adoption:

H—5328

- 1 Amend House File 2135 as follows:
- 2 1. Page 8, by inserting after line 1 the
- 3 following:
- 4 "Nothing in this Act shall prohibit a rental
- 5 agreement from requiring a tenant to maintain
- 6 liability insurance which names the landlord as an
- 7 insured as relates to the mobile home space rented
- 8 by the tenant."

Amendment H—5328 was adopted.

The House resumed consideration of amendment H—5327.

Arnould of Scott asked and received unanimous consent to withdraw amendment H—5327.

Arnould of Scott offered the following amendment H—5329 filed by Arnould, Conlon, Rinas and Junker from the floor and moved its adoption:

H—5329

- 1 Amend House File 2135 as follows:
- 2 1. Page 8, by inserting after line 23 the
- 3 following:
- 4 "In lieu of a cash rental deposit the tenant may
- 5 deliver to the landlord a passbook account at a
- 6 federally insured financial institution in the name
- 7 of the tenant with sole power of withdrawal in the
- 8 landlord. Interest on the account shall be the property

- 9 of the tenant. The landlord shall inform the tenant
 10 of his/her rights under this paragraph."
 11 2. Page 8, line 33, by inserting after the word
 12 "deposit" the words "and accrued interest".

Roll call was requested by Arnould of Scott and Rinas of Linn.

Rule 70 was invoked.

Under the provisions of Rule 71, Doyle of Woodbury refrained from voting.

On the question "Shall amendment H—5329 be adopted?"

The ayes were, 38:

Arnould	Avenson	Bina	Binneboese
Brandt	Byerly	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Dyrland
Egenes	Fitzgerald	Gentleman	Gettings
Gilloon	Griffee	Hargrave	Harvey
Hines	Horn	Howell	Hullinger
Jochum	Junker	Krewson	Monroe
Newhard	O'Halloran	Pavich	Rinas
Scheelhaase	Spear	Svoboda	Tauke
Walter	Mr. Speaker (Small)		

The nays were, 50:

Anderson	Baker	Bennett	Branstad
Brockett	Chiodo	Clark, B.J.	Crabb
Daggett	Danker	Davitt	Dieleman
Evans	Gilson	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Husak
Jesse	Koogler	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Nielsen	Norland	Patchett	Pellett
Pelton	Perkins	Poncy	Schnekloth
Shimanek	Smalley	Spencer	Stephens
Stromer	Thompson	Welden	West
Woods	Wyckoff		

Absent or not voting, 12:

Brunow	Cochran	Den Herder	Doyle
Dunton	Garrison	Krause	Oxley
Schroeder	Tofte	Varley	Wells

Amendment H—5329 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brunow of Appanoose on request of Davitt of Warren; Garrison of Black Hawk on request of Dunton of Keokuk, both for the remainder of the day.

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

Under the provisions of Rule 71, Miller of Buchanan and Doyle of Woodbury refrained from voting.

On the question "Shall the bill pass?" (H.F. 2135)

The ayes were, 73:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Cusack	Davitt	Dieleman
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gettings	Gilloon	Griffee
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lonergan	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Pavich	Pelton	Rinas	Scheelhaase
Schneklath	Shimanek	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Walter	West	Woods
Mr. Speaker (Small)			

The nays were, 16:

Bennett	Crabb	Daggett	Danker
Dunton	Gilson	Harbor	Lindeen
Lipsky	Millen	Pellett	Perkins
Poncy	Stephens	Welden	Wyckoff

Absent or not voting, 11:

Brunow	Den Herder	Doyle	Garrison
Krause	Miller, K.D.	Oxley	Schroeder
Tofte	Varley	Wells	

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

MOTION TO RECONSIDER LOST
(House File 2135)

Patchett of Johnson moved to reconsider the vote by which House File 2135 passed the House on February 16, 1978.

A non-record roll call was requested.

The ayes were 30, nays 33.

The motion lost.

Speaker Cochran in the chair at 5:17 p.m.

REFERRED TO COMMITTEE ON WAYS AND MEANS
(Senate File 2054)

The Speaker announced that Senate File 2054, previously passed on file, was referred to the committee on ways and means.

MOTION TO RECONSIDER WITHDRAWN
(House File 2098)

Avenson of Fayette asked and received unanimous consent to withdraw the motion to reconsider House File 2098 filed by him on February 14, 1978.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 16, 1978, he approved and transmitted to the Secretary of State the following bill:

House File 2037, an act relating to the computation of individual and corporate income tax and the franchise tax.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 397 Natural Resources

Relating to authority of soil conservation district commissioners and their authorized agents or employees to enter upon public or private property.

S.B. 398 Judiciary and Law Enforcement

Providing that certain people may request exemption from jury duty.

S.B. 399 Judiciary and Law Enforcement

Relating to inmates confined in penal and correctional facilities in the state by providing for the punishment of refractory jail prisoners, by revising the conditions for work release, and by providing for the enforcement of occupational safety and health standards in work areas of the state penal and correctional facilities.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., February 15, 1978

Convened: 8:10 a.m.

Adjourned: 9:00 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: Clark of Lee.

Committee bill discussed. Further action pending at adjournment.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 8:30 a.m., February 15, 1978

Convened: 8:30 a.m.

Adjourned: 8:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Gilloon, Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Garrison.

Discussion of Substance Abuse Program.

COMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 15, 1978

Convened: 9:00 a.m.

Adjourned: 10:00 a.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Baker, Brockett, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Lind, Norland, Poncey, Stromer, Spear and Thompson.

Absent: Byerly (arrived 9:40 a.m.), Krewson (arrived 9:30 a.m.) and Small (arrived 9:40 a.m.).

Excused: Daggett.

Discussion of House File 2072. Explanation of computer runs for declining enrollment by Representative Patchett.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 15, 1978

Convened: 9:15 a.m.

Adjourned: 10:01 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Miller of Buchanan, Perkins, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Avenson (arrived 9:31 a.m.), Chiodo, Evans (arrived 9:19 a.m.), Garrison, Griffee, Jesse (arrived 9:40 a.m.), O'Halloran (arrived 9:18 a.m.) and Pelton.

Committee Bill (Formerly House File 426), a bill for an act relating to the inspec-

tion of land and water craft registered with the Iowa state conservation commission.

Recommended Amend and Do Pass.

Aye: Middleswart, Halvorson, Avenson, Bennett, Evans, Miller of Buchanan, O'Halloran, Perkins, Shimanek, Tofte, Varley, Welden and Wyckoff.

Nay: Spencer, Scheelhaase and Stephens.

Absent or not voting: Chiodo, Garrison, Griffee, Jesse and Pelton.

Assigned bills to subcommittee. Discussed Study Bill 388.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 15, 1978

Convened: 9:05 a.m.

Adjourned: 10:05 a.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Doyle, Dunton, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Oxley, Rinas, Schnekloth and Woods.

Absent: Egenes.

House Concurrent Resolution 112, a resolution urging the President, Congress and the Secretary of Transportation to provide necessary grants and loans to the Milwaukee Road.

Recommended Do Pass.

Aye: Krause, Davitt, Schroeder, Binneboese, Brunow, Doyle, Dunton, Gettings, Harbor, Hoffmann, Lageschulte, Lipsky, Monroe, Oxley, Rinas, Schnekloth and Woods.

Nay: Hullinger.

Absent or not voting: Clark of Cerro Gordo and Egenes.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., February 15, 1978

Convened: 1:14 p.m.

Adjourned: 2:25 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Brandt, Branstad, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Gilloon, Harbor, Horn, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Thompson, Wells and Wyckoff.

Absent: Anderson (arrived 1:28 p.m.), Clark of Lee, Cusack, Egenes (arrived 2:10 p.m.), Harvey (arrived 1:30 p.m.), Hines (arrived 1:20 p.m.), Junker (arrived 1:17 p.m.), Spencer (arrived 1:17 p.m.), Svoboda (arrived 1:25 p.m.) and Varley (arrived 2:15 p.m.).

Study Bill 359, a bill for an act to provide for the determination of the amount of the increase of the assessed valuation of agricultural land and residential property as of January 1, 1979.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Horn, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Wells and Wyckoff.

Nay: Harvey.

Absent or not voting: Clark of Lee, Cusack and Varley.

COMMITTEE ON BUDGET

Scheduled: 1:00 p.m., February 16, 1978

Convened: 1:10 p.m.

Recessed: 2:42 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Harvey, Jesse, Koogler, O'Halloran, Stromer, Varley, Welden and Wells.

Absent: Norland (arrived 1:20 p.m.).

Study Bill 395, a bill for an act making an appropriation for the inmate employment program.

Recommended Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley and Wells.

Nay: Welden.

AMENDMENTS FILED

H-5325

H.F. 2048

Miller (Sergeant) of Calhoun
Stromer of Hancock

		Daggett of Adams
		Hansen of O'Brien
		Dyrland of Clayton
		Branstad of Winnebag
		Schroeder of Pottawattamie
		Welden of Hardin
		Gilson of Guthrie
		Wyckoff of Benton
H-5326	H.F. 2048	Egenes of Story
		Egenes of Story
		Hansen of O'Brien
		Spear of Lee
H-5330	H.F. 2048	Bennett of Ida
		Stromer of Hancock
H-5331	H.F. 2169	Evans of Grundy
H-5332	H.F. 2169	Svoboda of Iowa
H-5333	S.F. 358	Monroe of Des Moines

On motion by Fitzgerald of Webster, the House adjourned at 5:31 p.m., until 10:00 a.m., Friday, February 17, 1978.

JOURNAL OF THE HOUSE

Fortieth Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 17, 1978

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

Prayer was offered by the Honorable Robert Anderson, State Representative from Jasper County.

The Journal of Thursday, February 16, 1978 was approved.

MOTION TO RECONSIDER (House File 2116)

I move to reconsider the vote by which House File 2116 passed the House on February 16, 1978.

PERKINS of Greene

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 1, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO HOUSE FILE 248

H — 5335

1 Amend House File 248, as amended, passed and

2 reprinted by the House as follows:

3 1. Page 1, line 7, by striking the words "state
4 when" and inserting in lieu thereof the words "state.
5 When".

6 2. Page 1, by striking lines 11 through 17.

7 3. Page 1, line 26, by striking the words "carried
8 out" and inserting in lieu thereof the word
9 "evidenced".

10 4. Page 1, by striking lines 28 through 34 and
11 inserting in lieu thereof the words "any particular
12 period of time."

13 5. Page 2, by striking lines 3 and 4 and inserting
14 in lieu thereof the following:

15 "4. "Child" means a person under eighteen years
16 of age."

17 6. Striking page 2, line 5, through page 3, line
18 11 and inserting in lieu thereof the following:

19 "5. "Child in need of assistance" means an
20 unmarried child:

21 a. Whose parent, guardian or other custodian has
22 abandoned the child.

23 b. Whose parent, guardian or other custodian has
24 physically abused or neglected the child, or is
25 imminently likely to abuse or neglect the child.

26 c. Who has suffered harmful effects as a result
27 of:

28 (1) Conditions created by the child's parent,
29 guardian, custodian; or

30 (2) The failure of the child's parent, guardian,
31 or custodian to exercise a reasonable degree of care
32 in supervising the child.

33 d. Who has been sexually abused by his or her
34 parent, guardian, custodian or other member of the
35 household in which the child resides.

36 e. Who is in need of medical treatment to cure,
37 alleviate, or prevent serious physical injury or
38 illness and whose parent, guardian or custodian is
39 unwilling or unable to provide such treatment.

40 f. Who is in need of treatment to cure or alleviate
41 serious mental illness or disorder, or emotional
42 damage as evidenced by severe anxiety, depression,
43 withdrawal or untoward aggressive behavior toward
44 self or others and whose parent, guardian, or custodian
45 is unwilling or unable to provide such treatment.

46 g. Whose parent, guardian, or custodian fails
47 to exercise a minimal degree of care in supplying
48 the child with adequate food, clothing or shelter
49 or refuses other means made available to provide such
50 essentials.

Page 2

1 h. Who has committed a delinquent act as a result
2 of pressure, guidance, or approval from a parent,
3 guardian, or custodian.

4 i. Who has been the subject of or a party to
5 sexual activities for hire or who poses for live
6 display or for photographic or other means of pictorial
7 reproduction or display which is designed to appeal
8 to the prurient interest and is patently offensive;
9 and taken as a whole, lacks serious literary,
10 scientific, political or artistic value.

11 j. Who is without a parent, guardian or other
12 custodian.

13 k. Whose parent, guardian, or other custodian
14 for good cause desires to be relieved of his or her
15 care and custody.

16 l. Who is without proper parental care because
17 of the emotional, mental, or physical disability,
18 or state of immaturity of his or her parents, guardian,
19 or other custodian.

20 m. Who absents himself or herself from his or
21 her residence:

- 22 (1) Without just cause for such absence, and;
23 (2) Without the consent of the parent, guardian
24 or custodian; and
25 (3) In such a manner as to become exposed to
26 conditions harmful to his or her development or
27 welfare.

28 n. Who refuses to attend school regularly as
29 required by the compulsory education laws of this
30 state although having been offered by his or her
31 school system every reasonable opportunity to do so."

32 7. Page 3, by inserting after line 11 the following
33 new paragraph:

34 "j. Who for good cause desires to have his or
35 her parents relieved of his or her care and custody."

36 8. Page 3, by inserting after line 11 the following
37 new paragraph:

38 "j. Whose parent, guardian, or other custodian
39 for good cause desires to be relieved of his or her
40 care and custody."

41 9. Page 4, by striking lines 15 and 16.

42 10. Page 5, lines 2, 3, 12, 14, 19 and 24, by
43 striking the word "minor".

44 11. Page 6, line 12, by adding after the word
45 "complaints" the words "by an intake officer".

46 12. Page 6, line 16, by striking the word
47 "authorized" and inserting in lieu thereof the words
48 "or other officer appointed".

49 13. Page 6, line 29, by striking the word "de-
50 linquent" and inserting in lieu thereof the words

Page 3

- 1 "to have committed a delinquent act".
- 2 14. Page 7, by striking lines 11 and 12 and
3 inserting in lieu thereof the following: "facility
4 in which children may be placed pursuant to a
5 dispositional order of the court made in accordance
6 with the provisions of this Act".
- 7 15. Page 8, line 11, by striking the word
8 "delinquent" and inserting in lieu thereof the words
9 "to have committed a delinquent act".
- 10 16. Page 8, by striking lines 18 through 22.
- 11 17. Page 8, line 33, by striking the word
12 "delinquent" and inserting in lieu thereof the words
13 "to have committed a delinquent act".
- 14 18. Page 9, line 19, by inserting after the word
15 "adult." the words "The taking into custody of a child
16 is subject to all constitutional and statutory
17 protections which are afforded an adult upon arrest."
- 18 19. Page 9, by striking line 23 and inserting
19 in lieu thereof the following: "the divestment by
20 the court of the parent's and child's privileges,".
- 21 20. Page 9, line 27, by striking the words "be
22 delinquent" and inserting in lieu thereof the words
23 "have committed a delinquent act".
- 24 21. Page 10, line 1, by striking the words "be
25 a delinquent" and inserting in lieu thereof the words
26 "have committed a delinquent act".
- 27 22. Page 10, line 7, by striking the words "does
28 not occur" and inserting in lieu thereof the word
29 "occurs".
- 30 23. Page 10, line 8, by striking the words "more
31 than" and inserting in lieu thereof the words "less
32 than".
- 33 24. Page 10, line 11, by striking the words "more
34 than" and inserting in lieu thereof the words "less
35 than".
- 36 25. Page 10, line 15, by inserting after the word
37 and figure "six (106)," the following: "one hundred
38 nine (109), one hundred ten (110), one hundred ten
39 A (110A)."
- 40 26. Page 10, line 15, by striking the words and
41 figure "one hundred twenty-three (123)."
- 42 27. Page 10, line 18, by inserting after the word
43 "curfew" the words "or traffic".
- 44 28. Page 10, line 22 by striking the word
45 "nonindictable" and inserting in lieu thereof the
46 word "simple".
- 47 29. Page 10, by striking lines 24 through 26.
- 48 30. Page 11, line 3, by striking the words "of
49 transfer" and inserting in lieu thereof the words
50 "of transfer."

Page 4

- 1 31. Page 11, line 4, by striking the words "to
2 be or".
- 3 32. Page 11, line 5, by striking the words "been
4 a delinquent child" and inserting in lieu thereof
5 the words "committed a delinquent act".
- 6 33. Page 11, lines 12 and 13, by striking the
7 words "The juvenile court shall waive jurisdiction
8 upon motion by the child."
- 9 34. Page 12, by striking lines 14 through 19 and
10 inserting in lieu thereof the following:
11 "A child shall have the right to be represented
12 by counsel at the following stages of the proceedings
13 within the jurisdiction of the juvenile court under
14 division two (II) of this Act:
15 a. From the time the child is taken into custody
16 for any alleged delinquent act that constitutes a
17 serious or aggravated misdemeanor or felony under
18 the Iowa criminal code, and during any questioning
19 thereafter by a peace officer or probation officer."
20 35. Page 12, line 26, by striking the word "thirty"
21 and inserting in lieu thereof the word "twenty".
- 22 36. Page 12, line 32, by striking the words "the
23 child's right".
- 24 37. Page 12, by striking lines 33 through 35.
- 25 38. Page 13, by striking lines 1 through 4.
- 26 39. Page 14, by inserting after line 2 the
27 following new subsection:
28 "6. Nothing in this section shall be construed
29 to prevent the child or the child's parent, guardian
30 or custodian from retaining counsel to represent the
31 child in proceedings under division two (II) of this
32 Act in which the alleged delinquent act constitutes
33 a simple misdemeanor under the Iowa Code."
34 40. Page 14, line 8, by striking the word
35 "delinquency".
- 36 41. Page 14, line 9, by inserting after the word
37 "proceedings" the words "under Division two (II) of
38 this Act".
- 39 42. Page 14, by striking lines 20 through 22.
- 40 43. Page 14, by striking lines 30 through 32 and
41 inserting in lieu thereof the words "custodian as
42 soon as possible. Unless the".
- 43 44. Page 15, line 6, by striking the words "and
44 retained".
- 45 45. Page 15, line 10, by striking the word "and"
46 and inserting in lieu thereof the word "or".
- 47 46. Page 15, line 11, by striking the words "or
48 remain".
- 49 47. Page 15, line 13, by striking the words "hold
50 the child until his or her" and inserting in lieu

Page 5

1 thereof the words "provide care, shelter and
2 supervision until the child's".

3 48. Page 15, line 16, by striking the words "hold
4 the child for" and inserting in lieu thereof the words
5 "provide care, shelter and supervision prior to the
6 child's".

7 49. Page 16, line 1, by striking the words "himself
8 or herself" and inserting in lieu thereof the words
9 "the child".

10 50. Page 16, line 1, by striking the word
11 "another." and inserting in lieu thereof the following:
12 "another; or

13 (3) There is a serious risk that the child if
14 released may commit serious damage to the property
15 of others."

16 51. Page 16, by inserting after line 1 the
17 following new subparagraph:

18 "e. There is probable cause to believe the child
19 has run away from his or her residence and would not
20 voluntarily remain at a shelter care facility."

21 52. Page 16, by inserting after line 1 the
22 following new paragraph:

23 "f. The child has previously run away on two
24 separate occasions from a shelter care facility."

25 53. Page 16, by striking lines 2 through 5.

26 54. Page 16, by striking lines 19 through 21 and
27 inserting in lieu thereof the following:

28 "3. No child shall be detained in a facility
29 intended or used for the detention of adults unless
30 there is probable cause to believe the child has
31 committed a delinquent act. No child who is alleged
32 to have committed a delinquent act shall be detained
33 in a facility intended or used for the detention of
34 adults for a period in excess of 12 hours without
35 a court order."

36 55. Page 17, by striking lines 18 through 21 and
37 inserting in lieu thereof the following new paragraph:

38 "c. A room in a facility intended or used for
39 the detention of adults if there is probable cause
40 to believe that the child has committed a delinquent
41 act. A child who is alleged to have committed a
42 delinquent act may be detained in a facility intended
43 or used for the detention of adults for a period of
44 up to 12 hours without a written order of a judge
45 or magistrate if:"

46 56. Page 17, line 25, by striking the word
47 "extreme" and inserting in lieu thereof the word
48 "serious".

49 57. Page 17, line 25, by inserting after the word
50 "public" the words "or to the property of others".

Page 6

- 1 58. Page 17, line 26, by striking the word "subsec-
2 tions" and inserting in lieu thereof the word
3 "paragraphs".
- 4 59. Page 17, line 27, by striking the word
5 "section" and inserting in lieu thereof the word
6 "subsection".
- 7 60. Page 18, line 1, by striking the word
8 "children" and inserting in lieu thereof the words
9 "a child awaiting disposition to a placement ordered
10 under section thirty-one (31), subsection four (4),
11 paragraph e, of this Act".
- 12 61. Page 18, line 7, by striking the words "a
13 child to be a delinquent" and inserting in lieu thereof
14 the words "that a child has committed a delinquent
15 act".
- 16 62. Page 18, by striking lines 11 through 23.
- 17 63. Page 19, lines 4 and 5, by striking the word
18 and figure "sixteen (16)" and inserting in lieu thereof
19 the word and figure "fifteen (15)".
- 20 64. Page 19, line 14, by inserting after the word
21 "counsel" the words "in accordance with section six
22 (6) of this Act".
- 23 65. Page 19, by inserting after line 15 the follow-
24 ing:
25 " . The intake officer, after consultation with
26 the county attorney when necessary, shall determine
27 whether the complaint is legally sufficient for the
28 filing of a petition. A complaint shall be deemed
29 legally sufficient for the filing of a petition if
30 the facts as alleged are sufficient to establish the
31 jurisdiction of the court and probable cause to believe
32 that the child is a delinquent. If the intake officer
33 determines that the complaint is legally sufficient
34 to support the filing of a petition, the officer shall
35 determine whether the interests of the child and the
36 public will best be served by the dismissal of the
37 complaint, the informal adjustment of the complaint,
38 or the filing of a petition."
- 39 66. Page 19, line 26, by striking the word and
40 figure "fifteen (15)" and inserting in lieu thereof
41 the word and figure "fourteen (14)".
- 42 67. Page 19, line 30, by striking the word "may"
43 and inserting in lieu thereof the word "shall".
- 44 68. Page 19, lines 31 and 32, by striking the
45 word and figure "sixteen (16)" and inserting in lieu
46 thereof the word and figure "fifteen (15)".
- 47 69. Page 20, line 33, by inserting after the word
48 "into." the following sentence: "The informal
49 adjustment shall not be admissible in proceedings
50 on such a petition."

Page 7

- 1 70. Page 21, line 3, by striking the words "every
2 six months" and inserting in lieu thereof the word
3 "annually".
- 4 71. Page 21, line 14, by striking the words "is
5 a delinquent under this Act" and inserting in lieu
6 thereof the words "has committed a delinquent act".
- 7 72. Page 21, line 15, by inserting after the word
8 "alleging" the word "that".
- 9 73. Page 21, line 16, by striking the words "to
10 be delinquent" and inserting in lieu thereof the words
11 "has committed a delinquent act".
- 12 74. Page 21, line 18, by inserting after the word
13 "alleging" the word "that".
- 14 75. Page 21, line 19, by striking the words "to
15 be delinquent" and inserting in lieu thereof the words
16 "has committed a delinquent act".
- 17 76. Page 22, line 28, by inserting after the word
18 "filed" the words "the court shall set a time for
19 an adjudicatory hearing".
- 20 77. Page 22, by striking line 30.
- 21 78. Page 23, lines 2 and 10, by striking the word
22 and figure "five (5)" and inserting in lieu thereof
23 the word and figure "six (6)".
- 24 79. Page 23, by striking line 3 and inserting
25 in lieu thereof the following:
26 "2. Notice of the pendency of the".
- 27 80. Page 23, line 4, by inserting after the word
28 "case" the words "shall be".
- 29 81. Page 23, line 6, by striking the words "The
30 court shall also".
- 31 82. Page 23, line 7, by striking the words "have
32 notice" and inserting in lieu thereof the words "Notice
33 shall also be".
- 34 83. Page 24, by striking lines 23 through 29 and
35 inserting in lieu thereof the following: "At any
36 time during the proceedings, the court, on the motion
37 of any of the parties or upon the court's own motion,
38 may exclude the public from hearings under this
39 division if the court determines that the possibility
40 of damage or harm to the juvenile outweighs the
41 public's interest in having an open hearing. Upon
42 closing the hearing to the public, the court may admit
43 those persons who have direct interest in the case
44 or in the work of the court."
- 45 84. Page 24, line 27, by striking the word "shall"
46 and inserting in lieu thereof the word "may".
- 47 85. Page 24, line 28, by striking the words "in
48 its discretion".
- 49 86. Page 25, by inserting after line 10 the follow-
50 ing new section:

Page 8

1 "Sec. . NEW SECTION. CONTINUANCES.

2 Continuances in juvenile delinquency proceedings may
3 be granted by the court only for good cause shown
4 on the record if the child is being held in detention."

5 87. Page 25, line 24, by striking the words "upon
6 their demand".

7 88. Page 26, lines 2, 4 and 5, by striking the
8 word "defendant" and inserting in lieu thereof the
9 word "child".

10 89. Page 26, line 15, by striking the word
11 "indicate" and inserting in lieu thereof the word
12 "state".

13 90. Page 29, line 35, by striking the words "that
14 alleges" and inserting in lieu thereof the words
15 "which alleges that".

16 91. Page 30, line 1, by striking the words "to
17 be delinquent" and inserting in lieu thereof the words
18 "has committed a delinquent act".

19 92. Page 30, line 3, by inserting after the word
20 "attorney" the words "or the child".

21 93. Page 30, line 4, by striking the words
22 "jurisdiction over" and lines 5 and 6 and inserting
23 in lieu thereof the word "jurisdiction".

24 94. Page 30, line 7, by striking the words "without
25 a jury".

26 95. Page 30, line 12, by striking the word and
27 figure "eighteen (18)" and inserting in lieu thereof
28 the word and figure "seventeen (17)".

29 96. Page 30, line 14, by striking the word and
30 figure "eighteen (18)" and inserting in lieu thereof
31 the word and figure "seventeen (17)".

32 97. Page 30, line 21, by inserting after the word
33 "court." the following sentence: "The report shall
34 include any recommendations made concerning waiver."

35 98. Page 31, line 3, by striking the word
36 "delinquent" and inserting in lieu thereof the words
37 "to have committed a delinquent act".

38 99. Page 31, line 23, by striking the word "child"
39 and inserting in lieu thereof the word "child,".

40 100. Page 31, by striking lines 26 through 31.

41 101. Page 32, by striking lines 7 through 9 and
42 inserting in lieu thereof the words "sentence provided
43 in section two hundred four point four hundred thirteen
44 (204.413), Code 1977 Supplement, shall not".

45 102. Page 33, line 34, by striking the words "be
46 delinquent" and inserting in lieu thereof the words
47 "have committed a delinquent act".

48 103. Page 34, by striking lines 13 through 19
49 and inserting in lieu thereof the following:

50 "6. Statements or other evidence derived directly

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1 or indirectly from statements which a child makes
2 to a law enforcement officer while in custody without
3 presence of counsel may be admitted into evidence
4 at any adjudicatory hearing over the child's objection
5 only after the court determines whether the child
6 has voluntarily waived the right to remain silent.
7 In making its determination the court may consider
8 any factors it finds relevant and shall consider the
9 following factors:

- 10 a. Opportunity for the child to consult with a
- 11 parent, guardian, custodian, lawyer or other adult.
- 12 b. The age of the child.
- 13 c. The child's level of education.
- 14 d. The child's level of intelligence.
- 15 e. Whether the child was advised of his or her
- 16 constitutional rights.
- 17 f. Length of time the child was held in shelter
- 18 care or detention before making the statement in
- 19 question.
- 20 g. The nature of the questioning which elicited
- 21 the statement.
- 22 h. Whether physical punishment such as deprivation
- 23 of food or sleep was used upon the child during the
- 24 shelter care, detention, or questioning.

25 7. The following statements or other evidence
26 shall not be admitted as evidence in chief at an
27 adjudicatory hearing:"

28 104. Page 34, lines 30 and 31, by striking the
29 words "engaged in delinquent conduct" and inserting
30 in lieu thereof the words "committed a delinquent
31 act".

32 105. Page 35, line 5, by striking the words "be
33 a delinquent child" and inserting in lieu thereof
34 the words "have committed a delinquent act".

35 106. Page 35, by striking lines 10 through 14.

36 107. Page 35, line 17, by striking the word
37 "petition" and inserting in lieu thereof the word
38 "matter".

39 108. Page 35, line 30, by striking the words
40 "except as otherwise provided".

41 109. Page 36, by striking lines 4 and 5 and
42 inserting in lieu thereof the word "child."

43 110. Page 36, line 9, by inserting after the word
44 "hearing" the words "which may be simultaneous with
45 the adjudicatory hearing".

46 111. Page 36, by inserting after line 25 the
47 following unnumbered paragraph:

48 "An examination shall be conducted on an outpatient
49 basis unless the court, the child's counsel and the
50 parent, guardian or custodian agree that it is

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1 necessary the child be committed to a suitable
2 hospital, facility or institution for the purpose
3 of examination. Commitment for examination shall
4 not exceed thirty days and the civil commitment
5 provisions of chapter two hundred twenty-nine (229)
6 of the Code shall not apply."

7 112. Page 36, line 30, by striking the word
8 "petition" and inserting in lieu thereof the word
9 "matter".

10 113. Page 37, line 2, by inserting after the word
11 "ILL" words "OR MENTALLY RETARDED".

12 114. Page 37, by striking line 7 and inserting
13 in lieu thereof the words "guardian to initiate civil
14 commitment proceedings in the juvenile court. Such
15 proceedings shall adhere to the requirements of chapter
16 two hundred".

17 115. Page 37, by striking line 13 and inserting
18 in lieu thereof the words "initiate civil commitment
19 proceedings in the juvenile court. Such proceedings
20 shall adhere to the requirements of chapter two hundred
21 twenty-two".

22 116. Page 37, line 16, by striking the words "a
23 delinquent" and inserting in lieu thereof the words
24 "to have committed a delinquent act".

25 117. By striking page 37 line 18 through page
26 40, line 8, and inserting in lieu thereof the
27 following:

28 "Sec. 31. NEW SECTION. DISPOSITION OF CHILD
29 FOUND TO HAVE COMMITTED A DELINQUENT ACT.

30 1. Pursuant to a hearing as provided in section
31 twenty-nine (29) of this Act, the court shall enter
32 the least restrictive dispositional order appropriate
33 in view of the seriousness of the delinquent act,
34 the child's culpability as indicated by the
35 circumstances of the particular case, the age of the
36 child and the child's prior record. The order shall
37 specify the duration and the nature of the disposition,
38 including the type of residence or confinement ordered
39 and the individual, agency, department or facility
40 in whom custody is vested.

41 2. The dispositional orders which the court may
42 enter are as follows:

43 a. An order prescribing a work assignment of value
44 to the state or to the public, or prescribing
45 restitution consisting of monetary payment or a work
46 assignment of value to the victim. Such order may
47 be the sole disposition or may be included as an
48 element in other dispositional orders.

49 b. An order placing the child on probation and
50 releasing the child to his or her parent, guardian

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1 or custodian.

2 c. An order providing special care and treatment
3 required for the physical, emotional or mental health
4 of the child, and

5 (1) Placing the child on probation or other
6 supervision; and

7 (2) If the court deems appropriate, ordering the
8 parent, guardian, or custodian to reimburse the county
9 for any costs incurred as provided in section seventy-
10 three (73), subsection two (2) of this Act or to
11 otherwise pay or provide for such care and treatment.

12 d. An order transferring the legal custody of
13 the child, subject to the continuing jurisdiction
14 of the court for purposes of section thirty-three
15 (33) of this Act, to one of the following:

16 (1) An adult relative or other suitable adult
17 and placing the child on probation.

18 (2) A child placing agency or other suitable
19 private agency or facility which is licensed or
20 otherwise authorized by law to receive and provide
21 care for children and placing the child on probation
22 or other supervision.

23 (3) The department of social services for purposes
24 of foster care and prescribing the type of placement
25 which will serve the best interests of the child and
26 the means by which the placement shall be monitored
27 by the court.

28 e. An order transferring the guardianship of the
29 child, subject to the continuing jurisdiction of the
30 court for the purposes of section thirty-three (33)
31 of this Act, to the commissioner of the department
32 of social services for purposes of placement in the
33 Iowa juvenile home at Toledo, the Iowa training school
34 for boys, the Iowa training school for girls, or other
35 facility provided that:

36 (1) The child is at least twelve years of age;
37 and

38 (2) The court finds such placement to be in the
39 best interests of the child or necessary to the
40 protection of the public.

41 f. An order committing the child to a mental
42 health institute or other appropriate facility for
43 the purpose of treatment of a mental or emotional
44 condition after making findings pursuant to the
45 standards set out for involuntary commitment in chapter
46 two hundred twenty-nine (229) of the Code.

47 3. When the court enters an order placing a child
48 on probation pursuant to this section, the court may
49 in cases of change of residency transfer jurisdiction
50 of the child to the juvenile court of the county where

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1 the child's residence is established. The court to
2 which the jurisdiction of the child is transferred
3 shall have the same powers with respect to the child
4 as if the petition had originally been filed in that
5 court.

6 4. When the court enters an order transferring
7 the legal and physical custody of a child to an agency,
8 facility, department or institution, the court shall
9 transmit its order, its finding, and a summary of
10 its information concerning the child to such agency,
11 facility, department or institution."

12 118. Page 37, line 25, by striking the word
13 "assignments" and inserting in lieu thereof the word
14 "assignments."

15 119. Page 40, by striking line 15 and inserting
16 in lieu thereof the following: "three (33) of this
17 Act. No dispositional order made under section thirty-
18 one (31), subsection four (4), paragraphs d or e".

19 120. Page 40, lines 18 and 19, by striking the
20 words "for which the child is alleged to be delinquent"
21 and inserting in lieu thereof the words "which the
22 child has been found by the court to have committed".

23 121. Page 40, line 23, by striking the word and
24 figure "three (3)" and inserting in lieu thereof the
25 word and figure "four (4)".

26 122. Page 40, by striking line 35 and lines 1
27 and 2, page 41.

28 123. Page 41, line 10, by inserting after the
29 word "paragraph" the words "a or".

30 124. Page 41, line 21, by striking the word "para-
31 graphs" and inserting in lieu thereof the word
32 "paragraph".

33 125. Page 41, by striking line 22 and inserting
34 in lieu thereof the following: "c, of this Act, the
35 court may grant a motion of".

36 126. Page 41, line 23, by striking the words "or
37 agency".

38 127. Page 41, line 27 by striking the word "the"
39 and lines 28 and 29 and inserting in lieu thereof
40 the following: "all parties, and a hearing shall
41 be held at the request of any party."

42 128. Page 41, by inserting after line 29 the
43 following new paragraph:

44 "Notwithstanding the dispositional order, an agency,
45 facility, or institution to whom custody has been
46 granted under section thirty-one (31), subsection
47 four (4), paragraphs c, d, or e, of the Code may
48 terminate the order and discharge the child, modify
49 the order by imposing less restrictive conditions,
50 or vacate the order and substitute a less restrictive

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1 order without leave of court."

2 129. Page 42, line 25, by striking the word and
3 figure "eighteen (18)" and inserting in lieu thereof
4 the word and figure "seventeen (17)".

5 130. Page 44, line 7, by striking the words "or
6 any other".

7 131. Page 45, line 16, by striking the word and
8 figure "nine (39)" and inserting in lieu thereof the
9 word and figure "eight (38)".

10 132. Page 45, line 23, by striking the word and
11 figure "thirty-nine (39)" and inserting in lieu thereof
12 the word and figure "thirty-eight (38)".

13 133. Page 46, by striking lines 5 through 7.

14 134. Page 46, by inserting after line 25 the
15 following new section:

16 "Sec. . NEW SECTION. RETENTION AND SHELTER
17 CARE OF RUNAWAY.

18 1. A peace officer may remove a child to a shelter
19 facility when:

20 a. that officer has reasonable grounds to believe
21 that the child has run away from his or her parents,
22 guardian or other custodian; and

23 b. the child is found in surroundings or conditions
24 which endanger the health or welfare of the child.

25 2. When a peace officer removes a child to shelter
26 care under the provisions of subsection one (1) of
27 this section, that officer shall notify the child's
28 parent, guardian or custodian as soon as possible.

29 3. A child placed in shelter care under this
30 section may be sheltered for up to forty-eight hours
31 until a parent, guardian, or custodian assumes custody,
32 or until other provisions are arranged for care of
33 the child."

34 135. Page 47, line 2, by striking the word and
35 figure "seventy-two (72)" and inserting in lieu thereof
36 the word and figure "seventy-three (73)".

37 136. Page 47, line 14, by striking the word
38 "should" and inserting in lieu thereof the word "may".

39 137. Page 48, line 1, by striking the word and
40 figure "seventeen (17)" and inserting in lieu thereof
41 the word and figure "sixteen (16)".

42 138. Page 48, line 3, by striking the word and
43 figure "seventeen (17)" and inserting in lieu thereof
44 the word and figure "sixteen (16)".

45 139. Page 48, line 10, by striking the word and
46 figure "eighteen (18)" and inserting in lieu thereof
47 the word and figure "seventeen (17)".

48 140. Page 48, line 32, by striking the word and
49 figure "nineteen (19)" and inserting in lieu thereof
50 the word and figure "eighteen (18)".

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- 1 141. Page 49, line 6, by striking the words "or
2 in addition to".
- 3 142. Page 49, line 9, by striking the words
4 "additional or".
- 5 143. Page 49, line 12, by inserting after the
6 word "or" the words "electronic or".
- 7 144. Page 50, line 30, by striking the words
8 "privilege attaching to confidential" and inserting
9 in lieu thereof the words "prohibition upon
10 admissibility of".
- 11 145. Page 51, line 25, by inserting after the
12 words "direct the" the words "probation officer,".
- 13 146. Page 51, line 26, by striking the word
14 "licensed" and inserting in lieu thereof the word
15 "licensed".
- 16 147. Page 52, by inserting after line 13 the
17 following new paragraph:
18 "The hearing required by this section may be held
19 simultaneously with the adjudicatory hearing."
- 20 148. Page 52, by striking lines 23 and 24.
- 21 149. Page 54, line 7, by inserting after the word
22 "make" the words "not more than two".
- 23 150. Page 54, by inserting after line 19 the
24 following:
25 "2. After a dispositional hearing the court may
26 enter an order transferring the guardianship of the
27 court for the purposes of subsection five (5) of this
28 section, to the commissioner of the department of
29 social services for the purposes of placement in the
30 Iowa Juvenile Home at Toledo."
- 31 151. Page 54, line 32, by inserting after the
32 figure "4." the following: "In any order transferring
33 custody to the department or an agency, or in orders
34 pursuant to a custody order, the court may prescribe
35 the type of placement which will serve the best
36 interests of the child, and shall prescribe the means
37 by which the placement shall be monitored by the
38 court."
- 39 152. Page 54, line 34, by striking the word
40 "should" and inserting in lieu thereof the word
41 "shall".
- 42 153. Page 54, line 35, by striking the word
43 "should" and inserting in lieu thereof the word
44 "shall".
- 45 154. Page 55, line 17, by striking the word and
46 figure "six (6)" and inserting in lieu thereof the
47 word and figure "five (5)".
- 48 155. Page 56, line 1, by inserting after the word
49 "months" the words "except with leave of court for
50 good cause shown".

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- 1 156. Page 56, line 14, by striking the word and
- 2 figure "eighteen (18)" and inserting in lieu thereof
- 3 the word and figure "seventeen (17)".
- 4 157. Page 56, by striking lines 31 through 33
- 5 and inserting in lieu thereof the word "Act."
- 6 158. Page 57, line 28, by striking the word and
- 7 figure "forty-one (41)" and inserting in lieu thereof
- 8 the word and figure "forty-two (42)".
- 9 159. Page 57, line 29, by striking the word
- 10 "department" and inserting in lieu thereof the word
- 11 "department,".
- 12 160. Page 57, line 33, by striking the word and
- 13 figure "forty-one (41)" and inserting in lieu thereof
- 14 the word and figure "forty-two (42)".
- 15 161. Page 58, line 12, by striking the word and
- 16 figure "ten (10)" and inserting in lieu thereof the
- 17 word and figure "sixty-three (63)".
- 18 162. Page 59, lines 23 and 27, by inserting after
- 19 the word "physically" the words "or sexually".
- 20 163. Page 61, by striking lines 12 through 14
- 21 and inserting in lieu thereof the following:
- 22 "If the court terminates the parental rights of
- 23 the child's natural or adoptive parents, the court
- 24 shall transfer the guardianship".
- 25 164. Page 61, line 24, by striking the word and
- 26 figure "six (6)" and inserting in lieu thereof the
- 27 word and figure "five (5)".
- 28 165. Page 61, line 29, by striking the word "and"
- 29 and inserting in lieu thereof the word "or".
- 30 166. Page 62, line 23, by striking the words "or
- 31 any other".
- 32 167. Page 63, line 5, by inserting after the word
- 33 "relationship" the words "and that the petitioner
- 34 has sought services from public or private agencies
- 35 to maintain and improve the familial relationship".
- 36 168. Page 63, line 11, by inserting after the
- 37 word "guardian." the words "The court shall appoint
- 38 counsel for the parent, guardian or custodian if that
- 39 person desires but is financially unable to employ
- 40 counsel."
- 41 169. Page 63, line 30, by striking the word
- 42 "unsuccessfully".
- 43 170. Page 64, lines 3 and 4, by striking the words
- 44 "such services" and inserting in lieu thereof the
- 45 words "any counseling ordered by the court".
- 46 171. Page 64, line 6, by striking the word
- 47 "services" and inserting in lieu thereof the word
- 48 "counseling".
- 49 172. Page 64, by striking lines 25 through 31.
- 50 173. Page 65, by striking lines 3 through 6.

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- 1 174. Page 69, by striking lines 11 through 15.
2 175. Page 69, by inserting after line 22 the
3 following new subsection:
4 "2. Official juvenile court records in cases
5 alleging delinquency shall be public records."
6 176. Page 69, line 23, by inserting after the
7 word "records" the words "in all cases except those
8 alleging delinquency".
9 177. Page 69, line 24, by striking the word "may"
10 and inserting in lieu thereof the word "shall".
11 178. Page 70, line 12, by striking the words "and
12 legitimate".
13 179. Page 71, line 11, by striking the words and
14 figure "seven hundred forty-nine B (749B)" and
15 inserting in lieu thereof the words and figure "six
16 hundred ninety-two (692)" and by inserting after the
17 word "Code" the word "Supplement".
18 180. Page 71, line 35, by striking the word and
19 figure "seven (7)" and inserting in lieu thereof the
20 word and figure "nine (9)".
21 181. Page 73, line 6, by striking the words and
22 figures "seventy-four (74) and seventy-six (76)" and
23 inserting in lieu thereof the words and figures
24 "seventy-five (75) and seventy-seven (77)".
25 182. Page 73, line 32, by striking the words "may
26 properly" and inserting in lieu thereof the word
27 "shall".
28 183. Page 73, line 33, by inserting after the
29 word "exist" the words ", except when such reply is
30 made to an inquiry pursuant to subsection six (6)
31 of this section".
32 184. Page 74, by striking line 10 and inserting
33 in lieu thereof the words and figures "five (75)
34 through seventy-eight (78)".
35 185. Page 74, line 11, by striking the word and
36 figure "seven (77)".
37 186. Page 75, by inserting after line 23 the
38 following new sections:
39 "Sec. . Section two hundred thirty-five A
40 point two (235A.2), Code 1977, is amended by adding
41 the following new subsection:
42 **NEW SUBSECTION.** "Sexual abuse" means sexual abuse
43 as defined in division nine (IX) of the Iowa criminal
44 code, or lascivious acts with a child as defined in
45 division nine (IX) of the Iowa criminal code.
46 Sec. . Section two hundred thirty-five A point
47 three (235A.3), Code 1977, is amended to read as
48 follows:
49 **235A.3 MANDATORY AND PERMISSIVE REPORTERS.**
50 1. The following classes of persons shall make

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1 a report, as provided in section 235A.4, of cases
2 of child abuse ~~and~~, sexual abuse of a child, willful
3 neglect and child abuse suffered by a child during
4 the care or custody of the child by a person not
5 listed in section 235A.2, subsection 2:

6 a. Every health practitioner who examines, attends,
7 or treats a child and who believes or has reason to
8 believe that the child has had physical injury
9 inflicted on the child as a result of abuse or has
10 suffered sexual abuse. If, however, the health
11 practitioner examines, attends, or treats the child
12 as a member of the staff of a hospital or similar
13 institution, the examining health practitioner shall
14 immediately notify and give complete information to
15 the person in charge of the institution or the health
16 practitioner's designated agent and the person in
17 charge of the institution or designated agent shall
18 make the report.

19 b. Every social worker under the jurisdiction
20 of the department of social services, public or private
21 health care facility as defined in section 135C.1,
22 certified psychologist, certificated school employee,
23 employee of a licensed day care facility, member of
24 the staff of a mental health center, or peace officer,
25 who, in the course of employment, examines, attends,
26 counsels or treats a child and believes or has reason
27 to believe that the child has had physical injury
28 inflicted on the child as a result of abuse or has
29 suffered sexual abuse. Whenever such person is
30 required to report under this section as a member
31 of the staff of a public or private institution,
32 agency or facility, that person shall immediately
33 notify the person in charge of such institution,
34 agency or facility, or that person's designated agent
35 and the person in charge of the institution, agency,
36 or facility, or the designated agent shall make the
37 report.

38 2. Any other person who believes that a child
39 has ~~had received physical injury inflicted upon him~~
40 as a result of the abuse or has suffered sexual abuse
41 may make a report as provided in section 235A.4."

42 187. Page 76, by striking lines 9 through 22 and
43 inserting in lieu thereof the following:

44 "Sec. 87. Section two hundred forty-four point
45 four (244.4), Code 1977, is amended by striking the
46 section and inserting in lieu thereof the following:

47 244.4 PROCEDURE. The procedure for commitment
48 to said homes shall be the same as provided by this
49 Act."

50 188. Page 77, by inserting after line 6 the

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1 following section:

2 "Sec. . Section three hundred thirty-six B
3 point two (336B.2), Code 1977 Supplement, is amended
4 to read as follows:

5 336B.2 FINANCIAL STATEMENT. Before an attorney
6 is appointed under the provisions of sections 68.8,
7 145.17, 145.19, 222.22, ~~232.28~~ this Act, or rule 8,
8 rules of criminal procedure, or to represent any per-
9 son charged with a crime in this state, the court
10 shall require the client, or his or her parent,
11 guardian, or custodian to complete under oath a
12 detailed financial statement."

13 189. Page 77, by striking lines 7 through 12 and
14 inserting in lieu thereof the following:

15 "Sec. 90. Section three hundred fifty-six point
16 three (356.3), Code 1977, is amended to read as
17 follows:

18 356.3 MINORS SEPARATELY CONFINED. Any sheriff,
19 city marshal, or chief of police, having in his or
20 her care or custody any prisoner under the age of
21 eighteen years, shall keep such prisoner separate
22 and apart, and prevent communication by such prisoner
23 with prisoners above that age, while such prisoners
24 are not under the personal supervision of such offi-
25 cer, if suitable buildings or jails are provided for
26 that purpose, unless such prisoner is likely to or
27 does exercise an immoral influence over other minors
28 with whom he or she may be imprisoned.

29 A person under the age of eighteen years prosecuted
30 under this Act and not waived to criminal court shall
31 be confined in a jail only under the conditions
32 provided in this Act.

33 PARAGRAPH DIVIDED. Any officer having charge of
34 prisoners who without just cause or excuse neglects
35 or refuses to perform the duties imposed on him or
36 her by this section may be suspended or removed from
37 office therefor."

38 190. Page 79, by inserting after line 23 the
39 following new section:

40 "Sec. . The supreme court is authorized to
41 propose rules of juvenile procedure for consideration
42 by the first session of the sixty-eighth general
43 assembly. This section shall be effective July 1,
44 1978. Any rules promulgated under the authority of
45 this section shall become effective July 1, 1979.
46 Thereafter, the rules of juvenile procedure may be
47 amended, provisions deleted, and new rules added,
48 in the manner prescribed for civil rules under chapter
49 six hundred eighty four (684)."

50 191. Page 79, by striking line 25 and inserting

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- 1 in lieu thereof the word and figures "July 1, 1979."
- 2 192. By renumbering sections, subsections and
- 3 paragraphs to conform to this amendment.

SUBCOMMITTEE ASSIGNMENTS**House File 625**

State Government: Griffee, Chair; Poncy and Harvey.

House File 2065

Ways and Means: Anderson, Chair; Miller of Buchanan, Svoboda, Jochum, Clark of Lee, Harbor and Conlon.

House File 2095

Ways and Means: Husak, Chair; Gilloon, Davitt, Miller of Buchanan, Thompson, West and Bennett.

House File 2096

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Gentleman, Nielsen and Branstad.

House File 2101

Energy: Griffee, Chair; Howell, Evans, Daggett, Pelton and Svoboda.

House File 2103

State Government: Griffee, Chair; Patchett and Hansen.

House File 2104

State Government: West, Chair; Walter and Arnould.

House File 2105

Ways and Means: Miller of Buchanan, Chair; Dieleman, Anderson, Hines, West, Harvey and Lind.

House File 2108

State Government: Monroe, Chair; Patchett, Arnould, Tauke and Crawford.

House File 2109

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 2111

County Government: Wyckoff, Chair; Stromer and Wells.

House File 2114

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

House File 2115

Education: Miller (Sergeant) of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

House File 2117

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Gentleman, Nielsen and Branstad.

House File 2118

State Government: Brandt, Chair; Poncey and Stromer.

House File 2119

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Gentleman, Nielsen and Branstad.

House File 2121

Education: Dyrland, Chair; Gilson, Thompson, Lind and Baker.

House File 2122

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 2123

Ways and Means: Anderson, Chair; Miller of Buchanan, Svoboda, Jochum, Clark of Lee, Harbor and Conlon.

House File 2124

Judiciary and Law Enforcement: Nielsen, Chair; Spencer and Smalley.

House File 2125

State Government: Arnould, Chair; Monroe, Patchett, Tauke and Crawford.

House File 2126

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 2129

State Government: Dieleman, Chair; Walter and Junker.

House File 2130

State Government: West, Chair; Griffee and Walter.

House File 2131

State Government: Brandt, Chair; Woods and Junker.

House File 2139

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 2140

Labor and Industrial Relations: Jochum, Chair; Hines, Brockett, Small and Smalley.

House File 2141

County Government: Baker, Chair; Stephens and Gilloon.

House File 2142

State Government: Avenson, Chair; Brandt and Tauke.

House File 2143

Natural Resources: Spencer, Chair; Bennett and Wyckoff.

House File 2144

Judiciary and Law Enforcement: Nielsen, Chair; Shimanek and Connors.

House File 2145

Natural Resources: Perkins, Chair; Stephens and Jesse

House File 2148

State Government: Brandt, Chair; Woods and Stromer.

House File 2149

Labor and Industrial Relations: Horn, Chair; Gilloon, Chiodo, Egenes and Branstad.

House File 2150

Commerce: Small, Chair; Brockett, Chiodo, Tauke, Den Herder and Krause.

House File 2151

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2153

State Government: Jesse, Chair; Avenson and Hansen.

House File 2154

County Government: Gilson, Chair; Pellett and Byerly.

House File 2155

Labor and Industrial Relations: Connors, Chair; Halvorson, Pavich, Poncey and Thompson.

House File 2158

State Government: Monroe, Chair; Patchett, Arnould, Crawford and Tauke.

House File 2159

State Government: Jesse, Chair; Woods and Junker.

House File 2160

State Government: Arnould, Chair; Patchett, Monroe, Crawford and Tauke.

House File 2161

County Government: Brandt, Chair; Hoffmann and Hinkhouse.

House File 2162

State Government: Arnould, Chair; Griffee and Hansen.

House File 2166

Ways and Means: Rinas, Chair; Gilloon, Bina, O'Halloran, Thompson, Varley and Schnekloth.

House File 2167

Judiciary and Law Enforcement: Woods, Chair; Conlon and Connors.

Senate File 159

State Government: Jesse, Chair; Woods and Junker.

Senate File 192

State Government: Hansen, Chair; Griffiee and Avenson.

Senate File 222

State Government: Walter, Chair; Woods and Stromer.

Senate File 229

State Government: Hansen, Chair; Jesse and Woods.

Senate File 244

State Government: Harvey, Chair; Monroe and Avenson.

Senate File 308

State Government: Arnould, Chair; Shimanek and Griffiee.

Senate File 382

State Government: Middleswart, Chair; Brandt and Stromer.

Senate File 2042

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 205**

State Government: Arnould, Chair; Harvey and Monroe.

Study Bill 360

Education: Miller (Sergeant) of Calhoun, Chair; Byerly, Hansen and Brockett.

Study Bill 361

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 362

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 363

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

Study Bill 364

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

Study Bill 365

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 366

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 367

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 368

Education: Miller (Sergeant) of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

Study Bill 369

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 372

Education: Miller (Sergeant) of Calhoun, Chair; Byerly, Spear, Hansen and Brockett.

Study Bill 383

Judiciary and Law Enforcement: Conlon, Chair; Shimanek and Connors.

Study Bill 385

Energy: Howell and Evans, Co-chair; Binneboese, Daggett, Danker, Hinkhouse, Pellett and Perkins.

Study Bill 386

Ways and Means: Miller of Buchanan, Chair; Pavich, Wells, Conlon and Thompson.

Study Bill 388

Natural Resources: Avenson, Chair; Spencer and Shimanek.

Study Bill 390

Cities: Spear, Chair; Bina, Krewson, Rinas and Smalley.

Study Bill 391

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Branstad and Gentleman.

Study Bill 392

Cities: Koogler, Chair; Bina, Gentleman and Hoffmann.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 9:00 a.m., February 16, 1978

Convened: 9:04 a.m.

Adjourned: 9:31 a.m.

Present: Bina, chair; Connors, Dunton, Hoffmann, Koogler, Pavich, Rinas, Schneklath, Spear and Stephens.

Absent: Hines, vice-chair (arrived 9:16 a.m.); Clark of Lee, Gentleman (arrived 9:10 a.m.), Hargrave (arrived 9:27 a.m.), Krewson, Lind (arrived 9:14 a.m.), Newhard, Nielsen, Perkins and Smalley.

Excused: Tofte.

Study Bill 336, an act relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent and when interest as a penalty may be charged.

Recommended Amend and Do Pass.

Aye: Bina, Hines, Connors, Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Lind, Pavich, Rinas, Schneklath, Spear and Stephens.

Nay: None.

Absent or not voting: Clark of Lee, Krewson, Newhard, Nielsen, Perkins, Smalley and Tofte.

Assigned bills to subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., February 16, 1978

Convened: 9:12 a.m.

Adjourned: 10:35 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffie, Hansen, Jesse, Junker, Middleswart, Poncey, Shimanek, Stromer, Tauke, Walter and West.

Absent: Patchett.

Assigned bills and discussed Study Bill 352 relating to civil rights.

COMMITTEE ON COMMERCE

Scheduled: 10:30 a.m., February 16, 1978

Convened: 10:35 a.m.

Adjourned: 11:30 a.m.

Present: Small, chair; Chiodo, vice-chair; Anderson, Bina, Brunow, Den Herder, Dieleman, Halvorson, Jochum, Koogler, Lonergan, Schroeder, Tauke, Walter, Welden and West.

Absent: Brockett, ranking member; Evans and Krause.

Committee Bill (Formerly House File 462), a bill for an act to prohibit the practice of imposing a penalty for the early repayment of loans secured by mortgages on real property.

Recommended Amend and Do Pass.

Aye: Small, Chiodo, Anderson, Bina, Den Herder, Dieleman, Halvorson, Jochum, Koogler, Tauke, Walter and West.

Nay: Brunow, Lonergan and Schroeder.

Absent or not voting: Brockett, Evans, Krause and Welden.

Committee Bill (Formerly House File 2110), a bill for an act to change the interest rate on money due on judgments and decrees.

Recommended Amend and Do Pass.

Aye: Small, Chiodo, Anderson, Bina, Brunow, Den Herder, Dieleman, Halvorson, Jochum, Koogler, Lonergan, Tauke, Walter and West.

Nay: Schroeder.

Absent or not voting: Brockett, Evans, Krause and Welden.

Discussed study bill on product liability.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 10:30 a.m., February 16, 1978

Convened: 10:45 a.m.

Adjourned: 11:30 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Gilloon.

House File 2006, a bill for an act relating to the compensation of township trustees.

Recommended Amend and Do Pass.

H-5334

1 Amend House File 2006 as follows:

- 2 1. Page 1, line 6, by striking the word "three"
 3 and inserting in lieu thereof the word "five".
 4 2. Page 1, by inserting after line 25 the following
 5 new section:
 6 "Sec. . This Act is effective January 1,
 7 1979."

Aye: Hullinger, Spear, Danker, Baker, Brandt, Byerly, Clark of Lee, Gilson, Harvey, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: Oxley.

Absent or not voting: Gilloon.

Assignment of subcommittees.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:30 a.m., February 16, 1978

Convened: 10:44 a.m.

Adjourned: 11:50 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Absent: Nielsen (arrived 10:48 a.m.), Patchett (arrived 10:55 a.m.) and Smalley.

Study Bill 184, a bill for an act relating to payment of pension funds and insurance benefits to beneficiaries in cases involving a dissolution of marriage.

Recommended Amend and Do Pass.

Aye: Jesse, Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Lipsky, Nielsen, Patchett, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Smalley.

Assigned bills to subcommittees and discussed House File 2094.

COMMITTEE ON BUDGET

Scheduled: 5:45 p.m., February 16, 1978

Reconvened: 5:45 p.m.

Adjourned: 6:20 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Harvey, Koogler, Norland, O'Halloran, Stromer, Welden and Wells.

Absent: Jesse (arrived 5:50 p.m.) and Varley.

Excused: Den Herder.

Study Bill 378, a bill for an act making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies.

Recommended **Amend and Do Pass**.

Aye: Cusack, Dunton, Avenson, Harvey, Jesse, Norland, O'Halloran, Welden and Wells.

Nay: Stromer.

Absent or not voting: Den Herder, Koogler and Varley.

AMENDMENTS FILED

H—5336	H.F. 2048	Spear of Lee
H—5337	H.F. 2169	Monroe of Des Moines
H—5338	H.F. 2169	O'Halloran of Black Hawk
Howell of Floyd		Doyle of Woodbury
Welden of Hardin		Varley of Adair
Perkins of Greene		Danker of Pottawattamie
Binneboese of Plymouth		Svoboda of Iowa
Lindeen of Henry		Middleswart of Warren
Norland of Worth		Hinkhouse of Cedar
Evans of Grundy		Pellett of Cass
Griffie of Chickasaw		Hullinger of Decatur
Daggett of Adams		Pelton of Clinton
H—5339	H.F. 2169	Gentleman of Polk

On motion by Anderson of Jasper, the House adjourned at 10:08 a.m., until 10:00 a.m., Monday, February 20, 1978.

JOURNAL OF THE HOUSE

Forty-third Calendar Day—Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 20, 1978

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

Prayer was offered by the Reverend John Kerr, pastor of the First United Presbyterian Church, Rockwell City, Iowa.

The Journal of Friday, February 17, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Alan Robb, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Griffie of Chickasaw on request of Cusack of Scott; Gilloon of Dubuque on request of Dyrland of Clayton.

INTRODUCTION OF BILLS

House File 2181, by Howell and Branstad, a bill for an act amending the obscenity chapter of the criminal code revision to prohibit the sale or offering for sale of obscene material to adults and minors and providing a penalty.

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

House File 2182, by Thompson, a bill for an act to exempt interest and dividend income from securities of the state and its political subdivisions from the state individual income tax.

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

House File 2183, by West, Schnekloth, Menke, Hansen, Den Herder, Varley, Evans, Welden, Thompson and Egenes, a bill for an act relating to the duties of the department of revenue and owners of industrial property in valuing industrial property.

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

House File 2184, by West and Perkins, a bill for an act providing that repairs to goods by a seller within prescribed limitations shall not be considered consumer fraud.

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

House File 2185, by Smalley, a bill for an act relating to the sale by persons subject to chapter five hundred fifty-six A (556A) of the Code, relating to cemeteries, of contracts for personal property or services in connection with the interment of a dead human body, and providing penalties.

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

House File 2186, by Gentleman, a bill for an act authorizing a sentencing judge to impose consecutive sentences when a person is sentenced for two or more separate offenses.

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

House File 2187, by Tauke, a bill for an act to designate a name for the office building of the Iowa department of job service.

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

SENATE MESSAGE CONSIDERED

Senate File 403, a bill for an act relating to the assessment of dues for membership in the Iowa state association of counties.

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

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 17, 1978, and is on file in the office of the Chief Clerk:

Mr. David L. Wray
 Chief Clerk
 House of Representatives
 State House
 L O C A L

Dear Mr. Wray:

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

These include sixteen (16) claims of a general nature. This supplements our filing on January 10, 1978.

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

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
421-65-25	Frances A. Renault Belcourt, North Dakota Merit pay adjustment	\$ 30.00	Disapproved
2414-65-25	Leland O. Crawford Des Moines, Iowa Additional salary payment	15.00	Disapproved
2457-65-25	Mrs. Adelaide Gibbons Sanborn, Iowa Additional salary payment	35.20	Disapproved
2474-65-25	Carl M. Lancaster Des Moines, Iowa Additional salary payment	74.00	Disapproved

75-66-25	Dennis Floyd Burns Des Moines, Iowa Personal property reimbursement	35.00	Disapproved
319-66-25	Pottawattamie County Council Bluffs, Iowa Outdated invoice	675.00	Disapproved
774-66-25	Gerald Lee Cronin Holstein, Iowa Request for refund of excise tax paid	751.75	Disapproved
1694-66-25	United Way of Greater Des Moines Des Moines, Iowa Outdated invoice for a directory	2.75	Disapproved
2771-67-25	Anna M. Weems Waterloo, Iowa Outdated voucher for expenses	354.99	Disapproved
2949-67-25	Regional Alcoholism Center Ames, Iowa Outdated invoice for purchase of services	3,880.50	Disapproved
3065-67-25	Valerie Steelman Union, Iowa Outdated voucher for expenses	18.09	Disapproved
4286-67-25	Johnson & Phelan Law Firm Fort Madison, Iowa Outdated invoice for legal services	484.66	Disapproved
4294-67-25	Charles E. Newcomer, D.D.S. West Des Moines, Iowa Outdated request for payment for services	656.25	Disapproved
4383-67-25	Rowley Interstate Transportation Co., Inc. Dubuque, Iowa Prorate refund	5,901.36	Disapproved
4433-68-25	Debra J. Westmaas Des Moines, Iowa Broken eyeglasses	91.50	Disapproved
4458-68-25	Decker Truck Lines, Inc. Fort Dodge, Iowa Prorate fee refund	1,677.24	Disapproved

ADOPTION OF HOUSE RESOLUTION 104

Pursuant to House Rule 26, the Speaker announced that House

Resolution 104, filed on February 6, 1978 and found on page 343 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS Budget Calendar

House File 2165, a bill for an act appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2165)

The ayes were, 81:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brunow	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 5:

Brockett	Clark, J.H.	Evans	Stromer
Tofte			

Absent or not voting, 14:

Binneboese	Byerly	Chiodo	Egenes
Gilloon	Griffie	Hargrave	Hines
Jesse	Koogler	Menke	Monroe
Newhard	Patchett		

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

House File 2170, a bill for an act making appropriations to the department of general services for operating purposes was taken up for consideration.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

(House File 2170 pending at recess.)

On Motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Davitt of Warren, Binneboese of Plymouth, Den Herder of Sioux, and Lindeen of Henry for a portion of the afternoon on request of Speaker Cochran of Webster to attend a hearing at the Wallace Building.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Clark of Lee to determine that a quorum was present.

Rule 70 was invoked.

Present: 85

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad

Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Halvorson
Hansen	Harbor	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poney
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent: 15

Binneboese	Davitt	Den Herder	Egenes
Gilloon	Griffee	Hargrave	Hinkhouse
Jesse	Krause	Lindeen	Nielsen
Perkins	Scheelhaase	Svoboda	

BUSINESS PENDING

The House resumed consideration of **House File 2170**, a bill for an act making appropriations to the department of general services for operating purposes.

Wyckoff of Benton offered the following amendment H-5341 filed by Wyckoff, Junker, Smalley, Walter, Woods, Danker, Dieleman, Harbor and Lageschulte from the floor and moved its adoption:

H-5341

- 1 Amend House File 2170 as follows:
- 2 1. Page 2, line 11, by striking the numerals
- 3 "207,700" and inserting in lieu thereof the numerals
- 4 "216,700".
- 5 2. Page 2, by inserting after line 11 the
- 6 following:
- 7 "It is the intent of the general assembly that
- 8 two additional positions be authorized for use in
- 9 the microfilming of health department records and

10 documents. These positions shall be reimbursed
11 by funds appropriated to the health department."

Amendment H—5341 was adopted.

Schroeder of Pottawattamie offered the following amendment
H—5354 filed by him from the floor and moved its adoption:

H—5354

1 Amend House File 2170 as follows:

2 1. Page 2, by inserting after line 2 the fol-
3 lowing:

4 "The funds appropriated by this paragraph shall
5 not become available until all exterior door open-
6 ings in the Capitol are equipped with panic bars or
7 other unmanned emergency exit devices."

A non-record roll call was requested.

The ayes were 50, nays 35.

Amendment H—5354 was adopted.

Spencer of Clay moved to reconsider the vote by which amend-
ment H—5354 was adopted by the House.

Roll call was requested by Spencer of Clay and Oxley of Linn.

Rules 69 and 70 were invoked.

On the question "Shall the vote by which amendment H—5354
was adopted be reconsidered?"

The ayes were, 41:

Bina	Binneboese	Brandt	Branstad
Brunow	Crabb	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilson
Hargrave	Harvey	Hines	Hullinger
Husak	Jochum	Koogler	Lageschulte
Middleswart	Miller, K.D.	Nielsen	Norland
O'Halloran	Oxley	Pavich	Perkins
Poncy	Small	Smalley	Spear
Spencer	Walter	Wells	Wyckoff
Mr. Speaker			

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Bennett	Brockett	Chiado	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Danker	Den Herder	Doyle	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Horn
Howell	Junker	Krause	Krewson
Lind	Lipsky	Loneragan	Menke
Millen	Miller (Sergeant)	Monroe	Patchett
Pellett	Pelton	Rinas	Schnekloth
Schroeder	Shimanek	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Woods	

Absent or not voting, 8:

Byerly	Gilloon	Griffee	Jesse
Lindeen	Newhard	Scheelhaase	Svoboda

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2170)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Chiado
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schnekloth
Schroeder	Shimanek	Small	Spear

Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 3:

Harvey	Smalley	Spencer
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Absent or not voting, 8:

Byerly	Gilloon	Griffie	Jesse
Lindeen	Newhard	Scheelhaase	Svoboda

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

MOTION TO RECONSIDER PREVAILED (House File 2165)

Smalley of Polk moved to reconsider the vote by which House File 2165 passed the House on February 20, 1978.

A non-record roll call was requested.

The ayes were 82, nays 2.

The motion prevailed and the House reconsidered **House File 2165**, a bill for an act appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program.

On motion by Smalley of Polk, the House reconsidered the vote by which House File 2165 was placed on its last reading.

Evans of Grundy asked and received unanimous consent to defer action on House File 2165 and that the bill retain its place on the budget calendar.

CONSIDERATION OF BILLS Regular Calendar

House File 559, a bill for an act requiring existing residential

dwellings or portions of existing structures used therefore to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan, was taken up for consideration.

Varley of Adair offered amendment H—5277 filed by the committee on energy, found on pages 447 and 448 of the House Journal and requested division of the amendment as follows: H—5277A, lines 2 through 13; H—5277B, lines 14 through 26; and H—5277C, lines 27 through 31.

Brunow of Appanoose in the chair at 3:15 p.m.

Varley of Adair moved the adoption of the committee amendment H—5277A.

Amendment H—5277A was adopted.

Schroeder of Pottawattamie offered the following amendment H—5352, to the committee amendment H—5277B, filed by him from the floor and moved its adoption:

H—5352

- 1 Amend the Committee on Energy amendment, H—5277,
- 2 to House File 559 as follows:
- 3 1. Page 1, by striking lines 14 through 26 and
- 4 inserting in lieu thereof the following:
- 5 " . Page 2, by striking lines 25 through 35.
- 6 . Page 3, by striking lines 1 through 5."
- 7 2. Page 1, by inserting after line 31 the following:
- 8 " . Page 4, by striking lines 3 through 11 and
- 9 inserting in lieu thereof the words "to a lender for
- 10 a mortgage loan." "

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 40, nays 50.

Amendment H—5352 lost.

Welden of Hardin offered the following amendment H—5342, to the committee amendment H—5277B, filed by him and Perkins of Greene from the floor and moved its adoption:

H—5342

1 Amend amendment H—5277 to House File 559, as
2 follows:

3 1. By striking lines 21 through 23 and insert-
4 ing in lieu thereof the following:
5 "10. Page 2 by striking line 31 and inserting
6 in lieu thereof the following: "for making structural
7 alterations or additions to the existing".

8 Page 2 by inserting after line 34 the
9 following:

10 "Loans to be used entirely for attaining a por-
11 tion of the requirements of section five (5) of this
12 Act shall be exempt from the requirements of section
13 three (3) of this Act, and subsection two (2) of this
14 section."

Amendment H—5342 was adopted.

On motion by Varley of Adair, the committee amendment
H—5277B, as amended, was adopted.

Varley of Adair moved the adoption of the committee amend-
ment H—5277C.

A non-record roll call was requested.

The ayes were 47, nays 27.

Amendment H—5277C was adopted.

Hines of Story offered the following amendment H—5357 filed
by him from the floor and moved its adoption:

H—5357

1 Amend House File 559 as follows:

2 1. Page 2, by inserting after line 12 the
3 following:

4 "3. Section two (2) of this Act shall not apply
5 when the property will not be used for human
6 occupancy."

Amendment H—5357 was adopted.

Danker of Pottawattamie offered the following amendment
H—5344 filed by Danker, Varley and O'Halloran from the floor and
moved its adoption:

H—5344

- 1 Amend House File 559 as follows:
- 2 1. Page 2, line 27, by striking the words and
- 3 numeral "subsection two (2)" and inserting in lieu
- 4 thereof the words and numerals "subsections two (2)
- 5 and three (3)".
- 6 2. Page 3, by inserting after line 5 the following:
- 7 "3. The provisions of this section shall not apply
- 8 to loans for home improvements necessitated by a
- 9 natural disaster."

Amendment H—5344 was adopted.

Hines of Story offered the following amendment H—5360 filed by him from the floor:

H—5360

- 1 Amend House File 559 as follows:
- 2 1. Page 3, by striking lines 1 through 5 and
- 3 inserting in lieu thereof the following:
- 4 "standards the loan shall not be approved by the
- 5 lender until the borrower shows plans to comply with
- 6 standards established by the state building code
- 7 commissioner and adequate financial means to carry
- 8 out the improvements necessary to bring the structure
- 9 into compliance with thermal efficiency standards.
- 10 Such thermal efficiency improvements shall be
- 11 completed within one hundred eighty days following
- 12 the making of improvements, alterations or repairs
- 13 to the existing structure."

Hines of Story asked and received unanimous consent to defer action on amendment H—5360.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie for the remainder of the day on request of Millen of Van Buren.

Schroeder of Pottawattamie offered the following amendment H—5355 filed by him from the floor:

H—5355

- 1 Amend House File 559 as follows:
- 2 1. Page 3, by striking line 20 and inserting in
- 3 lieu thereof the following: "nineteen (R—19)."

Perkins of Greene rose on a point of order that amendment H—5355 was not in order.

The Speaker ruled the point well taken and amendment H—5355 not in order.

Welden of Hardin offered the following amendment H—5343 filed by him and Perkins of Greene from the floor and moved its adoption:

H—5343

- 1 Amend House File 559 as follows:
- 2 1. Page 4, line 13, by inserting after the
- 3 word "is" the words "or is".

Amendment H—5343 was adopted.

Miller of Buchanan offered the following amendment H—5359 filed by him and Wyckoff of Benton from the floor and moved its adoption:

H—5359

- 1 Amend House File 559 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following:
- 4 "Sec. . The sale of real property pursuant
- 5 to chapter four hundred forty-six (446) shall be
- 6 exempt from the provisions of this Act."

A non-record roll call was requested.

The ayes were 39, nays 41.

Amendment H—5359 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott on request of Dyrland of Clayton and Baker of Buena Vista on request of Nielsen of Polk, both for the remainder of the day.

The House resumed consideration of amendment H—5360.

By unanimous consent the following amendment H—5365, to amendment H—5360, filed by Hines of Story from the floor was adopted.

H—5365

- 1 Amend amendment H—5360, to House File 559, as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the
- 4 word "structure" the following: "as stated in
- 5 subsection one (1) of this section".

Hines of Story moved that House File 559 be rereferred to the committee on energy.

Roll call was requested by Schneklath of Scott and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall the motion to rerefer prevail?"

The ayes were, 48:

Bennett	Bina	Branstad	Byerly
Chiodo	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Davitt	Dunton
Dyrland	Garrison	Gentleman	Gettings
Hansen	Harbor	Hines	Hoffmann
Horn	Husak	Jesse	Junker
Krewson	Lageschulte	Lind	Lipsky
Menke	Millen	Miller, K.D.	Nielsen
Oxley	Pavich	Pellett	Poncy
Rinas	Scheelhaase	Schneklath	Shimanek
Smalley	Spencer	Stromer	Tauke
Walter	West	Woods	Wyckoff

The nays were, 40:

Anderson	Avenson	Binneboese	Brandt
Brockett	Clark, B.J.	Connors	Cusack
Egenes	Evans	Fitzgerald	Gilson
Halvorson	Hargrave	Harvey	Howell
Hullinger	Jochum	Koogler	Krause
Lindeen	Lonergan	Middleswart	Miller (Sergeant)
Monroe	Norland	O'Halloran	Patchett
Perkins	Schroeder	Small	Spear
Stephens	Svoboda	Thompson	Tofte
Varley	Welden	Wells	Mr. Speaker (Brunow)

Absent or not voting, 12:

Arnould	Baker	Cochran	Danker
Den Herder	Dieleman	Doyle	Gilloon
Griffie	Hinkhouse	Newhard	Pelton

The motion prevailed and House File 559 was rereferred to the committee on energy.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for the remainder of the day on request of Davitt of Warren.

INTRODUCTION OF BILLS

House File 2188, by Brandt, Cusack, Miller (Sergeant) of Calhoun, Gentleman, Krewson and O'Halloran, a bill for an act to provide multipurpose service centers for displaced homemakers.

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

House File 2189, by committee on budget, a bill for an act making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies.

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

House File 2190, by committee on ways and means, a bill for an act to provide for the determination of the amount of the increase of

the assessed valuation of agricultural land and residential property as of January 1, 1979.

Read first time and placed on the ways and means calendar.

UNANIMOUS CONSENT CALENDAR
(House Resolution 107)

We hereby respectfully request that House Resolution 107, filed on February 15, 1978 and found on page 454 of the House Journal, be placed on the unanimous consent calendar.

KRAUSE of Kossuth
LAGESCHULTE of Bremer
HANSEN of O'Brien

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 400 Human Resources

To provide that emergency foster care, emergency shelter care, and emergency homemaker aid shall be available for children in each judicial district.

S.B. 401 Natural Resources

Relating to the Conservation Commission meeting date.

S.B. 402 Natural Resources

Relating to box traps, disturbing dens and tags for traps.

S.B. 403 Natural Resources

Relating to the administration of the temporary state land preservation policy commission.

S.B. 404 Judiciary and Law Enforcement

To legalize proceedings taken by the Van Buren county board of supervisors relating to sale of certain real estate belonging to the Van Buren county conservation board subject to certain conditions and easements.

S.B. 405 Judiciary and Law Enforcement

Proposed bill for the legalization of the proceedings of the Clinton county board of supervisors relating to the remodeling, expansion, and repair of the Clinton county care facility and to authorize payments for such project. An act to legalize proceedings taken by the county board of supervisors of Clinton county relating to the remodeling, expansion and repair of the Clinton county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of addition taxes.

S.B. 406 Budget

Making an appropriation to the state department of health to fund the gathering of evidence and the cost of treatment required by section seven hundred nine point ten (709.10), Code 1977 Supplement.

S.B. 407 Cities

Relating to the investment of police and fire retirement system funds.

**COMMUNICATION FROM
DEPARTMENT OF PUBLIC INSTRUCTION**

Copies of five special education evaluation reports prepared as a result of site visits conducted by the Division of Special Education staff, Department of Public Instruction during the 1976-77 school year as part of a three-year Area Education Agency evaluation cycle, submitted pursuant to Chapter 281.9 (6) of the Code, have been received and placed on file in the office of the Chief Clerk.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber the afternoon of February 15 and February 16, 1978. Had I been present, I would have voted "aye" on the following amendments to House File 356: H-5316 to H-5224, H-5224, H-5303 and House Files 356, 2116 and 2135; "nay" on amendment H-5329 to House File 2135.

TOFTE of Winneshiek

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber.

Eight Camp Fire Girls from Waukee, Iowa, accompanied by Diane Erickson and Linda Griffiths. By Varley of Adair.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., February 15, 1978

Convened: 7:40 a.m.

Adjourned: 8:58 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen, Miller (Sergeant) of Calhoun and Newhard.

Absent: Hines.

Recommended appropriations for the Prisoner Employment Program and the Medical Carrier Program.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., February 16, 1978

Convened: 7:45 a.m.

Adjourned: 9:15 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen, Miller (Sergeant) of Calhoun and Newhard.

Committee made recommendations for Medicaid Budget.

COMMITTEE ON AGRICULTURE

Scheduled: 9:00 a.m., February 16, 1978

Convened: 9:08 a.m.

Adjourned: 9:45 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Davitt, Den Herder, Gettings, Howell, Husak, Menke and Svoboda.

Absent: Byerly (arrived 9:20 a.m.), Danker (arrived 9:15 a.m.), Gilson (arrived 9:22 a.m.), Lageschulte, Lindeen (arrived 9:21 a.m.) and Miller (Sergeant) of Calhoun (arrived 9:20 a.m.).

Excused: Krause.

Senate File 209, a bill for an act relating to railroad rights-of-way acquired by the state-conservation commission and political subdivisions of the state.

Recommended Amend and Do Pass.

H-5375

- 1 Amend Senate File 209, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 8 and 9 and insert-
- 4 ing in lieu thereof the following: "one hundred
- 5 thirteen (113) of the Code except that the state
- 6 conservation commission and any political subdivi-
- 7 sion of the state shall have the responsibility to
- 8 construct, maintain and keep in repair all of the
- 9 fence on each side of the property;"
- 10 2. Page 1, line 23, by inserting after the word
- 11 "owners," the following: "The provisions of this
- 12 section shall not apply to rights-of-way located on
- 13 land within the corporate limits of a city unless
- 14 the acquired right-of-way is contiguous to cultivated
- 15 land or land assessed as agricultural land."

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gettings, Gilson, Howell, Husak, Lindeen, Menke, Miller (Sergeant) of Calhoun and Svoboda.

Nay: None.

Absent or not voting: Krause and Lageschulte.

AMENDMENTS FILED

H-5345	H.F. 2164	Spear of Lee
H-5346	H.F. 2048	Miller of Buchanan
H-5347	H.F. 2048	Miller of Buchanan
H-5348	S.F. 2066	Lageschulte of Bremer
		Schnekloth of Scott
H-5349	H.F. 2113	Koogler of Mahaska
		Cusack of Scott
		Varley of Adair
		Stromer of Hancock
		Norland of Worth
		Welden of Hardin
H-5350	H.F. 2048	Daggett of Adams
		Stromer of Hancock
		Hullinger of Decatur
H-5351	H.F. 2048	Miller of Buchanan
H-5353	H.F. 2165	Evans of Grundy
		Cusack of Scott
		Crabb of Crawford
		Stromer of Hancock
		Brockett of Marshall
H-5356	H.F. 2048	Gilson of Guthrie
		Baker of Buena Vista
H-5358	H.F. 2113	Koogler of Mahaska
		Varley of Adair
		Welden of Hardin
		Norland of Worth
		Cusack of Scott
		Stromer of Hancock
H-5361	H.F. 559	Woods of Polk
H-5362	H.F. 559	Evans of Grundy
H-5363	H.F. 2048	Stromer of Hancock
		Hansen of O'Brien
H-5364	H.F. 559	Hargrave of Johnson
H-5366	H.C.R. 112	Harbor of Mills
		Krause of Kossuth
H-5367	H.F. 187	Davitt of Warren
H-5368	H.F. 2084	Hullinger of Decatur
H-5369	H.F. 2048	Wyckoff of Benton
		Pelton of Clinton
		Miller of Buchanan
		Evans of Grundy

H—5370	H.F. 2048	Lipsky of Linn
H—5371	H.F. 2048	Patchett of Johnson
H—5372	H.F. 2048	Patchett of Johnson
Stromer of Hancock		Gilson of Guthrie
Daggett of Adams		Koogler of Mahaska
Norland of Worth		Walter of Pottawattamie
Jochum of Dubuque		Lipsky of Linn
Hansen of O'Brien		Miller (Sergeant)
Small of Johnson		of Calhoun
Rinas of Linn		Junker of Woodbury
Baker of Buena Vista		Miller of Buchanan
Krewson of Polk		Jesse of Polk
Arnould of Scott		Bina of Scott
Brockett of Marshall		Dyrland of Clayton
Evans of Grundy		West of Marshall
Poncy of Wapello		Horn of Linn
Schroeder of Pottawattamie		Halvorson of Clayton
Crawford of Story		O'Halloran of Black Hawk
Branstad of Winnebago		Clark of Lee
Clark of Cerro Gordo		Lind of Black Hawk
Hinkhouse of Cedar		Hoffmann of Muscatine
Tofte of Winneshiek		Harvey of Scott
Thompson of Polk		Conlon of Muscatine
Dieleman of Marion		Scheelhaase of Woodbury
Pellett of Cass		Krause of Kossuth
Howell of Floyd		Lageschulte of Bremer
Pelton of Clinton		Davitt of Warren
Brandt of Black Hawk		Shimanek of Jones
Garrison of Black Hawk		Dunton of Keokuk
		Millen of Van Buren
H—5373	H.F. 2048	Stromer of Hancock
		Miller (Sergeant)
		of Calhoun
		Hansen of O'Brien
		Menke of O'Brien
		Patchett of Johnson
H—5374	H.F. 2048	Clark of Cerro Gordo
H—5376	H.F. 559	Horn of Linn

On motion by Fitzgerald of Webster, the House adjourned at 5:19 p.m., until 1:30 p.m., Tuesday, February 21, 1978.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day—Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 21, 1978

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

Prayer was offered by the Reverend Theodore Ertle, pastor of the First Baptist Church, Grundy Center, Iowa.

The Journal of Monday, February 20, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Anderson, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Buena Vista on request of Byerly of Polk; Spencer of Clay on request of Hullinger of Decatur.

PETITIONS FILED

The following petitions were received and placed on file:

By Byerly of Polk from sixty-eight constituents; Daggett of Adams from sixty-six constituents favoring Senate File 350, relating to products liability legislation.

By West of Marshall from eighty-three constituents favoring House File 413, relating to the sale of certified raw milk.

By Middleswart of Warren from twenty-seven constituents in opposition to a mandatory deposit law on beverage packaging.

INTRODUCTION OF BILLS

House File 2191, by Egenes, West, Tauke, Branstad, Brockett,

Schnekloth, Menke, Harbor, Stromer, Danker, Crabb, Hansen, Den Herder, Lindeen, Harvey, Pelton, Stephens, Hoffmann, Smalley, Junker, Evans, Bennett, Welden, Shimanek, Thompson and Conlon, a bill for an act relating to retirement allowances for active, vested, and retired members of the Iowa public employees' retirement system.

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

House File 2192, by Daggett, a bill for an act limiting the ownership or acquisition of agricultural land by nonresident aliens.

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

House File 2193, by Tauke, a bill for an act relating to the provision of special education support services by local school districts.

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

House File 2194, by Howell, a bill for an act to establish the board of electrician examiners and to require the licensing of electronic technicians.

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

House File 2195, by Wyckoff, Pelton, Hullinger, Pellett, Crabb, Poney, Wells and Husak, a bill for an act amending the criminal code revision by requiring that the maximum sentence imposed by law be served by a person who assaults a peace officer in the performance of the peace officer's duty.

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

House File 2196, by Davitt, a bill for an act relating to out-of-state travel.

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

House File 2197, by Spencer, a bill for an act requiring that a person convicted for the first time of operating a motor vehicle while under the influence of an alcoholic beverage, a narcotic, hyp-

notic, or other drug, or a combination of such substances must pay a minimum fine of three hundred dollars as part of the penalty.

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

House File 2198, by Danker, a bill for an act making an appropriation to establish a state university in western Iowa.

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

House File 2199, by Thompson, Halvorson, Junker, Gentleman, Menke, Hansen, Tofte, Pellett, Lageschulte and Egenes, a bill for an act relating to compensation for members of the appeal board of the Iowa department of job service.

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

House File 2200, by Wyckoff, a bill for an act relating to the preservations of railroad reversions.

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

House File 2201, by Koogler, a bill for an act relating to the interest rate and maturity of property improvement loans by savings and loan associations.

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

House File 2202, by Avenson, a bill for an act relating to the routing of pipelines.

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

House File 2203, by Lindeen and Spear, a bill for an act relating to eligibility to serve on the board of trustees of a drainage or levee district managed under chapter four hundred sixty-two (462) of the Code.

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

House File 2204, by Doyle and Monroe, a bill for an act exemp-

ting modular homes from being assessed in the same manner as a mobile home for tax purposes.

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

House File 2205, by Lipsky and Varley, a bill for an act relating to creation of solar energy easements.

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

House File 2206, by Harbor, Junker, Tofte, Pellett, Hoffmann, Danker, Hansen, Welden, Smalley and West, a bill for an act making an appropriation for the senior citizen employment program.

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

House File 2207, by Monroe, a bill for an act appropriating funds for distribution to community action agencies for programs and support.

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

House File 2208, by Tauke, Shimanek and Tofte, a bill for an act relating to the granting of easements or other property interests for the construction, maintenance, or operation of pipelines.

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

House File 2209, by Avenson, a bill for an act relating to construction easements for the construction of pipelines.

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

House File 2210, by Nielsen, a bill for an act relating to the filing of a complaint for nonsupport.

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

House File 2211, by Spencer, a bill for an act prohibiting nudity in public places and providing a penalty.

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

House Joint Resolution 2002, by Brunow, Bina, Anderson, Gentleman, Spear, Connors, Pavich, Krewson, Crawford, Hargrave, Cusack, Newhard, Varley, West, Dieleman, Lonergan, Griffee, Krause, Svoboda, Avenson, Horn, Arnould, Jochum, Gilloon, Davitt, Jesse, Monroe, Chiodo, Woods and Brandt, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow persons who have attained the age of majority to serve in the general assembly and to hold the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state or attorney general.

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

House Joint Resolution 2003, by Pelton, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that a person's right of privacy shall not be denied by the state or any of its political subdivisions.

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

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

SPECIAL PRESENTATION

Speaker Cochran presented to the House Mrs. Anna Weems, mother of House Page Marc Weems and Director of Equal Opportunity Employment, Job Services of Iowa, who commented on National Black Awareness Month.

Mrs. Weems then presented the Honorable George Brown, Lieutenant Governor of Colorado, who addressed the House on the scientific, cultural, political and athletic contribution of the "darker brother" in America.

CONSIDERATION OF BILLS Budget Calendar

House File 2113, a bill for an act relating to the appropriation of federal funds by the general assembly, was taken up for consideration.

Small of Johnson offered the following amendment H-5379 filed by him from the floor:

H-5379

1 Amend House File 2113 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. NEW SECTION. DEFINITIONS. As used
5 in section two (2) of this Act:

6 1. "State agency" means all state offices, depart-
7 ments, boards, commissions, councils, committees,
8 institutions under the control of the state board
9 of regents, the governor's offices, the courts and
10 offices of the legislative branch of state government.

11 2. "Federal funds" means any financial assistance
12 available to a state agency by the United States
13 government, whether a loan, grant, subsidy,
14 augmentation, reimbursement or in any other form.
15 "Federal funds" does not include federal pass-through
16 funds to governmental subdivisions as defined in
17 section eighteen point one (18.1), subsection three
18 (3), of the Code and organizations which do not require
19 additional state matching funds, and project grants
20 for research and funds for student aid programs carried
21 on within institutions under the control of the state
22 board of regents.

23 Sec. 2. NEW SECTION. NOTIFY GOVERNOR. All state
24 agencies shall notify the governor of any federal
25 funds received by the state agency immediately upon
26 the receipt of the federal funds. State agencies
27 shall maintain detailed and accurate accounting records
28 for such federal funds. These records shall be
29 available upon request of the general assembly."

Speaker pro tempore Nielsen of Polk in the chair at 3:15 p.m.

Speaker Cochran in the chair at 3:44 p.m.

Small of Johnson moved the adoption of amendment H-5379.

Roll call was requested by Small of Johnson and Koogler of Mahaska.

On the question "Shall amendment H-5379 be adopted?"

The ayes were, 39:

Arnould

Bennett

Binneboese

Brandt

Branstad	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Crawford	Danker	Dieleman
Dyrland	Egenes	Evans	Gentleman
Hines	Hoffmann	Jochum	Junker
Lageschulte	Lind	Lipsky	Menke
Millen	Oxley	Pellett	Pelton
Rinas	Schneklath	Schroeder	Shimanek
Small	Stephens	Tauke	Thompson
Tofte	West	Wyckoff	

The nays were, 57:

Anderson	Avenson	Bina	Brunow
Chiodo	Conlon	Connors	Crabb
Cusack	Daggett	Davitt	Den Herder
Doyle	Dunton	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Koogler
Krause	Krewson	Lindeen	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	O'Halloran	Patchett	Pavich
Perkins	Poncy	Scheelhaase	Smalley
Spear	Stromer	Svoboda	Varley
Walter	Welden	Wells	Woods
Mr. Speaker			

Absent or not voting, 4:

Baker	Monroe	Newhard	Spencer
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Amendment H — 5379 lost.

Hargrave of Johnson offered the following amendment H — 5383 filed by him from the floor and moved its adoption:

H — 5383

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, line 6, by striking the words
- 3 "institutions under".
- 4 2. Page 1, line 7, by striking the words "the
- 5 control of the state board of regents,".

Roll call was requested by Hargrave of Johnson and Schroeder of Pottawattamie.

On the question "Shall amendment H—5383 be adopted?"

The ayes were, 18:

Clark, B.J.	Clark, J.H.	Crawford	Dyrland
Garrison	Gentleman	Gilloon	Hargrave
Hines	Lipsky	Menke	O'Halloran
Pellett	Schroeder	Small	Thompson
Tofte	Wells		

The nays were, 71:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Conlon	Connors	Crabb	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Evans	Fitzgerald
Gettings	Gilson	Griffee	Halvorson
Hansen	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Nielsen	Norland
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimaneck	Smalley	Spear
Stephens	Stromer	Svoboda	Tauke
Varley	Walter	Welden	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 11:

Baker	Den Herder	Egenes	Harbor
Harvey	Krause	Lind	Millen
Monroe	Newhard	Spencer	

Amendment H—5383 lost.

Nielsen of Polk offered the following amendment H—5382 filed by him from the floor and moved its adoption:

H—5382

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "regents" the words "or the department of public
- 4 instruction".

Amendment H—5382 was adopted.

Koogler of Mahaska offered the following amendment H—5358 filed by Koogler, et al., and moved its adoption:

H—5358

- 1 Amend House File 2113 as follows:
- 2 1. Page 1, lines 21 and 22, by striking the words
- 3 "and credited to the general fund of the state" and
- 4 inserting in lieu thereof the words "the state
- 5 treasury".

Amendment H—5358 was adopted.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H—5349 filed by Koogler, et al., on February 20, 1978.

Welden of Hardin offered the following amendment H—5380 filed by him and Koogler of Mahaska from the floor and moved its adoption:

H—5380

- 1 Amend House File 2113 as follows:
- 2 1. Page 2 by striking lines 2 through 5 and
- 3 inserting in lieu thereof the following:
- 4 "for which federal funds have not been specif-
- 5 ically appropriated whether such funds are advanced
- 6 prior to expenditure or as reimbursement, except as
- 7 provided in subsection two (2) of this section."

Amendment H—5380 was adopted.

Gilloon of Dubuque offered the following amendment H—5381 filed by Gilloon, Wyckoff, Rinas and Dyrland from the floor and moved its adoption:

H—5381

- 1 Amend House File 2113 as follows:
- 2 1. Page 2, by striking line 12 and inserting in
- 3 lieu thereof the following: "the appropriate
- 4 budget subcommittees of the house and senate meeting
- 5 jointly".

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 47.

Amendment H — 5381 lost.

Jesse of Polk offered the following amendment H — 5377 filed by him from the floor and moved its adoption:

H — 5377

- 1 Amend House File 2113 as follows:
- 2 1. Page 3, by striking line 26 and inserting in
- 3 lieu thereof the following:
- 4 "private source, except that no political subdivi-
- 5 sion shall accept federal aid or private aid for a
- 6 project that impacts on the budget of another politi-
- 7 cal subdivision by increasing the costs to that other
- 8 subdivision, without first obtaining the written
- 9 approval from the affected political subdivision."

Amendment H — 5377 was adopted.

(House File 2113 pending at recess and placed under unfinished business.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

REREFERRED TO COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS (House File 2171)

The Speaker announced that **House File 2171**, previously referred to the committee on state government, was rereferred to the committee on **labor and industrial relations**.

SPECIAL ORDER (House File 2169)

The hour of 6:30 p.m. having arrived, the Speaker announced the special order of business for the consideration of **House File 2169**, a bill for an act relating to solid and hazardous waste management, providing injunctive relief and providing penalties.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Conlon of Muscatine to determine that a quorum was present.

Present: 74

Arnould	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Hansen
Harvey	Hines	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jochum
Koogler	Krause	Lageschulte	Lind
Lindeen	Lipsky	Lonerган	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Norland	O'Halloran	Oxley	Pavich
Pellet	Pelton	Rinas	Scheelhaase
Schnekloth	Schroeder	ShimaneK	Small
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 26

Anderson	Baker	Brockett	Byerly
Chiodo	Connors	Cusack	Davitt
Den Herder	Egenes	Halvorson	Harbor
Hargrave	Horn	Jesse	Junker
Krewson	Monroe	Newhard	Nielsen
Patchett	Perkins	Poncy	Smalley
Spencer	Tofte		

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Tofte of Winneshiek and Clark of Lee to determine that a quorum was present.

Present: 93

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent: 7

Baker	Brockett	Den Herder	Egenes
Gilloon	Newhard	Spencer	

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Egenes of Story for the remainder of the evening on request of Stephens of Plymouth.

SPECIAL ORDER (House File 2169)

The House resumed consideration of **House File 2169**, a bill for an act relating to solid and hazardous waste management, providing injunctive relief and providing penalties.

O'Halloran of Black Hawk asked and received unanimous consent to suspend Rule 20 and that David Bach, Department of

Environmental Quality, be permitted in the House chamber during the consideration of House File 2169.

Varley of Adair offered amendment H-5338 filed by O'Halloran, et al., and requested division as follows:

H-5338

1 Amend House File 2169 as follows:

H-5338A

2 1. Page 1, line 12, by striking the word
3 "constituent" and inserting in lieu thereof the word
4 "constituent".

H-5338B

5 2. Page 1, by striking lines 29 through 33 and
6 inserting in lieu thereof the following:
7 " "Open dump" means a site where solid waste
8 is disposed of in a manner that is not environmentally
9 sound. Open dump does not include a site where solid
10 waste is disposed of in accordance with a temporary
11 permit.

12 "Other disposal sites" means sites used
13 for the disposal of solid wastes which are not
14 identified or listed as hazardous wastes or which
15 are not solid wastes required to be disposed of at
16 a sanitary disposal project pursuant to section three
17 (3), subsection sixteen (16) of this Act."

18 3. Page 2, by striking lines 8 through 19 and
19 inserting in lieu thereof the following:
20 "8. "Sanitary disposal project" means any site
21 where a facility for storage, handling, treatment
22 or disposal of solid wastes other than a hazardous
23 waste identified or listed under this Act is operated
24 or maintained. Sanitary disposal project includes
25 a sanitary landfill or a site with equipment for
26 processing solid waste, including but not limited
27 to equipment for compacting, hydropulping,
28 incinerating, or separating solid waste, or a site
29 for land treatment of sludge that has significant
30 potential for contamination of a water of the state.
31 Sanitary disposal project does not include a facility
32 that processes garbage for feeding to animals and
33 that is licensed under chapter one hundred sixty-three
34 (163) of the Code or a facility for the disposal of
35 dead animals that is licensed under chapter one hundred
36 sixty-seven (167) of the Code."

- 37 4. Page 3, lines 4 through 6, by striking the
38 words "source, special nuclear, or by-product material
39 as defined in the Atomic Energy Act of 1954, as amended
40 to January 1, 1978".
- 41 5. Page 5, lines 20 and 21, by striking the words
42 "and which shall be classified as open dumps".
- 43 6. Page 6, lines 11 and 12, by striking the words
44 "and temporary permits for sanitary disposal projects"
45 and inserting in lieu thereof the words "for sanitary
46 disposal projects and temporary permits".
- 47 7. Page 6, by striking lines 13 through 23 and
48 inserting in lieu thereof the following:
49 "11. Adopt rules establishing practices for
50 disposal of those solid wastes disposed of in other

Page 2

- 1 disposal sites which by their characteristics are
2 a threat to human health or the environment and which
3 have been specifically identified by rule as subject
4 to regulation."
- 5 8. Page 6, line 31, by adding after the period
6 the following: "Reuse of solid waste in accordance
7 with rules adopted pursuant to this subsection is
8 deemed to be disposal in an environmentally sound
9 manner and shall not be considered a sanitary disposal
10 project."
- 11 9. Page 7, line 8, by striking the words "the
12 waste" and inserting in lieu thereof the words "a
13 waste which has been identified by rule as subject
14 to regulation under this Act".
- 15 10. Page 7, line 10, by adding after the word
16 "of" the words "reasonably available".
- 17 11. Page 7, line 11, by striking the words
18 "reasonable and".
- 19 12. Page 7, by striking lines 12 through 21 and
20 inserting in lieu thereof the following:
21 "16. Adopt rules specifying the types of solid
22 waste, except a hazardous waste identified or listed
23 under this Act that must be disposed of at a sanitary
24 disposal project."
- 25 13. Page 8, lines 16 and 17, by striking the words
26 "and temporary permits for sanitary disposal projects"
27 and inserting in lieu thereof the words "for sanitary
28 disposal projects and temporary permits".
- 29 14. Page 9, by adding after line 4 the following:
30 "However, a permit shall not be required for the
31 storage of a hazardous waste until sufficient
32 quantities of the waste are accumulated for
33 transportation, treatment or disposal unless a permit
34 for the storage is required pursuant to federal law."

H-5338C

- 35 15. Page 9, by striking lines 16 through 35.
36 16. Page 10, by striking lines 1 through 35.
37 17. Page 11, by striking lines 1 through 33 and
38 inserting in lieu thereof the following:
39 "2. Each person owning or operating a sanitary
40 disposal project shall obtain a permit for the project.
41 A permit shall be issued if the applicant meets the
42 requirements established by the commission for the
43 particular type of sanitary disposal project.
44 3. A person disposing of a solid waste that is
45 required by rule to be disposed of at a permitted
46 sanitary disposal project shall dispose of the solid
47 waste at a sanitary disposal project or shall obtain
48 a temporary permit for the disposal of the solid waste
49 at a site that was exempt from permit requirements
50 under section four hundred fifty-five B point eighty-

Page 3

- 1 two (455B.82), subsection one (1) of the Code as it
2 existed on June 30, 1978, within six months after
3 the effective date of the rule. A temporary permit
4 shall be issued if:
5 a. The applicant demonstrates that the applicant
6 has disposed of solid waste at the site prior to the
7 effective date of this Act;
8 b. The applicant has given the notice required
9 by a rule adopted pursuant to section three (3),
10 subsection fifteen (15) of this Act;
11 c. The applicant has considered other public or
12 private alternatives for solid waste management to
13 comply with the requirements of this part of this
14 division;
15 d. A compliance schedule specifying how and when
16 the applicant will meet the requirements of this part
17 of this division has been submitted and is approved
18 by the executive director;
19 e. The applicant agrees to follow such reasonable
20 conditions on the disposal of the solid waste at the
21 site as may be necessary to prevent unnecessary adverse
22 effects on human health and the environment; and
23 f. The permit does not extend beyond October 21,
24 1981.
25 4. A temporary permit shall be obtained for the
26 disposal of solid waste resulting from a disaster.
27 The temporary permit shall be issued if the executive
28 director determines after investigation that disposal
29 of the disaster waste at a sanitary disposal project
30 that holds a permit is not feasible and that disposal
31 as proposed will not adversely affect human health
32 or the environment.

33 5. A public or private agency shall obtain a
34 temporary permit if the public or private agency has
35 contracted for the disposal of solid waste with a
36 private agency whose permit has been subsequently
37 revoked. A temporary permit shall be issued if the
38 public or private agency has submitted an application
39 for a permit to operate a sanitary disposal project
40 with a compliance schedule specifying how and when
41 the applicant will meet the requirements for an
42 operational sanitary disposal project or provide for
43 disposal by contract at another permitted site, and
44 if the executive director determines that granting
45 the temporary permit is in the public interest."

H-5338D

46 18. Page 13, by striking lines 12 through 20 and
47 inserting in lieu thereof the following section:
48 "Sec. NEW SECTION. CLOSING OR UPGRADING
49 OF OPEN DUMPS. Any open dump shall be closed or
50 upgraded in accordance with rules adopted by the

Page 4

1 commission under section three (3), subsection fourteen
2 (14) of this Act."
3 19. Page 14, lines 22 and 23 by striking the words
4 "in an environmentally sound manner" and inserting
5 in lieu thereof the words "at other disposal sites
6 pursuant to rules promulgated under subsection eleven
7 (11) of section (3) of this Act".

H-5338E

8 20. Page 18, by inserting after line 16 the
9 following sections:
10 "Sec. Section four hundred fifty-five B
11 point eighty-eight (455B.88), unnumbered paragraph
12 one (1), Code 1977, is amended to read as follows:
13 The commission may approve or prohibit the
14 establishment and operation of a nuclear waste disposal
15 site in this state by a private person or a public
16 agency. However the commission shall not approve
17 the disposal in Iowa of high-level radioactive wastes
18 generated inside or outside of Iowa until such time
19 as the Iowa geological survey determines that a site
20 meets the geological requirements established by the
21 commission. In determining whether to grant or deny
22 a license to establish and operate a nuclear waste
23 disposal site, the commission shall consider the need
24 for a nuclear waste disposal site and the existing
25 physical conditions, topography, soils and geology,

26 climate, transportation, and land use at the proposed
27 site. If the commission decides to issue a license
28 to establish and operate a nuclear waste disposal
29 site, it shall establish, by rule, standards and
30 procedures for the safe operation and maintenance
31 of the proposed site. The commission shall also
32 require the licensee to provide a sufficient surety
33 bond or other financial commitment to insure the
34 perpetual maintenance and monitoring of the nuclear
35 waste disposal site.

H-5338F

36 Sec. Chapter four hundred fifty-five B
37 (455B), Code 1977, is amended by adding the following
38 new section:
39 **NEW SECTION. LEGISLATIVE REVIEW.** In addition
40 to the requirements of chapter seventeen A (17A) of
41 the Code all rules promulgated by the department after
42 the effective date of this Act shall be subject to
43 the provisions of this section. Upon a vote of two-
44 thirds of its members the administrative rules re-
45 view committee may delay the effective date of a rule
46 promulgated by the department, except a rule adopted
47 pursuant to section seventeen A point four (17A.4),
48 subsection two (2), of the Code, until the expiration
49 of forty calendar days during which the general
50 assembly has been in session. If at the expiration

Page 5

1 of that period the general assembly has not by
2 concurrent resolution disapproved of the rule, it
3 shall become effective. If a rule is disapproved
4 by the general assembly, the rule shall not become
5 effective."

H-5338G

6 21. page 18, line 24, by striking the words and
7 numeral "four (4)" and inserting in lieu thereof the
8 words and numeral "three (3)".
9 22. By renumbering the remaining sections and
10 correcting internal references in accordance with
11 this amendment.

On motion by Varley of Adair, amendment H-5338A was adopted.

O'Halloran of Black Hawk offered the following amendment

H-5392, to amendment H-5338B, filed by O'Halloran, Doyle, Hullinger, Varley, Welden, Evans and Howell from the floor, and moved its adoption:

H-5392

- 1 Amend amendment H-5338, to House File 2169,
- 2 as follows:
- 3 1. Page 1, by inserting after line 36 the
- 4 following:
- 5 " Page 2, lines 26 and 27, by striking
- 6 the words " , or any other such waste having similar
- 7 characteristics and effects"."

Amendment H-5392 was adopted.

On motion by Varley of Adair, amendment H-5338B, as amended, was adopted.

Husak of Tama offered the following amendment H-5397, to amendment H-5338C, filed by him from the floor and moved its adoption:

H-5397

- 1 Amend amendment H-5338 to House File 2169 as
- 2 follows:
- 3 1. Page 3, by inserting after line 45 the
- 4 following:
- 5 "6. Any permit or temporary permit applied for
- 6 under the provisions of this section shall be granted
- 7 within sixty (60) days of the filing of the
- 8 application unless the executive director demonstrates
- 9 with substantial evidence that the proposed disposal
- 10 project or procedure does not represent sound
- 11 engineering practice and will adversely affect the
- 12 public health or the environment."

Roll call was requested by Husak of Tama and Rinas of Linn.

On the question "Shall amendment H-5397, to amendment H-5338C, be adopted?"

The ayes were, 42:

Bennett	Branstad	Byerly	Chiodo
Clark, B.J.	Conlon	Crabb	Daggett
Danker	Dieleman	Dunton	Dyrland

Evans	Gilson	Halvorson	Hansen
Harvey	Hines	Hoffmann	Horn
Husak	Lageschulte	Lind	Lindeen
Menke	Miller (Sergeant)	Newhard	Nielsen
Oxley	Pavich	Pellett	Pelton
Schneklath	Smalley	Stephens	Tauke
Thompson	Tofte	Walter	West
Woods	Wyckoff		

The nays were, 52:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Clark, J.H.
Crawford	Cusack	Davitt	Den Herder
Doyle	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Griffee	Harbor
Hargrave	Hinkhouse	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lipsky	Lonergan
Middleswart	Millen	Miller, K.D.	Monroe
Norland	O'Halloran	Perkins	Poncy
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Spear	Stromer	Svoboda
Varley	Welden	Wells	Mr. Speaker

Absent or not voting, 6:

Baker	Brockett	Connors	Egenes
Patchett	Spencer		

Amendment H—5397 lost.

On motion by Welden of Hardin, amendment H—5338C was adopted.

On motion by Varley of Adair, amendment H—5338D was adopted.

Schroeder of Pottawattamie offered the following amendment H—5384, to amendment H—5338E, filed by him and Monroe of Des Moines from the floor:

H—5384

- 1 Amend the amendment H—5338 to House File 2169 as
- 2 follows:
- 3 1. Page 4, by inserting after line 35 the
- 4 following:
- 5 "Sec. Chapter four hundred fifty-five B

- 6 (455B), Division three (III), Code 1977, is amended
- 7 by adding the following new section:
- 8 NEW SECTION. RULES ON PLASTIC PIPE. Rules
- 9 promulgated by the department relating to plastic
- 10 pipe shall not exceed the specifications contained
- 11 in designations D-1784-69 and D-2241-73 of the 1974
- 12 Annual Book of American Society for Testing and
- 13 Materials Standards, part 34, plastic pipe."

O'Halloran of Black Hawk rose on a point of order that amendment H-5384 was not germane.

The Speaker ruled the point well taken and amendment H-5384 not germane.

Monroe of Des Moines asked for unanimous consent to consider amendment H-5384.

Objection was raised.

Monroe of Des Moines moved that the rules governing germaneness be suspended for the consideration of amendment H-5384.

A non-record roll call was requested.

The ayes were 59, nays 16.

The motion prevailed and the rules were suspended.

Schroeder of Pottawattamie moved the adoption of amendment H-5384, to amendment H-5338E.

Amendment H-5384 was adopted.

On motion by Varley of Adair, amendment H-5338E, as amended, was adopted.

On motion by Welden of Hardin, amendment H-5338F was adopted.

On motion by Welden of Hardin, amendment H-5338G was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott for the remainder of the evening on request of Bina of Scott.

Gilloon of Dubuque asked for unanimous consent to reconsider the vote by which amendment H—5338B, as amended, was adopted by the House.

Objection was raised.

Gilloon of Dubuque moved to reconsider the vote by which amendment H—5338B, as amended, was adopted by the House.

The motion lost.

Gentleman of Polk offered the following amendment H—5339 filed by her and moved its adoption:

H—5339

- 1 Amend House File 2169, page 14, line 30 by
- 2 inserting after the word "has" the word
- 3 "conclusive".

Amendment H—5339 was adopted.

Evans of Grundy offered the following amendment H—5331 filed by him and moved its adoption:

H—5331

- 1 Amend House File 2169 as follows:
- 2 1. Page 1, line 15, by striking the word
- 3 "solid".
- 4 2. Page 1, line 16, by striking the word
- 5 "solid".
- 6 3. Page 2, line 31, by striking the word
- 7 "liquid".

Amendment H—5331 was adopted.

O'Halloran of Black Hawk asked and received unanimous consent to suspend the rules for the consideration of the following amendment H—5399 filed by her and Koogler of Mahaska from the floor and moved its adoption:

H—5399

- 1 Amend House File 2169 as follows:
- 2 1. Page 8, line 20, by inserting after the word
- 3 "and" the words "administer examinations for
- 4 determining the competency of supervisory personnel".

Amendment H—5399 was adopted.

Svoboda of Iowa offered the following amendment H—5332 filed by her and moved its adoption:

H—5332

- 1 Amend House File 2169 as follows:
- 2 1. Page 17, line 31, by striking the words
- 3 "transportation, handling," and inserting in lieu
- 4 thereof the following: "~~transportation, handling,~~".
- 5 2. Page 18, line 1, by striking the word "wastes"
- 6 and inserting in lieu thereof the word "material".
- 7 3. Page 18, line 4, by striking the word "waste"
- 8 and inserting in lieu thereof the word "material".
- 9 4. Page 18, line 5, by striking the word "waste"
- 10 and inserting in lieu thereof the word "material".

Amendment H—5332 was adopted.

Monroe of Des Moines offered the following amendment H—5337 filed by him:

H—5337

- 1 Amend House File 2169 as follows:
- 2 1. Page 17, line 32, by striking the word "or"
- 3 and inserting in lieu thereof the following: ",".
- 4 2. Page 17, line 33, by inserting after the
- 5 word "surgeons" the words "or licensed pharmacists".

Monroe of Des Moines offered the following amendment H—5385, to amendment H—5337, filed by him from the floor and moved its adoption:

H—5385

- 1 Amend amendment H—5337, to page 17 of House
- 2 File 2169 as follows:
- 3 1. Page 1, by striking lines 4 and 5, and
- 4 inserting in lieu thereof the following:
- 5 2. Page 17, line 33, by inserting after the

- 6 word "surgeons" the words, "licensed dentists or
7 licensed pharmacists".

Amendment H—5385 was adopted.

On motion by Monroe of Des Moines, amendment H—5337, as amended, was adopted.

Brunow of Appanoose asked for unanimous consent to suspend the rules to consider amendment H—5401.

Objection was raised.

Brunow of Appanoose moved that the rules be suspended for the consideration of amendment H—5401 filed by Brunow, Evans and Clark of Lee from the floor as follows:

H—5401

- 1 Amend House File 2169 as follows:
- 2 1. Page 8, line 11, by striking the word
- 3 "and," and inserting the word "or."

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 56, nays 37.

The motion prevailed and the rules were suspended.

Brunow of Appanoose moved the adoption of amendment H—5401.

Amendment H—5401 was adopted.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2169)

The ayes were, 88:

Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiодо	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonerган	Menke
Middleswart	Millen	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneк
Small	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 6:

Clark, B.J.	Danker	Den Herder	Griffee
Lind	Stephens		

Absent or not voting, 6:

Baker	Brockett	Cusack	Egenes
Miller, K.D.	Spencer		

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

HOUSE FILE 520 WITHDRAWN

Doyle of Woodbury asked and received unanimous consent to withdraw House File 520 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 106

Pursuant to House Rule 26, the Speaker announced that House Resolution 106, filed on February 8, 1978 and found on page 386 of the House Journal, was adopted by unanimous consent.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 20, 1978. Had I been present, I would have voted "aye" on the motion to rerefer House File 559 to the committee on energy.

DIELEMAN of Marion

I was necessarily absent in the evening on February 16 because of a scheduled meeting in Waterloo. Had I been present, I would have voted "aye" on amendment H-5329 and House File 2135.

GARRISON of Black Hawk

I was present in the House chamber when the vote was taken on House File 2169 and voted "aye" but was not recorded due to a malfunction of the machine.

MILLER of Buchanan

MOTION TO RECONSIDER
(House File 2170)

I move to reconsider the vote by which House File 2170 passed the House on February 20, 1978.

WYCKOFF of Benton

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 408 Commerce**

Increasing the maximum lending limit of a small loan company to two thousand dollars.

S.B. 410 Commerce

Relating to pipelines and underground gas storage and providing penalties.

S.B. 411 Commerce

Requiring the delivery of annual corporate financial reports to Iowa corporate shareholders, and providing a penalty.

S.B. 412 Transportation

Relating to the powers of the Department of Transportation relating to railroads by providing for certain changes in laws governing spur tracks of railroad and train speeds.

S.B. 413 County Government

Extending liability and errors and omissions insurance to appointed county officers.

AMENDMENTS FILED

H-5378	H.F. 2048	Spear of Lee
H-5386	H.F. 2165	Byerly of Polk
H-5387	H.F. 187	Spear of Lee
H-5388	H.F. 187	Spear of Lee
H-5389	H.F. 187	Woods of Polk
H-5390	H.F. 187	Miller of Buchanan
H-5391	H.F. 187	Miller of Buchanan
H-5393	H.F. 2048	Byerly of Polk
H-5394	H.F. 2048	Horn of Linn
H-5395	H.F. 2165	Byerly of Polk
H-5396	H.F. 2048	Spear of Lee
H-5400	H.F. 2084	Koogler of Mahaska

On motion by Fitzgerald of Webster, the House adjourned at 10:03 p.m., until 10:30 a.m., Wednesday, February 22, 1978.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day—Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 22, 1978

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

Prayer was offered by the Reverend Dean Williams, pastor of the First United Presbyterian Church, Atlantic, Iowa.

The Journal of Tuesday, February 21, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Keith Garber, Corydon, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott on request of Bennett of Ida; Baker of Buena Vista on request of Byerly of Polk; Gettings of Wapello for February 22 and 23 on request of Walter of Pottawattamie.

QUORUM CALL

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 547, a bill for an act relating to birth certificates for adopted persons not born in Iowa.

Also: That the Senate has on February 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 571, a bill for an act relating to granting an easement at the Woodward hospital-school.

Also: That the Senate has on February 20, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 616, a bill for an act amending the criminal code revision to define "incendiary device".

Also: That the Senate has on February 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2033, a bill for an act relating to obsolete or inconsistent provisions of the Code.

Also: That the Senate has on February 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2069, a bill for an act relating to the inspection of boilers and similar vessels by the bureau of labor.

Also: That the Senate has on February 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2099, a bill for an act relating to the publication of administrative rules.

Also: That the Senate has on February 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2006, a bill for an act declaring wild cane or shatter cane to be a secondary noxious weed.

Also: That the Senate has on February 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2119, a bill for an act amending the criminal code revision to provide that the county responsible for the cost of trial shall pay the cost of temporarily confining and transporting a person who is committed to the director of the division of adult corrections.

Also: That the Senate has on February 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2120, a bill for an act providing for the reimbursement of counties for the expense of temporarily confining alleged work release or parole violators.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 547

H-5404

- 1 Amend House File 547, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by striking line 13.

SENATE AMENDMENT TO
HOUSE FILE 616

H-5405

- 1 Amend House File 616 as follows:
- 2 1. Page 1, line 7, by striking the word "willful".

SENATE AMENDMENT TO
HOUSE FILE 2033

H-5403

- 1 Amend House File 2033, as amended and passed by
- 2 the House, as follows:
- 3 1. Page 3, line 17, by striking the words "twenty-
- 4 nine A".
- 5 2. Page 3, line 18, by striking the words and
- 6 figure "point thirty (29A.30)".
- 7 3. Page 3, by striking line 28 and inserting in
- 8 lieu thereof the following: "two hundred eighty-six
- 9 A point eight (286A.8), and three hundred thirty-two
- 10 point forty-five (332.45) through three hundred thirty-
- 11 two point forty-eight (332.48), Code 1977, and section
- 12 three hundred thirty-two point forty-nine (332.49),
- 13 Code 1977 Supplement".

HOUSE CONCURRENT RESOLUTION 114
By Bina, Arnould, Dyrland, Dieleman, Cusack,
Walter, Conlon, Harvey, Pavich, Patchett,
Lipsky, Hullinger, Hinkhouse, and Scheelhaase

- 1 *Whereas*, The Iowa Legislature, on behalf of the
- 2 people of this State, hereby commemorates the week of
- 3 June 27-July 1, 1978, as National Autistic Children's
- 4 Week, in Iowa, and urges all citizens to learn about this
- 5 most difficult and baffling disorder that strikes many of
- 6 our children; and
- 7 *Whereas*, we realize that our young people are the
- 8 builders of tomorrow and as such are our most important
- 9 resource. Indeed their good health is dependent upon the
- 10 constructive and protective measures we take today to safe-

11 guard their well-being; and

12 *Whereas*, there are approximately five autistic children
13 in a population of 10,000. Through education, training, and
14 new research findings, specialists are increasingly able
15 to identify and treat victims of autism; and

16 *Whereas*, through its State and local chapters, the
17 National Society for Autistic Children seeks to acquaint
18 the public with its obligation to provide educational
19 programs, services, and research for autistic children;
20 and

21 *Whereas*, encouraging autism programs and research
22 projects are being carried on in many states, and are at
23 this very moment helping to combat this devastating and
24 little-understood affliction; and

25 *Whereas*, even today, many parents and families of
26 these children suffer anguish and a sense of desperation
27 occasioned by tragic neglect stemming from lack of profes-
28 sional and public awareness; *Now Therefore*,

29 *Be It Resolved by the House of Representatives, The*
30 *Senate Concurring*, That the Iowa Legislature hereby recog-
31 nize the week of June 27-July 1, 1978, as National
32 Autistic Children's Week in Iowa.

33 *Be It Further Resolved*, That copies of this resolution
34 be transmitted to the Quad-Cities Society for Autistic
35 Children, the Mid-Iowa Chapter, and the National Society
36 for Autistic Children.

Laid over under Rule 25.

UNFINISHED BUSINESS Budget Calendar

The House resumed consideration of **House File 2113**, a bill for an act relating to the appropriation of federal funds by the general assembly.

Byerly of Polk rose on a point of order and invoked Joint Rule 16.

The Speaker ruled the point not well taken and Joint Rule 16 not in order.

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

On the question "Shall the bill pass?" (H.F. 2113)

The ayes were, 59:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Chiodo	Conlon	Connors	Crabb
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lindeen	Lonergan	Middleswart
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Pavich	Perkins	Poncy
Scheelhaase	Smalley	Spencer	Stromer
Svoboda	Varley	Walter	Welden
Wells	Wyckoff	Mr. Speaker	

The nays were, 28:

Bennett	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Crawford	Dyrland	Evans
Gentleman	Griffee	Hoffmann	Horn
Lind	Lipsky	Menke	Millen
Oxley	Pellett	Pelton	Schroeder
Shimanek	Small	Spear	Stephens
Tauke	Thompson	Tofte	West

Absent or not voting, 13:

Baker	Egenes	Fitzgerald	Garrison
Gettings	Hines	Krause	Miller, K.D.
Newhard	Patchett	Rinas	Schnekloth
Woods			

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

House File 2180, a bill for an act making an appropriation for the inmate employment program, was taken up for consideration.

(House File 2180 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2212, by committee on natural resources, a bill for an act relating to the authority of the Iowa natural resources council in regulating flood plains and providing a penalty.

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

House File 2213, by Halvorson, a bill for an act relating to the powers of pipeline inspectors.

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

House File 2214, by Junker, Hansen, Gentleman, Hoffmann, Thompson, West, Lind and Egenes, a bill for an act to prohibit mandatory retirement policies for employees.

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

House File 2215, by Chiodo, Horn, Woods, Connors, Gilloon and Jochum, a bill for an act authorizing group insurance, health or medical service for dependents of county employees.

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

House File 2216, by committee on transportation, a bill for an act relating to railroad laws providing for schedule penalties for violations of railroad laws, for the authority for the state department of transportation to evaluate railroad trackage, for new procedures for changing railroad agency service, for reduced rail rates for transportation of certain goods, for operation requirements for lights on track power cars, for utilization of the grade crossing safety fund for the installation of flasher lights or gate arm signals, and for the repeal of certain obsolete or preempted sections of the railroad law.

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

House File 2217, by committee on commerce, a bill for an act to prohibit the practice of imposing a penalty for the early repayment of loans secured by mortgages on real property.

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

House File 2218, by committee on budget, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor.

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

House File 2219, by committee on cities, a bill for an act relating to the investment of police and fire retirement system funds.

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

House File 2220, by Anderson, a bill for an act providing for a credit against a renter's income tax liability for the rental of a homestead and providing penalties.

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

House File 2221, by Wyckoff, Scheelhaase, Hullinger, Perkins, Lonergan, Harbor, Dunton, Junker, Woods, Doyle, Pavich, Schroeder, Nielsen, Hansen, Daggett, Schnekloth, Miller (Sergeant) of Calhoun, Gilson, Crabb, Bennett, Miller of Buchanan, Stromer, Danker, Evans, Pellett, Byerly and Garrison, a bill for an act relating to the length and width of vehicles and combinations of vehicles.

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

House File 2222, by committee on cities, a bill for an act relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent and when interest as a penalty may be charged.

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

House File 2223, by committee on judiciary and law enforcement, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of step-parent adoptions.

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

House File 2224, by committee on commerce, a bill for an act to change the interest rate on money due on judgments and decrees.

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

House File 2225, by Lind, a bill for an act relating to driver education instruction.

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

House File 2226, by Varley, a bill for an act to authorize the claim for a fuel tax credit on certain state income tax returns.

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

House File 2227, by committee on county government, a bill for an act increasing the dollar limit of real estate projects for which a proposition need not be submitted to electors in the case of federal revenue sharing or matching funds and funds on hand in all counties except counties having a population of more than two hundred thousand.

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

House File 2228, by Bina and Hinkhouse, a bill for an act creating the Iowa solid waste recycling authority, prescribing its powers and duties and providing for the financing of recycling facilities by the authority.

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

House File 2229, by Brunow, Millen, Rinas, Evans, Chiodo, Tauke and Stromer, a bill for an act relating to retention from payment on public contracts and escrow agreements.

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

House File 2230, by Harvey, a bill for an act relating to the property tax budget of political subdivisions for the fiscal year beginning July 1, 1978.

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

House File 2231, by Brockett, a bill for an act relating to cash discounts in retail commercial transactions.

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

House File 2232, by Tauke, a bill for an act relating to instruction booklets for use in the computation of the state income tax.

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

House File 2233, by Anderson, a bill for an act relating to property tax deferral for property owners sixty-five years of age or older and making an appropriation.

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

House File 2234, by Lind, a bill for an act limiting the number of calendar days the general assembly shall be in session.

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

House File 2235, by Lind, a bill for an act to prohibit the recording of speeding tickets for certain violations fifteen miles per hour or less over the posted limit, subject to a penalty provided by law.

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

House File 2236, by Schroeder, a bill for an act to provide for reporting of judgments and payments to other jurisdictions under the dissolution of marriage and the uniform support of dependents chapters.

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

House File 2237, by Brunow, a bill for an act relating to the financing of recreational facilities on state-owned land under the jurisdiction of the state conservation commission.

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

House File 2238, by West, Schneklath and Egenes, a bill for an act to require assessors to make physical inspections of buildings and structures at least once every four years.

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

House File 2239, by West, Brockett, Menke, Stromer, Danker, Evans, Harvey, Hansen and Egenes, a bill for an act to create a reassessment expense fund to provide loans to assessing jurisdictions which are ordered by the department of revenue to revalue property and making an appropriation therefor.

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

House File 2240, by West and Wells, a bill for an act eliminating the need for a federal firearm licensee to obtain a permit to purchase when he or she purchases a pistol or revolver for resale.

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

House File 2241, by West, Tauke, Branstad, Clark of Lee, Brockett, Krewson, Halvorson, Smalley, Danker, Crawford, Stromer, Menke, Crabb, Hansen, Lindeen, Tofte, Pellett, Varley, Shimanek, Bennett, Welden, Thompson, Stephens and Egenes, a bill for an act to promote the development and use of solar energy in Iowa through education programs, tax incentives and legal guarantees of access to solar energy and making certain provisions retroactive.

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

House File 2242, by Anderson, a bill for an act to provide for direct election of boards of directors of area education agencies.

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

House File 2243, by committee on budget, a bill for an act relating to and appropriating funds to state agencies for designated service programs including health programs, civil rights and parole services and programs for minority, elderly and disadvantaged persons.

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

SENATE MESSAGES CONSIDERED

Senate File 2006, a bill for an act declaring wild cane or shatter cane to be a secondary noxious weed.

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

Senate File 2119, a bill for an act amending the criminal code revision to provide that the county responsible for the cost of trial shall pay the cost of temporarily confining and transporting a person who is committed to the director of the division of adult corrections.

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

Senate File 2120, a bill for an act providing for the reimbursement of counties for the expense of temporarily confining alleged work release or parole violators.

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

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Garrison of Black Hawk to determine that a quorum was present.

Present: 88

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Evans
Garrison	Gentleman	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Nerland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins

Poney	Rinas	Scheelhaase	Schroeder
Shimanek	Small	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent: 12

Baker	Egenes	Fitzgerald	Gettings
Howell	Junker	Middleswart	Newhard
Schneklath	Smalley	Spencer	Varley

RULE 48 SUSPENDED

Cusack of Scott asked for unanimous consent to suspend Rule 48 for the committee on budget meeting.

Objection was raised.

Hargrave of Johnson moved that Rule 48 be suspended for the committee on budget meeting.

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury.

On the question "Shall Rule 48 be suspended?"

The ayes were, 52:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	O'Halloran	Oxley	Pavich
Perkins	Poney	Rinas	Scheelhaase
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 37:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Daggett
Danker	Den Herder	Evans	Garrison

Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schroeder
Shimanek	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

Absent or not voting, 11:

Baker	Crabb	Egenes	Gentleman
Gettings	Monroe	Newhard	Patchett
Schneklloth	Small	Smalley	

The motion prevailed and the rules were suspended.

BUSINESS PENDING

Budget Calendar

The House resumed consideration of **House File 2180**, a bill for an act making an appropriation for the inmate employment program.

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

Rule 69 was invoked.

On the question "Shall the bill pass?" (H.F. 2180)

The ayes were, 93:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Norland

O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 1:

Welden

Absent or not voting, 6:

Baker	Gettings	Monroe	Newhard
Nielsen	Schnekloth		

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

IMMEDIATE MESSAGE (House File 2180)

Brunow of Appanoose asked and received unanimous consent that House File 2180 be immediately messaged to the Senate.

WAYS AND MEANS CALENDAR

House File 2132, a bill for an act relating to the period of limitations during which determination of income tax due can be made and refunds can be claimed, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2132)

The ayes were, 92:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald

Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lónergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Arnould	Baker	Den Herder	Gettings
Newhard	Nielsen	Schnekloth	Svoboda

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

SENATE AMENDMENTS CONSIDERED

Conlon of Muscatine called up for consideration **House File 411**, a bill for an act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the Act retroactive, amended by the Senate, and moved that the House concur in Senate amendment H-5280 found on page 421 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5280.

Conlon of Muscatine moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 411)

The ayes were, 92:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Danker Poncy

Absent or not voting, 6:

Baker	Gettings	Newhard	Nielsen
Perkins	Schneklath		

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

Menke of O'Brien called up for consideration **House File 412**, a bill for an act relating to the reporting of stock transfers for inheritance tax purposes, amended by the Senate, and moved that the House concur in Senate amendment H-5279 found on page 421 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-5279.

Menke of O'Brien moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 412)

The ayes were, 91:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneran
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 1:

Harvey

Absent or not voting, 8:

Baker	Dunton	Gettings	Newhard
Nielsen	Schneklath	Small	Svoboda

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

Clark of Lee called up for consideration **House File 415**, a bill for an act relating to the deduction of debts and property taxes for inheritance tax purposes, amended by the Senate, and moved that the

House concur in Senate amendment H— 5278 found on page 421 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H— 5278.

Clark of Lee moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 415)

The ayes were, 88:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Den Herder	Dieleman	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horp
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middlewart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Shimanek
Small	Smalley	Spear	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Danker Harvey

Absent or not voting, 10:

Baker	Davitt	Dunton	Gettings
Hullinger	Newhard	Schnekloth	Schroeder
Spencer	Svoboda		

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

REGULAR CALENDAR

House File 2048, a bill for an act relating to elementary and secondary education, including approval of school districts, reorganization procedures, employment procedures for reorganized districts, joint employment of school personnel and facilities, authority of the school budget review committee, additional enrichment amount, and pilot programs for gifted and talented pupils, was taken up for consideration.

Spear of Lee offered the following amendment H—5087 filed by him and moved its adoption:

H—5087

- 1 Amend House File 2048 as follows:
 2 1. Page 1, by inserting before line 1 the following
 3 section:
 4 "Sec. Section two hundred fifty-seven point
 5 twenty-five (257.25), subsection six (6), unnumbered
 6 paragraph one (1), Code 1977, is amended to read as
 7 follows:
 8 In grades nine through twelve, a unit of credit
 9 shall consist of a course or equivalent related
 10 components or partial units taught throughout the
 11 academic year. The minimum program of a school or
 12 school district for the school year beginning July
 13 1, 1979 and each school year hereafter shall include
 14 not less than thirty-four units of credit. The total
 15 units of credit may include courses or equivalent
 16 related components or partial units provided under
 17 the provisions of sections two hundred fifty-seven
 18 point twenty-six (257.26), two hundred fifty-seven
 19 point twenty-eight (257.28), two hundred eighty point
 20 fifteen (280.15), or two hundred eighty A point twenty-
 21 five (280A.25), subsection nine (9), of the Code.
 22 The minimum program for grades nine through twelve
 23 shall be:"
 24 2. By numbering and renumbering sections as
 25 necessary.

A non-record roll call was requested.

The ayes were 7, nays 71.

Amendment H—5087 lost.

Stromer of Hancock offered the following amendment H—5086 filed by Baker of Buena Vista and him:

H—5086

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 section:
- 4 "Sec. . Section two hundred fifty-seven point
- 5 twenty-five (257.25), subsection six (6), paragraph
- 6 f, Code 1977, is amended to read as follows:
- 7 f. Two units of one foreign language shall be
- 8 offered; the units of foreign language may be taught
- 9 offered in alternate years, provided there is no break
- 10 in the progression of instruction from one year to
- 11 the next."
- 12 2. By numbering and renumbering sections as
- 13 necessary.

Small of Johnson in the chair at 4:03 p.m.

Stromer of Hancock moved the adoption of amendment H—5086.

A non-record roll call was requested.

The ayes were 50, nays 37.

Amendment H—5086 was adopted.

Spear of Lee offered the following amendment H—5089 filed by him and moved its adoption:

H—5089

- 1 Amend House File 2048 as follows:
- 2 1. Page 1, by inserting before line 1 the following
- 3 section:
- 4 "Sec. . Section two hundred fifty-seven point
- 5 twenty-five (257.25), subsection six (6), paragraph
- 6 i, Code 1977, is amended to read as follows:
- 7 i. Units or partial units in the fine arts shall
- 8 be taught offered which may shall include art, music
- 9 and dramatics one unit of art, one-fourth unit of
- 10 vocal music, and one-fourth unit of instrumental
- 11 music.
- 12 This section shall be effective July 1, 1979."

13 2. By numbering and renumbering sections as
14 necessary.

A non-record roll call was requested.

Under the provisions of Rule 71, Dyrland of Clayton refrained from voting.

The ayes were 9, nays 63.

Amendment H—5089 lost.

Welden of Hardin offered the following amendment H—5261 filed by Welden, et al., and moved its adoption:

H—5261

1 Amend House File 2048 as follows:

2 1. Page 1, by inserting before line 1 the following
3 sections:

4 "Sec. . Section two hundred fifty-seven point
5 twenty-five (257.25), subsection six (6), paragraph
6 b, Code 1977, as amended by Acts of the Sixty-seventh
7 General Assembly, 1977 Session, chapter ninety-three
8 (93), section three (3), is amended to read as follows:

9 b. Four units of the social studies. American
10 history, American government, government and cultures
11 of other peoples and nations, and general consumer
12 education, family law, and economics, including
13 comparative and consumer economics, shall be taught
14 in the units but need not be required as full units.
15 All students shall be required to take one unit of
16 American history, one-half unit of economics with
17 emphasis on the comparative values of the free
18 enterprise system and one-half unit of the governments
19 of Iowa and the United States, including instruction
20 in voting statutes and procedures, voter registration
21 requirements, the use of paper ballots and voting
22 machines in the election process, and the method of
23 acquiring and casting an absentee ballot.

24 Sec. . The one-half unit course in economics
25 with emphasis on the comparative values of the free
26 enterprise system shall be made available in each
27 school district and nonpublic high school not later
28 than January 1, 1979. The successful completion of
29 such an economic course shall be required for
30 graduation from high school by every student graduating
31 after January 1, 1980."

Roll call was requested by Danker of Pottawattamie and Patchett of Johnson.

On the question "Shall amendment H—5261 be adopted?"

The ayes were, 48:

Bennett	Binneboese	Branstad	Brockett
Chiodo	Clark, J. H.	Conlon	Crabb
Crawford	Daggett	Danker	Dieleman
Doyle	Egenes	Evans	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Husak	Junker	Lageschulte
Lind	Lindeen	Lipsky	Middleswart
Millen	Miller, K. D.	Miller (Sergeant)	Monroe
Nielsen	Oxley	Pellett	Pelton
Perkins	Scheelhaase	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Tauke	Welden	West	Wyckoff

The nays were, 41:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Byerly	Clark, B. J.
Connors	Cusack	Davitt	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gilloon	Griffie	Hargrave	Hines
Horn	Howell	Hullinger	Johcum
Koogler	Krause	Krewson	Lonergan
Norland	O'Halloran	Patchett	Pavich
Poncy	Rinas	Spear	Svoboda
Thompson	Walter	Wells	Woods
Mr. Speaker (Small)			

Absent or not voting, 11:

Baker	Cochran	Den Herder	Gettings
Harvey	Jesse	Menke	Newhard
Schnekloth	Tofte	Varley	

Amendment H—5261 was adopted.

(House File 2048 pending at adjournment and placed under unfinished business.)

**MOTION TO RECONSIDER WITHDRAWN
(House File 2116)**

Perkins of Greene asked and received unanimous consent to withdraw the motion to reconsider House File 2116 filed by him on February 17, 1978.

MOTIONS TO RECONSIDER

(House File 2113)

I move to reconsider the vote by which House File 2113 passed the House on February 22, 1978.

KOOGLER of Mahaska

(House File 2113)

I move to reconsider the vote by which House File 2113 passed the House on February 22, 1978.

CHIODO of Polk

(House File 2169)

I move to reconsider the vote by which House File 2169 passed the House on February 21, 1978.

G'HALLORAN of Black Hawk

(Amendment H—5086 to House File 2048)

I move to reconsider the vote by which amendment H—5086, to House File 2048 was adopted by the House on February 22, 1978.

HORN of Linn

PRESENTATION OF VISITORS

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

Sixty fifth grade students from West Marshall Community School, State Center, Iowa. By West of Marshall.

Thirty-five fifth grade students from Centerville Community School, Centerville, accompanied by Mrs. McMarrow. By Brunow of Appanoose.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 414 Transportation

Relating to air transportation regulation.

HOUSE CONCURRENT RESOLUTION 115

By Daggett and Howell

1 *Whereas*, the United States has been divided into
2 ten federal regions by Executive Order 11647, entitled
3 Federal Regional Councils, entered in the Federal
4 Register by the president on February 12, 1972; and
5 *Whereas*, the announced goal of the federal regional
6 system is to assume the power and authority which
7 traditionally have belonged to municipal and county
8 governments and to the sovereign states, and will
9 bypass these traditional and constitutional govern-
10 mental bodies; and
11 *Whereas*, in Iowa and across the nation, this new
12 form of governance is being created under different
13 names such as Mid-America Regional Council, river basin
14 compacts, metropolitan regions, city-county consolida-
15 tion charters, and federal region substate regions, all
16 of which constitute "metro" or "regional" government;
17 and
18 *Whereas*, many respected authorities on government
19 and constitutional law declare that the purpose of
20 regional governance is to eliminate cities, counties,
21 and states, and their elected officials, and will usurp
22 the rights and freedoms of individual citizens guaranteed
23 by the Constitution of this state and of the United
24 States of America; and
25 *Whereas*, senators and representatives elected to the
26 general assembly of this state have taken an oath to
27 uphold the Constitution, and must hold as a sacred trust
28 their responsibility to protect the freedom and liberties
29 of the citizens of this state; *Now Therefore*,
30 *Be It Resolved by the House of Representatives, the*

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1 *Senate Concurring*, That a special joint study commit-
2 tee is established, consisting of four members of the
3 senate and four members of the house of representatives,

4 appointed in the same manner as members of standing
5 committees, to thoroughly investigate and study all
6 aspects of regional governments including, but not
7 limited to, their origins, development, functions,
8 purposes and goals and to take testimony, hold hearings,
9 call expert witnesses and take such other action as
10 necessary to carry out the investigation and study; and
11 *Be It Further Resolved*, That in order to insure an
12 open and objective study and investigation, the commit-
13 tee chairperson shall not be a person who is already
14 committed to the advancement of regional government;
15 and
16 *Be It Further Resolved*, That the study committee
17 shall report its findings and recommendations, especially
18 as to the constitutionality of regional government and
19 its effects upon the citizens of this state and including
20 any proposed legislation, to the presiding officers of
21 the Sixty-eighth General Assembly by January 15, 1979.

Referred to the committee on state government.

HOUSE RESOLUTION 109
By Hinkhouse and Crabb

1 *Whereas*, approximately twelve percent (12%) of the
2 nation's grain fed cattle are marketed from Iowa farms;
3 and
4 *Whereas*, as of October 1, 1977, the state of Iowa
5 ranked fourth in the Nation in the number of cattle
6 on feed with one million, one hundred fifty thousand
7 (1,150,000) head; and
8 *Whereas*, Iowa meat packing and processing plants
9 employ over twenty thousand (20,000) employees with
10 an estimated payroll in excess of two hundred eighty
11 million dollars (\$280,000,000); and
12 *Whereas*, these statistics indicate the enormous
13 importance of the beef cattle industry to the state
14 of Iowa; and
15 *Whereas*, the beef grading and labeling regulations
16 of the U.S. Department of Agriculture have a direct
17 impact on the profitability of the Iowa cattle in-
18 dustry; and
19 *Whereas*, There should be more uniformity in the
20 administration of the U.S.D.A. meat grading laws so
21 as to provide greater assurance to the consumer of
22 the exact quality grade of beef being purchased; and
23 *Whereas*, the U.S. Department of Agriculture has
24 proposed changes in the beef grading and labeling
25 regulations (43 Federal Register 3140-3145); and

26 *Whereas*, the effects of these proposed changes
27 in the beef industry are not known and have not been
28 thoroughly studied; and
29 *Whereas*, any changes in the grading and labeling
30 of beef should be determined only after study by a

Page 2

1 task force consisting of consumers, the U.S. Department
2 of Agriculture, meat processors, meat retailers and
3 beef producers; *Now Therefore*,
4 *Be It Resolved by the House of Representatives*,
5 That these regulations not be promulgated until all
6 aspects and effects thereof are researched and
7 evaluated;
8 *Be It Further Resolved*, That until such changes
9 are approved by the aforementioned groups that the
10 House of Representatives be placed on record as ask-
11 ing for a more uniform enforcement of the beef grad-
12 ing law.

Referred to committee on **agriculture**.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., February 16, 1978

Convened: 8:10 a.m.

Adjourned: 9:10 a.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Absent: Clark of Lee.

Representatives of Iowa Firemen's Association presented their opposition to the State Fire Marshal's office being under the jurisdiction of the Department of Public

Safety. Charles Larsen, Commissioner of Public Safety, presented the reasons for incorporating the Fire Marshal's office into their department. Wayne Richey, of the State Board of Regents, discussed the underpass and overpass at University of Northern Iowa. Proposed budget bill was voted and passed.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 8:00 a.m., February 21, 1978

Convened: 8:10 a.m.

Adjourned: 9:05 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hines and Newhard.

Discussed intent language on Mental Health institutions.

COMMITTEE ON AGRICULTURE

Scheduled: 9:00 a.m., February 21, 1978

Convened: 9:10 a.m.

Adjourned: 10:15 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Davitt, Gilson, Gettings, Howell, Husak, Lindeen, Menke and Miller (Sergeant) of Calhoun.

Absent: Den Herder (arrived 9:21 a.m.), Krause, Lageschulte (arrived 9:20 a.m.) and Svoboda (arrived 9:34 a.m.).

Excused: Byerly.

House File 2061, a bill for an act relating to the remission of excess funds from the soybean promotion fund.

Recommended Do Pass.

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Gilson, Gettings, Howell, Husak, Lageschulte, Lindeen, Menke and Miller (Sergeant) of Calhoun.

Nay: None.

Absent or not voting: Byerly, Krause, Svoboda and Den Herder.

House File 627, a bill for an act relating to specifications and standards for cheese products:

Recommended Amend and Do Pass.

H-5402

- 1 Amend House File 627 as follows:
- 2 1. Page 1, lines 2 and 3, by striking the words
- 3 and figure "Senate File one hundred nine (109),"
- 4 2. Page 1, line 4, by inserting after the word
- 5 "Session," the words and figures "chapter eighty-three
- 6 (83), section one (1)".

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gilson, Gettings, Howell, Husak, Lageschulte, Lindeen, Menke, Miller (Sergeant) of Calhoun and Svoboda.

Nay: None.

Absent or not voting: Byerly and Krause.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., February 21, 1978

Convened: 9:15 a.m.

Adjourned: 10:15 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Junker, Middleswart, Patchett, Poncey, Shimanek, Stromer, Tauke, Walter and West.

Absent: Griffee.

House File 351, a bill for an act to clarify and further define "licensed premises"; to remove the restriction that the Iowa beer and liquor control department's headquarters and principal place of business be located only in the city of Des Moines; to prevent premises on which a liquor control license or beer permit has been suspended from being relicensed within a designated period of time; to prohibit a person holding a liquor control license or beer permit from permitting or engaging in illegal activities on the licensed premises; and to remove the restriction that a retail beer permittee can only own one class of retail beer permit.

Recommended Amend and Do Pass.

H-5410

- 1 Amend House File 351 as follows:
- 2 1. Page 2, by striking line 17.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Dieleman, Hansen, Arnould, Jesse, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Avenson, Griffee, Junker and Stromer.

House File 362, a bill for an act relating to the use of diagnostic pharmaceutical agents by optometrists.

Recommended Amend and Do Pass.

H-5409

1 Amend House File 362 as follows:

2 1. Page 1, by striking lines 16 through 27 and
3 inserting in lieu thereof the following:
4 "NEW PARAGRAPH. A certified licensed optometrist
5 is an optometrist who is licensed to practice optometry
6 in this state and who is certified by the board of
7 optometry examiners to use diagnostic agents. Every
8 person desiring to commence the practice of optometry
9 after January 1, 1978, shall become a certified
10 licensed optometrist. In addition to satisfactorily
11 completing all existing licensing requirements, such
12 persons shall become certified to lawfully use
13 diagnostic agents by having satisfactorily completed
14 a course in pharmacology, as it applies to optometry,
15 offered by an institution accredited by a regional
16 or professional accreditation organization which is
17 recognized or approved by the council on postsecondary
18 accreditation or the United States office of education,
19 with particular emphasis on the topical application
20 of diagnostic agents to the eye for the purpose of
21 examination of the human eye and the diagnosis of
22 conditions of the vision system, approved by the board
23 of optometry examiners. In order to become certified
24 licensed optometrists, licensed optometrists who have
25 completed their optometric education prior to the
26 calendar year 1978 shall first satisfactorily complete
27 a course in pharmacology as it applies to optometry
28 designed and approved by the board of optometry
29 examiners and arranged through the department of
30 continuing education of the university of Iowa."

31 2. Page 1, by striking line 35.

32 3. Page 2, by striking lines 1 through 16 and
33 inserting in lieu thereof the following:

34 "Sec. 4. Section one hundred fifty-five point
35 twenty-six (155.26), Code 1977 Supplement, is amended
36 by adding the following new paragraph:

37 NEW PARAGRAPH. This section shall not apply to
38 the possession of diagnostic agents authorized by

39 section one hundred fifty-four point one (154.1) of
40 the Code by certified licensed optometrists. The
41 dispensing by pharmacists of diagnostic agents
42 authorized in section one hundred fifty-four point
43 one (154.1) of the Code to certified licensed
44 optometrists shall be permitted."
45 4. Page 2, by striking line 17, and inserting
46 in lieu thereof the following:
47 "Sec. 5. This Act is effective January 1, 1979."

Aye: Woods, Harvey, Dieleman, Hansen, Arnould, Junker, Middleswart,
Patchett, Shimanek, Stromer and Tauke.

Nay: Brandt, Crawford and Poney.

Absent or not voting: Monroe, Avenson, Griffee, Jesse, Walter and West.

Study Bill 352 relating to civil rights deferred.

COMMITTEE ON CITIES

Scheduled: 9:30 a.m., February 21, 1978

Convened: 9:32 a.m.

Adjourned: 10:30 a.m.

Present: Bina, chair; Connors, Dunton, Gentleman, Hoffmann, Koogler, Krewson,
Lind, Pavich, Schnekloth, Spear, Stephens and Tofte.

Absent: Hines, vice-chair (arrived 9:37 a.m.); Clark of Lee, ranking member (arrived
9:38 a.m.); Hargrave, Newhard, Nielsen, Perkins (arrived 9:35 a.m.), Rinas and
Smalley (arrived 9:42 a.m.):

Study Bill 407, a bill for an act relating to the investment of police and fire retire-
ment system funds.

Recommended Do Pass.

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Gentleman, Hoffmann, Koogler,
Krewson, Lind, Pavich, Perkins, Schnekloth, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hargrave, Newhard, Nielsen, Rinas and Smalley.

Discussed Study Bill 392.

COMMITTEE ON ENERGY

Scheduled: 10:30 a.m., February 21, 1978

Convened: 10:45 a.m.

Adjourned: 12:00 noon.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Perkins and Svoboda.

Absent: Daggett (arrived 10:55 a.m.), Griffee, Norland (arrived 10:50 a.m.), Pelton (arrived 11:05 a.m.) and Varley (arrived 10:50 a.m.).

Senate File 182, a bill for an act relating to the sale in this state of gas appliances equipped with a pilot light and providing a penalty.

Recommended Amend and Do Pass.

H-5408

- 1 Amend Senate File 182 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 7 and
- 4 inserting in lieu thereof the words "air conditioner,
- 5 range or dryer which uses a gaseous fuel for".
- 6 2. Page 1, line 24, by striking the numerals
- 7 "1978" and inserting in lieu thereof the numerals
- 8 "1979".
- 9 3. Page 1, line 33, by striking the words "shall
- 10 include" and inserting in lieu thereof the words
- 11 "which objectives shall be secondary only to".
- 12 4. Page 1, line 33, by striking the words "the
- 13 public health and" and inserting in lieu thereof the
- 14 word "public".
- 15 5. Page 1, line 34, by striking the word "safety"
- 16 and inserting in lieu thereof the word "safety".
- 17 6. Page 2, line 19, by striking the words "Each
- 18 continuing day, of".
- 19 7. Page 2, by striking line 20.
- 20 8. Page 2, line 21, by striking the numerals
- 21 "1978" and inserting in lieu thereof the numerals
- 22 "1979".

Aye: O'Halloran, Howell, Binneboese, Doyle, Evans, Hinkhouse, Lindeen, Middleswart, Norland, Pelton, Perkins, Svoboda and Varley.

Nay: Daggett and Pellett.

Absent or not voting: Welden, Danker, Griffee and Hullinger.

Study Bill 385, a bill for an act appropriating funds for an ethanol production pilot project to be conducted at the Iowa state university of science and technology.

Recommended Amend and Do Pass.

Aye: O'Halloran, Howell, Welden, Binneboese, Daggett, Danker, Doyle, Evans, Hullinger, Lindeen, Middleswart, Norland, Pellett, Pelton, Perkins, Svoboda and Varley.

Nay: None.

Absent or not voting: Griffee and Hinkhouse.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 10:30 a.m., February 21, 1978

Convened: 10:44 a.m.

Adjourned: 11:25 a.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Krewson, Miller of Buchanan, Schroeder and Tofte.

Absent: Anderson (arrived 11:03 a.m.), Arnould (arrived 10:53 a.m.), Brunow (arrived 10:46 a.m.), Gentleman (arrived 10:50 a.m.), Hansen (arrived 10:48 a.m.), Hargrave (arrived 11:03 a.m.), Lipsky (arrived 10:55 a.m.) and Newhard.

Excused: Baker.

House File 602, a bill for an act to amend the Iowa housing finance authority relating to the eligibility of applicants, property improvement loans, lease-purchase agreements, homesteading, and a loan and grant fund.

Recommended Amend and Do Pass.

H-- 5420

1 Amend House File 602 as follows:

2 1. Page 1, line 14, by inserting after the word
3 "housing" the words "including, but not limited to,
4 solar or wind energy devices or energy efficiency
5 or conservation improvements".

6 2. Page 1, by inserting after line 14 the
7 following:

8 "Sec. . Section two hundred twenty point two
9 (220.2), subsection one (1), Code 1977, is amended
10 to read as follows:

11 1. The Iowa housing finance authority is
12 established, and constituted a public instrumentality

13 and agency of the state exercising public and essential
 14 governmental functions, established to undertake
 15 programs which assist in attainment of adequate housing
 16 for low or moderate income families, elderly families,
 17 families which include one or more persons who are
 18 handicapped or disabled, and the Iowa homesteading
 19 program. The powers of the authority shall be vested
 20 in and exercised by a board of nine members appointed
 21 by the governor with the approval of two-thirds of
 22 the members of the senate. No more than five members
 23 shall belong to the same political party. Any
 24 individual or organization may submit the names of
 25 nominees for membership to the governor in writing
 26 within thirty days of the effective date of this
 27 section, but the governor is not bound to select the
 28 members from the nominees submitted. As far as
 29 possible the governor shall include within the
 30 membership persons determined by him to who represent
 31 the following interests:

- 32 a. Community and housing development industries.
 - 33 b. Housing finance industries.
 - 34 c. Real estate sales industry.
 - 35 d. Elderly families.
 - 36 e. Minorities.
 - 37 f. Lower income families.
 - 38 g. Very low income families.
 - 39 h. Handicapped and disabled families.
 - 40 i. Average taxpayer.
- 41 community and housing development industries, housing
 42 finance industries, real estate sales industry, elderly
 43 families, minorities, lower income families, very
 44 low income families, handicapped and disabled families,
 45 average taxpayers, local government, and any other
 46 person specially interested in community housing."

47 3. Page 1, by inserting after line 21 the
 48 following:
 49 "Sec. . Section two hundred twenty point six
 50 (220.6), subsection two (2), Code 1977, is amended

Page 2

- 1 to read as follows:
 2 2. The executive director shall advise the
 3 authority on matters relating to housing and housing
 4 finance, carry out all directives from the authority,
 5 and hire and supervise the authority's staff pursuant
 6 to its directions and under the provisions of chapter
 7 19A, except that principal administrative assistants
 8 with responsibilities in housing development
 9 accounting, mortgage loan processing, and investment
 10 portfolio management shall be exempt."
 11 4. Page 10, by inserting after line 31 the

12 following:

13 "Sec. . Section two hundred twenty point
14 twenty-one (220.21), Code 1977, is amended by striking
15 subsection eight (8).

16 Sec. . Section two hundred twenty point twenty-
17 six (220.26), subsection one (1), Code 1977, is amended
18 to read as follows:

19 1. The authority may issue its negotiable bonds
20 and notes in principal amounts as, in the opinion
21 of the authority, are necessary to provide sufficient
22 funds for achievement of its corporate purposes, the
23 payment of interest on its bonds and notes, the
24 establishment of reserves to secure its bonds and
25 notes, and all other expenditures of the authority
26 incident to and necessary or convenient to carry out
27 its purposes and powers. However, the authority may
28 not have a total principal amount of bonds and notes
29 outstanding at any time in excess of ~~one~~ two hundred
30 fifty million dollars. The bonds and notes shall
31 be deemed to be investment securities and negotiable
32 instruments within the meaning of and for all purposes
33 of the uniform commercial code."

34 5. Page 11, by striking line 15.

35 6. By renumbering sections to conform to this
36 amendment.

Aye: Walter, Lonergan, Anderson, Arnould, Brunow, Clark of Cerro Gordo,
Cusack, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Miller of Buchanan and
Tofte.

Nay: None.

Absent or not voting: Crawford, Baker, Dyrland, Garrison, Newhard and
Schroeder.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 10:30 a.m., February 21, 1978

Convened: 10:40 a.m.

Adjourned: 12:10 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Brockett,
Chiodo, Crabb, Gilloon, Halvorson, Hines, Horn, Pavich, Poncy, Small, Smalley,
Thompson and Wells.

Absent: Branstad (arrived 11:05 a.m.) and Lageschulte (arrived 10:48 a.m.).

House File 2176, a bill for an act relating to the claims appeal board of the Iowa
department of job service.

Recommended Do Pass.

Aye: Connors, Jochum, Egenes, Branstad, Brockett, Chiodo, Crabb, Halvorson, Horn, Lageschulte, Pavich, Poney, Small, Smalley, Thompson and Wells.

Nay: None.

Absent or not voting: Gilloon and Hines.

Discussed and amended House File 488.

COMMITTEE ON BUDGET

Scheduled: 1:00 p.m., February 21, 1978

Convened: 1:11 p.m.

Adjourned: 2:10 p.m.

Present: Cusack, chair; Dunton, vice-chair; Harvey, Koogler, Stromer, Varley, Welden and Wells.

Absent: Den Herder, ranking member; (arrived 1:23 p.m.), Avenson (arrived 1:18 p.m.), Jesse (arrived 1:15 p.m.), Norland (arrived 1:15 p.m.) and O'Halloran (arrived 1:20 p.m.).

Study Bill 406, a bill for an act making an appropriation to the state department of health to fund the gathering of evidence and the cost of treatment required by section seven hundred nine point ten (709.10), Code 1977 Supplement.

Recommended Do Pass.

Aye: Cusack, Dunton, Harvey, Jesse, Norland, Stromer, Varley, Welden and Wells.

Nay: Koogler.

Absent or not voting: Den Herder, Avenson and O'Halloran.

COMMITTEE ON BUDGET

Scheduled: 11:30 a.m., February 22, 1978

Convened: 11:43 a.m.

Recessed: 12:35 p.m.

Reconvened: 2:58 p.m.

Adjourned: 3:40 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Avenson, Harvey, Jesse, Koogler, Stromer, Varley and Welden.

Absent: Norland (arrived 11:44 a.m.), O'Halloran (arrived 11:45 a.m.) and Wells (arrived 11:47 a.m.).

Study Bill 387, a bill for an act relating to and appropriating funds to state agencies for designated service programs including health programs, civil rights and parole services and programs for minority, elderly and disadvantaged persons.

Recommended Amend and Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, Norland, O'Halloran, Varley and Wells.

Nay: Koogler, Stromer and Welden.

AMENDMENTS FILED

H-5406	H.F. 2189	Crabb of Crawford
Hansen of O'Brien		Menke of O'Brien
Lind of Black Hawk		Evans of Grundy
West of Marshall		Conlon of Muscatine
Harbor of Mills		Thompson of Polk
Varley of Adair		Millen of Van Buren
Stromer of Hancock		Schroeder of Pottawattamie
Wyckoff of Benton		Danker of Pottawattamie
Halvorson of Clayton		Lipsky of Linn
Junker of Woodbury		Welden of Hardin
Brockett of Marshall		Den Herder of Sioux
Pellett of Cass		Bennett of Ida
H-5407	S.F. 384	Krewson of Polk
		Pavich of Pottawattamie
		Connors of Polk
H-5411	H.F. 2006	Lageschulte of Bremer
H-5412	S.F. 209	Miller of Buchanan
H-5413	H.F. 2174	Wyckoff of Benton
Junker of Woodbury		Harbor of Mills
Smalley of Polk		Dieleman of Marion
Woods of Polk		Lageschulte of Bremer
Patchett of Johnson		Walter of Pottawattamie
Danker of Pottawattamie		Bina of Scott
H-5414	H.F. 2159	Halvorson of Clayton
H-5415	H.F. 570	Schroeder of Pottawattamie
H-5416	H.F. 561	Schroeder of Pottawattamie

H-5417	H.F. 187	Miller of Buchanan
H-5418	H.F. 2172	Brandt of Black Hawk
		Perkins of Greene
		Krewson of Polk
H-5419	H.F. 2048	Horn of Linn
H-5421	H.F. 2048	Stromer of Hancock
H-5422	H.F. 187	Bina of Scott
		Hinkhouse of Cedar
		Wyckoff of Benton
		Husak of Tama
H-5423	H.F. 2048	Schroeder of Pottawattamie
H-5424	H.F. 187	Spencer of Clay
H-5425	H.F. 2161	Dunton of Keokuk
H-5426	S.F. 336	Bina of Scott
H-5427	H.F. 2174	Wyckoff of Benton
		Harbor of Mills
Junker of Woodbury		Dieleman of Marion
Smalley of Polk		Lageschulte of Bremer
Woods of Polk		Walter of Pottawattamie
Patchett of Johnson		Bina of Scott
Danker of Pottawattamie		

On motion by Fitzgerald of Webster the House adjourned at 5:23 p.m., until 10:30 a.m., Thursday, February 23, 1978.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day—Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 23, 1978

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

Prayer was offered by the Reverend Robert Hicks, pastor of the Congregational Church, Belmond, Iowa.

The Journal of Wednesday, February 22, 1978, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. U. Broers, Schleswig, Iowa.

PRESENTATION OF VISITORS

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

Seventy-five members of the 4-H group from Cedar Rapids, Iowa, accompanied by Marilyn Schuller, Janet Rater, Wayne Gugler and Ronnie Combs. By Oxley of Linn and Wells of Linn.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tofte of Winneshiek on request of Millen of Van Buren; Danker of Pottawattamie for a portion of the day on request of Millen of Van Buren.

CONSIDERATION OF BILLS

Budget Calendar

House File 2189, a bill for an act making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies, was taken up for consideration.

Crabb of Crawford offered amendment H—5406 filed by Crabb, et al., and requested division as follows:

H—5406

1 Amend House File 2189 as follows:

H—5406A

- 2 1. Page 4, line 7, by striking the numerals
- 3 "731,941" and inserting in lieu thereof the numerals
- 4 "481,941".

H—5406B

- 5 2. Page 6, by striking lines 19 through 35.
- 6 3. Page 7, by striking lines 1 through 18.

Crabb of Crawford asked and received unanimous consent to defer action on amendment H—5406A.

Varley of Adair rose on a point of order and invoked Rule 32.

Avenson of Fayette moved that Rule 32 be suspended to continue consideration of House File 2189.

Roll call was requested by Harbor of Mills and Junker of Woodbury.

On the question "Shall Rule 32 be suspended?"

The ayes were, 56:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 36:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Den Herder	Egenes
Evans	Gentleman	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Varley	Welden	West

Absent or not voting, 8:

Brockett	Crabb	Daggett	Danker
Gettings	Gilloon	Perkins	Tofte

The motion prevailed and Rule 32 was suspended.

Crabb of Crawford moved the adoption of amendment H—5406B.

Roll call was requested by Crabb of Crawford and Clark of Lee.

Rule 70 was invoked.

On the question "Shall amendment H—5406B be adopted?"

The ayes were, 38:

Bennett	Brockett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Den Herder
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Junker	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Smalley	Stephens
Stromer	Thompson	Varley	Welden
West	Wyckoff		

The nays were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunov
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilson
Griffee	Hargrave	Hines	Horn

Howell	Hullinger	Husak	Jesse
Jochum	Krause	Lonergan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Tauke	Walter	Wells	Woods
Mr. Speaker			

Absent or not voting, 9:

Branstad	Daggett	Danker	Gettings
Gilloon	Koogler	Oxley	Perkins
Tofte			

Amendment H — 5406B lost.

(House File 2189 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lind of Black Hawk for the remainder of the day on request of Stromer of Hancock.

INTRODUCTION OF BILLS

House File 2244, by committee on state government, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties.

Read first time and placed on the calendar.

House File 2245, by committee on budget, a bill for an act making an appropriation to the state department of health to fund the gathering of evidence and the cost of treatment required by section seven hundred nine point ten (709.10), Code 1977 Supplement.

Read first time and placed on the budget calendar.

House File 2246, by committee on county government, a bill for an act extending liability and errors and omissions insurance to appointed county officers.

Read first time and placed on the calendar.

House File 2247, by committee on natural resources, a bill for an act relating to procedures to be followed by drainage districts in which are located ditches, drains or natural watercourses constituting common outlets, when certain work is necessary upon such common outlets.

Read first time and referred to committee on agriculture.

QUORUM CALL

Roll call was requested by Hargrave of Johnson and Schroeder of Pottawattamie to determine that a quorum was present.

Rule 70 was invoked.

Present: 78

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent: 22

Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Egenes
Gettings	Gilloon	Hullinger	Jesse
Krause	Lind	Newhard	Patchett
Pavich	Small	Tofte	Varley
Walter	Welden		

BUSINESS PENDING

The House resumed consideration of **House File 2189**, a bill for an act making appropriations to miscellaneous state and local government agencies including regulatory agencies and boards and local and state government administrative agencies and amendment H—5406A.

Crabb of Crawford moved the adoption of amendment H—5406A.

Roll call was requested by Crabb of Crawford and Bennett of Ida.

Rule 70 was invoked.

On the question "Shall amendment H—5406A be adopted?"

The ayes were, 36:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Daggett	Danker
Den Herder	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Krewson	Lageschulte
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Schnekloth	Schroeder
Smalley	Stephens	Stromer	Thompson
Varley	Welden	West	Wyckoff

The nays were, 55:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Chiodo
Clark, J.H.	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Garrison	Gilloon
Gilson	Griffiee	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger

Husak	Jochum	Koogler	Krause
Loneragan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Pavich	Perkins	Poney	Rinas
Scheelhaase	Shimaneck	Small	Spear
Spencer	Svoboda	Tauke	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 9:

Binneboese	Byerly	Gettings	Jesse
Lind	Newhard	Oxley	Patchett
Tofte			

Amendment H—5406A lost.

Fitzgerald of Webster moved the previous question on House File 2189, all motions and amendments filed thereto.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 53, nays 35.

The motion prevailed.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Horn of Linn offered the following amendment H—5428 filed by him from the floor and moved its adoption:

H—5428

- 1 Amend House File 2189 as follows:
- 2 1. Page 5, by striking lines 28 and 29 and
- 3 inserting in lieu thereof the words "the Iowa beer
- 4 and liquor control department".
- 5 2. Page 5, by striking line 35 and inserting in
- 6 lieu thereof the following:
- 7 "service stores and for salaries,
- 8 support, maintenance and miscella-
- 9 neous purposes resulting from the
- 10 extension of the hours of operation

- 11 of sixteen liquor stores designated
- 12 by the department until ten o'clock
- 13 p.m. on days when such liquor stores
- 14 are in operation.....\$237,048"

Roll call was requested by Perkins of Greene and Dieleman of Marion.

On the question "Shall amendment H—5428 be adopted?"

The ayes were, 55:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Brockett	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Doyle
Dyrland	Evans	Garrison	Gentleman
Gilloon	Halvorson	Harbor	Hargrave
Harvey	Hines	Horn	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lipsky	Miller, K.D.	Newhard
Nielsen	O'Halloran	Patchett	Pavich
Poney	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Spear
Tauke	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 38:

Anderson	Bennett	Branstad	Brunow
Clark, B.J.	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Egenes
Gilson	Griffiee	Hansen	Hinkhouse
Hoffmann	Howell	Hullinger	Koogler
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Miller (Sergeant)	Monroe	Norland
Pellett	Pelton	Perkins	Smalley
Stephens	Stromer	Svoboda	Thompson
Varley	Welden		

Absent or not voting, 7:

Fitzgerald	Gettings	Lind	Millen
Oxley	Spencer	Tofte	

Amendment H—5428 was adopted.

Stromer of Hancock offered the following amendment H—5437 filed by him from the floor and moved its adoption:

H-5437

1 Amend House File 2189 as follows:
2 1. Page 7, by inserting after line 18, the
3 following section:
4 "Sec. . Section three hundred thirty-four A
5 point one (334A.1), Code 1977, is amended to read as
6 follows:
7 334A.1 FUND CREATED. There is created a "county
8 government assistance fund" in the office of the
9 treasurer of state. Funds appropriated to such fund
10 and distributed pursuant to section 334A.2 shall be
11 used, ~~insofar as practicable~~, for projects and
12 programs developed and maintained for citizens of the
13 county residing outside the incorporated areas of any
14 city in the county."

A non-record roll call was requested.

The ayes were 22, nays 65.

Amendment H-5437 lost.

Lipsky of Linn offered the following amendment H-5434 filed by her from the floor:

H-5434

1 Amend House File 2189 as follows:
2 1. Page 7, by adding after line 22 the following:
3 "Sec. . Funds appropriated by this Act shall
4 not be used to pay travel and other necessary expenses
5 of any person who attends a conference, seminar, con-
6 vention, or other similar meeting in a state which has
7 not approved the proposed federal equal rights amend-
8 ment. The state comptroller shall not approve any
9 claim submitted requesting reimbursement which vio-
10 lates this section."

Wyckoff of Benton rose on a point of order that amendment H-5434 was not germane.

The Speaker ruled the point not well taken and amendment H-5434 germane.

Lipsky of Linn moved the adoption of amendment H-5434.

Roll call was requested by Spencer of Clay and Hoffmann of Muscatine.

On the question "Shall amendment H—5434 be adopted?"

The ayes were, 29:

Arnould	Brandt	Byerly	Dyrland
Egenes	Garrison	Gilloon	Halvorson
Harvey	Hines	Hoffmann	Jesse
Krause	Lipsky	Lonergan	Monroe
Newhard	O'Halloran	Patchett	Pelton
Perkins	Rinas	Schnekloth	Schroeder
Smalley	Svoboda	Thompson	Varley
West			

The nays were, 61:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Gilson	Griffee	Hansen	Harbor
Hargrave	Hinkhouse	Horn	Howell
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lindeen	Menke
Middleswart	Miller, K.D.	Nielsen	Norland
Oxley	Pavich	Pellett	Poncy
Scheelhaase	Shimanek	Small	Spear
Spencer	Stephens	Stromer	Tauke
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 10:

Evans	Fitzgerald	Gentleman	Gettings
Hullinger	Lind	Millen	Miller (Sergeant)
Tofte	Welden		

Amendment H—5434 lost.

By unanimous consent the following amendment H—5446 filed by Schroeder of Pottawattamie from the floor was adopted:

H-5446

- 1 Amend House File 2189 as follows:
 2 1. Title Page, line 3, by inserting after the word
 3 "agencies" the words "and imposing a fee".

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

On the question "Shall the bill pass?" (H.F. 2189)

The ayes were, 68:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffie	Hansen	Harbor	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Middleswart
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Shimanek	Small	Spear	Spencer
Svoboda	Tauke	Varley	Walter
Wells	Woods	Wyckoff	Mr. Speaker

The nays were, 28:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Daggett
Danker	Den Herder	Egenes	Halvorson
Harvey	Hoffmann	Menke	Millen
Miller (Sergeant)	Pellett	Pelton	Perkins
Schnekloth	Schroeder	Smalley	Stephens
Stromer	Thompson	Welden	West

Absent or not voting, 4:

Gettings	Hargrave	Lind	Tofte
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE
(House File 2189)

Griffie of Chickasaw asked and received unanimous consent that House File 2189 be immediately messaged to the Senate.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

SENATE AMENDMENT CONSIDERED

O'Halloran of Black Hawk called up for consideration **House File 187**, a bill for an act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties, amended by the Senate amendment H-5323, as found on pages 487 through 491 of the House Journal.

Hullinger of Decatur offered the following amendment H-5429, to the Senate amendment H-5323, filed by him from the floor and moved its adoption:

H-5429

- 1 Amend the Senate amendment, H-5323, to House File
- 2 187 as follows:
- 3 1. Page 1, by striking lines 5 through 50 and
- 4 inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. DEFINITIONS. As used
- 6 in this Act unless the context otherwise requires:
- 7 1. "Beverage" means beer as defined in section
- 8 one hundred twenty-three point three (123.3),
- 9 subsection nine (9), of the Code, all beverages
- 10 containing more than four percent of alcohol by weight
- 11 except alcohol, spirits, and wine as defined in section
- 12 one hundred twenty-three point three (123.3),
- 13 subsection eight (8), of the Code, mineral water,
- 14 soda water and carbonated soft drinks in liquid form
- 15 and intended for human consumption.
- 16 2. "Beverage container" means any sealed glass,
- 17 plastic, or metal bottle, can, jar or carton containing
- 18 a beverage.

19 3. "Manufacturer" means any person who bottles,
20 cans or otherwise fills beverage containers for sale
21 to distributors or retailers.

22 Sec. 2. NEW SECTION. NONREFILLABLE BEVERAGE CON-
23 TAINERS PROHIBITED. It shall be unlawful for any
24 person to sell or offer for sale at retail in this
25 state any beverage container which cannot be refilled
26 with a beverage by a manufacturer at least five times.

27 Sec. 3. NEW SECTION. PENALTY. Any person
28 violating the provisions of this Act shall be guilty
29 of a simple misdemeanor.

30 Sec. 4. This Act is effective January 1, 1980."

31 2. By striking pages 2 through 4.

32 3. Amend the title by striking lines 1 through
33 6 and inserting in lieu thereof the following: "An
34 Act to prohibit the sale of certain beverage containers
35 and providing a penalty."

Roll call was requested by Brunow of Appanoose and Krause of Kossuth.

On the question "Shall amendment H-5429 be adopted?"

The ayes were, 10:

Byerly	Chiodo	Gilson	Howell
Hullinger	Koogler	Pelton	Scheelhaase
Spencer	Woods		

The nays were, 81:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Griffee	Halvorson	Hansen
Harbor	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Husak	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Perkins	Poncy	Rinas
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer

Svoboda
Walter
Mr. Speaker

Tauke
Wells

Thompson
West

Varley
Wyckoff

Absent or not voting, 9:

Avenson
Hargrave
Welden

Brockett
Jesse

Daggett
Lind

Gettings
Tofte

Amendment H—5429 lost.

Davitt of Warren asked and received unanimous consent to withdraw amendment H—5367, to the Senate amendment H—5323, filed by him on February 20, 1978.

Spencer of Clay offered amendment, H—5424, to the Senate amendment H—5323, filed by him and requested division as follows:

H—5424

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:

H—5424A

- 3 1. Page 1, line 40, by striking the word "five"
- 4 and inserting in lieu thereof the word "ten".
- 5 2. Page 1, lines 49 and 50, by striking the words
- 6 " , or person operating a redemption center,".
- 7 3. Page 2, lines 2 and 3, by striking the words
- 8 "at least one cent per container" and inserting in
- 9 lieu thereof the words "ten percent of the refund
- 10 value of each container and a person operating an
- 11 approved redemption center shall be reimbursed by
- 12 the distributor required to accept the empty beverage
- 13 containers an amount which is twenty percent of the
- 14 refund value of each container".

H—5424B

- 15 4. Page 2, by striking lines 7 through 10.

Spencer of Clay moved the adoption of amendment H—5424A, to the Senate amendment H—5323.

Roll call was requested by Spencer of Clay and Clark of Lee.

On the question "Shall amendment H—5424A be adopted?"

The ayes were, 13:

Byerly	Conlon	Dieleman	Doyle
Dunton	Gilson	Griffiee	Harvey
Hinkhouse	Hullinger	Schnekloth	Spencer
Woods			

The nays were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Connors	Crabb	Crawford
Cusack	Danker	Davitt	Den Herder
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Halvorson
Hansen	Harbor	Hargrave	Hines
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Tauke
Thompson	Varley	Walter	Weiden
Wells	West	Wyckoff	Mr. Speaker

Absent or not voting, 7:

Chiodo	Daggett	Gettings	Koogler
Lind	Stephens	Tofte	

Amendment H — 5424A lost.

Spencer of Clay asked and received unanimous consent to withdraw amendment H — 5424B.

Woods of Polk offered the following amendment H — 5431, to the Senate amendment H — 5323, filed by him from the floor and moved its adoption:

H — 5431

- 1 Amend the Senate amendment, H — 5323, to House File
- 2 187 as follows:
- 3 1. Page 1, line 47, by striking the words "the

- 4 amount" and inserting in lieu thereof the words "four
5 cents".
- 6 2. Page 1, by striking lines 49 and 50.
- 7 3. Page 2, by striking lines 1 and 2.
- 8 4. Page 2, line 3, by striking the words "at least
9 one cent per container".
- 10 5. Page 2, by striking lines 7 through 10.

Amendment H—5431 lost.

SPECIAL ORDER
(House File 187)

Fitzgerald of Webster asked and received unanimous consent that House File 187 be deferred and made a special order of business for Tuesday, February 28, 1978 at 1:30 p.m.

UNANIMOUS CONSENT CALENDAR
(House Concurrent Resolution 114)

We hereby respectfully request that House Concurrent Resolution 114, filed on February 22, 1978 and found on pages 586 and 587 of the House Journal, be placed on the unanimous consent calendar.

PAVICH of Pottawattamie
KREWSON of Polk
WALTER of Pottawattamie

MOTIONS TO RECONSIDER
(House File 2189)

I move to reconsider the vote by which House File 2189 passed the House on February 23, 1978.

GRIFFEE of Chickasaw

(House File 2189)

I move to reconsider the vote by which House File 2189 passed the House on February 23, 1978.

JUNKER of Woodbury

EXPLANATIONS OF VOTE

I was necessarily absent on February 21, 1978 when the vote was taken on House File 2169. I left the House earlier during the evening due to illness. Had I been present when the vote was taken, I would have voted "aye."

CUSACK of Scott

I was necessarily absent on February 21 and 22 because of scheduled meetings in Washington, D.C. Had I been present I would have voted "aye" on House Files 2113, 2169, 2180 and 2132. I also would have voted "aye" on House Files 411, 412, and 415 as they were amended by the Senate.

BAKER of Buena Vista

I was necessarily absent from the House chamber on February 22, 1978. Had I been present, I would have voted "nay" on House File 2113 and "aye" on House Files 2132, 2180 and amendment H-5261 to House File 2048. Also, I would have voted in favor of concurring with the Senate amendments to House Files 411, 412 and 415.

SCHNEKLOTH of Scott

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 415 Ways and Means**

To impose a tax upon freight line and equipment car companies, providing penalties for violations, and making the Act retroactive.

S.B. 416 Commerce

Redefining the term governing body as used in chapter five hundred nine A (509A) of the Code, relating to insurance plans for public employees.

S.B. 417 Budget

Relating to the transfer of funds between state departments, institutions and agencies.

S.B. 418 Labor and Industrial Relations

Relating to the listing in telephone directories buildings which are known to have facilities which make them accessible to handicapped persons.

SUBCOMMITTEE ASSIGNMENTS**House Concurrent Resolution 107**

Human Resources: Newhard, Chair; Krewson, Gentleman, Lonergan and Hargrave.

House File 50

Human Resources: Dyrland, Chair; Krewson and Walter.

House File 2112

Ways and Means: Wyckoff, Chair; Harvey, Lind, Dunton and Gilloon.

House File 2120

Energy: Hullinger, Chair; Doyle and Lindeen.

House File 2146

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2152

Agriculture: Gettings, Chair; Lageschulte and Binneboese.

House File 2163

Human Resources: Garrison, Chair; Hargrave, Cusack, Krewson and Schroeder.

House File 2178

Judiciary and Law Enforcement: Conlon, Chair; Nielsen and Arnould.

House File 2179

County Government: Brandt, Chair; Hoffmann and Hinkhouse.

House File 2181

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

House File 2182

Ways and Means: Jochum, Chair; Hines, Bina, Pavich, West, Clark of Lee and Thompson.

House File 2183

Ways and Means: Norland, Chair; Davitt, Brandt, Howell, Daggett, West and Menke.

House File 2185

Judiciary and Law Enforcement: Connors, Chair; Spencer and Shimanek.

House File 2186

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

House File 2204

Ways and Means: Anderson, Chair; Miller of Buchanan, Svoboda, Jochum, Clark of Lee, Harbor and Conlon.

Senate File 403

County Government: Wyckoff, Chair; Danker and Oxley.

Senate File 404

County Government: Spear, Chair; Danker and Gilloon.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 389**

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

Study Bill 398

Judiciary and Law Enforcement: Doyle, Chair; Smalley and Pelton.

Study Bill 399

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

Study Bill 400

Human Resources: Lipsky, Chair; Clark of Cerro Gordo, Gentleman, Newhard, Anderson and Crawford.

Study Bill 404

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

Study Bill 405

Judiciary and Law Enforcement: Patchett, Chair; Shimanek and Jesse.

Study Bill 412

Transportation: Krause, Chair; Egenes, Monroe, Rinas and Clark of Cerro Gordo.

Study Bill 414

Transportation: Dunton, Chair; Schnekloth, Monroe, Hullinger and Oxley.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., February 22, 1978

Convened: 7:45 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hines and Newhard.

Department of Social Services presentations by Chris Blau on child protection program and Chuck Sweeney, Director of Management and Planning on local purchase allocations. Recommended appropriation for Mental Health Institutions and discussed recommendation for custodial care.

COMMITTEE ON COMMERCE

Scheduled: 9:00 a.m., February 22, 1978

Convened: 9:05 a.m.

Adjourned: 10:15 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Den Herder, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Lonergan, Schroeder, Tauke, Walter, Welden and West.

Absent: None.

Committee Bill (Formerly House File 37), a bill for an act relating to the maximum permissible finance charge which may be imposed in open-end consumer credit transactions.

Recommended Amend and Do Pass.

Aye: Small, Chiodo, Anderson, Brunow, Dieleman, Jochum, Koogler, Krause, Lonergan and Walter.

Nay: Brockett, Bina, Den Herder, Evans, Halvorson, Schroeder, Tauke, Welden and West.

Discussed and deferred House File 607.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 9:00 a.m., February 22, 1978

Convened: 9:10 a.m.

Adjourned: 9:50 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Baker and Harvey.

Excused: Byerly.

Study Bill 413, a bill for an act extending liability and errors and omissions insurance to appointed county officers.

Recommended **Do Pass**.

Aye: Hullinger, Spear, Danker, Brandt, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or not voting: Baker, Byerly and Harvey.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 9:00 a.m., February 22, 1978

Convened: 9:20 a.m.

Adjourned: 10:32 a.m.

Present: Jesse, chair; Branstad, ranking member; Arnould, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley and Spencer.

Absent: Newhard, vice-chair; Garrison, Nielsen, Patchett and Woods.

Study Bill 348, a bill for an act to limit claims of inmates injured while working to workers' compensation.

Recommended **Amend and Do Pass**.

Aye: Jesse, Arnould, Clark of Cerro Gordo, Connors, Doyle, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase and Shimanek.

Nay: Branstad, Conlon, Smalley and Spencer.

Absent or not voting: Newhard, Garrison, Nielsen, Patchett and Woods.

Assigned bills to subcommittees.

COMMITTEE ON WAYS AND MEANS

Scheduled: 1:00 p.m., February 22, 1978

Convened: 1:13 p.m.

Adjourned: 2:44 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Davitt, Dieleman, Gilloon, Harbor, Harvey, Hines, Horn, Husak, Jochum, Junker, Lind, Oxley, Pavich, Rinas, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Absent: Cusack (arrived 1:25 p.m.), Daggett, Den Herder (arrived 1:17 p.m.), Dunton (arrived 1:16 p.m.), Egenes (arrived 2:10 p.m.), Howell (arrived 1:23 p.m.), Menke (arrived 1:20 p.m.), O'Halloran (arrived 1:30 p.m.) and Schnekloth.

Senate File 336, a bill for an act relating to the imposition of a hotel and motel tax by a city or county.

Recommended Amend and Do Pass.

H—5436

- 1 Amend Senate File 336 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking line 4 and inserting in
- 4 lieu thereof the words "at a rate of five percent,
- 5 upon the gross receipts".
- 6 2. Page 1, line 9, by inserting after the word
- 7 "meals." the following: "The tax when imposed by
- 8 a city shall apply only within the corporate boundaries
- 9 of that city and when imposed by a county shall apply
- 10 only outside incorporated areas within that county."
- 11 3. Page 1, by inserting after line 15, the
- 12 following new paragraph:
- 13 "A local hotel and motel tax shall be imposed on
- 14 January first, April first, July first, or September
- 15 first, following the notification of the director
- 16 of revenue. Once imposed, the tax shall remain in
- 17 effect at the rate imposed for a minimum of one year.
- 18 A local hotel and motel tax shall terminate only on
- 19 March thirty-first, June thirtieth, September
- 20 thirtieth, or December thirty-first. At least sixty
- 21 days prior to the tax being effective or prior to
- 22 a revision in the tax rate, or prior to the repeal
- 23 of the tax, a city or county shall provide notice
- 24 by certified mail of such action to the director of
- 25 revenue."
- 26 4. Page 1, by striking lines 16 through 22.
- 27 5. Page 1, line 28, by inserting after the word
- 28 "liability." the following: "All moneys received

29 or refunded one hundred eighty days after the date
 30 on which a city or county terminates its local hotel
 31 and motel tax shall be deposited in or withdrawn from
 32 the state general fund."

33 6. Page 2, line 7, by inserting after the word
 34 "point" the following: "fifty-two (422.52), four
 35 hundred twenty-two point fifty-four (422.54), through
 36 four hundred twenty-two point".

37 7. Page 2, lines 15 and 16, by striking the words
 38 "gross receipts" and inserting in lieu thereof the
 39 words "retail sales".

40 8. Page 2, line 16, by inserting after the word
 41 "statutes." the following: "Notwithstanding the
 42 provisions of this paragraph, the director shall
 43 provide for only quarterly filing of returns as
 44 prescribed in section four hundred twenty-two point
 45 fifty-one (422.51) of the Code. Further, the director
 46 may require all persons as defined in section four
 47 hundred twenty-two point forty-two (422.42) of the
 48 Code, who are engaged in the business of deriving
 49 gross receipts subject to tax under this Act, to
 50 register with the department."

Page 2

- 1 9. Page 2, line 31, by striking the figure "1978"
- 2 and inserting in lieu thereof the figure "1979".
- 3 10. Title page, line 2, by inserting after the
- 4 word "county" the words "and providing penalties".

Aye: Norland, Miller of Buchanan, West, Anderson, Brandt, Branstad, Clark of Lee, Conlon, Davitt, Egenes, Gilloon, Hines, Howell, Jochum, Lind, Rinas, Svoboda, Thompson, Varley and Wells.

Nay: Bennett, Bina, Cusack, Den Herder, Dieleman, Dunton, Harbor, Harvey, Horn, Husak, Menke, O'Halloran, Oxley, Pavich, Spencer and Wyckoff.

Absent or not voting: Daggett, Junker and Schnekloth.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 5:30 p.m., February 22, 1978

Convened: 5:55 p.m.

Adjourned: 6:25 p.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schroeder and Spencer.

Absent: Brandt.

Excused: Schnekloth.

Discussed consulting fees and aviation gas tax.

AMENDMENTS FILED

H-5430	H.F. 187	Woods of Polk
H-5432	H.F. 187	Woods of Polk
H-5433	H.F. 187	Spear of Lee
H-5435	H.F. 187	Koogler of Mahaska
		Miller of Buchanan
		Perkins of Greene
		Hullinger of Decatur
H-5438	H.F. 187	Perkins of Greene
H-5439	H.F. 187	Perkins of Greene
H-5440	H.F. 187	Perkins of Greene
H-5441	H.F. 187	Nielsen of Polk
H-5442	H.F. 2105	Clark of Lee
		Harvey of Scott
H-5443	H.F. 2084	Koogler of Mahaska
H-5444	H.F. 187	Svoboda of Iowa
		Wells of Linn
H-5445	H.F. 2048	Horn of Linn

On motion by Fitzgerald of Webster, the House adjourned at 5:08 p.m., until 10:30 a.m., Monday, February 27, 1978.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day -- Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 27, 1978

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

Prayer was offered by the Reverend Faith Ferre, pastor of the United Church of Christ, West Des Moines, Iowa.

The Journal of Thursday, February 23, 1978 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Halloran of Black Hawk for a portion of the day on request of Middleswart of Warren; Scheelhaase of Woodbury on request of Junker of Woodbury.

PRESENTATION OF VISITORS

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

Sixteen students from Valley High School, West Des Moines, Iowa, accompanied by Barbara Colvig and Kay Rasmussen. By Thompson of Polk.

HOUSE RESOLUTION 110

By Gilson

- 1 *Whereas*, the town of Audubon, Iowa was founded on
- 2 September 23, 1878 when the Chicago, Rock Island and
- 3 Pacific railroad company established the town; and
- 4 *Whereas*, since that time Audubon, Iowa has grown
- 5 and prospered through the efforts of its industrious
- 6 citizens and today is a community which serves as a
- 7 modern economic center for the surrounding area; and
- 8 *Whereas*, Audubon, Iowa is celebrating its centennial
- 9 anniversary of its founding; *Now Therefore*,
- 10 *Be It Resolved by the House of Representatives*, That
- 11 the House of Representatives extend its congratulations

12 to the citizens of Audubon, Iowa during this centennial
 13 year and recognize the achievements of this industrious
 14 community during the past one hundred years.

Laid over under Rule 25.

HOUSE RESOLUTION 111

By Gilson

1 *Whereas*, the town of Brayton, Iowa, was founded
 2 December 10, 1878; and
 3 *Whereas*, Brayton, Iowa established itself as a town
 4 providing educational opportunities for the children
 5 of the surrounding area very soon after its founding
 6 and throughout subsequent years provided services for
 7 the citizens of Brayton and people from the surround-
 8 ing area; and
 9 *Whereas*, Brayton, Iowa will be celebrating its centennial
 10 anniversary this year; *Now Therefore*,
 11 *Be It Resolved by the House of Representatives*, That
 12 Brayton, Iowa be recognized on its one hundredth anniversary
 13 and its citizens be congratulated for their efforts in
 14 promoting and carrying out this celebration.

Laid over under Rule 25.

INTRODUCTION OF BILLS

House File 2248, by Krewson, Junker, Hoffmann, Pelton, Halvorson, Hansen, Gentleman, Crabb, Branstad, Shimanek, Danker, Welden, Smalley, Egenes, Crawford, West, Pellett, Tofte, Lindeen, Menke, Thompson, Lind and Schnekloth, a bill for an act to provide reimbursement for property taxes paid and rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled.

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

House File 2249, by Schnekloth, a bill for an act exempting from the usury statute loans in which the principal is one hundred thousand dollars or more.

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

House File 2250, by Tofte, a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make such claim for them.

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

House File 2251, by Svoboda a bill for an act requiring the energy policy council to establish minimum standards of operating efficiency for designated appliances and providing a penalty.

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

House File 2252, by Davitt, a bill for an act to provide for assessing and determining the actual value of agricultural property on the basis of its productivity and net earning capacity.

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

House File 2253, by Davitt, Krause, Bennett, West, Koogler, Evans, Daggett, Middleswart, Schroeder, Menke, Scheelhaase, Brunow, Pellett, Harbor, Hullinger, Danker, Oxley, Clark of Cerro Gordo, Husak, Tauke, Spear, Garrison, Gentleman, Perkins, Shimanek, Gilson, Crawford, Halvorson, Newhard, Svoboda, Branstad, Spencer, Avenson, Thompson, Chiodo, Small, Brandt, Dyrland, Connors, O'Halloran, Monroe, Howell, Woods, Baker, Horn, Crabb, Binneboese, Lonergan, Gettings, Walter, Dieleman, Clark of Lee, Doyle, Miller (Sergeant) of Calhoun and Den Herder, a bill for an act providing for the inclusion of certain valuation information on valuation notices issued by the assessor.

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

House File 2254, by Clark of Lee, a bill for an act to provide for mandatory annual inspections of motor vehicle exhaust systems.

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

House File 2255, by Clark of Lee, West, Tauke, Branstad, Krewson, Schnekloth, Egenes, Gentleman, Pelton, Conlon, Junker, Harvey, Crawford, Garrison, Newhard and Lipsky, a bill for an act to authorize a city to designate certain blighted areas of the city for eligibility for certain property tax benefits to encourage revitalization of the blighted area.

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

House File 2256, by Brandt, Monroe and Cusack, a bill for an act relating to the powers of local boards of health to enforce state health laws and rules of the state department of health, and authorizing the employment or assignment of public health nurses to visit health care facilities in response to complaints.

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

House File 2257, by Brandt, a bill for an act relating to organizations soliciting public donations in this state.

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

House File 2258, by Newhard, a bill for an act relating to professional permits to carry weapons.

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

House File 2259, by Spear, a bill for an act relating to the taxation of income received from an annuity from the Iowa judicial retirement system.

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

House File 2260, by Garrison, Dunton, Miller of Buchanan, Jochum, Dyrland, Pelton, Hargrave, Newhard, Gilloon, Chiodo, Rinas and Schroeder, a bill for an act relating to liquor and beer control, modifying the prerequisite for Sunday sales of beer and liquor, that fifty percent or more of the gross receipts of the licensed premises be from the sale of goods and services other than alcoholic liquor or beer and extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday and Monday.

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

House File 2261, by Horn, a bill for an act relating to the physical education requirement for certain high school students.

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

House File 2262, by Howell, a bill for an act to establish a board of electrician examiners and to require the licensing of electricians.

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

House File 2263, by Tauke, a bill for an act establishing minimum education requirements for certain insurance agents.

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

House File 2264, by committee on natural resources, a bill for an act relating to the inspection of land and water craft registered with the Iowa state conservation commission.

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

House File 2265, by committee on judiciary and law enforcement, a bill for an act to limit claims of inmates injured while working to workers' compensation.

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

ADOPTION OF HOUSE RESOLUTION 107

Pursuant to House Rule 26, the Speaker announced that House Resolution 107 filed on February 15, 1978 and found on pages 454 and 455 of the House Journal was adopted by unanimous consent.

CONSIDERATION OF BILLS (Regular Calendar)

House File 2136, a bill for an act relating to qualifications required for a school board secretary, was taken up for consideration.

Perkins of Greene offered the following amendment H—5447 filed by him from the floor and moved its adoption:

H—5447

- 1 Amend House File 2136 as follows:
- 2 1. Page 1, line 9, by striking the words
- 3 "~~of the board~~" and inserting in lieu thereof the
- 4 words "of the board".

Amendment H-5447 was adopted.

Miller (Sergeant) of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2136)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Doyle	Dunton
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Dieleman	Monroe
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Absent or not voting, 10:

Binneboese	Brockett	Dyrland	Egenes
Gilloon	Newhard	O'Halloran	Patchett
Poney	Spencer		

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

House File 2006, a bill for an act relating to the compensation of township trustees, with report of committee recommending amendment and passage was taken up for consideration.

Hinkhouse of Cedar offered amendment H-5334 filed by the committee on county government on February 17, 1978 and found on pages 533 and 534 of the House Journal.

Lageschulte of Bremer offered the following amendment H-5411, to the committee amendment H-5334, filed by him and moved its adoption:

H-5411

- 1 Amend amendment H-5334, to House File 2006, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3 and insert-
- 4 ing in lieu thereof the following:
- 5 "1. Page 1, line 6, by striking the words "rate
- 6 of three dollars" and inserting in lieu thereof the
- 7 words "minimum wage rate".

Amendment H-5411 lost.

Hinkhouse of Cedar moved the adoption of the committee amendment H-5334.

Roll call was requested by Hinkhouse of Cedar and Lageschulte of Bremer.

On the question "Shall amendment H-5334 be adopted?"

The ayes were, 45:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Byerly	Connors
Cusack	Daggett	Davitt	Den Herder
Dunton	Dyrland	Fitzgerald	Gettings
Gilson	Harbor	Harvey	Hinkhouse
Hoffmann	Howell	Husak	Jesse
Junker	Koogler	Krause	Lindeen
Lonergan	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Pavich	Pellett	Pelton
Poney	Rinas	Schneklath	Shimanek
Stephens	Varley	Walter	Wells
Wyckoff			

The nays were, 43:

Arnould	Brandt	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Danker	Dieleman

Evans	Garrison	Gentleman	Griffee
Halvorson	Hansen	Hargrave	Horn
Jochum	Krewson	Lageschulte	Lind
Lipsky	Menke	Middleswart	Millen
Norland	Oxley	Perkins	Schroeder
Small	Smalley	Spear	Stromer
Tauke	Thompson	Tofte	Welden
West	Woods	Mr. Speaker	

Absent or not voting, 12:

Brockett	Doyle	Egenes	Gilloon
Hines	Hullinger	Newhard	O'Halloran
Patchett	Scheelhaase	Spencer	Svoboda

Amendment H-5334 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2006)

The ayes were, 82:

Arnould	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 8:

Chiodo	Crawford	Howell	Lageschulte
Lipsky	Schroeder	Smalley	Welden

Absent or not voting, 10:

Anderson	Brockett	Egenes	Gilloon
Hargrave	Newhard	O'Halloran	Patchett
Scheelhaase	Svoboda		

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

BUDGET CALENDAR

House File 2174, a bill for an act making appropriations to the department of justice, was taken up for consideration.

Shimanek of Jones offered the following amendment H-5448 filed by Shimanek, Stromer, Wyckoff and Smalley from the floor:

H-5448

- 1 Amend House File 2174 as follows:
- 2 1. Page 1, by striking lines 13 through 35.
- 3 2. Page 2, by striking lines 1 through 13.

Schroeder of Pottawattamie offered the following amendment H-5450, to amendment H-5448, filed by him from the floor and moved its adoption:

H-5450

- 1 Amend amendment H-5448, to House File 2174, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and inserting in
- 4 lieu thereof the following:
- 5 "1. Page 1, by striking lines 13 through 35 and
- 6 inserting in lieu thereof the following:
- 7 a. Funds are included within this subsection for
- 8 the area and special prosecutor's program."

Amendment H-5450 was adopted.

(House File 2174 and amendment H-5448, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Garrison of Black Hawk to determine that a quorum was present.

Present, 94:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B. J.	Clark, J. H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	Woods
Wyckoff	Mr. Speaker		

Absent, 6:

Dieleman	Krause	O'Halloran	Patchett
Scheelhaase	West		

BUSINESS PENDING

The House resumed consideration of **House File 2174**, a bill for an act making appropriations to the department of justice, and amendment H—5448, as amended.

Shimanek of Jones moved the adoption of amendment H—5448, as amended.

Roll call was requested by Byerly of Polk and Rinas of Linn.

On the question "Shall amendment H—5448, as amended, be adopted?"

The ayes were, 65:

Arnould	Baker	Bennett	Bina
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Gentleman	Griffee
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Hoffmann	Howell	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller (Sergeant)	Newhard	Norland
Oxley	Pellett	Pelton	Perkins
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Weiden	West
Wyckoff			

The nays were, 30:

Anderson	Avenson	Binneboese	Brandt
Byerly	Chiodo	Connors	Doyle
Garrison	Gettings	Gilloon	Gilson
Hargrave	Hines	Horn	Husak
Jesse	Jochum	Koogler	Krause
Miller, K.D.	Monroe	Nielsen	Patchett
Pavich	Poncy	Rinas	Wells
Woods	Mr. Speaker		

Absent or not voting, 5:

Fitzgerald	Hullinger	O'Halloran	Scheelhaase
Svoboda			

Amendment H—5448, as amended, was adopted.

Wyckoff of Benton offered amendment H—5427 filed by Wyckoff, et al., and requested division as follows:

H—5427

1 Amend House File 2174 as follows:

H—5427A.

- 2 1. Page 1, line 15, by striking the words
- 3 "and special".
- 4 2. Page 1, line 22, by striking the word
- 5 "and".
- 6 3. Page 1, line 23, by striking the word
- 7 "special".

H—5427B

- 8 4. Page 3, by striking lines 1 through 5
- 9 and inserting in lieu thereof the following:
- 10 "Funds appropriated by this subsection shall be
- 11 used to attract federal and county funding."

With the adoption of amendment H—5448, as amended, amendment H—5427A was out of order.

On motion by Wyckoff of Benton, amendment H—5427B was adopted.

Wyckoff of Benton offered the following amendment H—5413 filed by Wyckoff, et al., and moved its adoption:

H—5413

- 1 Amend House File 2174 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following subsection:
- 4 " . For printing and
- 5 distribution of Report
- 6 of the Attorney General\$19,800

Amendment H—5413 was adopted.

Lipsky of Linn offered the following amendment H—5449 filed by her from the floor and moved its adoption:

H-5449

- 1 Amend House File 2174 as follows:
- 2 1. Page 3, by adding after line 16 the following:
- 3 "Sec. Funds appropriated by this Act shall
- 4 not be used to pay travel and other necessary expenses
- 5 of any person who attends a conference, seminar, con-
- 6 vention, or other similar meeting in a state which has
- 7 not approved the proposed federal equal rights amend-
- 8 ment. The state comptroller shall not approve any
- 9 claim submitted requesting reimbursement which violates
- 10 this section."

Amendment H-5449 lost.

Byerly of Polk asked for unanimous consent that House File 2174 be rereferred to the committee on budget.

Objection was raised.

Byerly of Polk moved that House File 2174 be rereferred to the committee on budget.

Roll call was requested by Koogler of Mahaska and Byerly of Polk.

On the question "Shall the motion to rerefer prevail?"

The ayes were, 13:

Byerly	Chiodo	Conlon	Gilson
Horn	Koogler	Miller, K.D.	Nielsen
Poncy	Rinas	Schroeder	Stephens
Woods			

The nays were, 80:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Duntton	Dyrland
Egenes	Evans	Garrison	Gentleman
Gettings	Gilloon	Griffee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jochum	Junker	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonerган	Menke	Middleswart	Millen

Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

Absent or not voting, 7:

Arnould	Fitzgerald	Hargrave	Hines
Jesse	Scheelhaase	Stromer	

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2174)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Garrison	Gentleman	Gettings	Giloon
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jesse
Junker	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Schneklath	Schroeder	Shimanek
Smalley	Spear	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Wyckoff	Mr. Speaker		

The nays were, 12:

Byerly	Gilson	Griffee	Horn
Jochum	Koogler	Miller, K.D.	Monroe
Nielsen	Poney	Rinas	Woods

Absent or not voting, 6:

Evans
Spencer

Fitzgerald
Svoboda

Scheelhaase

Small

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

MOTION TO RECONSIDER LOST (House File 2174)

Wyckoff of Benton moved to reconsider the vote by which House File 2174 passed the House on February 27, 1978.

A non-record roll call was requested.

The ayes were 19, nays 63.

The motion lost.

BUDGET CALENDAR

The House resumed consideration of **House File 2165**, a bill for an act appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program.

Evans of Grundy offered the following amendment H—5353 filed by Evans, et al. :

H—5353

- 1 Amend House File 2165 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "allowed." the following: "When securities are loaned
- 4 as provided by this paragraph, the treasurer, in order
- 5 to secure the loan and as a condition thereof shall
- 6 obtain from the borrower federal securities of at
- 7 least equal market value, and the relative value of
- 8 the collateral to the loan shall be maintained."

Byerly of Polk offered the following amendment H—5386, to amendment H—5353, filed by him and moved its adoption:

H—5386

- 1 Amend amendment H—5353 to House File 2165, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "equal" the words "to one hundred three percent of".

Amendment H—5386 was adopted.

On motion by Evans of Grundy, amendment H—5353, as amended, was adopted.

Byerly of Polk offered the following amendment H—5395 filed by him and moved its adoption:

H—5395

- 1 Amend House File 2165 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "state" the words " following approval by the advisory
- 4 investment board of the Iowa public employees'
- 5 retirement system,".

Amendment H—5395 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2165)

The ayes were, 92:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K. D.

Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poney
Rinas	Schneklath	Schroeder	Shimaneck
Small	Smalley	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 2:

Clark, J.H.	Stromer
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Absent or not voting, 6:

Branstad	Clark, B.J.	Fitzgerald	Nielsen
Scheelhaase	Svoboda		

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

WAYS AND MEANS CALENDAR

House File 2190, a bill for an act to provide for the determination of the amount of the increase of the assessed valuation of agricultural land and residential property as of January 1, 1979, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2190)

The ayes were, 96:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hanson	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum

Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Harvey

Absent or not voting, 3:

Garrison

Hullinger

Scheelhaase

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

MOTION TO RECONSIDER LOST (House File 2190)

Norland of Worth moved to reconsider the vote by which House File 2190 passed the House on February 27, 1978.

A non-record roll call was requested.

The ayes were 13, nays 65.

The motion lost.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 109

Wells of Linn called up for consideration House Concurrent Resolution 109 filed on February 7, 1978 and found on pages 365 through 367 of the House Journal.

Schroeder of Pottawattamie offered amendment H—5275 filed by him and requested division as follows:

H-5275

1 Amend House Concurrent resolution 109, which appears
2 on pages 365, 366, and 367 of the House Journal, as
3 follows:

H-5275A

4 1. Page 1, by inserting after line 22 the
5 following:
6 " . Page 4, by striking lines 28 through 30
7 and inserting in lieu thereof the following:
8 "Assistant to the Legal Counsel and
9 Engrossing/Enrolling Clerk.....Grade 20
10 Assistant to the Legal Counsel.....Grade 20" "

H-5275B

11 2. Page 1, by inserting after line 23 the
12 following:
13 " . Page 5, by striking line 19 and inserting
14 in lieu thereof the following:
15 "Aide to the Chief Clerk.....Grade 19" "

H-5275C

16 3. Page 2, by inserting after line 4 the following:
17 " . Page 6, by striking lines 1 and 2 and
18 inserting in lieu thereof the following:
19 "Engrossing/Enrolling Clerk
20 and Terminal Operator.....Grade 20"

H-5275D

21 . Page 6, by striking line 5 and inserting
22 in lieu thereof the following:
23 "Records and Supply Clerk.....Grade 18"

H-5275E

24 4. Page 2, by striking lines 12 through 16.

H-5275F

25 5. Page 2, by striking lines 17 through 20.

H-5275G

26 6. Page 2, by inserting before line 21 the
27 following:
28 " . Page 10, line 31, by striking the figure
29 "2." "

Schroeder of Pottawattamie moved the adoption of amendment H—5275A.

Roll call was requested by Schroeder of Pottawattamie and Spencer of Clay.

Rule 70 was invoked.

On the question "Shall amendment H—5275A be adopted?"

The ayes were, 39:

Bennett	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Hoffmann	Junker
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schneklath	Schroeder	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Weiden	West	Woods	

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Gettings	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Koogler	Krause	Lonergan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
O'Halloran	Oxley	Patchett	Pavich
Poney	Rinas	Small	Spear
Spencer	Svoboda	Varley	Walter
Wells	Wyckoff	Mr. Speaker	

Absent or not voting, 10:

Garrison	Gilloon	Harvey	Jesse
Lind	Newhard	Nielsen	Perkins
Scheelhaase	Shimanek		

Amendment H—5275A lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for the remainder of the day on request of Dunton of Keokuk.

Schroeder of Pottawattamie moved the adoption of amendment H-5275B.

Amendment H-5275B lost.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendments H-5275C and H-5275D.

Schroeder of Pottawattamie moved the adoption of amendment H-5275E.

Roll call was requested by Schroeder of Pottawattamie and Clark of Lee.

Rule 70 was invoked.

On the question "Shall amendment H-5275E be adopted?"

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Egenes
Evans	Gentleman	Gettings	Halvorson
Hansen	Harbor	Hoffmann	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

The nays were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Fitzgerald	Gilloon	Gilson
Griffee	Hargrave	Hines	Hinkhouse

Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Loneragan	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Small	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 6:

Garrison	Harvey	Junker	Newhard
Norland	Scheelhaase		

Amendment H—5275E lost.

Schroeder of Pottawattamie moved the adoption of amendment H—5275F.

A non-record roll call was requested.

The ayes were 50, nays 34.

Amendment H—5275F was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5275G.

Amendment H—5275G lost.

Connors of Polk offered the following amendment H—5459 filed by him from the floor and moved its adoption:

H—5459

- 1 Amend House Concurrent Resolution 109 as follows:
- 2 1. Page 2, line 16, by inserting after the word
- 3 "assigned" the words "by the representative or senator
- 4 for whom they work, or when they work for a caucus
- 5 staff, the caucus staff director".

Amendment H—5459 was adopted.

Wells of Linn moved the adoption of House Concurrent Resolution 109, as amended.

A non-record roll call was requested.

The ayes were 83, nays 0.

The motion prevailed and the resolution, as amended, was adopted.

SPONSORS ADDED
(House Concurrent Resolution 103)

The following members request their names be added as sponsors to House Concurrent Resolution 103: Wyckoff of Benton, Husak of Tama, Harbor of Mills, Wells of Linn, Binneboese of Plymouth, Junker of Woodbury, Newhard of Jones, Welden of Hardin, Millen of Van Buren, Menke of O'Brien, Pellett of Cass, Danker of Pottawattamie, Middleswart of Warren and Hinkhouse of Cedar.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber the afternoon of February 23, 1978. Had I been present, I would have voted "aye" on amendments H-5406A and H-5428 to House File 2189 and House File 2189; "nay" on amendment H-5434 to House File 2189; and "nay" on amendments H-5429 and H-5424A to House File 187.

LIND of Black Hawk

I was necessarily absent on February 23, 1978. Had I been present I would have voted "aye" on amendment H-5261 to House File 2048, amendments H-5406B and H-5406A to House File 2189, and House File 2189; "nay" on amendments H-5428 and H-5438 to House File 2189 and amendments H-5429 and H-5424A to House File 187.

TOFTE of Winneshiek

I was necessarily absent on February 22 and 23, 1978. Had I been present, I would have voted "aye" on House Files 2113, 2132, 2180 and 2189 and "aye" on House Files 411, 412 and 415 as they were amended by the Senate.

GETTINGS of Wapello

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 419 Judiciary and Law Enforcement**

Relating to liquor and beer control, repealing the prerequisite for Sunday sales of beer and liquor, that fifty percent or more of the gross receipts of the licensed premises be from the sale of goods and services other than alcoholic liquor or beer, and extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday and Monday.

S.B. 420 Budget

Transferring the responsibilities to administer the interstate fuel use tax law from the department of revenue to the state department of transportation.

S.B. 421 Budget

Relating to the imposition of an excise tax on the use of aviation fuel and providing penalties.

S.B. 422 Budget

Making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

S.B. 423 Cities

Allowing cities to certify a tax for the general fund levy for solid waste disposal systems and collection systems.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., February 23, 1978

Convened: 7:40 a.m.

Adjourned: 9:05 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave and Miller (Sergeant) of Calhoun.

Committee recommended intent language for the Social Service appropriation.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., February 23, 1978

Convened: 9:10 a.m.

Adjourned: 10:28 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Evans, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Varley, Welden and Wyckoff.

Absent: Chiodo, Garrison, Griffee, Jesse and O'Halloran.

Excused: Avenson and Tofte.

Committee Bill (Formerly House Files 2102 and 2203), a bill for an act to provide a procedure for dissolution of certain drainage and levee districts and transfer of jurisdiction and control over the improvements of a district so dissolved to another overlying district without reclassification of the latter district; and relating to eligibility to serve on the board of trustees of a drainage or levee district managed under chapter four hundred sixty-two (462) of the Code.

Recommended Amend and Do Pass.

Aye: Middleswart, Spencer, Halvorson, Bennett, Evans, Miller of Buchanan, Pelton, Perkins, Scheelhaase, Shimanek, Stephens, Welden and Wyckoff.

Nay: None.

Absent or not voting: Avenson, Chiodo, Garrison, Griffee, Jesse, O'Halloran, Tofte and Varley.

Committee Bill (Formerly House File 2143 and Study Bill 402), a bill for an act repealing the requirement that all pelts purchased by fur dealers are to be stamped with the dealers license number, and amending the section of the Code relating to box traps.

Recommended Amend and Do Pass.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Miller of Buchanan, Pelton, Perkins, Shimanek, Stephens, Welden and Wyckoff.

Nay: Scheelhaase.

Absent or not voting: Chiodo, Garrison, Griffee, Jesse, O'Halloran, Tofte and Varley.

Study Bill 388, a bill for an act relating to the penalties for violations of the fish and game laws.

Recommended Amend and Do Pass.

Aye: Middleswart, Spencer, Halvorson, Avenson, Bennett, Evans, Miller of Buchanan, Pelton, Perkins, Shimanek, Stephens and Wyckoff.

Nay: Scheelhaase.

Absent or not voting: Chiodo, Garrison, Griffee, Jesse, O'Halloran, Tofte, Varley and Welden.

Assignment of bills and study bills.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., February 23, 1978

Convened: 9:35 a.m.

Adjourned: 10:15 a.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Doyle, Dunton, Harbor, Hoffmann, Hullinger, Lageschulte, Monroe, Oxley Rinas, Schnekloth and Woods.

Absent: Egenes and Lipsky.

Excused: Gettings.

Study Bill 414, a bill for an act relating to air transportation regulation.

Recommended Do Pass.

Aye: Krause, Davitt, Schroeder, Binneboese, Clark of Cerro Gordo, Doyle, Dunton, Harbor, Hoffmann, Hullinger, Lageschulte, Monroe, Oxley, Rinas, Schnekloth and Woods.

Nay: None.

Absent or not voting: Brunow, Egenes, Gettings and Lipsky.

House File 2088 failed to pass.

AMENDMENTS FILED

H-5451	H.F. 2048	Patchett of Johnson
H-5452	Rules of the House	Baker of Buena Vista Halvorson of Clayton Koogler of Mahaska Scheelhaase of Woodbury Schroeder of Pottawattamie
H-5453	H.F. 2084	Schnekloth of Scott
H-5454	H.F. 2172	Schnekloth of Scott
H-5455	H.F. 2218	Woods of Polk Dieleman of Marion Lageschulte of Bremer
H-5457	H.F. 2048	Miller of Buchanan
H-5460	H.F. 187	Miller of Buchanan
H-5461	H.F. 2164	Spear of Lee

On motion by Fitzgerald of Webster the House adjourned at 5:25 p.m., until 1:30 p.m., Tuesday, February 28, 1978.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 28, 1978

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

Prayer was offered by the Reverend Father Nelo Leto, pastor of the St. John's Catholic Church, Des Moines, Iowa.

The Journal of Monday, February 27, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. L. V. Larsen, Harlan, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the remainder of the day on request of Millen of Van Buren.

PRESENTATION OF VISITORS

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

Fifty-four sixth grade students from Britt Community School, Britt, Iowa, accompanied by Mrs. Klipping and Mrs. Sankey. By Stromer of Hancock.

Forty-four Junior High students from Sacred Heart — St. Augustines School, Templeton, Iowa, accompanied by Ms. Terry Carr and Father Wingert. By Gilson of Guthrie.

PETITIONS FILED

The following petitions were received and placed on file:

By Koogler of Mahaska from four hundred sixty-nine citizens opposing enforcement of an Iowa Conservation Commission rule which limits the number of campers per restroom facility in state parks.

By Harbor of Mills from forty-two constituents opposing House File 187, relating to the mandatory deposit on beverage packaging.

INTRODUCTION OF BILLS

House Joint Resolution 2004, by Krause, Davitt and Schroeder, a joint resolution to authorize a study of Iowa motor vehicle laws and to conform such laws to the Uniform Vehicle Code.

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

House File 2266, by Horn, a bill for an act to redefine final five-year average covered wage under the Iowa public employees' retirement system.

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

House File 2267, by Brandt, Lipsky, Fitzgerald, Cusack, Thompson, Gentleman, Monroe and O'Halloran, a bill for an act protecting family or household members residing together from domestic abuse and providing a penalty.

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

House File 2268, by Gilson, a bill for an act authorizing the award of five prizes not exceeding five hundred dollars each in addition to the merchandise price which may be awarded at an annual raffle conducted at a fair.

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

House File 2269, by Dyrland, a bill for an act relating to the requirements for establishing satellite media centers.

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

House File 2270, by Dyrland, a bill for an act relating to the effective date of administrative rules.

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

House File 2271, by Dyrland, a bill for an act relating to the transfer of special education instruction funds and providing for the reduction of the budgets of state agencies receiving such funds and providing a penalty.

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

House File 2272, by Pelton, a bill for an act relating to the fish and game laws.

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

House File 2273, by Baker and Small, a bill for an act amending the laws applicable to accident and health insurance policies by restricting the sale of skilled nursing care coverage and requiring that the insured be given thirty days after delivery of the policy within which to return the policy and obtain a refund of the premium paid.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1978, passed the following bill in which concurrence of the House is asked:

Senate File 2020, a bill for an act relating to the remission of excess funds from the soybean promotion fund.

Also: That the Senate has on February 23, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Also: That the Senate has on February 23, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2128, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion.

Also: That the Senate has on February 23, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2131, a bill for an act to consolidate the licensing of funeral directors and embalmers.

Also: That the Senate has on February 23, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2133, a bill for an act to provide workers' compensation for state inmates.

Also: That the Senate has on February 23, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2137, a bill for an act relating to the imposition of a tax on generation skipping transfers and making the Act retroactive.

Also: That the Senate has on February 23, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 109, respectfully demanding that the Des Moines office of the Department of Housing and Urban Development be maintained.

STEVEN C. CROSS, Secretary

SENATE CONCURRENT RESOLUTION 109
By Committee on Rules and Administration

- 1 *Whereas*, the financial burden entailed in the purchase
- 2 and ownership of a home is becoming more critical for middle
- 3 and lower income families in Iowa, and in the United States
- 4 generally; and
- 5 *Whereas*, this difficulty is particularly affecting many
- 6 young Iowans who would like to become homeowners; and
- 7 *Whereas*, many of the metropolitan areas of the state of
- 8 Iowa and their surrounding areas are not able to and cannot
- 9 be expected to meet the increasing demand for new publicly
- 10 subsidized or conventional housing, particularly in outlying
- 11 areas; and
- 12 *Whereas*, many inner city and rural communities have
- 13 inadequate and substandard housing; and
- 14 *Whereas*, the right to shelter is a fundamental right of
- 15 a just society; and
- 16 *Whereas*, the Congress of the United States established
- 17 the Department of Housing and Urban Development for the purpose
- 18 of protecting and guaranteeing the right to adequate and

19 decent housing be equally and fairly administered amongst
20 all the citizens and inhabitants of this country, regardless
21 of race, creed, color, national origin, age, sex or disability;
22 and

23 *Whereas*, The Iowa General Assembly has enacted legislation
24 establishing an Iowa Housing Authority to encourage the
25 investment of private capital in housing; to stimulate the
26 construction and rehabilitation of adequate housing through
27 public funding; and to reverse the serious shortage of safe
28 and sanitary residential housing, which is a menace to the
29 health, safety, morals, and welfare of the citizens of the
30 state; and

Page 2

1 *Whereas*, the Department of Housing and Urban Development
2 has recently taken steps to move a division of the Des Moines
3 office of the Department of Housing and Urban Development
4 serving multifamily dwellings to Omaha, Nebraska; and

5 *Whereas*, such a move will deprive the citizens of the state
6 of Iowa of effective administration of federal housing programs
7 in Iowa and will cause the loss of jobs and effective access
8 to decent housing in the state; *Now Therefore*,
9 *Be It Resolved by the Senate, the House Concurring*, That
10 the Iowa General Assembly respectfully demands that the Des
11 Moines office of the Department of Housing and Urban
12 Development be maintained and continued under its present
13 status in the state of Iowa for the purpose of assisting the
14 state in protecting the right to adequate, safe and equal
15 housing opportunities for all Iowa's citizens and inhabitants.

Laid over under Rule 25.

QUORUM CALL

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

SENATE AMENDMENT FURTHER CONSIDERED
Special Order on House File 187

The hour of 1:30 p.m. having arrived, the Speaker announced the special order of business for the consideration of **House File 187**, a bill for an act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties.

The House resumed consideration of the Senate amendment H—5323, found on pages 487 through 491 of the House Journal.

Nielsen of Polk asked and received unanimous consent to withdraw amendment H—5441, to the Senate amendment H—5323, filed by him on February 23, 1978.

Nielsen of Polk offered the following amendment H—5467, to the Senate amendment H—5323, filed by him from the floor and moved its adoption:

H—5467

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:
- 3 1. Page 1, by striking lines 7 through 9 and in-
- 4 serting in lieu thereof the words "1. "Beverage"
- 5 means beer as".
- 6 2. Page 1, line 11, by inserting after the word
- 7 "Code" the words "other alcoholic malt beverages and".
- 8 3. Page 1, by striking lines 36 through 39.
- 9 4. Page 1, line 40 by striking the word "a" and
- 10 inserting in lieu thereof the following: "A".

A non-record roll call was requested.

The ayes were 30, nays 55.

Amendment H—5467 lost.

O'Halloran of Black Hawk offered amendment H—5468, to the Senate amendment H—5323, filed by O'Halloran, Howell, Davitt, Millen, Varley, Avenson, Small and Spear from the floor. Division was requested as follows:

H—5468

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:

H—5468A

- 3 1. Page 1, line 24, by inserting after the word
- 4 "dealer" the words "in this state".

H-5468B

5 2. Page 1, line 49, by striking the word "A" and
6 inserting in lieu thereof the words "In addition to
7 the refund value provided in subsection one (1) of
8 this section, a".

H-5468C

9 3. Page 2, lines 2 and 3, by striking the words
10 "at least".

H-5468D

11 4. Page 2, line 17, by striking the word "deter-
12 mined" and inserting in lieu thereof the word
13 "provided".

H-5468E

14 5. Page 2, by striking lines 19 through 24 and
15 inserting in lieu thereof the following:
16 "2. A distributor shall accept and pick up from
17 a dealer served by the distributor or a redemption
18 center for a dealer served by the distributor any
19 empty beverage container of the kind, size and brand
20 sold by the distributor, and shall pay to the dealer
21 or person operating a redemption center the refund
22 value of a beverage container and the reimbursement
23 as provided under section two (2) of this Act."

H-5468F

24 6. Page 2, line 26, by striking the word "A" and
25 inserting in lieu thereof the words "Except as provided
26 in section five (5), subsection two (2), of this Act,
27 a".

H-5468G

28 7. Page 2, line 29, by striking the word "deter-
29 mined" and inserting in lieu thereof the word
30 "provided".

H-5468H

31 8. Page 2, lines 31 and 32, by striking the words
32 "or a person operating a redemption center".
33 9. Page 2, lines 34 and 35, by striking the words
34 "or of the person operating a redemption center".

H-5468I

35 10. Page 2, line 49, by inserting after the word
36 "to" the word "refillable".

H-5468J

37 11. Page 2, line 50, by striking the words "it
38 which," and inserting in lieu thereof the words "them
39 which".

H-5468K

40 12. Page 3, line 1, by striking the words "on
41 the effective date of this Act, has" and inserting
42 in lieu thereof the word "have".

H-5468L

43 13. Page 4, line 23, by striking the words "August
44 15" and inserting in lieu thereof the words "March 1".

H-5468M

45 14. Page 4, by striking lines 25 and 26 and
46 inserting in lieu thereof the words "6 and inserting
47 in lieu thereof the words "tainers, to strike a
48 provision relating to the responsibility for discarding
49 litter from a motor vehicle, and to provide a penalty
50 for violations." "

On motion by O'Halloran of Black Hawk, amendment H-5468A was adopted.

On motion by O'Halloran of Black Hawk, amendment H-5468B was adopted.

On motion by O'Halloran of Black Hawk, amendment H-5468C was adopted.

O'Halloran of Black Hawk moved the adoption of amendment H-5468D.

A non-record roll call was requested.

The ayes were 61, nays 9.

Amendment H-5468D was adopted.

Woods of Polk moved to defer action on amendments H—5468E, H—5468F, H—5468G, H—5468H, H—5468I, H—5468J, H—5468K, H—5468L and H—5468M until all previous amendments to House File 187 were considered.

A non-record roll call was requested.

The ayes were 35, nays 45.

The motion lost.

On motion by O'Halloran of Black Hawk, amendment H—5468E was adopted.

On motion by O'Halloran of Black Hawk, amendment H—5468F was adopted.

On motion by O'Halloran of Black Hawk, amendment H—5468G was adopted.

Action on amendment H—5468 was temporarily deferred.

Spear of Lee offered the following amendment H—5388, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5388

- 1 Amend the Senate amendment, H—5323 to House File
- 2 187 as follows:
- 3 1. Page 2, lines 31 and 32, by striking the words
- 4 "or a person operating a redemption center".
- 5 2. Page 2, lines 34 and 35, by striking the words
- 6 "or of the person operating a redemption center".

Amendment H—5388 was adopted, placing out of order amendment H—5468H.

The House resumed consideration of amendment H—5468.

On motion by O'Halloran of Black Hawk, amendment H—5468I was adopted.

On motion by O'Halloran of Black Hawk, amendment H—5468J was adopted.

On motion by O'Halloran of Black Hawk, amendment H—5468K was adopted.

Action on amendment H—5468 was temporarily deferred.

Woods of Polk offered the following amendment H—5389 filed by him and moved its adoption:

H—5389

- 1 Amend the Senate Amendment H—5323 to House
- 2 File 187 as follows:
- 3 1. Page 4, line 23 by striking "August 15,
- 4 1979" and inserting in lieu thereof "September 1,
- 5 1978."

A non-record roll call was requested.

The ayes were 24, nays 58.

Amendment H—5389 lost.

The House resumed consideration of amendment H—5468.

O'Halloran of Black Hawk moved the adoption of amendment H—5468L.

A non-record roll call was requested.

The ayes were 60, nays 24.

Amendment H—5468L was adopted.

On motion by O'Halloran of Black Hawk, amendment H—5468M was adopted.

Miller of Buchanan offered the following amendment H—5463, to the Senate amendment H—5323, filed by him from the floor and moved its adoption:

H—5463

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:

3 1. Page 1, by inserting after line 34 the follow-
 4 ing:
 5 " "Litter" means any waste material including
 6 but not limited to glass, bottles, nails, tacks, wire,
 7 cans, garbage, paper, swill, offal, trash or rubbish.
 8 "Public place" means any area that is used
 9 or held out for use by the public whether owned or
 10 operated by public or private interest."

11 2. Page 4, by inserting after line 15 the follow-
 12 ing section:

13 "Sec. . NEW SECTION. LITTERING PROHIBITED.
 14 A person shall not throw, place, dump, discard or
 15 otherwise deposit, nor cause to be thrown, placed,
 16 dumped, discarded or otherwise deposited, any litter
 17 in any public place or on any public street, highway,
 18 land, water or the ice thereon, except with the
 19 permission of or in the manner prescribed by the
 20 governing body having jurisdiction over the public
 21 place."

A non-record roll call was requested.

The eyes were 30, nays 50.

Amendment H—5463 lost.

Svoboda of Iowa offered amendment H—5444, to the Senate amendment H—5323, filed by her and Wells of Linn.

Division was requested as follows:

H—5444

1 Amend the Senate amendment H—5323 to House File 187
 2 as follows:

H—5444A

3 1. Page 1, line 42, by inserting after the word
 4 "dealer" the words "for consumption off the premises".
 5 2. Page 1, line 43, by inserting after the word
 6 "container" the words "upon which a refund value has
 7 been paid."

H—5444B

8 3. Page 2, by inserting after line 38 the following:
 9 " . A dealer not operating a redemption center
 10 may refuse to accept and pay, to a person or persons

11 acting together, the refund value of empty beverage
 12 containers returned in bulk quantities, and which are
 13 significantly more than the quantity of beverage
 14 containers sold by the dealer in the normal course
 15 of business. The commission shall adopt rules to
 16 provide uniform application of the provisions of this
 17 subsection among dealers or classes of dealers."

Svoboda of Iowa moved the adoption of amendment H—5444A.

A non-record roll call was requested.

Roll call was requested by Baker of Buena Vista and Woods of Polk, but inadvertently not printed.

The ayes were 67, nays 26.

Amendment H—5444A was adopted.

Svoboda of Iowa moved the adoption of amendment H—5444B.

Roll call was requested by Svoboda of Iowa and Wyckoff of Benton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5444B be adopted?"

The ayes were, 42:

Arnould	Baker	Bina	Binneboese
Clark, J. H.	Conlon	Cusack	Dieleman
Dyrland	Griffie	Harbor	Harvey
Hinkhouse	Horn	Husak	Jochum
Junker	Koogler	Lind	Lonergan
Miller, K.D.	Nielsen	Oxley	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Wells	West
Woods	Wyckoff		

The nays were, 50:

Anderson	Avenson	Bennett	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Connors	Crabb	Crawford

Daggett	Danker	Davitt	Den Herder
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Hines	Hoffmann
Howell	Hullinger	Jesse	Krewson
Lageschulte	Lindeen	Menke	Middleswart
Millen	Miller (Sergeant)	Newhard	Norland
O'Halloran	Patchett	Pellett	Shimaneck
Spencer	Tofte	Varley	Walter
Welden	Mr. Speaker		

Absent or not voting, 8:

Chiodo	Doyle	Gilloon	Hargrave
Krause	Lipsky	Monroe	Schroeder

Amendment H—5444B lost.

Woods of Polk asked and received unanimous consent to withdraw amendment H—5432, to the Senate amendment H—5323, filed by him on February 23, 1978.

Miller of Buchanan offered the following amendment H—5460, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5460

- 1 Amend the Senate amendment H—5323, to House File
- 2 187, as follows:
- 3 1. Page 2, line 13, by inserting after the word
- 4 "dealer" the words "except a dealer who sells
- 5 exclusively by vending machines where there are no
- 6 employees on the premises".

A non-record roll call was requested.

The ayes were 27, nays 50.

Amendment H—5460 lost.

Wyckoff of Benton offered the following amendment H—5466, to the Senate amendment H—5323, filed by him from the floor and moved its adoption:

H—5466

- 1 Amend the Senate amendment H—5323, to House File
- 2 187, as follows:

- 3 1. Page 2, by striking line 18 and inserting in
 4 lieu thereof the following: "Act, unless the
 5 purchase was made from a vending machine."

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

On the question "Shall amendment H—5466 be adopted?"

The ayes were, 32:

Baker	Bina	Chiodo	Clark, J.H.
Conlon	Crabb	Danker	Dieleman
Dunton	Dyrland	Halvorson	Harbor
Harvey	Hinkhouse	Horn	Husak
Koogler	Lind	Miller, K.D.	Nielsen
Oxley	Pavich	Pellett	Perkins
Scheelhaase	Schneklloth	Stephens	Tauke
Welden	Wells	Woods	Wyckoff

The nays were, 55:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Connors	Crawford
Daggett	Davitt	Den Herder	Egenes
Evans	Garrison	Gentleman	Gettings
Gilson	Griffie	Hansen	Hargrave
Hines	Hoffmann	Howell	Jesse
Jochum	Junker	Krause	Krewson
Lageschulte	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller (Sergeant)	O'Halloran
Patchett	Pelton	Poney	Rinas
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Thompson	Tofte
Varley	Walter	Mr. Speaker	

Absent or not voting, 13:

Arnould	Cusack	Doyle	Fitzgerald
Gilloon	Hullinger	Lipsky	Monroe
Newhard	Norland	Schroeder	Svoboda
West			

Amendment H—5466 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott for the remainder of the day and March 1, 1978 on request of Bina of Scott.

Miller of Buchanan offered the following amendment H—5391, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5391

- 1 Amend H—5323, the Senate amendment, to House File
- 2 187 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, by inserting after line 24 the
- 5 following:
- 6 " . A manufacturer shall not refuse to accept
- 7 from a dealer, distributor or person operating a
- 8 redemption center any empty beverage container of
- 9 the kind, size and brand sold by the manufacturer
- 10 or refuse to pay the dealer, distributor or person
- 11 operating a redemption center the refund value of
- 12 a beverage container as determined under section two
- 13 (2) of this Act."

A non-record roll call was requested.

The ayes were 24, nays 54.

Amendment H—5391 lost.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H—5435, to the Senate amendment H—5323, filed by Koogler, et al., on February 23, 1978.

Koogler of Mahaska offered the following amendment H—5476 filed by him from the floor and moved its adoption:

H—5476

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:
- 3 1. Page 2, by striking lines 41 and 42 and
- 4 inserting in lieu thereof the following:
- 5 "1. Each beverage container manufactured or
- 6 purchased for distribution in this state shall clearly
- 7 indicate".
- 8 2. Page 2, line 45, by inserting after the word
- 9 "container." the following: "Effective July 1, 1979,
- 10 a beverage container shall not be sold or offered for
- 11 sale without having a refund value indication affixed
- 12 to it."

Roll call was requested by Koogler of Mahaska and Baker of Buena Vista.

On the question "Shall amendment H—5476 be adopted?"

The ayes were, 37:

Baker	Bina	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Danker	Dieleman	Dunton	Dyrland
Halvorson	Harvey	Horn	Hullinger
Husak	Koogler	Lind	Miller, K.D.
Nielsen	Norland	Oxley	Pavich
Pellett	Poncy	Rinas	Scheelhaase
Schnekloth	Smalley	Spear	Stephens
Tauke	Thompson	Wells	Woods
Wyckoff			

The nays were, 51:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Brunow	Crabb
Crawford	Daggett	Davitt	Den Herder
Egenes	Evans	Garrison	Gentleman
Gettings	Gilson	Griffie	Hansen
Harbor	Hines	Hoffmann	Howell
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
O'Halloran	Patchett	Pelton	Perkins
Schroeder	Shimanek	Small	Stromer
Svoboda	Tofte	Varley	Walter
Welden	West	Mr. Speaker	

Absent or not voting, 12:

Arnould	Brockett	Cusack	Doyle
Fitzgerald	Gilloon	Hargrave	Hinkhouse
Lipsky	Monroe	Newhard	Spencer

Amendment H—5476 lost.

(House File 187 and the Senate amendment H—5323, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Thirty-four members of the Junior class from Gilmore City — Bradgate Community School, Gilmore City, Iowa. By Cochran of Webster.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2124, a bill for an act relating to binding arbitration and to establish dates for receipt of impasse services in public employment collective bargaining negotiations.

Also: That the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2151, a bill for an act relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent and when interest as a penalty may be charged.

KEVIN P. LIGHT, Assistant Secretary of the Senate

SENATE MESSAGES CONSIDERED

Senate File 2124, a bill for an act relating to binding arbitration and to establish dates for receipt of impasse services in public employment collective bargaining negotiations.

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

Senate File 2151, a bill for an act relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent

and when interest as a penalty may be charged.

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

QUORUM CALL

Roll call was requested by Garrison of Black Hawk and Hullinger of Decatur to determine that a quorum was present.

Rule 70 was invoked.

Present, 70:

Anderson	Arnould	Baker	Bennett
Bina	Brunow	Byerly	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Daggett	Dankert	Dayitt	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Hinkhouse	Hoffmann	Horn
Husak	Jochum	Junker	Koogler
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Nielsen	O'Halloran	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Spear
Spencer	Stevens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

Absent, 30:

Avenson	Binneboese	Brandt	Branstad
Brockett	Chiodo	Clark, J.H.	Cusack
Den Herder	Dieleman	Doyle	Egenes
Harvey	Hines	Howell	Hullinger
Jesse	Krause	Krewson	Lipsky
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Rinas	Small
Smalley	Svoboda		

QUORUM CALL

Roll call was requested by Small of Johnson and Svoboda of Iowa to again determine that a quorum was present.

Rules 69 and 70 were invoked.

Present, 84:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Crawford
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
O'Halloran	Oxley	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklouth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent, 16:

Avenson	Brockett	Clark, J.H.	Cusack
Den Herder	Doyle	Egenes	Hines
Jesse	Krewson	Lipsky	Newhard
Norland	Patchett	Pavich	Rinas

REREFERRED TO COMMITTEE ON COMMERCE (House File 2185)

The Speaker announced that **House File 2185** previously referred to the committee on judiciary and law enforcement was rereferred to the committee on **commerce**.

REREFERRED TO COMMITTEE ON TRANSPORTATION (House File 2200)

The Speaker announced that **House File 2200** previously referred to the committee on commerce was rereferred to the committee on **transportation**.

SENATE AMENDMENT FURTHER CONSIDERED
Special Order on House File 187

The House resumed consideration of House File 187, a bill for an act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties, and the Senate amendment H—5323, as amended.

Spear of Lee asked and received unanimous consent to withdraw amendment H—5387, to the Senate amendment H—5323, filed by him on February 21, 1978.

Wyckoff of Benton offered the following amendment H—5465, to the Senate amendment H—5323, filed by him from the floor and moved its adoption:

H—5465

- 1 Amend the Senate amendment H—5323, to House File
- 2 187, as follows:
- 3 1. Page 2, line 46, by inserting after the word
- 4 "rule," the words "the method of labeling and".

Roll call was requested by Wyckoff of Benton and Miller of Buchanan.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5465 be adopted?"

The ayes were, 40:

Arnould	Baker	Bennett	Bina
Binneboese	Brunow	Byerly	Chiodo
Conlon	Connors	Daggett	Danker
Dunton	Dyrland	Gettings	Gilson
Halvorson	Harbor	Harvey	Hinkhouse
Horn	Hullinger	Husak	Koogler
Lind	Lindeen	Miller, K.D.	Nielsen
Oxley	Poncy	Scheelhaase	Schneklath
Schroeder	Spear	Stephens	Svoboda
Tauke	Thompson	Wells	Wyckoff

The nays were, 44:

Anderson	Brandt	Branstad	Clark, B.J.
Crabb	Crawford	Davitt	Dieleman
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Griffee	Hansen
Hargrave	Hoffmann	Howell	Jochum
Junker	Krause	Krewson	Lageschulte
Lonergan	Menke	Middleswart	Millen
Miller (Sergeant)	O'Halloran	Pellett	Pelton
Shimanek	Small	Smalley	Spencer
Stromer	Tofte	Varley	Walter
Welden	West	Woods	Mr. Speaker

Absent or not voting, 16:

Avenson	Brockett	Clark, J.H.	Cusack
Den Herder	Doyle	Hines	Jesse
Lipsky	Monroe	Newhard	Norland
Patchett	Pavich	Perkins	Rinas

Amendment H—5465 lost.

Spear of Lee offered the following amendment H—5433, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5433

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:
- 3 Page 2, line 47, by inserting after the word
- 4 "containers." the words "The department may require
- 5 that the indication include the word "Iowa" or
- 6 other distinctive indication that the container
- 7 is offered for sale or sold in this state."

A non-record roll call was requested.

The ayes were 36, nays 41.

Amendment H—5433 lost.

Perkins of Greene offered the following amendment H—5440, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5440

- 1 Amend the Senate amendment H—5323, to House File

2 187, as follows:

3 1. Page 3, line 2, by inserting after the word
4 "cents" the words "or a refillable beverage container
5 which has a five cent deposit on it and which may be
6 exempted by the director in accordance with rules adopted
7 by the commission".

A non-record roll call was requested.

The ayes were 27, nays 51.

Amendment H — 5440 lost.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H — 5390, to the Senate amendment H — 5323, filed by him on February 21, 1978.

Miller of Buchanan offered amendment H — 5469, to the Senate amendment H — 5323, filed by him from the floor and requested division as follows:

H — 5469

1 Amend H — 5323, the Senate amendment, to House File
2 187 as amended, passed and reprinted by the Senate
3 as follows:

H — 5469A

4 1. Page 3, line 20, by inserting after the word
5 "require." the words "A fee of twenty dollars shall
6 accompany each application for approval of a redemption
7 center."

H — 5469B

8 2. Page 3, by inserting after line 41 the follow-
9 ing:
10 "5. All approved redemption centers shall meet
11 applicable health standards."

H — 5469C

12 3. Page 3, by inserting after line 50 the follow-
13 ing sections:
14 "Sec. . . . NEW SECTION. RECOVERY OF CONSUMER
15 DEPOSIT BY STATE — USE FOR RECYCLING AND LITTER
16 PROGRAMS.

17 1. There is levied on all manufacturers an
 18 assessment of one twentieth of one cent on each
 19 beverage container sold by the manufacturer in Iowa
 20 that has a refund value of five cents and that cannot
 21 be reused as a beverage container in its present form.
 22 If the deposit on a beverage container subject to
 23 the provisions of this section is more than five cents
 24 the assessment shall increase one one-hundredth of
 25 one cent for each one cent increase in the amount
 26 of the deposit.

27 2. Manufacturers shall remit the assessment imposed
 28 by this section quarterly to the treasurer of state
 29 who shall deposit the funds collected in the recycling
 30 and litter control fund created in subsection three
 31 (3) of this section.

32 3. There is created in the general fund of the
 33 state a recycling and litter control fund. Moneys
 34 deposited in the fund pursuant to subsection two (2)
 35 of this section are appropriated to the department
 36 for use by the commission for recycling and litter
 37 control programs. A comprehensive plan for a state
 38 recycling program shall be developed by the execu-
 39 tive director and shall be implemented when funds
 40 become available pursuant to this subsection. The
 41 plan shall be submitted to the general assembly for
 42 review.

43 Sec. . NEW SECTION. NOTIFICATION OF FUNDING
 44 OPPORTUNITIES. The executive director shall publicize
 45 federal and state funding opportunities for recycling
 46 and litter control programs. The executive director
 47 shall specifically notify approved redemption centers
 48 of such funding opportunities."

H—5469D

49 4. Page 4, by striking lines 25 and 26 and insert-
 50 ing in lieu thereof the words "5 and inserting in

Page 2

1 lieu thereof the words "ainers, imposing a tax on
 2 certain beverage containers, making an appropriation"."

Miller of Buchanan moved the adoption of amendment
 H—5469A.

A non-record roll call was requested.

The ayes were 16, nays 55.

Amendment H—5469A lost.

Miller of Buchanan moved the adoption of amendment H—5469B.

A non-record roll call was requested.

The ayes were 41, nays 40.

Amendment H—5469B was adopted.

Miller of Buchanan moved the adoption of amendment H—5469C.

Roll call was requested by Miller of Buchanan and Scheelhaase of Woodbury.

On the question "Shall amendment H—5469C be adopted?"

The ayes were, 31:

Baker	Bina	Binneboese	Byerly
Chiodo	Conlon	Connors	Davitt
Dyrland	Fitzgerald	Harbor	Harvey
Hinkhouse	Horn	Husak	Junker
Koogler	Lind	Miller, K.D.	Oxley
Pavich	Poncy	Scheelhaase	Schneklloth
Spear	Stephens	Thompson	Wells
West	Woods	Wyckoff	

The nays were, 63:

Anderson	Arnould	Avenson	Bennett
Brandt	Branstad	Brunow	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Daggett
Danker	Den Herder	Dieleman	Dunton
Egenes	Evans	Garrison	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Hargrave	Hines	Hoffmann
Howell	Hullinger	Jesse	Jochum
Krause	Krewson	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Patchett	Pellett	Pelton
Perkins	Rinas	Schroeder	Shimaneck
Small	Smalley	Spencer	Stromer
Svoboda	Tauke	Tofte	Varley
Walter	Welden	Mr. Speaker	

Absent or not voting, 6:

Brockett
Lipsky

Cusack
Newhard

Doyle

Gilloon

Amendment H—5469C lost.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5469D.

Miller of Buchanan offered the following amendment H—5464, to the Senate amendment H—5323, filed by him from the floor and moved its adoption:

H—5464

- 1 Amend the Senate amendment, H—5323, to House File
- 2 187 as follows:
- 3 1. Page 3, by inserting after line 50 the following
- 4 section:
- 5 "Sec. . NEW SECTION. RECYCLING AND LITTER
- 6 CONTROL PROGRAMS.
- 7 1. The department of beer and liquor control shall
- 8 quarterly remit to the treasurer of state the differ-
- 9 ence between funds collected from the deposit requires
- 10 on alcoholic liquor containers and funds dispersed
- 11 in payment of the refund value on alcoholic beverage
- 12 containers. The treasurer of state shall deposit
- 13 funds received pursuant to this section in the
- 14 recycling and litter control fund created pursuant
- 15 to subsection two (2) of this section.
- 16 2. There is created in the general fund of the
- 17 state a recycling and litter control fund. Moneys
- 18 deposited in the fund pursuant to subsection one (1)
- 19 of this section are appropriated to the department
- 20 for use by the commission for recycling and litter
- 21 control programs. A comprehensive plan for a state
- 22 recycling program shall be developed by the executive
- 23 director and shall be implemented when funds become
- 24 available pursuant to this subsection. The plan shall
- 25 be submitted to the general assembly for review."
- 26 2. Page 4, by striking lines 25 and 26 and insert-
- 27 ing in lieu thereof the words "5 and inserting in
- 28 lieu thereof the words "tainers, making an
- 29 appropriation"."

Roll call was requested by Koogler of Mahaska and Husak of Tama.

Rule 70 was invoked.

On the question "Shall amendment H—5464 be adopted?"

The ayes were, 45:

Baker	Bina	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Dieleman	Dunton	Dyrland	Gettings
Hansen	Harvey	Hines	Hinkhouse
Horn	Husak	Junker	Koogler
Lind	Lindeen	Miller, K.D.	Nielsen
Norland	Oxley	Patchett	Pavich
Pellet	Pelton	Perkins	Poney
Rinas	Scheelhaase	Schneklloth	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Wells	West	Woods
Wyckoff			

The nays were, 45:

Anderson	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Brunow
Crabb	Daggett	Danker	Davitt
Den Herder	Egenes	Evans	Garrison
Gentleman	Gilson	Griffie	Halvorson
Harbor	Hargrave	Hoffmann	Howell
Jesse	Jochum	Krause	Krewson
Lageschulte	Lonergan	Menke	Middleswart
Millen	Miller (Sergeant)	Monroe	O'Halloran
Shimanek	Small	Smalley	Stromer
Tofte	Varley	Walter	Welden
Mr. Speaker			

Absent or not voting, 10:

Brockett	Chiodo	Cusack	Doyle
Fitzgerald	Gilloon	Hullinger	Lipsky
Newhard	Schroeder		

Amendment H—5464 lost.

Miller of Buchanan offered the following amendment H—5417, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5417

- 1 Amend H—5323, the Senate amendment to House File
- 2 187 as follows:
- 3 1. page 4, by inserting after line 5 the following:
- 4 "Sec. . NEW SECTION. DEPOSIT ON CERTAIN
- 5 CONTAINERS. Two years after the effective date of

6 this Act the commission shall promulgate rules
 7 requiring a deposit of at least one cent on all metal
 8 and glass containers sold at retail in this state
 9 which contain a food product. The rules shall provide
 10 for the orderly redemption of containers and for
 11 payment of the redemption value by suppliers,
 12 manufacturers, distributors and dealers selling food
 13 products in metal and glass containers."

Amendment H—5417 lost.

Woods of Polk offered the following amendment H—5430, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5430

1 Amend the Senate amendment, H—5323, to House file
 2 187 as follows:
 3 1. Page 4, by inserting after line 5 the following
 4 section:
 5 "Sec. . NEW SECTION. REFILLABLES EXEMPT.
 6 Any beverage container that is refillable and on which
 7 a deposit of at least five cents has been placed by
 8 the manufacturer or distributor shall be exempt from
 9 the provisions of this Act."

Roll call was requested by Tauke of Dubuque and Wyckoff of Benton.

Rule 70 was invoked.

Under the provisions of Rule 71, Halvorson of Clayton refrained from voting.

On the question "Shall amendment H—5430 be adopted?"

The ayes were, 45:

Baker	Bina	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Danker	Dyrland	Fitzgerald
Gettings	Gilloon	Harbor	Harvey
Hines	Hinkhouse	Horn	Hullinger
Jochum	Junker	Koogler	Lind
Miller, K.D.	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Spear	Spencer	Stromer	Tauke
Thompson	Wells	West	Woods
Wyckoff			

The nays were, 48:

Anderson	Arnould	Avenson	Bennett
Binneboese	Brandt	Branstad	Brunow
Crabb	Daggett	Davitt	Den Herder
Dieleman	Dunton	Egenes	Evans
Garrison	Gentleman	Gilson	Griffiee
Hansen	Hargrave	Hoffmann	Howell
Husak	Jesse	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller (Sergeant)	O'Halloran
Pelton	Perkins	Shimanek	Small
Smalley	Stephens	Svoboda	Tofte
Varley	Walter	Welden	Mr. Speaker

Absent or not voting, 7:

Brockett	Cusack	Doyle	Halvorson
Lipsky	Monroe	Newhard	

Amendment H—5430 lost.

Perkins of Greene offered the following amendment H—5438, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5438

- 1 Amend the Senate amendment H—5323, to House File
- 2 187 as follows:
- 3 1. Page 4, by inserting after line 5 the follow-
- 4 ing:
- 5 "Sec. . NEW SECTION. Thirty days after the
- 6 effective date of this Act, no dealer shall sell or
- 7 offer for sale in Iowa any beverage as defined in
- 8 this Act unless it is sold or offered for sale in a
- 9 container subject to a deposit of five cents."

Amendment H—5438 lost.

Perkins of Greene offered the following amendment H—5439, to the Senate amendment H—5323, filed by him and moved its adoption:

H—5439

- 1 Amend the Senate amendment H—5323, to House File
- 2 187, as follows:
- 3 1. Page 4, line 10, by adding the following:
- 4 "Such rules shall include but not be limited to a
- 5 standard of cleanliness and a standard of condition

6 which containers must meet in order to qualify for
 7 redemption which standard manufacturers, distributors,
 8 dealers or operators of redemption centers may invoke
 9 as a condition precedent to redemption and payment
 10 of the deposit."

Roll call was requested by Perkins of Greene and Thompson of Polk.

On the question "Shall amendment H—5439 be adopted?"

The ayes were, 34:

Baker	Bina	Byerly	Chiodo
Clark, B.J.	Conlon	Crawford	Danker
Dyrland	Evans	Halvorson	Harvey
Horn	Husak	Koogler	Lind
Miller, K.D.	Nielsen	Pavich	Pellett
Perkins	Poncy	Scheelhaase	Schneklath
Schroeder	Smalley	Spear	Svoboda
Tauke	Thompson	Tofte	Wells
Woods	Wyckoff		

The nays were, 56:

Anderson	Avenson	Bennett	Binneboese
Branstad	Brunow	Clark, J.H.	Crabb
Daggett	Davitt	Den Herder	Dieleman
Dunton	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Howell
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lonergan
Menke	Millen	Miller (Sergeant)	Monroe
Norland	O'Halloran	Oxley	Patchett
Pelton	Rinas	Shimanek	Small
Spencer	Stephens	Stromer	Varley
Walter	Welden	West	Mr. Speaker

Absent or not voting, 10:

Arnould	Brandt	Brockett	Connors
Cusack	Doyle	Hullinger	Lipsky
Middleswart	Newhard		

Amendment H—5439 lost.

Bina of Scott offered the following amendment H—5422, to the Senate amendment H—5323, filed by Bina, et al., and moved its adoption:

H-5422

1 Amend the Senate amendment H-5323 to House File
2 187 as amended, passed and reprinted by the House
3 as follows:

4 1. Page 4, by inserting after line 19 the
5 following sections:

6 "Sec. 12. NEW SECTION. DEFINITIONS.

7 1. "Authority" means the Iowa solid waste recycling
8 authority.

9 2. "Capital improvement" includes any gate, fence,
10 observation well, access road on a solid waste disposal
11 site, utility, building, paved area, or scale, but
12 does not include earthwork to construct the site nor
13 earth materials required to cover solid wastes or
14 provide grading and completion of sites in accordance
15 with department of environmental quality standards
16 for operation of solid waste disposal sites.

17 3. "Collection" means the aggregating of solid
18 waste from its primary source and includes all
19 activities up to the time the waste is delivered to
20 a transfer station.

21 4. "Energy balance" means the total amount of
22 energy conserved by the reclamation of materials from
23 solid waste and the energy produced by utilization
24 of such solid waste, if any, compared to the energy
25 expended by the recycling process in excess of that
26 which would have been expended if recycling had not
27 taken place.

28 5. "Municipal solid waste recycling facility"
29 and "facilities of the authority" mean publicly owned
30 recycling facilities.

31 6. "Municipality" means a public agency as defined
32 in chapter twenty-eight E (28E) of the Code and
33 sanitary districts organized under chapter three
34 hundred fifty-eight (358) of the Code.

35 7. "Recycling" means the transfer, transporting,
36 processing, marketing and conversion of solid wastes
37 into usable materials or products, and includes the
38 stockpiling and disposal of nonusable portions of
39 solid wastes, but does not include the collection
40 of such wastes.

41 8. "Sewage and industrial waste sludge" means
42 the residue material resulting from the treatment
43 of sewage and industrial waste water.

44 9. "Solid waste" means solid waste as defined
45 in section four hundred fifty-five B point seventy-
46 five (455B.75), subsection four (4) of the Code.

47 10. "Transfer station" means a facility, structure
48 or container owned or leased by the authority, to
49 which collected solid wastes are delivered and where
50 possession of such waste is transferred to the

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1 authority.

2 11. "Transportation" means all transport required
3 from a transfer station or municipal solid waste
4 recycling facility where possession of such waste
5 is transferred to the authority.

6 **Sec. 13. NEW SECTION. AUTHORITY CREATED.**

7 1. The Iowa solid waste recycling authority is
8 established and constituted a public instrumentality
9 and agency of the state exercising public and essential
10 governmental functions. The powers of the authority
11 shall be vested in and exercised by a board of seven
12 members appointed by the governor for six-year terms
13 and subject to confirmation by the senate. At least
14 one member shall be a person recommended by the Iowa
15 state association of counties and at least one member
16 shall be a person recommended by the league of Iowa
17 municipalities. Members shall receive forty dollars
18 per diem and shall be reimbursed for actual and
19 necessary expenses incurred in the discharge of their
20 duties. Each member shall hold office until a
21 successor has been appointed and qualified.

22 2. The authority shall elect a chairperson and
23 vice chairperson. A majority of the members of the
24 authority shall constitute a quorum. The authority
25 shall employ an executive director, legal, financial
26 and technical experts and such other officers, agents
27 and employees, permanent and temporary, as it may
28 require, and shall determine their qualifications,
29 duties and compensation, notwithstanding chapter
30 nineteen A (19A) of the Code. The authority may
31 delegate to its agents or employees any of its powers
32 or duties. The total number of employees of the
33 authority shall not exceed forty positions.

34 **Sec. 14. NEW SECTION. POLICIES.** The following
35 are declared to be policies of the authority:

36 1. That maximum recycling from solid waste is
37 necessary to protect the public health and quality
38 of the natural environment;

39 2. That solid waste disposal and recycling
40 facilities and projects are to be implemented by the
41 authority, in furtherance of these goals;

42 3. That effective systems and facilities for solid
43 waste management, disposal and recycling shall be
44 developed, financed, planned, designed, constructed
45 and operated for the benefit of the people and
46 municipalities of the state;

47 4. That private industry is to be utilized to
48 the maximum extent feasible to perform planning,
49 design, management, construction, operation,
50 manufacturing and marketing functions related to solid

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1 waste disposal and recycling and to assist in the
2 development of industrial enterprise based on
3 recycling;
4 5. That long-term negotiated contracts between
5 the authority and private persons and industries may
6 be utilized as an incentive for the development of
7 industrial and commercial enterprise based on recycling
8 within the state;

9 6. That solid waste disposal services shall be
10 provided for public agencies and private persons in
11 the state, at reasonable cost, where such services
12 are considered necessary and desirable in order to
13 protect the state's environment, recover resources
14 and provide support for existing systems and fa-
15 cilities;

16 7. That provision shall be made for planning,
17 research and development, and appropriate innovation
18 in the design, management and operation of systems
19 and facilities for solid waste management, in order
20 to permit continuing improvement and provide adequate
21 incentives and processes for lowering operating and
22 other costs;

23 8. That recycling undertaken pursuant to this
24 Act achieve a positive energy balance;

25 9. That encouragement and support be given to
26 individuals and public agencies to separate solid
27 waste at its source, in order to maximize the value
28 of such waste for reuse; and

29 10. That actions and activities performed or
30 carried out by the authority and its contractors in
31 accordance with this Act shall be in conformity with
32 applicable policies and rules of the state, as
33 promulgated by the department of environmental quality.

34 **Sec. 15. NEW SECTION. POWERS OF THE AUTHORITY.**

35 The authority shall have all the powers necessary
36 or convenient to carry out and effectuate the purposes
37 and provisions of this Act, including but not limited
38 to the power to:

39 1. Sue and to be sued; to have a seal and to alter
40 the seal at pleasure; to have perpetual existence;
41 to make and execute contracts and other instruments
42 necessary or convenient to the exercise of the powers
43 of the authority; and to make, amend and repeal bylaws
44 and rules.

45 2. Accept gifts or loans or other aid.

46 3. Agree and comply with any conditions attached
47 to federal or state assistance.

48 4. Coordinate all solid waste recycling activities
49 within each region established under this Act.

50 5. Initiate and encourage programs leading to

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- 1 the maximum recovery and reuse of materials and
2 resources from solid waste, consistent with public
3 policy and environmental objectives.
- 4 6. Prepare plans, surveys, studies, investigations,
5 designs and estimates of cost of systems for the
6 transport, processing and disposal of solid waste
7 in accordance with the objectives of this Act.
- 8 7. Establish and collect rates and charges for
9 the services provided by the authority or private
10 facilities contracted for by the authority.
- 11 8. Acquire, hold, improve, mortgage, lease and
12 dispose of property as is deemed necessary and proper
13 for carrying out the corporate purposes of the
14 authority.
- 15 9. Make and execute contracts, agreements and
16 other instruments with any person as is deemed
17 necessary and proper for carrying out the corporate
18 purposes of the authority.
- 19 10. Incur debts by borrowing money or otherwise,
20 and to give any appropriate evidence thereof.
- 21 11. Issue notes and bonds in accordance with
22 sections twenty-nine (29) through forty-three (43)
23 of this Act.
- 24 12. Meet the cost of acquiring, constructing,
25 improving or extending solid waste recycling
26 facilities:
- 27 a. Through the expenditure of any funds available
28 for that purpose;
- 29 b. From the proceeds of the sale of notes and
30 revenue bonds, payable solely from the revenues to
31 be derived from the operation of such solid waste
32 recycling facilities;
- 33 c. From any other funds which may be obtained
34 under any law of this state or of the United States;
35 or
- 36 d. From any combination of any or all of such
37 methods of providing funds.
- 38 13. Enter on any lands, waters or premises for
39 the purpose of making surveys, soundings, inspections
40 and investigations commensurate with the functions
41 of the authority. Entry may be made only with
42 permission of the owner or with a court order granting
43 entry, obtained from a court of record after
44 application and hearing.
- 45 14. Require any person capable of being effectively
46 served by the facilities of the authority to make
47 use of the facilities pursuant to section twenty-five
48 (25) of this Act.
- 49 15. Establish regions of the authority and provide
50 for the establishment of boundaries for the regions.

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1 16. Establish a program of research and development
2 of processes to effect the recycling of resources
3 from solid waste and of markets and new products for
4 the resources reclaimed thereby.

5 17. Utilize, sell, contract for the processing
6 or sale or otherwise dispose of all of the products
7 and by-products of the recycling facilities of the
8 authority.

9 18. Conduct such hearings, examinations and
10 investigations as may be necessary and appropriate
11 to the conduct of its operations and the fulfillment
12 of its responsibilities. Any member of the authority
13 may administer oaths and take testimony in any matter
14 pertaining to the functions and responsibilities of
15 the authority.

16 19. Obtain access to public records and apply
17 for the process of subpoena if necessary to produce
18 books, papers, records and other data.

19 20. Design and operate all facilities of the
20 authority and require all lessees of the authority
21 to operate facilities in an environmentally and
22 aesthetically acceptable manner.

23 21. Adopt rules pursuant to chapter seventeen
24 A (17A) of the Code.

25 Sec. 16. NEW SECTION. CONDEMNATION — LIMITATION —
26 LIEN.

27 1. Before commencing condemnation proceedings
28 with respect to any property within a city or county,
29 the authority shall first advise and consult with
30 the governing body of the city or county having
31 jurisdiction over the property, and the governing
32 body shall either approve or disapprove, in whole
33 or in part, the condemnation proposed by the authority.

34 If the governing body fails to approve or disapprove
35 a condemnation proposal, or part thereof, within
36 thirty days after it is submitted to the governing
37 body by the authority, the proposal, or part thereof,
38 shall be deemed approved. Property with regard to
39 which condemnation is disapproved by the governing
40 body may not be condemned by the authority, except:

41 a. Property to be used for landfill or transfer
42 stations may be condemned if the property is within
43 or adjacent to an area zoned agricultural or
44 industrial.

45 b. Property to be used for a recycling center
46 may be condemned if the property is within or adjacent
47 to an area zoned industrial.

48 2. Where a person entitled to an award in
49 proceedings to condemn any property for any of the
50 purposes of this chapter remains in possession of

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1 the property after title is vested in the authority,
2 the reasonable value of the use and occupancy of such
3 property after title has been vested, or after any
4 other time as fixed by agreement or by a determination
5 of the court, shall be a lien against such award
6 subject only to such other liens of record at the
7 time title is vested in the authority. To secure
8 its lien, the authority may apply to the district
9 court to, and the court may, hold a reasonable portion
10 of the award until any liability for use and occupancy
11 is satisfied.

12 **Sec. 17. NEW SECTION. REVIEW OF PROJECTS.** A
13 person shall not acquire, construct, alter,
14 reconstruct, or operate a municipal solid waste
15 recycling facility within a recycling region
16 established by the authority without prior consultation
17 with the authority.

18 **Sec. 18. NEW SECTION. TRANSITIONAL COOPERATION.**
19 The authority shall assist municipalities in solid
20 waste management planning upon the transition from
21 municipal management of solid waste to recycling in
22 regions pursuant to section twenty-one (21) of this
23 Act in order that the transition is accomplished
24 without undue expense and dislocation of existing
25 and proposed systems. The department of environmental
26 quality shall coordinate regulatory activities with
27 the authority during the transfer of responsibility
28 for solid waste disposal from those entities having
29 existing responsibility to the authority.

30 **Sec. 19. NEW SECTION. STATE AGENCY COOPERATION.**
31 The heads of all departments, independent agencies,
32 boards, commissions, councils and committees in the
33 executive branch shall extend their full and unlimited
34 cooperation, including but not limited to the providing
35 of personnel and facilities, to the authority.

36 **Sec. 20. NEW SECTION. DEPARTMENT OF ENVIRONMENTAL**
37 **QUALITY — RULES AND PERMITS.** The authority shall
38 operate its facilities in compliance with all
39 applicable standards of the department of environmental
40 quality. Solid waste disposal sites established,
41 maintained or operated by the authority shall be
42 subject to the provisions of chapter four hundred
43 fifty-five B (455B) of the Code.

44 **Sec. 21. NEW SECTION. REGIONS.**

45 1. The authority shall establish recycling regions
46 to facilitate the administration of this Act.

47 2. Prior to establishment or modification of
48 region boundaries the authority shall prepare a region
49 plan which describes proposed region boundaries,
50 location of authority facilities, anticipated sources

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1 and volumes of solid wastes to be processed and
2 financial projections on the operations of the
3 authority within the region, including capital
4 expenditures, anticipated rates, charges and rentals
5 and revenues from sales of material. Copies of the
6 plan shall be mailed to the department of environmental
7 quality, to each regional planning commission having
8 territory within the proposed region, to the clerk
9 of each municipality within the proposed region and
10 to selected public libraries. Notice shall be
11 published in a newspaper or newspapers having general
12 circulation within the proposed region, and shall
13 list the location at which the plan is available
14 for public inspection.

15 3. The authority shall schedule a public hearing
16 or hearings on the plan within the region, and shall
17 give notice of such hearings by mail and publication
18 in the same manner as required under subsection two
19 (2) of this section.

20 4. Decisions of the authority relating to the
21 establishment or modification of region boundaries
22 or to the site of authority facilities shall be based
23 on the following criteria:

24 a. Maximum economic benefit to the authority and
25 affected municipalities from the recycling of solid
26 waste.

27 b. Maximum enhancement and protection of the land,
28 water and air resources of the state.

29 c. Attainment of consistency with adopted plans
30 of regional planning and state agencies.

31 d. Any decision relating to the establishment
32 of a region under this section shall be made within
33 sixty days following the hearing.

34 Sec. 22. NEW SECTION. FINANCES.

35 1. a. The authority shall establish rates and
36 collect charges and rental for the services of its
37 facilities and private facilities contracted by it
38 and may derive revenue from the sale of products or
39 materials resulting from its operations.

40 b. The authority shall establish, and may
41 subsequently modify, schedules of rates, rentals and
42 other charges to be collected from all persons served
43 by facilities of the authority or by the private
44 facilities contracted by it. The authority shall
45 prescribe the manner in which and the time at which
46 such rates, rentals and charges are to be paid and
47 shall collect or enforce collection of such fees.
48 The staff of the Iowa state commerce commission shall
49 assist the authority upon request in the initial
50 establishment of schedules of rates. Such schedules

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1 may be based upon any classifications or sub-
2 classifications which the authority may determine
3 to be fair and reasonable. Schedules of rates and
4 modifications of them are subject to approval by the
5 Iowa state commerce commission.

6 2. To determine the rates, charges and fees for
7 a region established under section twenty-one (21)
8 of this Act, the authority shall estimate the cost
9 of operating the region, the cost of debt retirement
10 in the region, and the revenue to be derived from
11 the sale of recoverable products. The difference
12 between such estimated costs and revenue shall be
13 the basis for determining the rates, charges and
14 rentals to be charged for the authority's services
15 in the region, subject to approval by the public
16 service commission. During the first three years
17 of operation in the region, the schedules of rates,
18 charges and rentals initially established by the au-
19 thority may be reduced but may not be increased.

20 3. Expenses incurred by the Iowa state commerce
21 commission in the performance of its duties under
22 this section shall be paid by the authority.

23 4. The authority shall develop cost and revenue
24 accounting procedures which shall be applied uniformly
25 to all recycling regions.

26 Sec. 23. NEW SECTION. ACQUISITIONS FROM
27 MUNICIPALITIES. Upon offer by a municipality to the
28 authority, the authority shall acquire by purchase
29 any operating municipal land fill sites, plant sites
30 and capital improvements and equipment which were
31 originally acquired by the municipality in response
32 to department of environmental quality orders or
33 permit requirements relating to solid waste disposal,
34 or which are or were permitted by the department of
35 environmental quality, or which were not required
36 for compliance with department of environmental
37 quality's permit requirements but were approved in
38 advance by the authority. Compensation for land
39 acquired under this section shall be the original
40 purchase price paid by the municipality. Compensation
41 for capital improvements and equipment shall be the
42 original purchase price less straight line depreciation
43 based on useful life or the current market value in
44 municipal ownership as of the date the municipality
45 is included in a region established under this Act,
46 whichever is less. Acquisition and compensation under
47 this section shall take place at, or as soon as
48 practicable after, the time solid wastes from a
49 municipality are disposed through completed and
50 operating facilities owned, leased or contracted for

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1 by the authority.

2 Sec. 24. NEW SECTION. SALE OF MATERIALS. The
3 authority may, on a competitive basis, enter into
4 short- or long-term contracts, make spot sales, solicit
5 bids, enter into direct negotiations, deal with brokers
6 or use such other methods of disposal as it chooses,
7 provided that the dealings of the authority shall
8 be on a competitive basis so as not to create an
9 unfair or unreasonable advantage or restraint of trade
10 on the part of the authority. The authority shall
11 give particular consideration to the needs of
12 purchasers in this state and shall actively promote
13 sales to such purchasers so long as the same can be
14 done at prices, and under conditions which meet consti-
15 tutional requirements, that are consistent with the
16 authority's goal to be financially self-supporting
17 to the greatest extent possible.

18 Sec. 25. NEW SECTION. REQUIRED USE OF FACILI-
19 TIES.

20 1. The authority shall require any person capable
21 of being effectively served by the authority to make
22 use of the facilities of the authority or of private
23 facilities contracted for by the authority in any
24 case where the authority finds such use to be in the
25 best public interest.

26 2. "Best public interest", for purposes of
27 subsection one (1) of this section shall be inferred
28 if:

- 29 a. Required usage will result in reusable materials
30 being recovered rather than being disposed of;
- 31 b. Required use will lessen the demand for sanitary
32 landfill sites;
- 33 c. Required use will result in a positive energy
34 balance or will conserve natural resources; or
- 35 d. Required use is necessary to achieve operational
36 volumes necessary to make the authority financially
37 self-supporting to the greatest extent possible.

38 3. Solid wastes produced by a person other than
39 a municipality which are privately processed and
40 reused are not subject to this section. The authority
41 is prohibited from making a finding that required
42 use is in the best interest if such wastes
43 are privately processed and reused.

44 4. The authority shall proceed as follows when
45 requiring usage of its facilities or facilities
46 contracted for by it:

- 47 a. The authority shall notify these persons whom
48 the authority has determined should use facilities
49 of the authority or the private facilities contracted
50 for by it. Notification to municipalities shall be

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1 in writing. All other persons shall be notified by
2 publication of a notice in a newspaper having general
3 circulation in the area. The notification shall
4 specify types and quantities of wastes, plans for
5 usage of wastes, the point of delivery of wastes and
6 the fee to be charged for such service. The authority
7 shall negotiate with any or all of the persons within
8 the areas to be served in order to develop a
9 contractual agreement on the terms of required usage
10 of the authority's facilities or the private facilities
11 contracted for by it.

12 b. If a contract has not been made within ninety
13 days following the publication of notice pursuant
14 to paragraph a of this subsection or if, in the case
15 of a person other than a municipality, such person
16 has not made adequate arrangements for the processing
17 for reuse of the waste generated by it, the authority
18 shall hold a public hearing to take testimony for
19 and against required usage of facilities of the
20 authority or the private facilities contracted for
21 by it. The hearing shall be preceded by notice similar
22 to that required under paragraph a of this subsection.

23 c. If a contract has not been made within thirty
24 days after the public hearing, or if, in the case
25 of a person other than a municipality, such person
26 has not made adequate arrangements for the processing
27 for reuse of the waste generated by it, the authority
28 may order any person given notice of the public hearing
29 to use the facilities of the authority or the private
30 facilities contracted for by it, starting at a
31 specified date which shall be at least thirty days
32 after the order has been issued. The authority shall
33 not terminate, suspend or curtail services provided
34 to any person required to use the services and
35 facilities of the authority under this paragraph.
36 without the consent of such person.

37 5. In the case of a person other than a
38 municipality, all obligations under contract or order
39 under this section may be terminated as to any portion
40 of that person's solid waste by the person upon an
41 adequate showing to the authority that the solid waste
42 generated by the person has value and that adequate
43 arrangements have been made by the person to have
44 such waste processed for reuse either by such person
45 or any other person other than a municipality.

46 6. This section does not apply to persons who
47 own or lease and occupy single-family dwellings and
48 surrounding land and who dispose of solid waste from
49 the premises on such surrounding land.

50 7. This section does not apply to the recycling

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1 of sewage and industrial waste sludge. However, the
2 authority may enter into agreements to process sewage
3 and industrial waste sludge.

4 **Sec. 26. NEW SECTION. TAX EXEMPTION — PAYMENTS**
5 **FOR MUNICIPAL SERVICES.**

6 1. The exercise of the powers granted by this
7 Act will be in all respects for the benefit of the
8 people of this state, for the increase of their
9 commerce, welfare and prosperity, and for the
10 improvement of their health and living conditions.
11 Because the operation and maintenance of a project
12 by the authority will constitute the performance of
13 an essential public function, the authority is not
14 required to pay any taxes or assessments, including
15 mortgage recording taxes, upon or in respect of any
16 property owned by the authority under this chapter
17 and the income therefrom shall at all times be free
18 from taxation of every kind by the state and by
19 political subdivisions of the state.

20 2. Notwithstanding the provisions of subsection
21 one (1) of this section, the authority shall make
22 reasonable payments at established rates for water,
23 sewer and electrical services and all other services
24 directly provided to facilities of the authority which
25 services are financed in whole or in part by special
26 charges or fees.

27 3. The authority shall make reasonable payments
28 for other municipal services as defined in subsection
29 four (4) of this section directly provided to
30 facilities of the authority by a municipality pursuant
31 to the procedures specified in subsection five (5)
32 of this section.

33 4. As used in this section:

34 a. "Municipal services" means cities, counties and
35 sanitary districts with general taxing authority.

36 b. "Municipal services" means police and fire
37 protection and any other direct general government
38 service provided to facilities of the authority by
39 municipalities.

40 c. "Facilities of the authority" means all property
41 owned by the authority.

42 5. The authority shall be responsible for
43 negotiating with municipalities on payments for
44 municipal services. Prior to negotiating with
45 municipalities the authority shall establish guidelines
46 for such negotiations. In no case may a municipality
47 withhold services to the authority during negotiations.

48 **Sec. 27. NEW SECTION. CONSTRUCTION CONTRACTS.**

49 Any contract for construction valued at over twenty-
50 five thousand dollars shall be let by the authority

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1 pursuant to the process of open or competitive bidding.
2 The authority may determine the format, contents and
3 scope of any contract for construction of facilities
4 of the authority, the conditions under which bid-
5 ding shall take place and the schedule and stipulations
6 for a contract award. The authority may select the
7 contractor deemed to have submitted the lowest
8 qualified bid, price and other factors considered,
9 when, in the judgment of the authority, such award
10 is in the best interests of the state. The authority
11 may negotiate and enter into contracts with a single
12 source for any professional services required by or
13 attendant to the development of facilities of the
14 authority.

15 **Sec. 28. NEW SECTION. CONTRACTING AND PURCHASING**
16 **PROCEDURES.**

17 1. The authority may purchase, on a negotiated
18 or open-bid basis, heavy solid waste processing
19 equipment to be installed in facilities of the
20 authority, or it may require such purchase and
21 installation as part of a construction contract.
22 The authority shall conduct its contracting and pur-
23 chasing operations in accordance with its regularly
24 adopted and promulgated procurement policies and
25 specific rules and procedures on purchasing and
26 contracting approved by a two-thirds vote of its
27 members. In procuring services with respect to the
28 establishment, management and operation of transfer
29 stations, and the transportation of solid wastes
30 therefrom to a recycling facility, the authority shall
31 insofar as is practicable give preference to firms
32 based in this state.

33 2. The authority may enter into long-term contracts
34 with private persons for the performance of any
35 functions of the authority which, in the opinion of
36 the authority, can desirably and conveniently be
37 carried out by a private person under contract. The
38 contract shall contain such terms and conditions as
39 will enable the authority to retain overall supervision
40 and control of the business, design, operating,
41 management, transportation, marketing, planning and
42 research and development functions to be carried out
43 or to be performed by such private persons pursuant
44 to such contract. The contracts may be entered into
45 either on a negotiated or an open-bid basis, and the
46 authority in its discretion may select the type of
47 contract it deems most prudent to utilize, considering
48 the scope of work, the management complexities
49 associated therewith, the extent of current and future
50 technological development requirements and the best

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1 interests of the state.

2 Sec. 29. NEW SECTION. NOTES AND BONDS — ISSUANCE —
3 STATUS.

4 1. The authority may issue its negotiable notes
5 and bonds in such principal amount, as, in the opinion
6 of the authority, is necessary to provide sufficient
7 funds for achieving its corporate purposes, including:

8 a. The planning, engineering and design and the
9 purchase, acquisition, development, enlargement and
10 improvement of solid waste recycling facilities, as
11 provided in this Act;

12 b. The payment of interest on notes and bonds
13 of the authority during construction;

14 c. The establishment of reserves to secure such
15 notes and bonds; and

16 d. For all other expenditures of the authority
17 incident to and necessary or convenient to carry out
18 its corporate purposes and powers.

19 2. The authority may issue renewal notes, issue
20 bonds to pay notes and whenever it deems refunding
21 expedient, refund any bonds by the issuance of new
22 bonds, whether the bonds to be refunded have or have
23 not matured. The authority may issue bonds partly
24 to refund bonds then outstanding and partly for any
25 other purpose. The refunding bonds shall be sold
26 and the proceeds applied to the purchase, redemption
27 or payment of the bonds to be refunded.

28 3. Except as may otherwise be expressly provided
29 by the authority, every issue of its notes or bonds
30 shall be general obligations of the authority payable
31 out of any revenues or moneys of the authority, subject
32 only to any agreements with the holders of particular
33 notes or bonds pledging any particular receipts or
34 revenues.

35 4. All notes or bonds shall be investment
36 securities and negotiable instruments within the
37 meaning of and for all purposes of the uniform
38 commercial code.

39 Sec. 30. NEW SECTION. AUTHORIZATION — TERMS.

40 The notes and bonds shall be authorized by resolution
41 of the members of the authority. The notes and bonds
42 shall bear such date or dates, and shall mature at
43 such time or times, in case of any note, or any renewal
44 thereof, not exceeding five years, from the date of
45 issue of such original note, and in the case of any
46 bond not exceeding fifty years from the date of issue,
47 as the resolution provides. The notes and bonds shall
48 bear interest at the rate or rates, be in such
49 denominations of one thousand dollars or more, be
50 in such form, either coupon or registered, carry such

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1 registration privileges, be executed in such manner,
2 be payable in such medium of payment, at such place
3 and be subject to such terms of redemption as the
4 resolution provides. The bonds may be issued as
5 serial bonds payable in annual installments or as
6 term bonds or as a combination thereof. The notes
7 and bonds of the authority may be sold by the
8 authority, at public or private sale, at the price
9 determined by the authority.

10 Sec. 31. NEW SECTION. RESOLUTION AUTHORIZING
11 ISSUANCE, CONTENTS. Any resolution authorizing any
12 notes or bonds or any issue of notes or bonds may
13 contain the following provisions, which shall be a
14 part of the contract with the holders:

15 1. Pledging all or any part of the fees and charges
16 made or received by the authority, and other moneys
17 received or to be received, to secure the payment
18 of the notes or bonds or of any issue of notes or
19 bonds, and subject to such agreements with bondholders
20 or noteholders as may then exist.

21 2. Pledging all or any part of the assets of the
22 authority to secure the payment of the notes or bonds
23 or of any issue of notes or bonds, subject to such
24 agreements with noteholders or bondholders as may
25 then exist.

26 3. Pledging of any loan, grant or contribution
27 from the federal or state government or any political
28 subdivision of the state as provided for in this Act.

29 4. The setting aside of reserves or sinking funds
30 and the regulation and disposition thereof.

31 5. Limitations on the purpose to which the proceeds
32 of sale of notes or bonds may be applied and pledging
33 the proceeds to secure the payment of the notes or
34 bonds or of any issue of notes or bonds.

35 6. Limitations on the issuance of additional notes
36 or bonds; the terms upon which additional notes or
37 bonds may be issued and secured; the refunding of
38 outstanding or other notes or bonds.

39 7. The procedure, if any, by which the terms of
40 any contract with noteholders or bondholders may be
41 amended or abrogated, the amount of notes or bonds
42 the holders of which must consent thereto, and the
43 manner in which consent may be given.

44 8. Vesting in a trustee such property, rights,
45 powers and duties in trust as the authority determines,
46 which may include any or all of the rights, powers
47 and duties of the trustee appointed by the noteholders
48 or bondholders pursuant to section forty (40) of this
49 Act and limiting or abrogating the right of the
50 noteholders or bondholders to appoint a trustee under

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1 section forty (40) of this Act limiting the rights,
2 powers and duties of such trustee, in which event
3 section forty (40) of this Act shall not apply.

4 9. Any other matters, of like or different
5 character, which in any way affect the security or
6 protection of the notes or bonds.

7 **Sec. 32. NEW SECTION. VALIDITY AND EFFECT OF**
8 **PLEDGE.** Any pledge made by the authority shall be
9 valid and binding from the time when the pledge is
10 made. The moneys or property so pledged and received
11 by the authority shall immediately be subject to the
12 lien of the pledge without any physical delivery or
13 further act. The lien of the pledge shall be valid
14 and binding as against all parties having claims of
15 any kind in tort, contract or otherwise against the
16 authority, irrespective of whether such parties have
17 notice of the pledge. Neither the resolution nor
18 any other instrument by which a pledge is created
19 need be recorded.

20 **Sec. 33. NEW SECTION. PERSONAL LIABILITY OF**
21 **MEMBERS OF AUTHORITY.** Neither the members of the
22 authority nor any person executing the notes or bonds
23 shall be liable personally on the notes or bonds or
24 be subject to any personal liability or accountability
25 by reason of the issuance of the bonds or notes.

26 **Sec. 34. NEW SECTION. PURCHASE FOR CANCELLATION.**
27 The authority, subject to the agreements with
28 noteholders or bondholders as may then exist, shall
29 have power out of any funds available for such purpose
30 to purchase notes or bonds of the authority, which
31 shall upon the purchase be canceled, at a price not
32 exceeding:

33 1. If the notes or bonds are then redeemable,
34 the redemption price then applicable plus accrued
35 interest to the next interest payment date; or

36 2. If the notes or bonds are not then redeemable,
37 the redemption price applicable on the first date
38 after the purchase upon which the notes or bonds
39 become subject to redemption plus accrued interest
40 to the date.

41 **Sec. 35. NEW SECTION. LIABILITY OF STATE.** The
42 state shall not be liable on notes or bonds of the
43 authority and the notes and bonds shall not be a debt
44 of the state. Notes and bonds of the authority shall
45 contain on the face a statement to this effect.

46 **Sec. 36. NEW SECTION. CAPITAL RESERVE FUND.**

47 1. The authority shall establish a special fund
48 to secure the notes and bonds, to be known as the
49 "capital reserve fund", and shall pay into the capital
50 reserve fund any moneys appropriated and made available

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1 by the state for the purposes of the fund, any proceeds
2 of sale of notes or bonds, to the extent provided
3 in the resolution of the authority authorizing their
4 issuance and any other moneys which are made available
5 to the authority for the purpose of the fund from
6 any other source.

7 2. All moneys held in the capital reserve fund,
8 except as otherwise specifically provided, shall be
9 used solely for the payment of the principal of bonds
10 of the authority as the bonds mature, the making of
11 sinking fund payments with respect to bonds of the
12 authority, the purchase of bonds of the authority,
13 the payment of interest on bonds of the authority
14 or the payment of any redemption premium required
15 to be paid when bonds are redeemed prior to maturity.
16 Except for the purpose of paying principal of and
17 interest on bonds of the authority maturing and
18 becoming due and for the payment of which other moneys
19 of the authority are not available, and except for
20 making sinking fund payments with respect to bonds
21 of the authority and for the payment of which other
22 moneys of the authority are not available, moneys
23 in the capital reserve fund shall not be withdrawn
24 at any time in such amount as would reduce the fund
25 to less than the capital reserve fund requirement.
26 As used in this Act "capital reserve fund requirement"
27 means an amount equal to the maximum amount, in any
28 succeeding year, of principal and interest, other
29 than principal and interest for which sinking fund
30 payments are specified in any resolution of the
31 authority authorizing bonds of the authority then
32 outstanding, maturing and becoming due in such year
33 on all bonds of the authority then outstanding plus
34 all amounts specified, in any resolution of the
35 authority authorizing bonds of the authority then
36 outstanding, as payable as a sinking fund payment
37 in such year. Any income or interest earned by, or
38 increment to, the capital reserve fund due to the
39 investment of the fund may be transferred by the
40 authority to the general reserve fund or other fund
41 of the authority to the extent it does not reduce
42 the amount of the capital reserve fund below the
43 capital reserve fund requirement

44 3. The authority shall not issue bonds at any
45 time if the capital reserve fund requirement, after
46 the issuance, will exceed the amount of the capital
47 reserve fund at the time of issuance unless the
48 authority, at the time of issuance of the bonds, shall
49 deposit in the capital reserve fund from the proceeds
50 of the bonds to be issued, or from another avail-

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1 able source, an amount which, together with the amount
2 then in the capital reserve fund, will be not less
3 than the capital reserve fund requirement after the
4 issuance.

5 4. To assure the continued operation and solvency
6 of the authority for the carrying out of the public
7 purposes of this chapter, the authority shall
8 accumulate in the capital reserve fund an amount equal
9 to the capital reserve fund requirement. If at any
10 time the capital reserve fund requirement exceeds
11 the amount of the capital reserve fund, the chairperson
12 of the authority shall certify to the state
13 comptroller, the governor and the committees on budget
14 of the house and senate the amount necessary to restore
15 the capital reserve fund to an amount equal to the
16 capital reserve fund requirement. The state
17 comptroller shall include the certified amount in
18 the state budget compilation. The committees on
19 budget of the house and senate shall introduce in
20 either house, in bill form, an appropriation of the
21 amount so certified to the capital reserve fund of
22 the authority. Recognizing its moral obligation to
23 do so, the general assembly expresses its expectation
24 and aspiration that, if ever called upon to do so,
25 it shall make the appropriation.

26 5. In computing the amount of the capital reserve
27 fund for the purposes of this section, securities
28 in which all or a portion of the capital reserve fund
29 is invested shall be valued at par, or if purchased
30 at less than par, at their cost to the authority.

31 **Sec. 37 NEW SECTION. GENERAL RESERVE FUND.**

32 The authority shall establish a special fund, to be
33 known as the general reserve fund, and shall pay into
34 the fund all fees and charges collected by the
35 authority and revenues from sale of recycled materials
36 and energy and any moneys which the authority transfers
37 from the capital reserve fund. The moneys and any
38 other moneys paid into the general reserve fund, in
39 the discretion of the authority but subject to
40 agreements with bondholders and noteholders, may be
41 used by the authority:

42 1. For the repayment of advances from the state
43 in accordance with the repayment agreements between
44 the authority and the secretary of administration;

45 2. To pay costs, expenses and charges of financing,
46 including fees and expenses of trustees and paying
47 agents;

48 3. For transfers to the capital reserve fund;

49 4. For the payment of the principal of and interest
50 on notes or bonds issued by the authority when the

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1 notes and bonds become due whether at maturity or
2 on call for redemption and for the payment of any
3 redemption premium required to be paid where the bonds
4 or notes are redeemed prior to their stated maturities,
5 and to purchase notes or bonds; or

6 5. For such other corporate purposes of the
7 authority as the authority in its discretion
8 determines.

9 **Sec. 38. NEW SECTION. LIMIT ON AMOUNT OF**
10 **OUTSTANDING BONDS AND NOTES.** The authority shall
11 not have outstanding at any one time notes and bonds
12 for any of its corporate purposes in an aggregate
13 principal amount exceeding sixteen million five hundred
14 thousand dollars excluding bonds and notes being
15 issued to refund outstanding notes and bonds.

16 **Sec. 39. NEW SECTION. NOTES AND BONDS--PLEDGE**
17 **AND AGREEMENT OF STATE.** The state pledges and agrees
18 with the holders of any notes or bonds issued under
19 this Act, that the state will not limit or alter the
20 rights vested in the authority to fulfill the terms
21 of any agreements made with the holders of the notes
22 or bonds, or in any way impair the rights and remedies
23 of the holders until the notes or bonds, together
24 with the interest including interest on any unpaid
25 installments of interest, and all costs and expenses
26 in connection with any action or proceeding by or
27 on behalf of the holders, are fully met and discharged.
28 The authority may include this pledge and agreement
29 of the state in any agreement with the holders of
30 the notes or bonds.

31 **Sec. 40. NEW SECTION. DEFAULT--TRUSTEE.**

32 1. If the authority defaults in the payment of
33 principal of or interest on any issue of notes or
34 bonds after the notes or bonds become due, whether
35 at maturity or upon call for redemption, and the
36 default continues for a period of thirty days or if
37 the authority fails or refuses to comply with this
38 Act or defaults in any agreement made with the holders
39 of any issue of notes or bonds, the holders of twenty-
40 five percent in aggregate principal amount of the
41 notes or bonds of the issue then outstanding, by
42 instrument or instruments filed in the office of the
43 clerk of Polk county and approved or acknowledged
44 in the same manner as a deed to be recorded, may
45 appoint a trustee to represent the holders of the
46 notes or bonds for the purposes otherwise specifically
47 provided.

48 2. The trustee may, and upon written request of
49 the holders of twenty-five percent in principal amount
50 of the notes or bonds then outstanding shall, in the

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1 trustee's own name:

2 a. By action or proceeding, enforce all rights
3 of the noteholders or bondholders and to require the
4 authority to carry out any other agreements with the
5 holders of the notes or bonds and to perform its
6 duties under this Act;

7 b. Bring suit upon the notes or bonds;

8 c. By action, require the authority to account
9 as if it were the trustee of an express trust for
10 the holders of the notes or bonds;

11 d. By action, enjoin any acts or things which
12 may be unlawful or in violation of the rights of the
13 holders of the notes or bonds; and

14 e. Declare the notes or bonds due and payable,
15 and if all defaults shall be made good, then, with
16 the consent of the holders of twenty-five percent
17 of the principal amount of the notes or bonds then
18 outstanding, to annul the declaration and its
19 consequences.

20 **Sec. 41. NEW SECTION. TRUSTEE-ADDITIONAL POWERS.**

21 The trustee, in addition to the powers granted in
22 section forty (40) of this Act shall have all of the
23 powers necessary or appropriate for the exercise of
24 any functions specifically set forth in this Act or
25 incident to the general representation of noteholders
26 or bondholders in the enforcement and protection of
27 their rights.

28 **Sec. 42. NEW SECTION. NOTICE BEFORE DECLARATION.**

29 Before declaring the principal of notes or bonds due
30 and payable, the trustee shall first give thirty days'
31 notice in writing to the governor, the authority and
32 the attorney general.

33 **Sec. 43. NEW SECTION. NOTES AND BONDS AS LEGAL**

34 **INVESTMENTS.** The state, public officers, municipal
35 corporations, political subdivisions and public bodies,
36 banks and bankers, savings and loan associations,
37 credit unions, trust companies, savings banks and
38 institutions, investment companies, insurance
39 companies, insurance associations and other persons
40 carrying on a banking or insurance business, and all
41 executors, administrators, guardians, trustees and
42 other fiduciaries, may legally invest any sinking
43 funds, moneys or other funds belonging to them or
44 within their control in any notes or bonds issued
45 by the authority. Such notes and bonds shall be
46 authorized security for all public deposits and shall
47 be fully negotiable in this state.

48 **Sec. 44. NEW SECTION. RECORDS OF THE AUTHORITY.**

49 All records of the authority shall be open to the
50 public, except those records relating to pending

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1 recycling projects which, in the opinion of the
2 authority, must remain confidential to protect the
3 competitive nature of the recycling project.

4 Sec. 45. NEW SECTION. INVESTMENT OF FUNDS. The
5 authority may invest any funds held in reserve or
6 sinking funds or any moneys not required for immediate
7 use or disbursement at the discretion of the authority
8 in such investments as may be lawful for fiduciaries
9 in the state, if at least fifty percent of any funds
10 held in any reserve or sinking fund be invested in
11 obligations of the state or of the United States or
12 agencies or instrumentalities of the United States
13 or obligations, the principal and interest of which
14 are guaranteed by the United States or agencies or
15 instrumentalities of the United States.

16 Sec. 46. NEW SECTION. ANNUAL REPORT. The
17 authority shall submit to the governor, the committees
18 on budget of the house and senate and the general
19 assembly within six months after the end of each
20 fiscal year a complete and detailed record setting
21 forth:

22 1. Its operations, accomplishments, goals and
23 objectives.

24 2. A statement of income and expenses for the
25 fiscal year.

26 3. An estimate of revenues and expenses for the
27 current fiscal year.

28 4. The net cost per ton of recycling and disposal
29 of solid waste by the authority compared to net cost
30 per ton which would have otherwise been incurred by
31 the disposal of the waste without recycling.

32 5. The proportion of materials recovered from
33 total wastes received, the extent to which the
34 materials recovered alleviated shortages or reduced
35 demands on virgin or irreplaceable raw materials,
36 the energy balance attributable to the authority's
37 activities, measures of environmental improvement
38 attributed to the recycling program and suggested
39 legislation and other measures to reduce the volume
40 of solid waste generated in this state.

41 Sec. 47. Of the initial members appointed to the
42 Iowa solid waste recycling authority created by this
43 Act, two shall be appointed to serve terms expiring
44 January 1, 1981; two for terms expiring January 1,
45 1983; and three for terms expiring January 1, 1985."

46 2. Page 4, by striking lines 24 through 26 and
47 inserting in lieu thereof the words "An Act relating
48 to litter control and recycling by regulating the
49 sale and use of certain beverage containers and by
50 creating the Iowa solid waste recycling authority,

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- 1 prescribing its powers and duties and providing for
- 2 financing of facilities by the authority."

A non-record roll call was requested.

The ayes were 23, nays 60.

Amendment H—5422 lost.

Horn of Linn offered the following amendment H—5462, to the Senate amendment H—5323, filed by him:

H—5462

- 1 Amend the Senate amendment H—5323 to House File
- 2 187 as follows:
- 3 1. Page 4, by inserting after line 22 the following
- 4 sections:
- 5 "Sec. 13. Notwithstanding sections one hundred twenty-
- 6 three point two (123.2), section one hundred twenty-three
- 7 point thirty-six (123.36), subsection six (6), section one
- 8 hundred twenty-three point forty-nine (123.49), subsection
- 9 two (2), paragraph b, and section one hundred twenty-three
- 10 point one hundred thirty-four (123.134), subsection five
- 11 (5), of the Code, a holder of any class of liquor control
- 12 license or the holder of a class "B" beer permit may sell
- 13 or dispense such liquor or beer to patrons for consumption
- 14 on the premises between the hours of noon, Sunday, December
- 15 31, 1978 and two a.m., Monday, January 1, 1979 and beer
- 16 for consumption off the premises between the hours of noon
- 17 and ten p.m., Sunday, December 31, 1978. The liquor
- 18 control license fee or beer permit fee of licensees and
- 19 permittees permitted to sell or dispense such liquor or
- 20 beer on this Sunday, December 31, 1978, shall not be
- 21 increased because of this privilege.
- 22 It is the intent of this section that the special
- 23 privileges granted shall be in force only during the dates
- 24 specified in this section.
- 25 Sec. 14. Section thirteen (13) of this Act is repealed
- 26 effective January 2, 1979."
- 27 2. Page 4, by striking line 23 and inserting in lieu
- 28 thereof the following:
- 29 "Sec. 15. Sections one (1) through twelve (12) of this
- 30 Act are effective August, 15, 1979."

O'Halloran of Black Hawk rose on a point of order that amendment H—5462 was not germane.

The Speaker ruled the point well taken and amendment H—5462 not germane.

Horn of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5462.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 49, nays 44.

The motion, having failed to receive a constitutional majority, lost.

Arnould of Scott moved to reconsider the vote by which amendment H—5464, to the Senate amendment H—5323, failed to be adopted by the House on February 28, 1978.

A non-record roll call was requested.

The ayes were 42, nays 49.

The motion lost.

Wyckoff of Benton offered the following amendment H—5484, to the Senate amendment H—5323, filed by him from the floor and moved its adoption:

H—5484

- 1 Amend the Senate amendment H—5323, to House File
- 2 187, as follows:
- 3 1. Page 4, by inserting after line 16 the follow-
- 4 ing section:
- 5 "Sec. . Any effective dates in this Act not-
- 6 withstanding, the provisions of this Act shall not be
- 7 effective until this Act is ratified by a majority of
- 8 the electorate voting at a special election called
- 9 for that purpose, or at the next succeeding general
- 10 election."

Amendment H—5484 lost.

Schroeder of Pottawattamie offered the following amendment H—5485, to the Senate amendment H—5323, filed by him and Clark of Lee from the floor and moved its adoption:

H—5485

- 1 Amend the Senate amendment H—5323, to House File
- 2 187, as follows:
- 3 1. Page 3, by inserting after line 50 the follow-
- 4 ing section:
- 5 "Sec. . . NEW SECTION. DISTRIBUTION OF FUNDS.
- 6 The department of beer and liquor control shall
- 7 annually remit to the appropriate local authority, the
- 8 difference between funds collected from the deposit
- 9 required on alcoholic liquor containers and funds
- 10 dispersed in payment of the refund value on alcoholic
- 11 beverage containers. These funds shall be distributed
- 12 as provided for retail beer permit fees in section one
- 13 hundred twenty-three point one hundred forty-three
- 14 (123.143), Code 1977, and for no other purpose."

A non-record roll call was requested.

The ayes were 33, nays 56.

Amendment H—5485 lost.

Daggett of Adams moved to reconsider the vote by which amendment H—5444B, to the Senate amendment H—5323, failed to be adopted by the House on February 28, 1978.

Fitzgerald of Webster asked and received unanimous consent for the previous question on House File 187, with respect to the filing of amendments only.

(House File 187 and the motion to reconsider amendment H—5444B, to the Senate amendment H—5323, pending at adjournment and placed under unfinished business.)

MOTIONS TO RECONSIDER

(Amendment H—5430 to amendment H—5323 to House File 187)

I move to reconsider the vote by which amendment H—5430, to the Senate amendment H—5323, to House File 187, failed to be adopted by the House on February 28, 1978.

PERKINS of Greene

(Amendment H—5444A to amendment H—5323 to House File 187)

I move to reconsider the vote by which amendment H—5444A, to the Senate amendment H—5323, to House File 187, was adopted by the House on February 28, 1978.

BRANSTAD of Winnebago

(Amendment H—5465 to amendment H—5323 to House File 187)

I move to reconsider the vote by which amendment H—5465, to the Senate amendment H—5323, to House File 187, failed to be adopted by the House on February 28, 1978.

WOODS of Polk

(Amendment H—5485 to amendment H—5323 to House File 187)

I move to reconsider the vote by which amendment H—5485, to the Senate amendment H—5323, to House File 187, failed to be adopted by the House on February 28, 1978.

DYRLAND of Clayton

(House File 2006)

I move to reconsider the vote by which House File 2006 passed the House on February 27, 1978.

SCHNEKLOTH of Scott.

UNANIMOUS CONSENT CALENDAR

(House Concurrent Resolution 108)

We hereby respectfully request that House Concurrent Resolution 108, filed on February 6, 1978 and found on page 342 of the House Journal, be placed on the unanimous consent calendar.

FITZGERALD of Webster
HANSEN of O'Brien
CUSACK of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 424 Transportation

Relating to registration fees for motor trucks, truck tractors, and road tractors registered for a combined gross weight of four tons or less.

S.B. 425 Human Resources

Require appointment of interpreters of hearing impaired persons without charge to the person in legal and administrative proceedings.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., February 23, 1978

Convened: 9:10 a.m.

Adjourned: 10:30 a.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Brockett, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Norland, Poncy, Small, Stromer, Spear and Thompson.

Excused: Baker and Byerly.

Committee Bill (Formerly House File 2072), a bill for an act to establish a community education program.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Norland, Poncy, Spear, Stromer and Thompson.

Nay: Brockett and Koogler.

Absent or not voting: Lind, Baker and Byerly.

Study Bill 341, a bill for an act relating to the sale by area schools of student-constructed building and certain property.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Brockett, Crawford, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Norland, Poncy, Stromer and Thompson.

Nay: Dyrland and Spear.

Absent or not voting: Baker, Byerly and Small.

Discussion of Study Bill 319.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 8:30 a.m., February 27, 1978

Convened: 8:40 a.m.

Adjourned: 10:45 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen, and Miller (Sergeant) of Calhoun.

Absent: Newhard.

Discussion of intent language for bill to be drafted.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 1:00 p.m., February 27, 1978

Convened: 1:10 p.m.

Adjourned: 2:00 p.m.

Present: Middleswart, chair; Halvorson, ranking member; Bennett, Evans, Garrison, Miller of Buchanan, Pelton, Stephens, Tofte, Varley, Welden and Wyckoff.

Absent: Spencer (arrived 1:24 p.m.), Chiodo (arrived 1:27 p.m.), Griffee, Jesse, Perkins (arrived 1:36 p.m.), Scheelhaase and Shimanek (arrived 1:30 p.m.).

Excused: Avenson and O'Halloran.

Study Bill 397, a bill for an act relating to authority of soil conservation district commissioners and their authorized agents or employees to enter upon public or private property.

Recommended Do Pass.

Aye: Middleswart, Halvorson, Bennett, Evans, Garrison, Miller of Buchanan, Pelton, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or not voting: Spencer, Avenson, Chiodo, Griffiee, Jesse, O'Halloran, Perkins, Scheelhaase and Shimanek.

Study Bill 401, a bill for an act relating to the meeting dates of the state conservation commission.

Recommended Do Pass.

Aye: Middleswart, Spencer, Halvorson, Bennett, Evans, Garrison, Miller of Buchanan, Pelton, Stephens, Tofte, Varley, Welden, and Wyckoff.

Nay: None.

Absent or not voting: Avenson, Chiodo, Griffiee, Jesse, O'Halloran, Perkins, Scheelhaase and Shimanek.

Assignment of bills. Discussion of continued study of the conservation commission.

COMMITTEE ON TRANSPORTATION

Scheduled: 1:00 p.m., February 27, 1978

Convened: 1:05 p.m.

Adjourned: 1:35 p.m.

Present: Krause, chair; Davitt, vice-chair; Schroededr, ranking member; Brunow, Clark of Cerro Gordo, Doyle, Dunton, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Monroe, Rinas, Schnekloth and Woods.

Absent: Binneboese, Egenes and Oxley.

Study Bill 412, a bill for an act relating to railroad spur tracks.

Recommended Do Pass.

Aye: Krause, Davitt, Clark of Cerro Gordo, Doyle, Dunton, Gettings, Hoffmann, Hullinger, Lageschulte, Rinas and Woods.

Nay: Schroeder and Schnekloth.

Absent or not voting: Binneboese, Brunow, Egenes, Harbor, Lipsky, Monroe and Oxley.

Committee Bill (Formerly House File 2088), a bill for an act relating to the payment for the operation and maintenance of freeway lighting systems in cities.

Recommended Do Pass.

Aye: Krause, Davitt, Schroeder, Brunow, Doyle, Dunton, Gettings, Hullinger, Lipsky, Monroe, Rinas, Schnekloth and Woods.

Nay: Clark of Cerro Gordo, Harbor and Lageschulte.

Absent or not voting: Binneboese, Egenes, Hoffmann and Oxley.

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 5:30 p.m., February 27, 1978

Convened: 5:45 p.m.

Adjourned: 7:00 p.m.

Present: Rinas, chair; Tauke, ranking member; Binneboese, Brandt, Clark of Lee, Hinkhouse, Hoffmann, Middleswart, Pavich, Schnekloth, Schroeder and Spencer.

Discussed Great River Road funding.

AMENDMENTS FILED

H-5470	H.F. 2243	Husak of Tama Bennett of Ida
H-5471	H.F. 2243	Tofte of Winneshiek
H-5472	H.F. 2244	Evans of Grundy
H-5473	H.F. 606	Evans of Grundy Miller of Buchanan Husak of Tama West of Marshall Pellett of Cass Schroeder of Pottawattamie Crabb of Crawford Wyckoff of Benton Brockett of Marshall
H-5474	H.F. 2048	Spear of Lee
H-5475	H.F. 2170	Wyckoff of Benton
H-5477	H.F. 2006	Lageschulte of Bremer Spear of Lee Schnekloth of Scott Hinkhouse of Cedar

H-5478	H.F. 2244	Evans of Grundy
H-5479	S.F. 336	Schnekloth of Scott
H-5480	H.F. 2084	Varley of Adair
H-5481	H.F. 2222	Connors of Polk
		Bina of Scott
H-5482	H.F. 2264	Newhard of Jones
		Schroeder of Pottawattamie
H-5483	H.F. 2048	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster the House adjourned at 10:00 p.m., until 1:00 p.m., Wednesday, March 1, 1978.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day—Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 1, 1978

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

Prayer was offered by Father Vitolds Valaines, pastor of St. Patrick's Catholic Church, Burlington, Iowa.

The Journal of Tuesday, February 28, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Joe Veverka, Prairie City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Millen of Van Buren on request of Varley of Adair; Walter of Pottawattamie on request of Gettings of Wapello; Binz of Scott on request of Hinkhouse of Cedar; Stromer of Hancock on request of Lind of Black Hawk, all for March 1 and 2, 1978.

PRESENTATION OF VISITORS

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

Fifty-six students from McCombs Junior High School, Des Moines, Iowa, accompanied by Mrs. Peterson and Mrs. Cherry. By Woods of Polk.

Thirty-one members of the 11th grade American Government class from Gilmore City-Bradgate School, Gilmore City, Iowa, accompanied by Mrs. Velma Juelfa. By Cochran of Webster.

PETITIONS FILED

The following petitions were received and placed on file:

By Binneboese of Plymouth, from thirty-two constituents, opposing the use of state funds for abortions.

By Brockett of Marshall from one hundred ten Marshall County residents and Millen of Van Buren from fifteen constituents favoring products liability legislation to preserve jobs and job opportunities.

By Clark of Cerro Gordo from eight students at Iowa State University urging legislative support of the Quadrangle Remodeling Project.

INTRODUCTION OF BILLS

House File 2274, by Byerly, a bill for an act relating to advertising for dental services.

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

House File 2275, by Hines, a bill for an act appropriating funds to the state board of regents for the construction of a new music building at Iowa state university of science and technology.

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

House File 2276, by Gilson, a bill for an act authorizing certain persons to conduct raffles at a fair as defined in section ninety-nine B point one (99B.1) of the Code.

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

House File 2277, by committee on education, a bill for an act relating to the sale by area schools of student-constructed buildings and certain property.

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

House File 2278, by committee on education, a bill for an act to establish a community education program.

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

House File 2279, by committee on judiciary and law enforcement, a bill for an act relating to the state intestate succession statute.

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

House File 2280, by committee on judiciary and law enforcement, a bill for an act relating to payment of pension funds and insurance benefits to beneficiaries in cases involving a dissolution of marriage.

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

House File 2281, by Tauke, Shimanek and Tofte, a bill for an act relating to the construction of pipelines and underground storage facilities.

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

House File 2282, by Newhard, Krewson and Gentleman, a bill for an act to enact the Uniform Parentage Act providing substantive equality for all children regardless of the marital status of their parents and providing for civil contempt.

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

House File 2283, by committee on transportation, a bill for an act relating to railroad spur tracks.

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

House File 2284, by committee on natural resources, a bill for an act relating to the trapping of fur-bearing animals including the checking of traps and stamping of pelts.

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

HOUSE CONCURRENT RESOLUTION 116

By Lonergan

- 1 *Whereas*, on July 6, 1881 Kate Shelley, a girl of
- 2 fifteen years of age who lived near Moingona, Iowa,
- 3 performed a heroic act which gave her lasting fame

4 throughout the entire world; and

5 *Whereas*, the act of heroism of Kate Shelley was the
6 subject of many journalistic and poetic writings through-
7 out the world; and

8 *Whereas*, the heroic act of Kate Shelley consisted of
9 her journey through a terrible rain storm which had
10 flooded the countryside, torn up trees, created ram-
11 paged creeks and rivers, and destroyed the Honey Creek
12 bridge which resulted in a train engine carrying four
13 crewmen falling into Honey Creek and would have destroyed
14 an on-coming passenger train and killed many persons
15 had not Kate Shelley reached Moingona, Iowa in time to
16 prevent such disaster and save two of the four crewmen
17 who had crashed into Honey Creek; and

18 *Whereas*, Kate Shelley was honored by the Nineteenth
19 General Assembly of Iowa in the year 1882 and the
20 governor of Iowa, as well as by many other organizations
21 and persons and her act of heroism is well remembered
22 and recorded in Iowa history; and

23 *Whereas*, it is appropriate that a commemorative stamp
24 paying tribute to Kate Shelley and her act of heroism be
25 issued during the one-hundredth anniversary of such act;
26 *Now Therefore*,

27 *Be It Resolved by the House of Representatives, the*
28 *Senate Concurring*, That the members of the Iowa congress-
29 sional delegation be respectfully requested to urge the
30 United States Postmaster General and the Citizens' Stamp

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1 Advisory Committee to issue a commemorative stamp
2 during the year 1981 honoring Kate Shelley and her
3 heroic accomplishment; and

4 *Be It Further Resolved*, That copies of this resolution
5 be forwarded to each member of the Iowa congressional
6 delegation, the United States Postmaster General, and
7 the Citizens' Stamp Advisory Committee.

Laid over under Rule 25.

HOUSE CONCURRENT RESOLUTION 117

By Harbor, Varley, Daggett, Wyckoff, Welden, Hansen, Evans,
Schroeder, Egenes, Millen, Crabb, Stromer, Branstad,
Harvey, Lipsky, Junker, Byerly, Baker, Miller of Buchanan, Menke, Husak,
Walter, Stephens, Perkins, Thompson, Danker, Brockett and West

1 *Whereas*, studies have shown that a great number of
2 Americans have little or no knowledge of how the free
3 enterprise system — the keystone of the economic system
4 of the United States — operates, or the contributions it
5 has made to the American way of life; and

6 *Whereas*, the federal government, in recognition
7 of this situation, has recently made available a book-
8 let explaining the free enterprise system and has fur-
9 nished the media with spot advertisements so that the
10 public might be aware of its availability; and

11 *Whereas*, several private business concerns have ad-
12 ditionally attempted through the media to make the
13 public aware of how the free enterprise system oper-
14 ates and the benefits of such a system; and

15 *Whereas*, in recognition that there is a need for
16 greater information and study of the free enterprise
17 system at the several levels of the American educational
18 system, institutions of higher education have begun to
19 examine the situation and possible routes for providing
20 the same, and

21 *Whereas*, after investigations and discussions with
22 many people including academicians and business leaders,
23 the conclusion that such a position in an institution of
24 higher education could prove most remedial for not only
25 students at that institution, but for all Iowans through
26 the teaching of the political and economic freedoms es-
27 sential to the survival of the free enterprise system and
28 the benefits derived from these freedoms by various groups,
29 the preparation of educational materials including film
30 strips and television tapes which are suitable for use
31 not only on television but in the classrooms and in small
32 group meetings, the presentation of speeches as a public
33 service, and the participation in seminars and workshops
34 for public school teachers; *Now Therefore*,

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1 *Be It Resolved by the House of Representatives,*
2 *The Senate Concurring*, That the General Assembly urges
3 that the state board of regents, in partnership with pri-
4 vate industry, establish an endowed free enterprise pro-
5 fessional chair at one of the institutions of higher edu-
6 cation under its jurisdiction in order that all Iowans
7 may reap the benefits thereof; and

8 *Be It Further Resolved*, That the objectives of such
9 a position be to improve the atmosphere surrounding private
10 enterprise and overall economic literacy, to counter in-
11 correct concepts regarding the benefits and contribu-
12 tions of the free enterprise system, and to provide a
13 forum for the discussion of business concepts which are
14 often omitted in an educational environment.

Referred to committee on education.

HOUSE RESOLUTION 112

By Smalley

1 *Whereas*, The American Red Magen David for Israel is the
2 sole authorized supply and support wing in the United States
3 of Magen David Adom in Israel, the major emergency health
4 service in Israel; and

5 *Whereas*, Although the Magen David Adom is totally involved
6 in every aspect of health maintenance and the preservation
7 of human life, its chief concern is blood, collecting it,
8 processing it, storing it, and dispensing it to all of Israel's
9 medical institutions; and

10 *Whereas*, Israel's only blood fractionation center, twenty-
11 four hour ambulance service in every community in Israel,
12 first aid stations in underground shelter clinics throughout
13 Israel, first aid training to thousands of volunteers, research
14 programs, and emergency food and medical aid are all vital
15 humanitarian services designed to relieve suffering and save
16 lives which are made possible by the lifeline of assistance
17 extended to the people of Israel through American Red Magen
18 David for Israel; and

19 *Whereas*, The American Red Magen David for Israel is
20 deserving of special recognition for its efforts to build
21 a new blood fractionation center in Tel Aviv to fulfill the
22 requirements of the Israeli army, the civilian population,
23 and all of the nation's hospitals; *Now Therefore*,

24 *Be It Resolved by the House of Representatives*, That the
25 American Red Magen David for Israel is to be commended for
26 its outstanding record of dedicated and highly effective
27 service on behalf of Magen David Adom and its humanitarian
28 endeavors within the State of Israel; and

29 *Be It Further Resolved*, That a suitably prepared copy of
30 this resolution be transmitted to the American Red Magen David
31 for Israel.

Referred to committee on **human resources**.

HOUSE RESOLUTION 113

By Chiodo and Woods

1 *Whereas*, The Dowling High School wrestling team
2 won the Class 3-A State wrestling team championship on
3 February 25, 1978; and

4 *Whereas*, Mr. Bob Darrah and Dowling High School
5 have won their second state wrestling championship in
6 three years; and

7 *Whereas*, Mr. John Campana and Mr. Perry Hummel
8 each won individual wrestling championships; and

9 *Whereas*, Mr. Bob Darrah was the 1977 Class 3-A
10 wrestling coach of the year; and

11 *Whereas*, Dowling High School had eight high
12 school wrestlers qualify for the State Meet; and

13 *Whereas*, the example the team has set in good
14 sportsmanship, citizenship and their dedication to
15 the tasks before them, regardless of their excellent
16 record and the championship they have won; *Now*
17 *Therefore*,

18 *Be It Resolved by the House of Representatives*,
19 That we extend our heartiest congratulations to Head
20 Coach Bob Darrah, his coaching assistant Coach Jim
21 Blasingame, and the Dowling High School Student Body
22 and Faculty for its excellence and sportsmanship.

Laid over under Rule, 25.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2132, a bill for an act relating to the period of limitations during which determination of income tax due can be made and refunds can be claimed.

KEVIN P. LIGHT, Assistant Secretary of the Senate

SENATE MESSAGES CONSIDERED

Senate File 2020, a bill for an act relating to the remission of excess funds from the soybean promotion fund.

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

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

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

Senate File 2128, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion.

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

Senate File 2131, a bill for an act to consolidate the licensing of funeral directors and embalmers.

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

Senate File 2133, a bill for an act to provide workers' compensation for state inmates.

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

Senate File 2137, a bill for an act relating to the imposition of a tax on generation skipping transfers and making the Act retroactive.

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

CONSIDERATION OF BILLS Budget Calendar

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of **House File 2243**, a bill for an act relating to and appropriating funds to state agencies for designated service programs including health programs, civil rights and parole services and programs for minority, elderly and disadvantaged persons.

Husak of Tama offered the following amendment H—5470 filed by him and Bennett of Ida:

H—5470

- 1 Amend House File 2243 as follows:
- 2 1. Page 4, line 25, by inserting after the word
- 3 "jurisdiction" the words ", and which shall include a
- 4 statement assuring that the appropriate local agencies
- 5 have participated in the formulation of the proposal".
- 6 2. Page 4, by inserting after line 31 the following
- 7 words: "Local boards of health shall make an effort
- 8 to subcontract with agencies that are providing existing
- 9 services to prevent the duplication of services."

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present.

The vote revealed eighty-seven members present, thirteen absent.

Husak of Tama moved the adoption of amendment H—5470.

Amendment H—5470 was adopted.

Welden of Hardin offered the following amendment H—5487 filed by him from the floor and moved its adoption:

H—5487

- 1 Amend House File 2243 as follows:
- 2 1. Page 7, by striking lines 24 through 32.

Amendment H—5487 lost.

Tofte of Winneshiek asked and received unanimous consent to withdraw amendment H—5471 filed by him on February 28, 1978.

Tofte of Winneshiek offered the following amendment H—5488 filed by him from the floor and moved its adoption:

H—5488

- 1 Amend House File 2243 as follows:
- 2 1. Page 7, by striking lines 27 through
- 3 32 and inserting in lieu thereof the following:
- 4 "It is the intent of the general assembly
- 5 that \$42,000 of the funds appropriated by this
- 6 lettered paragraph be used for a senior center
- 7 to be established in the low income and minority
- 8 community located on the north side of Waterloo,
- 9 Iowa. The remainder of the funds shall be used
- 10 to fund at least three additional senior centers
- 11 in the state."

Amendment H—5488 was adopted.

Pelton of Clinton offered the following amendment H—5489 filed by him from the floor. Division was requested as follows:

H—5489

- 1 Amend House File 2243 as follows:

H-5489A

- 2 1. Page 3, line 27, by striking the numerals
- 3 "181,621" and inserting in lieu thereof the numerals
- 4 "131,621".

H-5489B

- 5 2. Page 7, by inserting after line 26 the
- 6 following:
- 7 "e. For the retired senior volunteer
- 8 program.....\$50,000".

On motion by Pelton of Clinton, amendment H-5489A lost.

Pelton of Clinton moved the adoption of amendment H-5489B.

Roll call was requested by Harvey of Scott and Schnekloth of Scott.

Rule 70 was invoked.

On the question "Shall amendment H-5489B be adopted?"

The ayes were, 34:

Brandt	Brockett	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Dieleman
Egenes	Evans	Garrison	Gentleman
Hansen	Harvey	Hoffmann	Junker
Krewson	Lind	Lindeen	Lipsky
Menke	O'Halloran	Pellett	Pelton
Poncy	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Tauke	Thompson
Varley	West		

The nays were, 57:

Anderson	Avenson	Baker	Bennett
Binneboese	Branstad	Brunow	Chiodo
Connors	Crabb	Daggett	Danker
Davitt	Den Herder	Dunton	Dyrland
Fitzgerald	Gettings	Gilloon	Gilson
Griffie	Harbor	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Lageschulte	Lonergan	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich

Perkins	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Tofte
Weiden	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 9:

Arnould	Bina	Cusack	Doyle
Halvorson	Middleswart	Millen	Stromer
Walter			

Amendment H—5489B lost.

Monroe of Des Moines offered the following amendment H—5490 filed by him from the floor and moved its adoption:

H—5490

1 Amend House File 2243 as follows:
 2 1. Page 2, by inserting after line 27 the
 3 following:
 4 "The commissioner of health shall by December 31,
 5 1978 examine the policies and rules of licensing
 6 boards funded by this subsection and shall determine
 7 whether the policies and rules are in compliance with
 8 applicable statutes. If the commissioner finds that
 9 the rules or policies of a licensing board are not
 10 in compliance with statutory requirements, the
 11 licensing board shall by February 15, 1979 change
 12 or amend the policies or rules to achieve compliance
 13 with the statute. If the commissioner determines
 14 that compliance with the statute has not been achieved
 15 within the time period prescribed by this paragraph
 16 the commissioner shall notify the state comptroller
 17 of the noncompliance and the state comptroller shall
 18 not issue any warrants to the licensing board for
 19 funds appropriated by this subsection."

Amendment H—5490 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2243)

The ayes were, 93:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Arnould	Bina	Cusack	Doyle
Millen	Stromer	Walter	

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

MOTION TO RECONSIDER LOST (House File 2243)

Husak of Tama moved to reconsider the vote by which House File 2243 passed the House on March 1, 1978.

A non-record roll call was requested.

The ayes were 15, nays 59.

The motion lost.

SENATE AMENDMENT FURTHER CONSIDERED
Special Order On House File 187

The House resumed consideration of **House File 187**, a bill for an act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties.

The House resumed consideration of the Senate amendment H-5323, as amended, and the Daggett of Adams motion to reconsider the vote by which amendment H-5444B (to the Senate amendment H-5323) failed to be adopted by the House on February 28, 1978.

On the motion to reconsider, roll call was requested by Chiodo of Polk and Nielsen of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-5444B be reconsidered?"

The ayes were, 49:

Baker	Bennett	Byerly	Chiodo
Clark, J.H.	Conlon	Connors	Crabb
Daggett	Danker	Den Herder	Dieleman
Dunton	Dyrland	Fitzgerald	Gettings
Hansen	Harbor	Hargrave	Hinkhouse
Horn	Hullinger	Husak	Junker
Koogler	Lageschulte	Lind	Miller, K.D.
Nielsen	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Small
Smalley	Stephens	Svoboda	Tauke
Thompson	Wells	West	Woods
Wyckoff			

The nays were, 41:

Anderson	Avenson	Binneboese	Brandt
Brockett	Brunow	Clark, B.J.	Crawford
Davitt	Egenes	Evans	Garrison
Gentleman	Gilloon	Gilson	Griffie
Halvorson	Harvey	Hines	Hoffmann
Howell	Jesse	Jochum	Krause

Krewson	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Miller (Sergeant)	Monroe
Norland	O'Halloran	Patchett	Shimanek
Spear	Tofte	Varley	Welden
Mr. Speaker			

Absent or not voting, 10:

Arnould	Bina	Branstad	Cusack
Doyle	Millen	Newhard	Spencer
Stromer	Walter		

The motion prevailed and the House reconsidered amendment H—5444B.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Husak of Tama for the remainder of the day and March 2, 1978 on request of Wyckoff of Benton.

Svoboda of Iowa moved the adoption of amendment H—5444B, to the Senate amendment H—5323.

Roll call was requested by Brunow of Appanoose and Davitt of Warren.

Rule 70 was invoked.

On the question "Shall amendment H—5444B be adopted?"

The ayes were, 45:

Anderson	Baker	Bennett	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Daggett	Danker	Den Herder	Dunton
Dyrland	Fitzgerald	Gettings	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Hullinger	Junker	Koogler
Lind	Miller, K.D.	Nielsen	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Schnekloth	Schroeder
Small	Smalley	Stephens	Svoboda
Thompson	Wells	West	Woods
Wyckoff			

The nays were, 45:

Avenson	Binneboese	Brandt	Brockett
Brunow	Clark, B.J.	Crabb	Crawford
Davitt	Dieleman	Egenes	Evans
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hansen	Hines
Howell	Jesse	Jochum	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Patchett	Shimaneck	Spear	Spencer
Tauke	Tofte	Varley	Welden
Mr. Speaker			

Absent or not voting, 10:

Arnould	Bina	Branstad	Cusack
Doyle	Husak	Millen	Scheelhaase
Stromer	Walter		

Amendment H—5444B lost.

Woods of Polk called up for consideration the motion to reconsider amendment H—5465, to the Senate amendment H—5323, filed by him on February 28, 1978, and moved to reconsider the vote by which amendment H—5465 failed to be adopted by the House on February 28, 1978.

A non-record roll call was requested.

The ayes were 41, nays 41.

The motion lost.

Perkins of Greene called up for consideration the motion to reconsider amendment H—5430, to the Senate amendment H—5323, filed by him on February 28, 1978, and moved to reconsider the vote by which amendment H—5430 failed to be adopted by the House on February 28, 1978.

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

Rule 70 was invoked.

On the question "Shall amendment H—5430 be reconsidered?"

The ayes were, 44:

Arnould	Baker	Byerly	Chiodo
Conlon	Connors	Crabb	Danker
Dyrland	Fitzgerald	Gettings	Halvorson
Harbor	Hargrave	Harvey	Hinkhouse
Horn	Hullinger	Jesse	Jochum
Junker	Koogler	Lind	Miller, K.D.
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Smalley	Spencer	Stephens	Svoboda
Thompson	Wells	Woods	Wyckoff

The nays were, 46:

Anderson	Avenson	Bennett	Binneboese
Brandt	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Crawford	Daggett	Davitt
Den Herder	Dieleman	Dunton	Egenes
Evans	Garison	Gentleman	Gilloon
Gilson	Griffee	Hansen	Hoffmann
Howell	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller (Sergeant)	Monroe	O'Halloran	Patchett
Pelton	Shimanek	Small	Spear
Tauke	Tofte	Varley	Welden
West	Mr. Speaker		

Absent or not voting, 10:

Bina	Branstad	Cusack	Doyle
Hines	Husak	Krause	Millen
Stromer	Walter		

The motion lost.

Dyrland of Clayton called up for consideration the motion to reconsider amendment H-5485, to the Senate amendment H-5323, filed by him on February 28, 1978, and moved to reconsider the vote by which amendment H-5485 failed to be adopted by the House on February 28, 1978.

Roll call was requested by Dyrland of Clayton and Arnould of Scott.

On the question "Shall amendment H-5485 be reconsidered?"

The ayes were, 50:

Arnould	Baker	Binneboese	Byerly
Chiodo	Clark, J.H.	Conlon	Connors
Crawford	Danker	Dieleman	Dyrland
Gettings	Gilloon	Griffee	Halvorson
Hansen	Harvey	Horn	Hullinger
Jochum	Junker	Koogler	Krause
Lind	Lindeen	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Small	Spear	Spencer
Svoboda	Thompson	Wells	West
Woods	Wyckoff		

The nays were, 40:

Anderson	Avenson	Bennett	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Crabb	Daggett	Davitt	Den Herder
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Hargrave
Hinkhouse	Hoffmann	Howell	Jesse
Krewson	Lageschulte	Lipsky	Loneragan
Menke	Middleswart	Miller (Sergeant)	O'Halloran
Shimanek	Smalley	Stephens	Tauke
Tofte	Varley	Welden	Mr. Speaker

Absent or not voting, 10:

Bina	Cusack	Doyle	Harbor
Hines	Husak	Millen	Perkins
Stromer	Walter		

The motion prevailed and the House reconsidered amendment H—5485.

Schroeder of Pottawattamie moved the adoption of amendment H—5485.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 48, nays 44.

Amendment H—5485 was adopted.

Branstad of Winnebago asked and received unanimous consent to withdraw the motion to reconsider amendment H—5444A, to the Senate amendment H—5323, filed by him on February 28, 1978.

Varley of Adair moved to reconsider the vote by which amendment H—5440, to the Senate amendment H—5323, failed to be adopted by the House on February 28, 1978.

A non-record roll call was requested.

The ayes were 80, nays 4.

The motion prevailed and the House reconsidered amendment H—5440.

Perkins of Greene moved the adoption of amendment H—5440, to the Senate amendment H—5323.

Amendment H—5440 was adopted.

O'Halloran of Black Hawk moved that the House concur in the Senate amendment H—5323, as amended.

A non-record roll call was requested.

Under the provisions of Rule 71, Halvorson of Clayton refrained from voting.

The ayes were 68, nays 20.

The motion prevailed and the House concurred in the Senate amendment H—5323, as amended.

O'Halloran of Black Hawk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Halvorson of Clayton refrained from voting.

On the question "Shall the bill pass?" (H.F. 187)

The ayes were, 74:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Crabb	Crawford	Daggett	Davitt
Den Herder	Dieleman	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pelton
Perkins	Rinas	Scheelhaase	Schroeder
Shimanek	Small	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Weiden	Wells
West	Mr. Speaker		

The nays were, 14:

Byerly	Conlon	Connors	Danker
Dyrland	Hullinger	Koogler	Lind
Pavich	Pellett	Poncy	Schneklloth
Woods	Wyckoff		

Absent or not voting, 12:

Bina	Brockett	Cusack	Doyle
Halvorson	Harbor	Husak	Middleswart
Millen	Smalley	Stromer	Walter

The bill having received a contitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER LOST
(House File 187)

O'Halloran of Black Hawk moved to reconsider the vote by which House File 187 passed the House on March 1, 1978.

A non-record roll call was requested.

The ayes were 9, nays 61.

The motion lost.

Fitzgerald of Webster moved that the House adjourn until 10:30 a.m., Thursday, March 2, 1978.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 38, nays 12.

The motion prevailed.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, February 27, 1978 due to a conflicting meeting in Waterloo. Had I been present, I would have voted "aye" on the adoption of House Concurrent Resolution 109; "nay" on House File 2190 and amendments H-5275A and H-5275E to House Concurrent Resolution 109.

GARRISON of Black Hawk

I was necessarily absent from the House chamber, attending an NCSL Task Force Meeting in Washington, D.C., on the afternoon of March 1, 1978. Had I been present, I would have voted "aye" on House File 187.

MILLEN of Van Buren

I was necessarily absent from the House chamber when the vote was taken on House File 187. Had I been present, I would have voted "aye."

SMALLEY of Polk

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 426 Ways and Means

Relating to the valuation of certain classes of property for tax purposes.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., February 28, 1978

Convened: 8:15 a.m.

Adjourned: 9:53 a.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Harvey, Koogler, Stromer and Wells.

Absent: Avenson (arrived 9:25 a.m.), Jesse (arrived 9:18 a.m.), O'Halloran (arrived 8:32 a.m.) and Varley (arrived 8:30 a.m.).

Excused: Norland and Welden.

Study Bill 420, a bill for an act transferring the responsibilities to administer the interstate fuel use tax law from the department of revenue to the state department of transportation.

Recommended Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, Koogler, O'Halloran, Stromer and Wells.

Nay: None.

Absent or not voting: Norland, Varley and Welden.

Study Bill 422, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Recommended Amend and Do Pass.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, O'Halloran, Stromer, Varley and Wells.

Nay: Koogler.

Absent or not voting: Norland and Welden.

Discussed Study Bill 421 and recommended referral to the committee on ways and means.

COMMITTEE ON AGRICULTURE

Scheduled: 10:30 a.m., February 28, 1978

Convened: 10:40 a.m.

Adjourned: 11:05 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member; Bennett, Binneboese, Crabb, Danker, Davitt, Den Herder, Gettings, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller (Sergeant) of Calhoun.

Absent: Byerly (arrived 10:55 a.m.) and Svoboda.

House Resolution 109, a bill for an act relating to beef grading.

Recommended Amend and Do Pass.

H-5486

- 1 Amend House Resolution 109, which appears on pages
- 2 608 and 609 of the House Journal, as follows:
- 3 1. Page 2, line 4, by inserting after the word "the"
- 4 the word "Iowa".
- 5 2. Page 2, by inserting after line 12 the following:
- 6 *"Be It Further Resolved*, That a copy of this resolu-
- 7 tion be forwarded to the Iowa congressional delegation,
- 8 chairpersons of the United States Senate and House
- 9 agriculture committees, secretary of the United States
- 10 department of agriculture and the director of the meat
- 11 grading branch of the food safety and quality service
- 12 of the United States department of agriculture."

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Den Herder, Gettings, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke and Miller (Sergeant) of Calhoun.

Nay: None.

Absent or not voting: Svoboda.

AMENDMENTS FILED

H-5491

Gilson of Guthrie

S.F. 2133

Conlon of Muscatine
Bennett of Ida

Hoffmann of Muscatine
 Schnekloth of Scott
 Smalley of Polk
 Daggett of Adams
 Garrison of Black Hawk
 Davitt of Warren
 Hinkhouse of Cedar
 Branstad of Winnebago
 Wyckoff of Benton
 Hullinger of Decatur
 Crabb of Crawford

Menke of O'Brien
 Clark of Lee
 Woods of Polk
 Chiodo of Polk
 Husak of Tama
 Harvey of Scott
 Thompson of Polk
 Dieleman of Marion
 Dunton of Keokuk
 Harbor of Mills
 Hansen of O'Brien

H-5492	H.F. 2244
H-5493	H.F. 2264
H-5494	H.F. 2244
H-5495	H.F. 2244
H-5496	H.F. 2048
H-5497	H.F. 2048
H-5498	H.F. 2048

Rinas of Linn
 Schroeder of Pottawattamie
 Evans of Grundy
 Smalley of Polk
 Gilson of Guthrie
 Horn of Linn
 Spear of Lee

On previous motion by Fitzgerald of Webster, the House adjourned at 7:02 p.m., until 10:30 a.m., Thursday, March 2, 1978.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day—Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 2, 1978

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

Prayer was offered by the Reverend Rudolph Trusheim, pastor of the Staves United Methodist Church, Des Moines, Iowa.

The Journal of Wednesday, March 1, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. P. Hawkins, Clarion, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott for a portion of the day on request of Arnould of Scott; O'Halloran of Black Hawk on request of Brandt of Black Hawk.

PRESENTATION OF VISITORS

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

Fourteen members of the government class from St. Edmunds High School, Fort Dodge, Iowa, accompanied by Jim O'Connor, Mrs. Astor and Mrs. Prohaska. By Cochran of Webster.

Twenty-two members of the government class from Fort Dodge High School, Fort Dodge, Iowa, accompanied by Ron Hagemann, Mrs. Astor and Mrs. Prohaska. By Cochran of Webster.

Eighteen Honor Society Students from Eagle Grove High School, Eagle Grove, Iowa; six Honor Society Students from Alabama, accompanied by Mr. Williams. By Cochran of Webster.

Twenty-two seniors from Galva High School, Galva, Iowa, accompanied by Mike Thompson. By Bennett of Ida.

PETITION FILED

The following petition was received and placed on file:

By Wells of Linn from fifty-five constituents favoring House File 313, relating to establishing a separate credit union department in state government.

INTRODUCTION OF BILLS

House File 2285, by Scheelhaase, Doyle, Junker, Crabb, Danker and Binneboese, a bill for an act to create an Iowa boundary commission.

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

House File 2286, by Thompson, Conlon and West, a bill for an act to allow the deduction of mobile home taxes paid in computing the state individual income tax.

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

House File 2287, by Pelton, Hansen, Shimanek, Welden, Smalley, Lind and Egenes, a bill for an act to provide for the retirement of certain judicial officers as senior judges.

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

House File 2288, by Miller of Buchanan, a bill for an act to clarify the procedure for involuntary commitment of a person found to be a substance abuser.

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

House File 2289, by committee on budget, a bill for an act transferring the responsibilities to administer the interstate fuel use tax law from the department of revenue to the state department of transportation.

Read first time and placed on the budget calendar.

House File 2290, by committee on budget, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to persons who engage in the business of buying and selling grain.

Also: That the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2008, a bill for an act to provide a salary increase for shorthand reporters.

Also: That the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2043, a bill for an act relating to the payment of special assessments.

Also: That the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2157, a bill for an act relating to the administration of the Bankhead—Jones Farm Tenant Act.

KEVIN P. LIGHT, Assistant Secretary of the Senate

CONSIDERATION OF BILLS

Senate File 2151 Substituted for House File 2222

Connors of Polk asked and received unanimous consent to substitute Senate File 2151 for House File 2222.

Senate File 2151, a bill for an act relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent and when interest as a penalty may be charged, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2151)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Davitt
Den Herder	Dieleman	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Arnould	Bina	Cusack	Doyle
Egenes	Hargrave	Harvey	Hines
Husak	Millen	O'Halloran	Patchett
Pelton	Schroeder	Stromer	Walter

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

HOUSE FILE 2222 WITHDRAWN

Connors of Polk asked and received unanimous consent to withdraw House File 2222 from further consideration by the House.

Senate File 384, a bill for an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of fifteen or more dwelling units, and to provide that all functions of public bathrooms available to the

physically handicapped shall be accessible to those persons, with report of committee recommending amendment and passage was taken up for consideration.

Krewson of Polk offered the following amendment H—5407 filed by Krewson, et al., and moved its adoption:

H—5407

- 1 Amend S.F. 384, as amended and reprinted by the
- 2 Senate, as follows:
- 3 1. Page 1, by inserting after line 16, the
- 4 following:
- 5 "Sec. . Section one hundred four A
- 6 point three (104A.3), subsection five (5), Code
- 7 1977, is amended by striking the subsection."

Amendment H—5407 was adopted.

Krewson of Polk offered amendment H—5142 filed by the committee on cities on January 26, 1978, found on page 234 of the House Journal and moved its adoption.

Amendment H—5142 was adopted.

Jesse of Polk offered the following amendment H—5502 filed by him from the floor and moved its adoption:

H—5502

- 1 Amend Senate File 384, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, line 16; by inserting after the word
- 4 "handicapped." the words "Any fraction five-tenths or
- 5 below shall be rounded to the next lower whole unit."

Amendment H—5502 was adopted.

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

On the question "Shall the bill pass?" (S.F. 384)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Transtad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Dyrland
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Dunton

Absent or not voting, 15:

Bina	Cusack	Doyle	Egenes
Evans	Hargrave	Hines	Hullinger
Husak	Krause	Millen	O'Halloran
Patchett	Stromer	Walter	

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

House File 2244, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties, was taken up for consideration.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5478 filed by him on February 28, 1978.

Evans of Grundy offered the following amendment H—5472 filed by him and moved its adoption:

H-5472

- 1 Amend House File 2244 as follows:
- 2 1. Page 11, line 30, by striking the words "for
- 3 the" and inserting in lieu thereof the words ", accessible
- 4 to all tenants, for the central collection and".

Amendment H-5472 was adopted.

Smalley of Polk offered the following amendment H-5495 filed by him:

H-5495

- 1 Amend House File 2244 as follows:
- 2 1. Page 17, by striking lines 1 through 35.
- 3 2. Page 18, by striking lines 1 through 11.

(House File 2244 and amendment H-5495 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Binneboese of Plymouth on request of Newhard of Jones; Junker of Woodbury on request of Wyckoff of Benton; Hargrave of Johnson on request of Anderson of Jasper; Oxley of Linn on request of Hullinger of Decatur; all for the afternoon session.

QUORUM CALL

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

BUSINESS PENDING

The House resumed consideration of **House File 2244**, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties, and amendment H-5495.

Smalley of Polk moved the adoption of amendment H—5495.

Roll call was requested by Patchett of Johnson and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall amendment H—5495 be adopted?"

The ayes were, 44:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Davitt	Den Herder
Dunton	Egenes	Evans	Garrison
Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Horn
Koogler	Lind	Lindeen	Lonergan
Menke	Miller, K.D.	Miller (Sergeant)	Pellett
Perkins	Poncy	Schnekloth	Schroeder
Smalley	Stephens	Tofte	Varley
Welden	West	Woods	Wyckoff

The nays were, 41:

Anderson	Arnould	Avenson	Brandt
Brunow	Clark, B.J.	Connors	Crawford
Dieleman	Dyrland	Fitzgerald	Gentleman
Gettings	Gilloon	Griffee	Hines
Howell	Hullinger	Jesse	Jochum
Krause	Krewson	Lageschulte	Lipsky
Middleswart	Monroe	Newhard	Nielsen
Norland	Patchett	Pavich	Rinas
Scheelhaase	Shimanek	Small	Spear
Spencer	Svoboda	Tauke	Wells
Mr. Speaker			

Absent or not voting, 15:

Bina	Binneboese	Chiodo	Cusack
Doyle	Hargrave	Husak	Junker
Millen	O'Halloran	Oxley	Pelton
Stromer	Thompson	Walter	

Amendment H—5495 was adopted, placing out of order the following amendments: H—5492 filed by Rinas of Linn on March 1, 1978 and H—5494 filed by Evans of Grundy on March 1, 1978.

Speaker pro tempore Nielsen of Polk in the chair at 2:57 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thompson of Polk on request of Varley of Adair; Pelton of Clinton on request of Shimanek of Jones, both for the remainder of the day.

Schnekloth of Scott offered the following amendment H—5510 filed by him from the floor:

H—5510

- 1 Amend House File 2244 as follows:
- 2 1. Page 2, by inserting after line 21, the
- 3 following new subsection:
- 4 " . . . Occupancy under a rental agreement in
- 5 existence on the effective date of this Act."

Schnekloth of Scott offered the following amendment H—5512, to amendment H—5510, filed by him from the floor and moved its adoption:

H—5512

- 1 Amend amendment H—5510, to House File 2244, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "Act" the words "affecting single family dwellings
- 5 located on agricultural land".

A non-record roll call was requested.

The ayes were 31, nays 41.

Amendment H—5512 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—5510.

Perkins of Greene offered the following amendment H—5515 filed by him from the floor:

H—5515

- 1 Amend House File 2244 as follows:
- 2 1. Page 2, by inserting after line 21 the following:
- 3 "8. Occupancy under a rental agreement covering a

- 4 single family residence located on land assessed as
- 5 agricultural land and located in an unincorporated area."

Perkins of Greene asked and received unanimous consent to defer action on amendment H—5515.

Conlon of Muscatine offered amendment H—5504 filed by him from the floor and requested division as follows:

H—5504

- 1 Amend House File 2244 as follows:

H—5504A

- 2 1. Page 2, by striking lines 22 through 35.
- 3 2. Page 3, by striking lines 1 through 15.

H—5504B

- 4 3. Page 19, line 23, by inserting after the word
- 5 "casualty" the following: "not the result of an
- 6 intentional or negligent act or omission of the tenant,
- 7 the tenants' family, or person on the premises with
- 8 the permission of the tenant,".

On motion by Conlon of Muscatine, amendment H—5504A was adopted.

Conlon of Muscatine asked and received unanimous consent to withdraw amendment H—5504B.

Rinas of Linn offered the following amendment H—5514 filed by him from the floor and moved its adoption:

H—5514

- 1 Amend House File 2244 as follows:
- 2 1. Page 5, by inserting after line 5 the
- 3 following: " . "Reasonable attorney's
- 4 fees" means fees determined by the time reasonably
- 5 expended by the attorney and not by the amount
- 6 of the recovery on behalf of the tenant or landlord."

Amendment H—5514 was adopted.

Clark of Cerro Gordo offered the following amendment H—5507 filed by her from the floor and moved its adoption:

H-5507

- 1 Amend House File 2244 as follows:
- 2 1. Page 8, line 12, by striking the word "two"
- 3 and inserting in lieu thereof the word "one".

A non-record roll call was requested.

The ayes were 21, nays 44.

Amendment H-5507 lost.

Arnould of Scott offered the following amendment H-5503 filed by Arnould, Dyrland, Rinas, Jochum, Gettings, Monroe and Harvey from the floor:

H-5503

- 1 Amend House File 2244 as follows:
- 2 1. Page 8, line 22, by striking the words "Any
- 3 interest" and inserting in lieu thereof the words
- 4 "Interest in the amount of four percent".
- 5 2. Page 8, line 23, by striking the word "landlord"
- 6 and inserting in lieu thereof the words "tenant, and
- 7 any remaining interest earned shall be the property of
- 8 the landlord".

Spencer of Clay offered the following amendment H-5513, to amendment H-5503, filed by him and Rinas of Linn from the floor and moved its adoption:

H-5513

- 1 Amend amendment H-5503, to House File 2244, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 8 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 8, by striking lines 20 through 23 and
- 6 inserting in lieu thereof the following: "(117) of
- 7 the Code, all rental deposits shall be held in an
- 8 interest bearing account. Any interest earned on a
- 9 rental deposit shall be the property of the tenant."

Roll call was requested by Rinas of Linn and Tofte of Winneshiek.

On the question "Shall amendment H-5513 be adopted?"

The ayes were, 29:

Anderson	Arnould	Brunow	Crabb
Dunton	Dyrland	Garrison	Gentleman
Gilloon	Griffie	Hines	Hoffmann
Howell	Jochum	Koogler	Krewson
Menke	Newhard	Norland	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Wells			

The nays were, 48:

Baker	Bennett	Branstad	Brockett
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Evans	Gilson	Halvorson	Hansen
Harbor	Harvey	Horn	Jesse
Krause	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Middleswart	Miller (Sergeant)
Monroe	Pellett	Perkins	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Tauke	Tofte	Varley	Welden
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

Absent or not voting, 23:

Avenson	Bina	Binneboese	Brandt
Cochran	Connors	Doyle	Egenes
Fitzgerald	Gettings	Hargrave	Hinkhouse
Hullinger	Husak	Junker	Millen
Miller, K.D.	O'Halloran	Oxley	Pelton
Stromer	Thompson	Walter	

Amendment H—5513 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hinkhouse of Cedar on request of Spear of Lee for the remainder of the day.

Arnould of Scott moved the adoption of amendment H—5503.

Roll call was requested by Rinas of Linn and Monroe of Des Moines.

Rule 70 was invoked.

On the question "Shall amendment H—5503 be adopted?"

The ayes were, 43:

Anderson	Arnould	Avenson	Baker
Brunow	Byerly	Chiodo	Clark, J.H.
Connors	Crawford	Cusack	Dunton
Dyrland	Gentleman	Gettings	Gilloon
Gilson	Griffee	Harvey	Hines
Hoffmann	Jochum	Koogler	Krause
Krewson	Lindeen	Lonergan	Menke
Monroe	Newhard	Norland	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Stephens
Svoboda	Wells	Woods	

The nays were, 38:

Bennett	Branstad	Brockett	Clark, B.J.
Conlon	Crabb	Daggett	Danker
Davitt	Den Herder	Dieleman	Evans
Garrison	Halvorson	Hansen	Harbor
Horn	Howell	Jesse	Lageschulte
Lind	Lipsky	Middleswart	Miller, K.D.
Miller (Sergeant)	Pellett	Perkins	Schneklath
Schroeder	Shimanek	Smalley	Tauke
Tofte	Varley	Welden	West
Wyckoff	Mr. Speaker (Nielsen)		

Absent or not voting, 19:

Bina	Binneboese	Brandt	Cochran
Doyle	Egenes	Fitzgerald	Hargrave
Hinkhouse	Hullinger	Husak	Junker
Millen	O'Halloran	Oxley	Pelton
Stromer	Thompson	Walter	

Amendment H—5503 was adopted.

Evans of Grundy offered the following amendment H—5508 filed by him from the floor and moved its adoption:

H—5508

- 1 Amend House File 2244 as follows:
- 2 1. Page 24, line 34, by inserting after the
- 3 word "services." the following words: "Evidence by
- 4 the landlord that legitimate costs and charges of
- 5 owning, maintaining or operating a dwelling unit have

6 increased shall be a defense against the pre-
 7 sumption of retaliation when a rent increase is com-
 8 mensurate with the increase in costs and charges."

Amendment H—5508 was adopted.

Perkins of Greene offered the following amendment H—5516
 filed by him from the floor and moved its adoption:

H—5516

1 Amend House File 2244 as follows:
 2 1. Page 7, line 23, by inserting after the word
 3 "Act" the words "provided that this restriction shall
 4 not apply to rental agreements covering single family
 5 residences on land assessed as agricultural land and
 6 located in an unincorporated area".

A non-record roll call was requested.

The ayes were 41, nays 18.

Amendment H—5516 was adopted.

Perkins of Greene asked and received unanimous consent to
 withdraw amendment H—5515.

Patchett of Johnson offered the following amendment H—5517
 filed by him from the floor and moved its adoption:

H—5517

1 Amend House File 2244 as follows:
 2 1. Page 10, line 34 by striking the words
 3 "fully explain" and inserting in lieu thereof the
 4 words "provide a written explanation of".
 5 2. Page 16, by striking lines 31 through 34
 6 and inserting in lieu thereof the following:
 7 "2. If a landlord's failure to deliver
 8 possession is willful and not in good faith, a
 9 tenant may recover from the landlord an amount
 10 not more than three months' periodic rent or three-
 11 fold the actual damages sustained by such tenant,".
 12 3. Page 18, line 25 by striking the word "Any"
 13 and inserting in lieu thereof the words "Recover
 14 any".
 15 4. Page 18, line 26 by inserting after the
 16 word "noncompliance" the word "which".

Amendment H—5517 was adopted.

Garrison of Black Hawk moved to reconsider the vote by which amendment H—5495 was adopted by the House on March 2, 1978.

QUORUM CALL

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

On the motion to reconsider, a non-record roll call was requested.

Rule 70 was invoked.

The ayes were 37, nays 47.

The motion lost.

Tauke of Dubuque moved to reconsider the vote by which amendment H—5516 was adopted by the House on March 2, 1978.

The motion lost.

Baker of Buena Vista moved to reconsider the vote by which amendment H—5503 was adopted by the House on March 2, 1978.

Speaker Cochran in the chair at 5:02 p.m.

On the motion to reconsider, a non-record roll call was requested.

The ayes were 51, nays 26.

The motion prevailed and the House reconsidered amendment H—5503.

(House File 2244 and amendment H—5503 pending at adjournment and placed under unfinished business.)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation.

Also: That the Senate has on February 22, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2125, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

KEVIN P. LIGHT, Assistant Secretary of the Senate

SENATE AMENDMENT TO HOUSE FILE 463

H-5521

1 Amend House File 463, as amended, passed, and re-
2 printed by the House, as follows:

3 1. Page 1, by inserting after line 23 the following
4 section:

5 "Sec. . Section two hundred seventy-three
6 point two (273.2), unnumbered paragraph two (2), Code
7 1977, is amended to read as follows:

8 The area education agency board shall furnish
9 educational services and programs to the local school
10 districts as provided in sections 273.1 to 273.9 and
11 chapter 281 to the pupils enrolled in public or
12 nonpublic schools located within its boundaries which
13 are on the list of approved schools pursuant to section
14 two hundred fifty-seven point twenty-five (257.25)
15 of the Code. The programs and services provided shall
16 be at least commensurate with programs and services
17 existing on July 1, 1974. The programs and services
18 provided to pupils enrolled in nonpublic schools shall
19 be comparable to programs and services provided to
20 pupils enrolled in public schools within constitutional
21 guidelines."

22 2. Page 2, lines 27 and 28, by striking the words
23 and figure "Section five (5)" and inserting in lieu
24 thereof the words and figure "the first new section
25 in section eight (8)".

26 3. Page 2, line 29, by striking the words ";

- 27 if any" and inserting in lieu thereof the words "
28 if any,".
- 29 4. Page 2, line 31, by striking the word "may"
30 and inserting in lieu thereof the words "may shall".
- 31 5. Page 2, line 31, by striking the words "who
32 shall" and inserting in lieu thereof the words "who
33 shall".
- 34 6. Page 2, by striking line 32 and inserting in
35 lieu thereof the words "possess a superintendent's
36 certificate issued under the".
- 37 7. Page 2, line 33, by striking the words and
38 figure "provisions of section 260.9" and inserting
39 in lieu thereof the words and figure "provisions of
40 section 260.9".
- 41 8. Page 2, line 34, by striking the figure "279.14"
42 and inserting in lieu thereof the words and figures
43 "279.14 two hundred seventy-nine point twenty (279.20)
44 of the Code".
- 45 9. Page 3, by striking lines 4 through 10 and
46 inserting in lieu thereof the words "dollars per
47 annum, including additional benefits, over and above
48 the".
- 49 10. Page 3, line 24, by striking the words "or
50 partially".

Page 2

- 1 11. Page 3, by striking lines 28 through 35 and
2 inserting in lieu thereof the following: "the depart-
3 ment of public instruction, on forms provided by the
4 department, no later than December 1 preceding the
5 next fiscal year for approval. The department shall
6 review the proposed budget and shall prior to January
7 1 either grant approval or return the budget without
8 approval with comments of the department included.
9 Any unapproved budget shall be resubmitted to the
10 department for final approval, and the state
11 comptroller on forms provided by the department of
12 public instruction, no later than December first
13 preceding the next fiscal year, for approval. The
14 department of public instruction and the state
15 comptroller shall review the proposed budget and shall
16 prior to January first either grant approval or return
17 the budget without approval, setting forth the basis
18 of the disapproval. In the event that the department
19 of public instruction and the state comptroller cannot
20 agree together to approve or disapprove the proposed
21 budget, that budget shall be approved or disapproved
22 by the school budget review committee. Any unapproved
23 budget shall be adjusted and resubmitted to the
24 authorities or authority last disapproving it."

25 12. Page 4, by striking lines 1 through 11.

26 13. Page 4, by inserting after line 11 the follow-
27 ing section:

28 "Sec. . Section two hundred seventy-three point
29 eight (273.8), subsection two (2), unnumbered
30 paragraphs three (3) and six (6), Code 1977, are
31 amended to read as follows:

32 The director district conventions shall be called
33 and the locations of the conventions shall be
34 determined by the area education agency administrator.
35 Annually the director district conventions shall be
36 held within two weeks following the regular school
37 election. Notice of the time, date and place of the
38 a director district ~~conventions~~ convention shall be
39 published by the area education agency administrator
40 at least forty-five days prior to the day of the
41 district conventions in at least one newspaper of
42 general circulation in the merged area the director
43 district. The cost of publication shall be paid by
44 the area education agency.

45 A candidate for election to the area education
46 agency board may file a statement of candidacy with
47 the area education agency secretary at least ten days
48 prior to the date of the director district convention,
49 on forms prescribed by the department of public
50 instruction. The statement of candidacy shall include

Page 3

1 the candidate's name, address and school district.
2 The list of candidates shall be sent by the secretary
3 of the area education agency by ordinary mail to the
4 presidents of the boards of directors of all school
5 districts within the director district immediately
6 following the last day for filing the statement of
7 candidacy. The filing of a statement of candidacy
8 shall not be a prerequisite or eligibility requirement
9 for election as an area education agency director.
10 For the initial director district convention the
11 statement of candidacy shall be filed with the county
12 superintendent who determines the date and location
13 of the district convention and he shall send the list
14 of candidates to the presidents of the school boards.
15 Delegates to director district conventions shall not
16 be bound by a school board or any school board member
17 to pledge their votes to any candidate prior to the
18 date of the convention."

19 Sec. . Section two hundred seventy-three point
20 eight (273.8), subsection one (1), Code 1977, is
21 amended to read as follows:

22 1. BOARD OF DIRECTORS. The board of directors
23 of an area education agency shall consist of the same
24 number of directors as are authorized to serve on

25 the board of the merged area under the provisions
 26 of chapter 280A, within the area being served by the
 27 area education agency. The members of the area
 28 education agency board shall be elected from director
 29 districts in the manner provided in this section.
 30 Each director shall serve a three-year term which
 31 expires on the first Monday in October, except that
 32 directors elected at the initial direct election to
 33 take office on October 7, 1974, shall determine their
 34 respective terms by lot so that the terms of one-third
 35 of the members, as nearly as may be, shall expire
 36 on the first Monday of October of each succeeding
 37 year.

38 Sec. . Section two hundred seventy-three point
 39 eight (273.8), subsection two (2) shall be amended
 40 by adding the following new unnumbered paragraphs:

41 The director of any area education agency upon
 42 receipt of a petition requesting direct election of
 43 the board and signed by five percent of the eligible
 44 voters voting in the last merged area election shall
 45 submit the following question to the voters at the
 46 next merged area election:

47 "Shall the board of directors of the _____ area
 48 education agency be directly elected by the voters?"

49 If a majority of the voters vote affirmatively,
 50 the area education agency directors shall thereafter

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1 be elected directly from director districts which
 2 are conterminous with the director districts for the
 3 election of members of the merged area boards under
 4 chapter two hundred eighty A (280A), of the Code.

5 Sec. . Section two hundred seventy-three point
 6 eight (273.8), subsection three (3), is amended by
 7 adding after unnumbered paragraph one (1) the following
 8 new unnumbered paragraph:

9 For the initial board which is directly elected,
 10 the location of the organization meeting shall be
 11 determined by the area education agency administrator.

12 Sec. . The terms of office of directly elected
 13 members of the boards of area education agencies shall
 14 expire one year following the decision by the voters
 15 to elect the board by direct election."

16 14. Page 4, by striking lines 21 through 27.

17 15. Page 4, by inserting before line 28 the
 18 following section:

19 "Sec. . Section two hundred seventy-three point
 20 five (273.5), Code 1977, is amended by adding the
 21 following new subsection:

22 NEW SUBSECTION. Insure that each child who received
 23 a special education program during a base year and

24 who is entitled to receive a special education program
 25 during a budget year commences receiving that program
 26 not later than the beginning of the second week after
 27 the school in which the child is enrolled commences
 28 it fall semester."

29 16. Page 5, by striking lines 24 through 35.

30 17. Page 6, by striking lines 2 through 14 and
 31 inserting in lieu thereof the words and figures
 32 "(280A.23), Code 1977, is amended by striking
 33 subsection two (2)."

34 18. Page 6, by inserting after line 14 the
 35 following section:

36 "Sec. . . . Section two hundred eighty A point
 37 twenty-five (280A.25), subsection two (2), Code 1977,
 38 is amended to read as follows:

39 2. Change boundaries of director districts in
 40 any merged area when the board of directors of the
 41 area commission fails to change boundaries as required
 42 under section 280A.23, subsection 2 by law."

43 19. Page 6, by inserting after line 14 the
 44 following section:

45 "Sec. . . . Chapter two hundred eighty A (280A),
 46 Code 1977, is amended by adding the following new
 47 section:

48 NEW SECTION. BOUNDARIES OF DIRECTOR DISTRICTS.

49 Boundary lines of director districts in the merged
 50 areas shall be redrawn after each census to compensate

Page 5

1 for changes in population if such population changes
 2 have taken place. A commission for the purpose of
 3 redrawing the boundary lines of the director districts
 4 of a merged area, composed of members of the boards
 5 of directors of each of the school districts located
 6 in the merged area, shall be called by the chairperson
 7 of the board of the merged area as soon as possible
 8 after census information is available. The chairperson
 9 of the board of the merged area shall preside over
 10 the commission but shall not have a vote on the
 11 commission. In votes of the commission, the vote
 12 of the board of the least populous school district
 13 in the merged area shall have a weight of one unit
 14 and the vote of the boards of each of the other school
 15 districts in the merged area shall have a weight which
 16 bears the same proportion to one unit as the population
 17 of the school district bears to the population of
 18 the least populous school district in the merged area.

19 Where feasible, boundary lines of director districts
 20 shall coincide with the boundary lines of election
 21 precincts established pursuant to sections forty-nine
 22 point three (49.3) to forty-nine point six (49.6)

23 of the Code.

24 Director districts shall be of approximately equal
25 population within each merged area."

26 20. Page 6, by striking lines 15 through 35.

27 21. Page 7, by striking lines 1 through 6.

28 22. Page 10, by striking lines 8 through 24.

29 23. Page 10, line 28, by striking the figure
30 "1977" and inserting in lieu thereof the figure "1978".

31 24. Page 10, line 30, by striking the word "equal"
32 and inserting in lieu thereof the word "comparable".

33 25. Page 11, by inserting after line 8 the follow-
34 ing:

35 "The provisions of this subsection shall apply
36 only to media and educational services which cannot
37 be diverted for religious purposes."

38 26. Page 11, line 12, by striking the word "equal"
39 and inserting in lieu thereof the word "comparable".

40 27. Page 11, by striking lines 14 through 35.

41 28. Page 12, by striking line 1.

42 29. Page 12, by striking lines 2 through 11.

43 30. Page 12, by striking lines 12 through 29.

44 31. Page 13, by striking lines 3 through 7 and
45 inserting in lieu thereof the words "education agency.
46 A school district may not increase".

47 32. Page 13, by inserting before line 12 the
48 following:

49 "Sec. . . Section four hundred forty-two point
50 thirteen (442.13), Code 1977, is amended by adding

Page 6

1 the following new subsection:

2 **NEW SUBSECTION.** The committee shall review the
3 budget of each school district which has a positive
4 balance of funds raised for weighted enrollment in
5 excess of the district cost per pupil received for
6 special education instruction programs which were
7 not validly encumbered during the school year in which
8 the funds were received. The committee may reduce
9 the property tax levy of the school district for the
10 budget year by the amount of the carryover special
11 education instruction funds which were property tax
12 during the year of receipt in the school year prior
13 to the base year. If the committee reduces the
14 property tax to be levied, it shall reduce the state
15 aid to be received by the school district for the
16 budget year by the state aid portion of the special
17 education instruction funds carried over from the
18 school year prior to the base year. The committee
19 shall notify the comptroller of the combined property
20 tax and state aid adjustments to be made under this

21 subsection.

22 Sec. Section four hundred forty-two point
23 thirteen (442.13), subsection five (5), Code 1977,
24 is amended by adding the following new lettered
25 paragraph:

26 NEW LETTERED PARAGRAPH. Unusual needs for
27 additional funds for special education instruction
28 in excess of the special education instruction funds
29 generated under the provisions of section two hundred
30 eighty-one point nine (281.9) of the Code, for
31 districts that do not carry over a positive balance
32 of special education instruction funds which were
33 not encumbered during the year of receipt."

34 33. Page 13, line 22, by striking the figure
35 "1977" and inserting in lieu thereof the figure "1978".

36 34. Page 13, line 30, by striking the figure
37 "1979" and inserting in lieu thereof the figure "1980".

38 35. Page 14, line 3, by striking the figure "1977"
39 and inserting in lieu thereof the figure "1978".

40 36. Page 14, line 17, by striking the figure
41 "1978" and inserting in lieu thereof the figure "1979".

42 37. Page 14, line 30, by striking the figure
43 "1979" and inserting in lieu thereof the figure "1980".

44 38. Page 14, line 35, by striking the figure
45 "1977" and inserting in lieu thereof the figure "1978".

46 39. Page 15, line 3, by striking the figure "1980"
47 and inserting in lieu thereof the figure "1981".

48 40. Page 15, line 11, by striking the figure
49 "1977" and inserting in lieu thereof the figure "1978".

50 41. Page 15, line 18, by striking the figure

Page 7

1 "1977" and inserting in lieu thereof the figure "1978".

2 42. Page 15, line 19, by striking the figure
3 "1980" and inserting in lieu thereof the figure "1981".

4 43. Page 16, by striking line 6 and inserting
5 in lieu thereof the words and figures "year beginning
6 July 1, 1975."

7 44. Page 17, by striking lines 20 through 35.

8 45. Page 18, by striking lines 1 through 4.

9 46. Page 18, by striking lines 5 through 25.

10 47. Page 18, by inserting before line 26 the
11 following:

12 "Sec. _____.

13 1. The purpose of this section is to reduce the
14 school district balances for special education
15 instruction programs which were not expended for
16 special education instruction.

17 2. For the purposes of this section, "unencumbered
18 special education instruction funds" means those funds
19 received by a school district for special education

20 instruction programs for the school years beginning
21 July 1, 1975, July 1, 1976, and July 1, 1977, for
22 special education instruction which were not encumbered
23 prior to January 1, 1978, or which were not an approved
24 expenditure by the department of public instruction
25 based upon applications for approval received by the
26 department prior to January 1, 1978 for programs
27 commenced prior to February 1, 1978. The unencumbered
28 special education instruction funds shall be those
29 funds received for special education instruction
30 programs based on funds raised for weighted enrollment
31 in excess of the district cost per pupil times the
32 adjusted enrollment in the year of receipt.

33 3. The state comptroller shall reduce the total
34 state aid to be received by a school district in the
35 school year beginning July 1, 1978, by sixty-five
36 percent of the unencumbered special education
37 instruction funds of the district. The amount shall
38 be certified to the state comptroller by the department
39 of public instruction upon request by the state
40 comptroller.

41 4. Notwithstanding the provisions of section four
42 hundred forty-two point nine (442.9) of the Code,
43 for the school year beginning July 1, 1978, the state
44 comptroller shall reduce for each school district
45 the amount of property tax to be levied for the school
46 year by an amount equal to thirty-five percent of
47 the unencumbered special education instruction funds.

48 5. Notwithstanding subsections three (3) and four
49 (4) of this section, a school district receiving the
50 minimum state aid under the provisions of section

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1 four hundred forty-two point one (442.1) of the Code,
2 shall have the state aid to be received for the budget
3 year beginning July 1, 1978, reduced by the portion
4 of unencumbered special education instruction funds
5 that two hundred dollars per pupil is of the school
6 district's district cost per pupil for the school
7 year beginning July 1, 1977. The property tax to
8 be levied for the school district shall be reduced
9 by the unencumbered special education instruction
10 funds remaining after reduction for the state aid
11 portion of such funds as provided in this subsection.

12 6. There is appropriated to the school budget
13 review committee the sum of one million three hundred
14 thousand (1,300,000) dollars, or so much thereof as
15 may be necessary for the fiscal year commencing July
16 1, 1978 and ending June 30, 1979 from funds in the
17 general fund of the state resulting from reduced state

18 foundation aid to school districts for the school
 19 year beginning July 1, 1978 because of the reduction
 20 of state aid under subsections three (3) and five
 21 (5) of this section. The funds shall be distributed
 22 by the school budget review committee as supplemental
 23 aid to school districts which demonstrate unusual
 24 need for additional funds for special education
 25 instructional programs, and such supplemental aid
 26 shall be miscellaneous income and shall not be included
 27 in district cost.

28 7. There is appropriated to the school budget
 29 review committee the sum of two hundred thousand
 30 (200,000) dollars, or so much thereof as may be
 31 necessary for the fiscal year commencing July 1, 1978
 32 and ending June 30, 1979 from funds in the general
 33 fund of the state for either the purposes set forth
 34 in subsection six (6) of this section or for general
 35 fund expenditures of the local school district as
 36 approved by the school budget review committee."

37 48. By numbering and renumbering sections as
 38 necessary.

SENATE MESSAGE CONSIDERED

Senate File 2125, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

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

MOTION TO RECONSIDER (Senate File 384)

I move to reconsider the vote by which Senate File 384 passed the House on March 2, 1978.

BAKER of Buena Vista

UNANIMOUS CONSENT CALENDAR (House Resolution 113)

We hereby request that House Resolution 113, filed on March 1, 1978 and found on page 735 of the House Journal, be placed on the unanimous consent calendar.

CHIODO of Polk
 BAKER of Buena Vista
 NIELSEN of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the evening of March 1, 1978 when the vote was taken on House File 187. Had I been present, I would have voted "aye."

HARBOR of Mills

It was necessary for me to be in my district to fulfill a prior commitment the evening of March 1, 1978. Had I been present in the House chamber, I would have voted "aye" on House File 187.

MIDDLESWART of Warren

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 427 Commerce

Relating to civil liability for losses caused by real and personal property and the use thereof.

S.B. 428 Commerce

Standard Valuation Law.

S.B. 429 State Government

Relating to the legal names of married persons.

S.B. 430 State Government

Relating to the operations of the citizens' aide office.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2002

State Government: Arnould, Chair; West and Griffee.

House Joint Resolution 2003

State Government: Poncy, Chair; Middleswart and West.

House File 392

Human Resources: Hargrave, Chair; Brunow and Hansen.

House File 2147

Human Resources: Lonergan, Chair; Crawford and Anderson.

House File 2162

State Government: Arnould, Chair; Poncy and Junker.

House File 2175

State Government: Woods, Chair; Jesse and Harvey.

House File 2177

State Government: Hansen, Chair; Brandt, Jesse, West and Monroe.

House File 2184

Commerce: Koogler, Chair; Brockett, Schroeder, Bina and West.

House File 2187

State Government: Walter, Chair; Stromer and Griffiee.

House File 2188

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 2191

State Government: Brandt, Chair; Hansen, Griffiee, Monroe and Crawford.

House File 2192

Agriculture: Hinkhouse, Chair; Svoboda and Pellett.

House File 2193

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 2194

State Government: Crawford, Chair; Patchett and Brandt.

House File 2196

State Government: Monroe, Chair; Middleswart and Stromer.

House File 2201

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 2202

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2208

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2209

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2213

Commerce: Jochum, Chair; Welden, Anderson and Lonergan.

House File 2229

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 2231

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 2234

State Government: Avenson, Chair; Monroe and Shimanek.

House File 2235

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 2249

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

House File 2273

Commerce: Koogler, Chair; Brockett, Schroeder, Bina and West.

House Concurrent Resolution 115

State Government: Tauke, Chair; Jesse and Patchett.

Senate File 164

State Government: Avenson, Chair; Arnould and West.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 382**

Commerce: Anderson, Chair; Brockett and Krause.

Study Bill 384

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 396

Human Resources: Walter, Chair; Lonergan and Lipsky.

Study Bill 397

Natural Resources: Evans, Chair; Jesse and Varley.

Study Bill 401

Natural Resources: Wyckoff, Chair; Pelton and Garrison.

Study Bill 403

Natural Resources: Middleswart, Chair; O'Halloran and Varley.

Study Bill 408

Commerce: Chiodo, Chair; Evans, Krause, Tauke and Brunow.

Study Bill 410

Commerce: Brockett, Chair; Anderson and Krause.

Study Bill 416

Commerce: Anderson, Chair; Brockett and Chiodo.

Study Bill 423

Cities: Connors, Chair; Dunton, Lind, Pavich and Stephens.

Study Bill 425

Human Resources: Walter, Chair; Baker, Crawford, Lonergan and Clark of Cerro Gordo.

Study Bill 427

Commerce: Krause, Chair; Brockett and Anderson.

Study Bill 428

Commerce: Chiodo, Chair; Tauke and Brunow.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 10:30 a.m., February 28, 1978

Convened: 10:40 a.m.

Adjourned: 12:10 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Absent: Stromer.

House File 2103, a bill for an act to provide for a compact on midwestern regional education.

Recommended Do Pass.

Aye: Monroe, Woods, Harvey, Arnould, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Middleswart, Patchett, Shimanek, Tauke, Walter and West.

Nay: Poncy.

Absent or not voting: Avenson, Junker and Stromer.

House File 2160, a bill for an act relating to the latest date when political party precinct caucuses may be held in general election years.

Recommended Amend and Do Pass.

H-5500

1 Amend House File 2160 as follows:
 2 1. Page 1, by striking lines 14 through 18
 3 and inserting in lieu thereof the following:
 4 "Sec. 2. This Act, being deemed of immediate
 5 importance, shall take effect and be in force from
 6 and after its publication in the Dubuque Telegraph
 7 Herald, a newspaper published in Dubuque, Iowa, and
 8 in the Diamonds Trail News, a newspaper published in
 9 Sully, Iowa."

Aye: Monroe, Woods, Harvey, Arnould, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Tauke and Walter.

Nay: None.

Absent or not voting: Avenson, Patchett, Stromer and West.

Senate File 244, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code.

Recommended Amend and Do Pass.

H-5499

1 Amend Senate File 244 as amended, passed and re-
 2 printed by the Senate as follows:
 3 1. By striking all after the enacting clause and
 4 inserting in lieu thereof the following:
 5 "Section 1. Section two point forty-two (2.42),
 6 subsection eleven (11), Code 1977, as amended by Acts
 7 of the Sixty-seventh General Assembly, 1977 Session,
 8 chapter thirty-eight (38), section two (2), is amended
 9 to read as follows:
 10 11. To consult with appoint the Code editor, es-
 11 tablish the salaries of the persons employed in that
 12 office and establish policies with regard to the
 13 printing and publishing of the Code of Iowa and session
 14 laws, including but not limited to: The style and
 15 format to be used in publishing such documents, the
 16 frequency of publications, the contents of such
 17 publications, the numbering system to be used in the
 18 Code and session laws, the preparation of editorial
 19 comments or notations, the correction of errors, the
 20 type of print to be used, the number of volumes to
 21 be published, recommended revisions of the Code and
 22 session laws, the letting of contracts for the
 23 publication of the Code and session laws, and any
 24 other matters deemed necessary to the publication
 25 of a uniform and understandable Code of laws.

26 Sec. 2. Chapter seven (7), Code 1977, is amended
27 by adding the following new section:

28 NEW SECTION. ADMINISTRATIVE RULES COORDINATOR.

29 The governor shall appoint an administrative rules
30 coordinator who shall be a part of the governor's
31 office. The administrative rules coordinator shall
32 receive all notices and rules promulgated pursuant
33 to chapter seventeen A (17A) of the Code and provide
34 the governor with an opportunity to review and object
35 to any rule as provided in chapter seventeen A (17A)
36 of the Code. The administrative rules coordinator
37 shall review all submitted rules for style and form
38 and may return or revise a rule which is not in proper
39 style and form.

40 Sec. 3. Section fourteen point one (14.1), Code
41 1977, is amended by striking the section and inserting
42 in lieu thereof the following:

43 14.1 CODE EDITOR. The legislative council shall
44 appoint a Code editor who shall serve at the pleasure
45 of the legislative council.

46 Sec. 4. Section fourteen point six (14.6), Code
47 1977, is amended by striking subsection six (6).

48 Sec. 5. Section fourteen point ten (14.10),
49 subsection two (2), Code 1977, is amended to read
50 as follows:

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1 2. The Acts of each general assembly shall, as
2 nearly as possible, be arranged in the same consecutive
3 order in which the same or similar subject matters
4 are arranged in the Code determined by the Code editor
5 and approved by the legislative council.

6 Sec. 6. Section fourteen point twelve (14.12),
7 subsections one (1), two (2), and nine (9), Code 1977,
8 are amended to read as follows:

9 1. The printing of the text shall be in a manner
10 specified by the Code editor in consultation with
11 and approved by the legislative council.

12 2. The Code shall be numbered in a manner specified
13 by the Code editor in consultation with and approved
14 by the legislative council.

15 9. The Code shall be printed upon a good quality
16 of paper in a manner specified by the Code editor
17 in consultation with the legislative council according
18 to the recommendations prepared by the superintendent
19 of printing and approved by the legislative council.

20 Sec. 7. Section fourteen point thirteen (14.13),
21 unnumbered paragraph one (1), Code 1977, is amended
22 to read as follows:

23 The Code editor in preparing the copy for an edition
24 of the Code and the Iowa departmental rules

25 administrative code shall have power to:

26 Sec. 8. Section fourteen point fifteen (14.15),

27 Code 1977, is amended to read as follows:

28 14.15 FUTURE CODES. A new Code or its supplements
29 thereto shall be issued as soon as possible after
30 the final adjournment of the second regular session
31 of the general assembly. Supplements to the Code
32 may be issued after the first regular session or a
33 special session of the general assembly in such manner
34 as shall be determined by the Code editor in
35 consultation with and approved by the legislative
36 council. The Code editor shall, immediately after
37 the issuance of a new Code, prepare copy for the
38 ensuing Code or its supplement thereto, and at all
39 times keep the same revised to date in the files of
40 his or her office. The superintendent of printing
41 ~~board~~ shall cause such Code or its supplement thereto
42 to be printed in the manner specified by the Code
43 editor in consultation with and approved by the
44 legislative council and the proofreading on such Code
45 shall be solely under the direction and control of
46 the Code editor.

47 Sec. 9. Section fourteen point sixteen (14.16),

48 Code 1977, is amended to read as follows:

49 14.16 PREPARATION. All new editions of the Code
50 or its supplements thereto shall be so prepared and

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1 printed that each section of the general statute law
2 shall appear in said the new edition in its new or
3 finally revised and amended form. All sections of
4 law of a general nature enacted after the last
5 preceding Code or supplement shall be inserted in
6 each new edition in such logical order as the editor
7 of the Code may determine subject to the approval
8 of the legislative council in consultation with the
9 legislative service bureau.

10 All new editions of the Code or its supplements
11 thereto may be printed in one or more volumes as shall
12 be determined by the majority of a committee consisting
13 of the Code editor, the chief justice of the supreme
14 court and the superintendent of printing legislative
15 council.

16 Sec. 10. Section fourteen point twenty (14.20),

17 Code 1977, is amended to read as follows:

18 14.20 OFFICIAL STATUTES. The Code, supplements
19 to the Code and session laws published under authority
20 of the state shall constitute the only authoritative
21 publications of the statutes of this state. No other
22 publications of the statutes of the state shall be
23 cited in the courts or in the reports or rules thereof.

24 Sec. 11. Section fourteen point twenty-one (14.21),
 25 unnumbered paragraph one (1), Code 1977, is amended
 26 to read as follows:

27 The printing division Code editor in consultation
 28 with the superintendent of printing may cause to be
 29 printed from time to time, in the form of leaflets,
 30 folders, or pamphlets and in such numbers as the
 31 division Code editor deems reasonable, parts of the
 32 Code for the use of public officers. Such orders
 33 shall be limited to actual needs as shown by experience
 34 or other competent proof, and the printing shall,
 35 as far as practicable, be done from the plates or
 36 slugs from which the Code has been printed in an
 37 economical manner approved by the legislative council.

38 Sec. 12. Section seventeen A point four (17A.4),
 39 subsection one (1), paragraph a, Code 1977, is amended
 40 to read as follows:

41 a. Give notice of its intended action by submitting
 42 two three copies of the notice to the administrative
 43 rules coordinator who shall forward two copies to
 44 the Code editor to be published for publication in
 45 the "Iowa Administrative Code" created pursuant to
 46 section 17A.6. Any notice of intended action shall
 47 be published at least thirty-five days in advance
 48 of the action. The notice shall include a statement
 49 of either the terms or substance of the intended
 50 action or a description of the subjects and issues

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1 involved, and the time when, the place where, and
 2 the manner in which interested persons may present
 3 their views thereon.

4 Sec. 13. Section seventeen A point four (17A.4),
 5 subsection two (2), Code 1977, is amended to read
 6 as follows:

7 2. When an agency for good cause finds that notice
 8 and public participation would be unnecessary,
 9 impracticable, or contrary to the public interest,
 10 the provisions of subsection 1 shall be inapplicable
 11 if the rule which is so adopted provides by its own
 12 terms that it shall be effective for only one hundred
 13 eighty specified days. If an agency for good cause
 14 finds that notice and public participation would be
 15 unnecessary, subsection 1 shall be inapplicable.
 16 The agency shall incorporate in each rule issued in
 17 reliance upon this provision either the finding and
 18 a brief statement of the reasons therefor, or a
 19 statement that the rule is within a very narrowly
 20 tailored category of rules whose issuance has
 21 previously been exempted from subsection 1 by a special

22 rule relying on this provision and including such
23 a finding and statement of reasons for the entire
24 category. If the administrative rules review
25 committee, the governor or the attorney general files
26 with the Code editor an objection to the adoption
27 of a rule pursuant to this subsection, that rule shall
28 cease to be effective one hundred eighty days after
29 the date the objection was filed. In any action
30 contesting a rule adopted pursuant to this subsection,
31 the burden of proof shall be on the agency to show
32 that the procedures of subsection 1 were impracticable,
33 unnecessary, or contrary to the public interest and
34 that, if a category of rules was involved, the category
35 was very narrowly tailored.

36 Sec. 14. Section seventeen A point four (17A.4),
37 subsection four (4), paragraph a, Code 1977, is amended
38 to read as follows:

39 a. If the administrative rules review committee
40 created by section 17A.8, the governor or the attorney
41 general finds objection to all or some portion of
42 a proposed rule because that rule is deemed to be
43 unreasonable, arbitrary, capricious or otherwise
44 beyond the authority delegated to the agency, the
45 committee, governor or attorney general may, in
46 writing, notify the agency of the objection prior
47 to the effective date of such a rule. In the case
48 of a rule issued under subsection 2, or a rule made
49 effective under the terms of section 17A.5, subsection
50 2, paragraph "b", the committee, governor or attorney

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1 general may notify the agency of such an objection
2 within seventy days of the date such a rule became
3 effective. The committee, governor or the attorney
4 general shall also file a certified copy of such an
5 objection in the office of the secretary of state
6 Code editor within the above time limits and a notice
7 to the effect that an objection has been filed shall
8 be published in the next supplement to the "Iowa
9 Administrative Code". The burden of proof shall then
10 be on the agency in any proceeding for judicial review
11 or for enforcement of the rule heard subsequent to
12 the filing to establish that the rule or portion of
13 the rule timely objected to according to the above
14 procedure is not unreasonable, arbitrary, capricious
15 or otherwise beyond the authority delegated to it.

16 Sec. 15. Section seventeen A point five (17A.5),
17 subsection one (1), Code 1977, is amended to read
18 as follows:

19 1. Each agency shall file ~~in the office of the~~
20 secretary of state with the administrative rules

21 coordinator three certified copies of each rule adopted
 22 by it. Two copies of each rule shall be forwarded
 23 to the Code editor. The secretary of state Code
 24 editor shall keep a permanent register of the rules
 25 open to public inspection.

26 Sec. 16. Section seventeen A point five (17A.5),
 27 subsection two (2), paragraph b, Code 1977, is amended
 28 to read as follows:

29 b. Subject to applicable constitutional or
 30 statutory provisions, a rule becomes effective
 31 immediately upon filing with the secretary of state
 32 Code editor, or at a subsequent stated date prior
 33 to indexing and publication, or at a stated date less
 34 than thirty-five days after filing, indexing and
 35 publication, if the agency finds:

36 Sec. 17. Section seventeen A point eight (17A.8),
 37 Code 1977, is amended by adding the following new
 38 subsection.

39 NEW SUBSECTION. Upon a vote of two-thirds of its
 40 members the administrative rules review committee
 41 may delay the effective date of a rule, except a rule
 42 adopted pursuant to section seventeen A point four
 43 (17A.4), subsection two (2), of the Code, until the
 44 expiration of sixty calendar days during which the
 45 general assembly has been in session. If at the
 46 expiration of that period the general assembly has
 47 not by concurrent resolution disapproved of the rule,
 48 it shall become effective. If a rule is disapproved
 49 by the general assembly, the rule shall not become
 50 effective.

Page 6

1 Sec. 18. Section eighteen point ninety-seven
 2 (18.97), unnumbered paragraph one (1), Code 1977
 3 Supplement, is amended to read as follows:

4 The superintendent of printing shall make free
 5 distribution of the Code, supplements to the Code,
 6 rules of civil procedure, rules of appellate procedure,
 7 supreme court rules, the Acts of each general assembly,
 8 and, upon request, the Iowa administrative code as
 9 follows:".

Aye: Monroe, Woods, Harvey, Arnould, Avenson, Brandt, Crawford, Dieleman,
 Hansen, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Griffee, Jesse and Stromer.

Study Bill 340, a bill for an act to define an additional substance as a controlled substance under the uniform controlled substances Act.

Recommended Do Pass.

Aye: Monroe, Woods, Harvey, Arnould, Brandt, Crawford, Dieleman, Griffie, Hansen, Jesse, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Avenson, Junker and Stromer.

COMMITTEE ON ENERGY

Scheduled: 9:00 a.m., March 1, 1978

Convened: 9:05 a.m.

Adjourned: 10:15 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett and Perkins.

Absent: Griffie (arrived 10:00 a.m.), Norland (arrived 9:15 a.m.), Pelton (arrived 9:10 a.m.), Svoboda and Varley (arrived 9:25 a.m.).

Discussion of Senate File 261.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., March 1, 1978

Convened: 9:13 a.m.

Adjourned: 10:23 a.m.

Present: Walter, chair; Crawford, ranking member; Anderson, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Gentleman, Hansen, Hargrave, Krewson, Miller of Buchanan, Schroeder and Tofte.

Absent: Arnould, Garrison (arrived 9:48 a.m.) and Newhard.

Excused: Lonergan, vice-chair; Cusack and Lipsky.

House File 2163, a bill for an act relating to an exemption from the requirements for immunization of school children.

Recommended Do Pass.

Aye: Walter, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Hansen, Hargrave, Miller of Buchanan, Schroeder and Tofte.

Nay: Gentleman and Krewson.

Absent or not voting: Lonergan, Crawford, Anderson, Arnould, Cusack, Lipsky and Newhard.

Committee Bill (Formerly House File 2026), a bill for an act to clarify the notice of adoption hearing provision, section six hundred point eleven (600.11) of the Code.

Recommended Do Pass.

Aye: Walter, Crawford, Baker, Brunow, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Hargrave, Krewson, Miller of Buchanan and Tofte.

Nay: None.

Absent or not voting: Lonergan, Anderson, Arnould, Cusack, Lipsky, Newhard and Schroeder.

House File 2056 failed to pass.

COMMITTEE ON WAYS AND MEANS

Scheduled: 10:30 a.m., March 1, 1978

Convened: 10:48 a.m.

Adjourned: 11:20 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Brandt, Conlon, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Horn, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Thompson, Varley, Wells and Wyckoff.

Absent: Anderson, Branstad, Clark of Lee (arrived 10:55 a.m.), Den Herder (arrived 11:00 a.m.), Egenes (arrived 11:10 a.m.), Harvey (arrived 10:55 a.m.), Hines, Junker, Spencer and Svoboda (arrived 10:59 a.m.).

Excused: Cusack.

Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys.

Recommended: Amend and Do Pass.

H-5501

- 1 Amend Senate File 2054, as passed by the Senate
- 2 as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. Section four hundred forty-two point
- 6 eighteen (442.18), Code 1977, is amended by striking
- 7 the section and inserting in lieu thereof the

8 following:

9 442.18. DEPOSIT OF SCHOOL DISTRICT INCOME SURTAX.

10 The director of revenue shall deposit all school
11 district income surtax moneys received to the credit
12 of each district from which the moneys are received
13 in a "school district income surtax fund" which is
14 established in the office of the treasurer of state.
15 However, after November first of the year following
16 the close of the school budget year for which the
17 school district income surtax is imposed, all income
18 surtax moneys shall be credited to the general fund
19 of the state when derived from:

20 1. An audit in which the taxpayer's tax liability
21 has increased.

22 2. The filing of an amended income tax return
23 in which the taxpayer's tax liability has increased.

24 In addition, any interest accrued from such moneys
25 shall be credited to the general fund of the state,
26 and shall be considered part of the cost of
27 administering the school district income surtax.

28 All school district income surtax moneys refunded
29 to a taxpayer after November first of the year
30 following the close of the school budget year for
31 which the income surtax is imposed shall be paid from
32 the general fund of the state.

33 Sec. 2. The provisions of this Act shall be
34 effective July 1, 1978 for all state individual income
35 tax returns filed on or after July 1, 1978."

Aye: Norland, Miller of Buchanan, West Bennett, Bina, Brandt, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Branstad, Cusack, Den Herder, Egenes, Hines, Junker, Spencer and Svoboda.

Committee Bill (Formerly House File 2067), a bill for an act relating to the disabled veteran's tax credit.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Lind, Menke, Oxley, Pavich, Rinas, Schnekloth, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Branstad, Cusack, Hines, Junker, O'Halloran and Spencer.

AMENDMENTS FILED

H-5509	H.F. 2048	Schroeder of Pottawattamie
H-5511	S.F. 2124	Crabb of Crawford
H-5518	H.F. 2244	Baker of Buena Vista
H-5519	H.F. 2244	Miller of Buchanan
H-5520	H.F. 2244	Miller of Buchanan
H-5522	H.F. 2103	Patchett of Johnson
H-5523	H.F. 2048	Baker of Buena Vista
H-5524	H.F. 627	Scheelhaase of Woodbury
		Binneboese of Plymouth
		Krause of Kossuth
		Crabb of Crawford
H-5525	H.F. 2048	Spear of Lee
H-5526	H.F. 248	Miller of Buchanan
H-5527	H.F. 248	Miller of Buchanan
H-5528	H.F. 2048	Lind of Black Hawk

On motion by Fitzgerald of Webster, the House adjourned at 5:25 p.m., until 10:30 a.m., Monday, March 6, 1978.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day—Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 6, 1978

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

Prayer was offered by the Reverend Eugene Dye, pastor of the West Des Moines Christian Church, West Des Moines, Iowa.

The Journal of Thursday, March 2, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. James Icken, Resident, University Hospital, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk on request of Gentleman of Polk.

PETITIONS FILED

The following petitions were received and placed on file:

By Crabb of Crawford from eight students from Iowa State University in favor of the Quadrangle Remodeling Project.

By Tauke of Dubuque, from two hundred seventy-five residents opposing abortions and the use of government funds to finance abortions.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 2, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2163, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

KEVIN P. LIGHT, Assistant Secretary of the Senate

ADOPTION OF HOUSE CONCURRENT RESOLUTION 114

Pursuant to House Rule 26, the Speaker announced that House Concurrent Resolution 114, filed on February 22, 1978 and found on pages 586 and 587 of the House Journal, was adopted by unanimous consent.

PAGES OF THE HOUSE

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

Jeffrey D. Ayers, Creston, Iowa
Rebecca R. Bittle, Iowa Falls, Iowa
Edna Boone, Council Bluffs, Iowa
Jeffrey T. Cook, Hubbard, Iowa
Kurt H. Dorr, Marcus, Iowa
Phillip Douglas, Des Moines, Iowa
Janet Egli, Fairfield, Iowa
Robert M. Engler, Marion, Iowa
Lisa Freese, Monticello, Iowa
Shelly Gerard, Millersburg, Iowa
Gregory E. Horn, Cedar Rapids, Iowa
Janice M. Husak, Toledo, Iowa
Julie R. King, Fairfield, Iowa
Tim Larson, Des Moines, Iowa
Andrew E. Lundsgaard, Aurelia, Iowa
Kim Rensink, Sioux Center, Iowa
Marilyn F. Smith, Hartford, Iowa
Alan Welsch, Springville, Iowa
Andrea L. Wernentin, Davenport, Iowa

OATH OF OFFICE

The Pages elected took the following oath of office:

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

CONSIDERATION OF BILLS
Regular Calendar

House File 561, a bill for an act relating to the state standard of weights and measures, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5416 filed by him and moved its adoption:

H—5416

- 1 Amend House File 561 as follows:
- 2 1. Page 1, line 31, by striking the numerals
- 3 "1978" and inserting in lieu thereof the numerals
- 4 "1979".

Amendment H—5416 was adopted.

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

On the question "Shall the bill pass?" (H.F. 561)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 1:

Conlon

Absent or not voting, 8:

Binneboese	Brockett	Gilloon	Hines
Jesse	Krewson	Newhard	Svoboda

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

SENATE AMENDMENT CONSIDERED

Byerly of Polk called up for consideration **House File 547**, a bill for an act relating to birth certificates for adopted persons not born in Iowa, amended by the Senate amendment H—5404 as found on page 586 of the House Journal, and moved that the House concur in the Senate amendment H—5404.

The motion prevailed and the House concurred in the Senate amendment H—5404.

Byerly of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 547)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Lageschulte	Lind	Lindeen	Lipsky
Lonerган	Menke	Middleswart	Millen
Miller (Sergeant)	Monroe	Newhard	Nielsen

Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brockett	Brunow	Doyle	Gilloon
Hines	Jesse	Krewson	Miller, K.D.
Svoboda			

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

SENATE FILE 2020 SUBSTITUTED FOR HOUSE FILE 2061

Husak of Tama asked and received unanimous consent to substitute Senate File 2020 for House File 2061.

Senate File 2020, a bill for an act relating to the remission of excess funds from the soybean promotion fund, was taken up for consideration.

Husak of Tama offered the following amendment H—5529 filed by Husak, Hansen, Harbor and Crabb from the floor and moved its adoption:

H—5529

- 1 Amend Senate File 2020, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 1, by striking lines 13 through 22 and
- 4 inserting in lieu thereof the following: "are equipped
- 5 to do this kind of work and funds shall not be
- 6 remitted to an association whose headquarters are
- 7 located in a state other than Iowa.

Roll call was requested by Crabb of Crawford and Husak of Tama.

On the question "Shall amendment H—5529 be adopted?"

The ayes were, 43:

Anderson	Avenson	Binneboese	Byerly
Crabb	Davitt	Dyrland	Evans
Gettings	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Junker
Krause	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	Oxley
Patchett	Pavich	Pellett	Poncy
Rinas	Smalley	Stephens	Walter
Wells	West	Wyckoff	

The nays were, 46:

Arnould	Baker	Bennett	Bina
Brandt	Branstad	Brunow	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Cusack
Daggett	Danker	Den Herder	Dieleman
Doyle	Dunton	Fitzgerald	Garrison
Gentleman	Gilson	Griffee	Hargrave
Hullinger	Jochum	Koogler	Middleswart
Monroe	Norland	O'Halloran	Perkins
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Spear	Spencer	Stromer
Tauke	Thompson	Tofte	Welden
Woods	Mr. Speaker		

Absent or not voting, 11:

Brockett	Chiodo	Connors	Egenes
Gilloon	Hines	Krewson	Millen
Pelton	Svoboda	Varley	

Amendment H—5529 lost.

Husak of Tama asked for unanimous consent that Senate File 2020 be deferred and that the bill retain its place on the calendar.

Objection was raised.

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

On the question "Shall the bill pass?" (S.F. 2020)

The ayes were, 94:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Krause	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Jesse

Absent or not voting, 5:

Brockett	Gilloon	Koogler	Krewson
Svoboda			

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

OBJECTION TO IMMEDIATE MESSAGE

Scheelhaase of Woodbury asked for unanimous consent that Senate File 2020 be immediately messaged to the Senate.

Objection was raised.

Scheelhaase of Woodbury moved to reconsider the vote by which Senate File 2020 passed the House on March 6, 1978.

The Speaker ruled the motion not in order with the filing of the following, pursuant to House Rule 68:

MOTION TO RECONSIDER
(Senate File 2020)

I move to reconsider the vote by which Senate File 2020 passed the House on March 6, 1978.

HUSAK of Tama

ADOPTION OF HOUSE CONCURRENT RESOLUTION 112

Krause of Kossuth called up for consideration House Concurrent Resolution 112 filed on February 20, 1978 and found on pages 491 and 492 of the House Journal.

Harbor of Mills offered the following amendment H—5366 filed by him and Krause of Kossuth and moved its adoption:

H—5366

- 1 Amend House Concurrent Resolution 112 as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "grain" the words "and industrial".
- 5 2. Page 1, line 10, by inserting after the word
- 6 "grain" the words "and industrial".
- 7 3. Page 1, line 11, by inserting after the word
- 8 "grain" the words "and industrial".
- 9 4. Page 1, line 14, by inserting after the word
- 10 "Iowa's" the words "farms and".

Amendment H—5366 was adopted.

Krause of Kossuth moved the adoption of House Concurrent Resolution 112, as amended.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Krause of Kossuth asked and received unanimous consent that House Concurrent Resolution 112 be immediately messaged to the Senate.

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SENATE MESSAGES CONSIDERED

Senate File 389, a bill for an act relating to persons who engage in the business of buying or selling grain, or who participate in the buying or selling of grain as a bargaining agent for the benefit of others, and providing a penalty.

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

Senate File 2008, a bill for an act to provide a salary increase for shorthand reporters.

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

Senate File 2043, a bill for an act relating to the payment of special assessments.

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

Senate File 2163, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

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

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Schnekloth of Scott to determine that a quorum was present.

Present: 87

Anderson
Bina
Brockett
Clark, J.H.

Arnould
Binneboese
Brunow
Conlon

Baker
Brandt
Byerly
Crabb

Bennett
Branstad
Clark, B.J.
Crawford

Daggett	Danker	Davitt	Den Herder
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Lageschulte	Lind
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Pony	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 13

Avenson	Chiodo	Connors	Cusack
Dieleman	Griffie	Koogler	Krause
Krewson	Lonergan	Rinas	Svoboda
Varley			

CONSIDERATION OF BILLS

Regular Calendar

House File 2047, a bill for an act relating to the use of watercraft on artificial lakes under the jurisdiction of the Iowa state conservation commission, with report of committee recommending passage was taken up for consideration.

Wyckoff of Benton offered the following amendment H—5053 filed by him and Halvorson of Clayton:

H—5053

- 1 Amend House File 2047 as follows:
- 2 1. Page 1, by striking line 6 and inserting
- 3 in lieu thereof the following:
- 4 "Sec. 2. This Act, being of immediate import-
- 5 tance, shall take effect and be in force from and
- 6 after its publication in The Cedar Valley Daily
- 7 Times, a newspaper published in Vinton, Iowa, and
- 8 in the Monona Billboard, a newspaper published in
- 9 Monona, Iowa."

Perkins of Greene offered the following amendment H—5536, to amendment H—5053, filed by him and Tauke of Dubuque from the floor and moved its adoption:

H—5536

1 Amend amendment H—5053, to House File 2047, as
2 follows:

3 1. Page 1, by striking lines 6 through 9 and
4 inserting in lieu thereof the following: "after its
5 publication in the Carroll Daily Times Herald, a
6 newspaper published in Carroll, Iowa, and in the
7 Telegraph Herald, a newspaper published in Dubuque,
8 Iowa."

Amendment H—5536 lost.

Hines of Story offered the following amendment H—5535, to amendment H—5053, filed by him from the floor and moved its adoption:

H—5535

1 Amend the amendment H—5053 by striking lines
2 8 and 9 and inserting in lieu thereof the following:
3 "in the Ames Daily Tribune, a newspaper published
4 in Ames, Iowa."

Amendment H—5535 lost.

Wyckoff of Benton moved the adoption of amendment H—5053.

A non-record roll call was requested.

The ayes were 48, nays 26.

Amendment H—5053 was adopted.

Gentleman of Polk offered the following amendment H—5530 filed by her from the floor and moved its adoption:

H—5530

1 Amend House File 2047 as follows:
2 1. Page 1, line 5, by striking the word
3 "commission." and inserting in lieu thereof

- 4 "commission on all artificial lakes of more than
5 six thousand acres."

A non-record roll call was requested.

The ayes were 33, nays 42.

Amendment H—5530 lost.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2047)

The ayes were, 59:

Anderson	Arnould	Avenson	Bennett
Bina	Brandt	Branstad	Brockett
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Den Herder	Dieleman	Dyrland	Evans
Fitzgerald	Garrison	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Lageschulte	Lind	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Pavich	Pellett	Spear	Spencer
Stephens	Tauke	Tofte	Varley
Woods	Wyckoff	Mr. Speaker	

The nays were, 36:

Baker	Binneboese	Brunow	Byerly
Clark, B.J.	Daggett	Danker	Doyle
Dunton	Egenes	Gentleman	Gettings
Gilloon	Gilson	Horn	Howell
Lindeen	Lipsky	Nielsen	Patchett
Pelton	Perkins	Poncy	Scheelhaase
Schneklloth	Schroeder	Shimanek	Small
Smalley	Stromer	Svoboda	Thompson
Walter	Welden	Wells	West

Absent or not voting, 5:

Harvey
Rinas

Krause

Krewson

Lonergan

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

MOTION TO RECONSIDER PREVAILED
(House File 2006)

Schnekloth of Scott called up for consideration the motion to reconsider House File 2006, filed on February 28, 1978, and moved to reconsider the vote by which House File 2006, a bill for an act relating to the compensation of township trustees, passed the House on February 27, 1978.

A non-record roll call was requested.

The ayes were 79, nays 2.

The motion prevailed and the House reconsidered House File 2006.

On motion by Schnekloth of Scott, the House reconsidered the vote by which House File 2006 was placed on its last reading.

Lageschulte of Bremer offered the following amendment H-5477 filed by Lageschulte, et al., and moved its adoption:

H-5477

- 1 Amend House File 2006 as follows:
- 2 1. Page 1, by inserting after line 25 the
- 3 following section:
- 4 "Sec. Section three hundred fifty-nine point
- 5 forty-seven (359.47), Code 1977, is amended by
- 6 striking the section and inserting in lieu thereof
- 7 the following:
- 8 359.47 COMPENSATION OF TOWNSHIP CLERK. A town-
- 9 ship clerk while engaged in official business shall
- 10 be compensated at a rate equal to the pay per hour
- 11 of a township trustee. The compensation shall be
- 12 paid from the general fund of the county."
- 13 2. Title page, line 1, by inserting after the
- 14 word "trustees" the words "and township clerk".

Amendment H—5477 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2006)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Kogler	Lageschulte	Lind	Lindeen
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Scheelhaase	Schneklloth	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Wyckoff
Mr. Speaker			

The nays were, 5:

Gentleman	Lipsky	Schroeder	Smalley
Welden			

Absent or not voting, 10:

Arnould	Brockett	Harvey	Krause
Krewson	Loneragan	Perkins	Rinas
Svoboda	Woods		

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

UNFINISHED BUSINESS

The House resumed consideration of **House File 2244**, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties, and amendment H—5503 filed by Arnould, et al., and found on page 763 of the House Journal.

Baker of Buena Vista offered the following amendment H—5518, to amendment H—5503, filed by him and moved its adoption:

H—5518

- 1 Amend amendment H—5503 to House File 2244 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "landlord", the words:
- 4 "No interest shall be paid to the tenant unless the
- 5 rental deposit is held for 6 months or more."

Amendment H—5518 was adopted.

Arnould of Scott moved the adoption of amendment H—5503, as amended.

A non-record roll call was requested.

The ayes were 26, nays 53.

Amendment H—5503, as amended, lost.

Miller of Buchanan asked and received unanimous consent to withdraw amendments H—5519 and H—5520 filed by him on March 2, 1978.

Miller of Buchanan offered the following amendment H—5531 filed by him from the floor:

H—5531

- 1 Amend House File 2244 as follows:
- 2 1. Page 1, line 10, by striking the word
- 3 "liberally" and inserting in lieu thereof the
- 4 word "strictly".

Cusack of Scott in the chair at 4:22 p.m.

Miller of Buchanan moved the adoption of amendment H—5531.

Roll call was requested by Patchett of Johnson and Dyrland of Clayton.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5531 be adopted?"

The ayes were, 47:

Baker	Bennett	Branstad	Brockett
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Crabb	Daggett	Danker	Den Herder
Dunton	Egenes	Evans	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Horn	Hullinger	Junker	Koogler
Lageschulte	Lind	Lindeen	Menke
Millen	Miller, K.D.	Miller (Sergeant)	Oxley
Pellett.	Poncy	Schnekloth	Schroeder
Smalley	Spencer	Stephens	Stromer
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	

The nays were, 49:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Conlon
Connors	Crawford	Davitt	Dieleman
Doyle	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hargrave	Hines	Hoffmann
Howell	Husak	Jesse	Jochum
Lipsky	Lonergan	Middleswart	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pelton	Perkins
Rinas	Scheelhaase	Shimanek	Small
Spear	Tauke	Thompson	Walter
Mr. Speaker (Cusack)			

Absent or not voting, 4:

Cochran	Krause	Krewson	Svoboda
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Amendment H—5531 lost.

Baker of Buena Vista offered the following amendment H—5546 filed by Baker, Davitt, Woods and Harbor from the floor and moved its adoption:

H—5546

- 1 Amend House File 2244 as follows:
- 2 1. Page 2, by inserting after line 21 the following:
- 3 "8. Occupancy under a rental agreement covering a
- 4 single family residence.

Roll call was requested by Patchett of Johnson and Monroe of Des Moines.

On the question "Shall amendment H—5546 be adopted?"

The ayes were, 23:

Baker	Bennett	Branstad	Daggett
Danker	Davitt	Den Herder	Dunton
Halvorson	Hansen	Harbor	Horn
Husak	Koogler	Lind	Miller, K.D.
Pellett	Perkins	Poncy	Smalley
Stephens	Woods	Wyckoff	

The nays were, 64:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Dieleman
Doyle	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffie	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Jesse	Jochum	Junker	Lageschulte
Lindeen	Lipsky	Loneragan	Middleswart
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Patchett	Pavich	Pelton
Rinas	Schnekloth	Schroeder	Shimanek
Small	Spear	Spencer	Stromer
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Mr. Speaker (Cusack)

Absent or not voting, 13:

Chiodo	Cochran	Evans	Gilloon
Krause	Krewson	Menke	Millen
Newhard	Oxley	Scheelhaase	Svoboda
Varley			

Amendment H—5546 lost.

Perkins of Greene asked for unanimous consent to take up for consideration the following amendment H—5537 filed by him from the floor:

H—5537

- 1 Amend House File 2244 as follows:
- 2 1. Page 2, by inserting after line 21 the following:
- 3 "8. Occupancy under a rental agreement covering a
- 4 single family residence located on land assessed as
- 5 agricultural land and located in an unincorporated area."

Objection was raised.

Perkins of Greene moved that the rules be suspended for the consideration of amendment H—5537.

Monroe of Des Moines rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Schroeder of Pottawattamie moved that the rules be suspended for the consideration of amendment H—5537.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed and the rules were suspended for the consideration of amendment H—5537.

Perkins of Greene moved the adoption of amendment H—5537.

A non-record roll call was requested.

The ayes were 46, nays 49.

Amendment H—5537 lost.

(House File 2244 placed under unfinished business.)

MOTIONS TO RECONSIDER WITHDRAWN
(House File 2189)

Junker of Woodbury asked and received unanimous consent to withdraw the motion to reconsider House File 2189 filed by him on February 23, 1978.

Griffiee of Chickasaw asked and received unanimous consent to withdraw the motion to reconsider House File 2189 filed by him on February 23, 1978.

OBJECTION TO IMMEDIATE MESSAGE
(House File 2047)

Wyckoff of Benton asked for unanimous consent that House File 2047 be immediately messaged to the Senate.

Objection was raised.

Wyckoff of Benton moved to reconsider the vote by which House File 2047 passed the House on March 6, 1978.

Roll call was requested by Tauke of Dubuque and Lipsky of Linn.

Rule 70 was invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 43:

Arnould	Baker	Bennett	Bina
Brunow	Byerly	Clark, B.J.	Conlon
Crawford	Daggett	Danker	Doyle
Dunton	Egenes	Gentleman	Gettings
Hoffmann	Horn	Lageschulte	Lindeen
Lipsky	Millen	Montoe	Nielsen
Patchett	Pelton	Perkins	Poncy
Schneklloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Walter
Wells	West	Woods	

The nays were, 48:

Anderson	Avenson	Binneboese	Brandt
Chiodo	Clark, J.H.	Connors	Crabb

Davitt	Dieleman	Dyrland	Evans
Fitzgerald	Garrison	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Howell
Hullinger	Husak	Jesse	Junker
Koogler	Lind	Lonergan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Newhard
Norland	O'Halloran	Oxley	Pavich
Pellett	Rinas	Scheelhaase	Spencer
Tofte	Welden	Wyckoff	Mr. Speaker (Cusack)

Absent or not voting, 9:

Branstad	Brockett	Cochran	Den Herder
Gilloon	Jochum	Krause	Krewson
Varley			

The motion lost.

MOTION TO RECONSIDER PENDING (House File 2113)

Chiodo of Polk asked for unanimous consent to withdraw the motion to reconsider House File 2113 filed by him on February 22, 1978.

Objection was raised.

Chiodo of Polk moved to reconsider the vote by which House File 2113 passed the House on February 22, 1978.

Tauke of Dubuque asked for unanimous consent to defer action on House File 2113.

Objection was raised.

Tauke of Dubuque moved to defer action on the motion to reconsider House File 2113 and that the bill retain its place on the calendar.

The motion prevailed and the motion to reconsider House File 2113 was deferred and the bill retained its place on the calendar.

Speaker Cochran in the chair at 6:13 p.m.

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 246**

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 246 as amended, passed and reprinted by the House, a bill for an act, creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties and providing a penalty, respectfully make the following report:

1. That the Senate amendment H-4211 to House File 246 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by striking lines 23 and 24 and inserting in lieu thereof the words "be a person qualified by education, training and experience."

2. Page 1, line 25, by striking the words "and accounting."

3. Page 1, line 28, by inserting after the word "assembly," the following: "The initial director shall not be an employee of the state of Iowa."

4. Page 1, line 46, by striking the word "ten" and inserting in lieu thereof the word "eight".

5. Page 2, by striking lines 15 and 16.

6. Page 2, line 29, by inserting after the word "bureau." the following: "The director shall submit the priority ranking of the requests for approval to a committee composed of two members of the majority party and two members of the minority party of each house of the general assembly. The presiding officer of each house of the general assembly shall appoint the members from that house for a term of four years and shall consider, in making the appointments, the membership of the appropriate standing committees. The votes of five members of the committee shall be required to disapprove of the priority ranking."

7. Page 2, line 33, by striking the words "The director shall".

Page 2

8. Page 2, by striking lines 34 through 37.

9. Page 2, line 44, by striking the words "a member" and inserting in lieu thereof the words "six members".

10. Page 2, by striking lines 45 and 46 and inserting in lieu thereof the word "assembly."

11. Page 2, by striking lines 47 and 48.

12. Page 2, line 50, by striking the words "director's initiative" and inserting in lieu thereof the words "request of the governor".

13. Page 3, by striking lines 6 through 11 and inserting in lieu thereof the following:

"The director shall not conduct an examination which would be contrary to the academic freedom of area community colleges or the institutions under the state board of regents. The director shall not conduct an examination of the instruction or research methods or the contents of the curricula of such institutions."

14. Page 3, line 13, by striking the words ", educational or scholarly" and inserting in lieu thereof the words "or educational".

15. Page 3, by striking lines 44 through 50 and inserting in lieu thereof the following:

"However, the bureau shall not have access to the following:

1. Personal information in academic records regarding a student, prospective stu-

dent or former student of the educational institution or agency maintaining the records.

2. Medical and hospital records of the condition, diagnosis, care or treatment of a patient or former patient, including outpatients.

3. Intraoffice memoranda and working papers of the governor and the governor's staff and of the judges of supreme, appellate, and district courts and their clerks and assistants. The director".

16. Page 4, lines 12 and 13, by striking the words ", if any,".

17. Page 5, by inserting after line 45 the following:

"4. The director shall maintain as a public record an index of all performance audit and program evaluation requests showing the requesting party, the subject agency and the date the request was made."

Page 3

18. Page 6, line 9, by striking the word "thirty" and inserting in lieu thereof the word "fifteen".

19. Page 6, Line 12, by striking the words "a member of the general assembly" and inserting in lieu thereof the words "other than a standing committee or budget subcommittee".

20. Page 6, line 32, by striking the number "1987" and inserting in lieu thereof the number "1988".

21. Renumber the sections and subsections to conform with this amendment.

ON THE PART OF THE HOUSE:

DIANE BRANDT, Chair
JOHN B. BRUNOW
LaVERN R. HARVEY
W. R. MONROE, JR.
DELWYN STROMER

ON THE PART OF THE SENATE:

MINNETTE F. DODERER, Chair
E. KEVIN KELLY
BOB RUSH
TOM SLATER

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber, attending an NCSL Task Force meeting in Washington, D.C., on the afternoon of March 1, 1978 and March 2, 1978 all day. Had I been present, I would have voted "aye" on House Files 187 and 2243; Senate Files 384 and 2151.

WALTER of Pottawattamie

I was necessarily absent from the House chamber Thursday afternoon, March 2, 1978, when the vote was taken on amendments H-5513 and H-5503 to House File 2244. Had I been present, I would have voted "nay."

THOMPSON of Polk

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 431 Transportation**

Relating to motor vehicle transportation regulation.

S.B. 432 Commerce

Providing for the inclusion in health insurance policies of benefits for the treatment of mental and nervous disorders.

S.B. 433 Agriculture

Relating to the certification of pesticide applicators.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON TRANSPORTATION

Scheduled: 8:00 a.m., March 2, 1978

Convened: 8:15 a.m.

Adjourned: 9:10 a.m.

Present: Tauke, ranking member; Binneboese, Hinkhouse, Hoffmann, Middleswart, Pavich, Schneklath, Schroeder and Spencer.

Absent: Rinas, chair; and Brandt.

Presentation by General Burkhead of the Iowa National Guard.

COMMITTEE ON COMMERCE

Scheduled: 9:00 a.m., March 2, 1978

Convened: 9:10 a.m.

Adjourned: 9:25 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Brunow, Den Herder, Dieleman, Evans, Halvorson, Koogler, Tauke, Welden and West.

Absent: Anderson, Jochum, Krause, Lonergan and Schroeder.

Excused: Bina and Walter.

Committee Bill (Formerly House File 2229), a bill for an act relating to retention from payment on public contracts and escrow agreements.

Recommended Amend and Do Pass.

Aye: Small, Chiodo, Brockett, Brunow, Den Herder, Dieleman, Evans, Halvorson, Koogler, Welden and West.

Nay: None.

Absent or not voting: Anderson, Bina, Jochum, Krause, Lonergan, Schroeder, Tauke and Walter.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 9:00 a.m., March 2, 1978.

Convened: 9:13 a.m.

Adjourned: 10:20 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Absent: Byerly, Clark of Lee, Harvey, Junker and Stromer.

Senate File 404, a bill for an act relating to payment of travel expenses of county officers and employees.

Recommended Amend and Do Pass.

H-5533

- 1 Amend Senate File 404 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting after line 14 the
- 4 following:
- 5 "The board of supervisors may provide reimbursement
- 6 for actual expense incurred by members of boards and
- 7 commissions appointed by the board for attendance
- 8 at training functions in the discharge of their
- 9 official duties. The board of supervisors shall
- 10 designate the fund from which reimbursement is to
- 11 be made.

12 The board of supervisors after consulting with
13 the other elected county officers, shall adopt a
14 training reimbursement policy. The policy shall give
15 priority to attendance at training functions conducted
16 at the local level."

Aye: Hullinger, Spear, Baker, Brandt, Gilloon, Gilson, Hinkhouse, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: Danker.

Absent or not voting: Byerly, Clark of Lee, Harvey, Junker and Stromer.

Committee Bill (Formerly House File 2154), a bill for an act relating to the expenditure of funds by the county conservation board for land acquisition.

Recommended Amend and Do Pass.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilloon, Gilson, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: Hinkhouse.

Absent or not voting: Byerly, Clark of Lee, Harvey, Junker and Stromer.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 9:00 a.m., March 2, 1978

Convened: 9:23 a.m.

Adjourned: 10:25 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Arnould, Clark of Cerro Gordo, Conlon, Connors, Dyrland, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Absent: Doyle, Garrison (arrived 9:37 a.m.), Nielsen, Patchett and Smalley (arrived 9:40 a.m.).

Committee Bill (Formerly House File 284), a bill for an act relating to the office of a magistrate who devotes his or her entire time to official duties.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Connors, Dyrland, Garrison, Gentleman, Lipsky, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Doyle, Nielsen and Patchett.

Committee Bill (Formerly House File 2094), a bill for an act to place juvenile probation officers under the jurisdiction of the state department of social services.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Clark of Cerro Gordo, Conlon, Connors, Garrison, Gentleman, Lipsky, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Branstad.

Absent or not voting: Doyle, Dyrland, Nielsen, Patchett and Pelton.

Assigned bills to subcommittees.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 1:00 p.m., March 2, 1978

Convened: 1:10 p.m.

Adjourned: 2:15 p.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Chiodo, Crabb, Gilloon, Hines, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Halvorson (arrived 1:12 p.m.), Horn (arrived 1:13 p.m.), Branstad (arrived 1:16 p.m.), Brockett (arrived 1:20 p.m.) and Small (arrived 1:45 p.m.).

Senate File 2124, a bill for an act relating to binding arbitration and to establish dates for receipt of impasse services in public employment collective bargaining negotiations.

Recommended Amend and Do Pass.

H-5549

- 1 Amend Senate File 2124 as follows:
- 2 1. Page 1, by striking lines 1 through 18 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. . Notwithstanding the provisions of
- 5 subsection one (1) of section twenty point twenty-
- 6 two (20.22) of the Code for negotiations on collective
- 7 bargaining agreements effective for the 1978-1979

8 fiscal year and for those public employers and
9 certified employee organizations who have requested
10 impasse procedures by April 15, 1978, the board shall
11 upon request of either party have the power to arrange
12 for arbitration which shall be final and binding on
13 both parties. The definitions listed in section
14 twenty point three (20.3) of the Code shall apply
15 to this section.

16 This Act shall not render moot any litigation filed
17 in the supreme court of Iowa prior to March 1, 1978,
18 regarding the availability of impasse services under
19 chapter twenty (20) of the Code."

Aye: Connors, Jochum, Egenes, Chiodo, Gilloon, Halvorson, Hines, Lageschulte, Pavich, Poncy, Small, Smalley and Wells.

Nay: None.

Absent or not voting: Branstad, Brockett, Crabb, Horn and Thompson.

Committee Bill (Formerly House File 542), a bill for an act relating to the use of polygraph examinations as a condition of employment.

Recommended **Amend and Do Pass**.

Aye: Connors, Jochum, Egenes, Brockett, Chiodo, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy and Wells.

Nay: Branstad and Thompson.

Absent or not voting: Crabb, Small and Smalley.

COMMITTEE ON BUDGET

Scheduled: 9:00 a.m., March 6, 1978

Convened: 9:10 a.m.

Recessed: 10:35 a.m.

Reconvened: 12:43 p.m.

Adjourned: 2:32 p.m.

Present: Cusack, chair; Dunton, vice-chair; Den Herder, ranking member; Harvey, Koogler, Norland, Welden and Wells.

Absent: Avenson (arrived 9:23 a.m.), Jesse, O'Halloran (arrived 10:13 a.m.), Stromer (arrived 9:20 a.m.) and Varley (arrived 9:30 a.m.).

Senate File 2125, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Recommended Amend and Do Pass.

H-5543

- 1 Amend Senate File 2125, as passed by the Senate,
- 2 as follows:
- 3 1. Page 9, by striking lines 24 through 29 and
- 4 inserting in lieu thereof the following: "for the
- 5 following purposes:"
- 6 2. Page 16, by striking lines 8 through 13.

Fiscal note is not required.

Aye: Cusack, Den Herder, Avenson, Harvey, Norland, O'Halloran, Stromer, Varley and Wells.

Nay: Dunton and Welden.

Absent or not voting: Koogler and Jesse.

AMENDMENTS FILED

H-5532	H.F. 2244	Rinas of Linn
H-5538	S.F. 2125	Scheelhaase of Woodbury
		Hinkhouse of Cedar
H-5539	H.F. 351	Schroeder of Pottawattamie
		Shimanek of Jones
		Tauke of Dubuque
H-5540	S.F. 2043	Miller of Buchanan
H-5541	S.F. 336	Junker of Woodbury
H-5544	H.F. 2244	Small of Johnson
		Garrison of Black Hawk
		Gentleman of Polk
H-5545	H.F. 2244	Patchett of Johnson
H-5550	H.F. 2244	Spencer of Clay
		Rinas of Linn
		Monroe of Des Moines
H-5551	H.F. 2244	Smalley of Polk
H-5552	S.F. 336	Walter of Pottawattamie
H-5553	H.F. 2290	Welden of Hardin
		Millen of Van Buren
H-5554	S.F. 182	Doyle of Woodbury
		Evans of Grundy

H—5555	H.F. 351	Schroeder of Pottawattamie
H—5556	H.F. 248	Jesse of Polk
		Shimanek of Jones
		Clark of Cerro Gordo
		Lipsky of Linn
		Newhard of Jones
H—5557	H.F. 248	Jesse of Polk
		Gentleman of Polk
		Lipsky of Linn
		Newhard of Jones
		Clark of Cerro Gordo
		Shimanek of Jones

On motion by Fitzgerald of Webster, the House adjourned at 6:15 p.m., until 1:30 p.m., Tuesday, March 7, 1978.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day—Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 7, 1978

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

Prayer was offered by the Reverend Thurmand Rybrandt, pastor of the First Reformed Church, Sioux Center, Iowa.

The Journal of Monday, March 6, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for the afternoon session on request of Wyckoff of Benton.

PETITIONS FILED

The following petitions were received and placed on file:

By West of Marshall from eighteen Story County deputy sheriffs in support of Senate File 2085 and an improvement in IPERS.

By Lageschulte of Bremer, from sixty-nine constituents in favor of the sale of raw milk.

INTRODUCTION OF BILLS

House File 2291, by Small, a bill for an act relating to periodic billings to customers by rate-regulated public utilities.

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

House File 2292, by committee on natural resources, a bill for an act changing the penalties provided by section one hundred ten point fourteen (110.14) of the Code and section eight hundred five point eight (805.8) of the Code Supplement for violations of the fish and game laws.

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

House File 2293, by committee on county government, a bill for an act relating to the expenditure of funds by the county conservation board for land acquisition.

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

House File 2294, by committee on state government, a bill for an act to define an additional substance as a controlled substance under the Uniform Controlled Substances Act.

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

House File 2295, by committee on ways and means, a bill for an act relating to the disabled veteran's tax credit.

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

House File 2296, by committee on transportation, a bill for an act relating to the payment for the operation and maintenance of freeway lighting systems in cities.

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

House File 2297, by committee on natural resources, a bill for an act relating to the meeting dates of the state conservation commission.

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

House File 2298, by committee on energy, a bill for an act appropriating funds for an ethanol production pilot project to be conducted at the Iowa state university of science and technology.

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

House File 2299, by Krewson, Den Herder and Egenes, a bill for an act relating to the licensure and regulation of hospitals.

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

House File 2300, by Krause, a bill for an act creating an income tax checkoff for the purpose of designating funds to be used for the construction of a new state historical building.

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

House File 2301, by Crawford, a bill for an act relating to child abuse.

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

House File 2302, by Lageschulte, a bill for an act relating to motor vehicle inspections.

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

House File 2303, by Brunow, a bill for an act relating to the date on which property taxes are due and payable without penalty.

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

House File 2304, by Gentleman, a bill for an act exempting the gross receipts from the sale of vitamins from the state sales, service and use tax.

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

House File 2305, by Koogler, a bill for an act relating to the agricultural land tax credit by providing for the filing of a claim to receive the credit, by defining persons eligible to receive the credit, and providing penalties for violations.

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

House File 2306, by Baker, a bill for an act relating to bonding requirements for vehicle dealers.

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

House File 2307, by Monroe, a bill for an act amending the criminal code revision to insert a general penalty clause which makes it a serious misdemeanor for a person to fail to perform a duty required by state statute or to perform an act prohibited by state statute.

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

House File 2308, by Horn, a bill for an act permitting spouses of persons eligible to claim a military service exemption to make such a claim for them.

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

House File 2309, by committee on transportation, a bill for an act relating to air transportation regulation.

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

HOUSE RESOLUTION 114

By Scheelhaase

1 *Whereas*, the city of Salix was recently faced with a
 2 judgment against it for seven years; and
 3 *Whereas*, thousands of people came to the aid of the
 4 city of Salix so that \$40,000 was raised in three
 5 months; and
 6 *Whereas*, on January 18, 1978 the city of Salix made
 7 the final payment to satisfy the judgment against it;
 8 *Now Therefore*,
 9 *Be It Resolved by the House of Representatives*, That the
 10 membership of the House of Representatives of the Sixty-
 11 seventh General Assembly of the State of Iowa extends
 12 its heartiest congratulations to the city of Salix,
 13 Iowa for overcoming its financial crisis with the
 14 assistance of many communities, fire departments, busi-
 15 nesses, and individuals across the United States; and
 16 *Be It Further Resolved*, That a copy of this resolution
 17 be forwarded to the mayor and city council of Salix on
 18 behalf of its citizens.

Laid over under Rule 25.

HOUSE RESOLUTION 115

By Scheelhaase

1 *Whereas*, the city of Mapleton is nearing the centen-

2 nial anniversary of its incorporation as a city; and
 3 *Whereas*, the citizens of Mapleton are preparing for
 4 a centennial celebration to commemorate the one-hundredth
 5 anniversary of the city's incorporation; *Now Therefore*,
 6 *Be It Resolved by the House of Representatives*, That the
 7 membership of the House of Representatives of the Sixty-seventh
 8 General Assembly of the State of Iowa extends its heartiest
 9 congratulations to the city of Mapleton, Iowa in commemora-
 10 tion of the centennial anniversary of its incorporation;
 11 and
 12 *Be It Further Resolved*, That a copy of this resolution
 13 be forwarded to the mayor, the city council, and the
 14 citizens of Mapleton who are in charge of making prepara-
 15 tions for the centennial celebration.

Laid over under Rule 25.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Lageschulte of Bremer to determine that a quorum was present.

Rules 69 and 70 were invoked.

Present: 87

Anderson	Baker	Bennett	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellet
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 13

Arnould
Evans
Krause
Welden

Avenson
Harbor
Nielsen

Branstad
Harvey
Pelton

Crabb
Jesse
Varley

UNFINISHED BUSINESS

The House resumed consideration of **House File 2244**, a bill for an act to adopt the Uniform Landlord Tenant Act as modified and providing penalties.

Rinas of Linn asked and received unanimous consent to withdraw amendment H—5532 filed by him on March 6, 1978.

Spencer of Clay offered the following amendment H—5550 filed by Spencer, et al., and moved its adoption:

H—5550

- 1 Amend House File 2244 as follows:
- 2 1. Page 8, by striking lines 20 through 23 and
- 3 inserting in lieu thereof the following: "(117) of
- 4 the Code, all rental deposits shall be held in an
- 5 interest bearing account. Any interest earned on a
- 6 rental deposit shall be the property of the tenant
- 7 if the term of the rental agreement is for a minimum
- 8 of one year, and the tenant fulfills the rental
- 9 agreement."

Roll call was requested by Spencer of Clay and Arnould of Scott.

Rule 70 was invoked.

On the question "Shall amendment H—5550 be adopted?"

The ayes were, 43:

Anderson
Bina
Connors
Danker
Fitzgerald
Hines
Krewson
Pavich
Rinas

Arnould
Binneboese
Crabb
Doyle
Gettings
Howell
Monroe
Pelton
Scheelhaase

Avenson
Brandt
Crawford
Dunton
Gilloon
Jochum
O'Halloran
Perkins
Small

Baker
Clark, J.H.
Cusack
Dyrland
Hargrave
Koogler
Patchett
Poncy
Spears

Spencer	Stephens	Svoboda	Walter
Wells	Woods	Mr. Speaker	

The nays were, 51:

Bennett	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Daggett	Davitt	Den Herder	Dieleman
Egenes	Garrison	Gentleman	Gilson
Griffie	Halvorson	Hansen	Harvey
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Junker	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
Pellett	Schnekloth	Schroeder	Shimanek
Smalley	Tauke	Thompson	Tofte
Varley	West	Wyckoff	

Absent or not voting, 6:

Evans	Harbor	Jesse	Krause
Stromer	Welden		

Amendment H—5550 lost.

Thompson of Polk offered the following amendment H—5558 filed by her from the floor and moved its adoption:

H—5558

- 1 Amend House File 2244 as follows:
- 2 1. Page 11, line 23, by inserting after the word
- 3 "condition." the following: "The landlord shall not
- 4 be liable for any injury caused by any objects or
- 5 materials which belong to or which have been placed
- 6 by a tenant in the common areas of the premises used
- 7 by the tenant."

Roll call was requested by Tauke of Dubuque and Junker of Woodbury.

On the question "Shall amendment H—5558 be adopted?"

The ayes were, 50:

Baker	Bennett	Binneboese	Branstad
Brockett	Byerly	Clark, B.J.	Conlon
Crabb	Daggett	Danker	Davitt

Den Herder	Dieleman	Dunton	Egenes
Evans	Garrison	Griffie	Halvorson
Hansen	Harvey	Hinkhouse	Hoffmann
Horn	Junker	Lind	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Nielsen	Oxley
Pellett	Pelton	Poncy	Schnekloth
Schroeder	Smalley	Stephens	Stromer
Svoboda	Thompson	Weiden	West
Woods	Wyckoff		

The nays were, 41:

Anderson	Arnould	Bina	Brandt
Chiodo	Clark, J.H.	Crawford	Cusack
Doyle	Dyrland	Fitzgerald	Gentleman
Gettings	Gilloon	Gilson	Hargrave
Hines	Howell	Hullinger	Jochum
Krewson	Lageschulte	Lonergan	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Perkins	Rinas	Scheelhaase
Shimanek	Small	Spear	Spencer
Tauke	Tofte	Walter	Wells
Mr. Speaker			

Absent or not voting, 9:

Avenson	Brunow	Connors	Harbor
Husak	Jesse	Koogler	Krause
Varley			

Amendment H — 5558 was adopted.

Patchett of Johnson asked and received unanimous consent to defer action on amendment H — 5545.

Small of Johnson offered the following amendment H — 5544 filed by Small, et al. :

H — 5544

- 1 Amend House File 2244 as follows:
- 2 1. Page 20, by inserting after line 16 the
- 3 following:
- 4 "Sec. . NEW SECTION. IMPLIED WARRANTY.
- 5 1. Except as provided in subsection two (2) of
- 6 section seventeen (17) of this Act, a landlord who
- 7 rents or leases residential property in this state
- 8 shall have the duty to keep the premises in repair
- 9 and in a habitable condition. A landlord who represents

10 to a tenant, whether orally or in writing or by
11 demonstration, that one or more accessories, including
12 but not limited to a shower, bath, electrical
13 appliance, fixture, or other facility or service,
14 are part of the rental agreement, shall be deemed
15 to warrant that the accessories at all times shall
16 be serviceable and fit for the particular purposes
17 for which they are to be used.

18 2. In the event of a breach of the duty or warranty
19 specified in subsection one (1) of this section, the
20 tenant shall have the right to cause the defects
21 constituting the breach to be corrected or repaired
22 if:

23 a. The reasonable cost of correcting or repairing
24 the defects is less than one hundred dollars or an
25 amount equal to one-half of the periodic rent,
26 whichever is greater; and

27 b. The tenant notifies the landlord in writing
28 of the defects and of the tenant's intention to correct
29 the condition at the landlord's expense; and

30 c. The landlord either fails to initiate action
31 to correct or repair the defects within three days
32 after receiving the notice or fails to complete the
33 work within fourteen days after receiving the notice.
34 In the event the tenant causes the defects to be
35 corrected or repaired, the tenant shall have the duty
36 to see that the work is done in a workmanlike manner,
37 and the duty to submit to the landlord an itemized
38 statement of the actual and reasonable cost or value
39 of the work.

40 3. In lieu of exercising the right to correct
41 or repair minor defects under subsection two (2) of
42 this section, the tenant may commence an action to
43 recover damages under section twenty-three (23) of
44 this Act.

45 4. A tenant who causes defects to be corrected
46 or repaired as provided in subsection two (2) of this
47 section shall be entitled to deduct the actual and
48 reasonable cost or value of the work from the periodic
49 rent; provided that in no event shall the tenant be
50 entitled to deduct an amount greater than that

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1 specified in paragraph a of subsection two (2) of
2 this section."

West of Marshall rose on a point of order that amendment
H-5544 was not in order.

The Speaker ruled the point not well taken and amendment H—5544 in order.

Smalley of Polk offered the following amendment H—5551, to amendment H—5544, filed by him and moved its adoption:

H—5551

- 1 Amend amendment H—5544 to House File 2244 as
- 2 follows:
- 3 1. Page 1, line 31, by striking the word "three"
- 4 and inserting in lieu thereof the word "seven".
- 5 2. Page 1, line 33, by striking the word "fourteen"
- 6 and inserting in lieu thereof the word "thirty".

Roll-call was requested by Small of Johnson and Rinas of Linn.

Rule 70 was invoked.

On the question "Shall amendment H—5551 be adopted?"

The ayes were, 50:

Baker	Bennett	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Daggett	Davitt
Den Herder	Dieleman	Dunton	Egenes
Gentleman	Gettings	Halvorson	Hansen
Harvey	Hoffmann	Horn	Howell
Junker	Lind	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	Oxley
Pellett	Perkins	Poncy	Schneklath
Schroeder	Smalley	Spear	Stephens
Stromer	Tofte	Welden	West
Woods	Wyckoff		

The nays were, 41:

Anderson	Arnould	Bina	Binneboese
Brandt	Connors	Crabb	Crawford
Cusack	Danker	Doyle	Fitzgerald
Garrison	Gilloon	Gilson	Griffee
Hargrave	Hines	Hinkhouse	Hullinger
Husak	Jochum	Koogler	Krewson
Lageschulte	Lindeen	Newhard	O'Halloran
Patchett	Pavich	Pelton	Rinas
Scheelhaase	Shimanek	Small	Svoboda
Tauke	Thompson	Walter	Wells
Mr. Speaker			

Absent or not voting, 9:

Avenson	Dyrland	Evans	Harbor
Jesse	Krause	Lipsky	Spencer
Varley			

Amendment H—5551 was adopted.

Small of Johnson moved the adoption of amendment H—5544, as amended.

Roll call was requested by Arnould of Scott and Bina of Scott.

On the question "Shall amendment H—5544, as amended, be adopted?"

The ayes were, 61:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Chiodo	Clark, B.J.	Connors	Crabb
Crawford	Cusack	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Griffiee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lipsky	Lonergan
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Tauke	Walter	Wells	Woods
Mr. Speaker			

The nays were, 34:

Baker	Bennett	Branstad	Byerly
Clark, J.H.	Conlon	Daggett	Danker
Davitt	Dieleman	Gilson	Halvorson
Hansen	Harvey	Hoffmann	Lind
Lindeen	Menke	Millen	Miller, K.D.
Nielsen	Pellett	Pelton	Schnekloth
Schroeder	Shimaneck	Smalley	Stephens
Stromer	Thompson	Tofte	Welden
West	Wyckoff		

Absent or not voting, 5:

Den Herder	Harbor	Krause	Perkins
Varley			

Amendment H—5544, as amended, was adopted.

Patchett of Johnson offered amendment H—5545 filed by him and requested division as follows:

H—5545

1 Amend House File 2244 as follows:

H—5545A

2 1. Page 14, lines 32 and 33, by striking the words
3 "sections thirty-one (31) and", and inserting in lieu
4 thereof the word "section".

H—5545B

5 2. Page 18, lines 28 and 29, by striking the words
6 "or twenty-five (25)".

H—5545A

7 3. Page 21, by striking lines 19 through 32.

Patchett of Johnson asked and received unanimous consent to withdraw amendment H—5545A.

Patchett of Johnson moved the adoption of amendment H—5545B.

A non-record roll call was requested.

The ayes were 70, nays 9.

Amendment H—5545B was adopted.

Small of Johnson offered the following amendment H—5562 filed by him from the floor and moved its adoption:

H—5562

1 Amend House File 2244 as follows:

2 1. Page 12, line 26, by striking the word
3 "may" and inserting in lieu thereof the word
4 "shall".

Amendment H—5562 was adopted.

Byerly of Polk offered the following amendment H—5563 filed by him from the floor:

H—5563

- 1 Amend House File 2244 as follows:
- 2 1. Page 24, by inserting after line 9 the
- 3 following new section:
- 4 " NEW SECTION. UNLAWFUL DISCRIMINATION
- 5 AGAINST TENANT WITH CHILDREN. It shall be unlawful
- 6 for a landlord to refuse to rent a dwelling unit
- 7 to any person because that person has a child or
- 8 children who will reside in the dwelling unit, or to
- 9 advertise in connection with the rental agreement a
- 10 restriction against children either by the display of
- 11 a sign, placard, printed notice, or by publication or
- 12 general circulation.
- 13 Nothing in this section shall require any public
- 14 institution owned or operated by the state or local
- 15 government, or any bona fide residential institution
- 16 for the elderly, handicapped, or disabled to conform
- 17 with the provisions of this section.
- 18 Any person who violates the provisions of this
- 19 section shall be guilty of a simple misdemeanor."

Connors of Polk asked for unanimous consent to amend amendment H—5563.

Objection was raised.

Connors of Polk moved that the rules be suspended for the consideration of the following amendment H—5567, to amendment H—5563, filed by him from the floor and moved its adoption:

H—5567

- 1 Amend amendment H—5563, to House File 2244, as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "children" the words "is elderly or and".
- 5 2. Page 1, line 10, by inserting after the word
- 6 "children" the words "is elderly or single and".

Roll call was requested by Chiodo of Polk and Nielsen of Polk.

On the question "Shall the rules be suspended and amendment H—5567 adopted?"

The ayes were, 58:

Anderson	Arnould	Baker	Bina
Binneboese	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Egenes	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Hines	Hoffmann
Horn	Husak	Jochum	Junker
Koogler	Krewson	Lind	Lindeen
Lipsky	Loneragan	Menke	Millen
Miller, K.D.	Nielsen	O'Halloran	Pavich
Pelton	Perkins	Poncy	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Spencer	Svoboda	Tofte	Wells
Woods	Mr. Speaker		

The nays were, 27:

Bennett	Brandt	Branstad	Brockett
Conlon	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Krause	Lageschulte
Middleswart	Miller (Sergeant)	Monroe	Newhard
Oxley	Patchett	Pellett	Small
Stephens	Stromer	Tauke	Thompson
Walter	West	Wyckoff	

Absent or not voting, 15:

Avenson	Den Herder	Doyle	Evans
Harbor	Harvey	Hinkhouse	Howell
Hullinger	Jesse	Norland	Rinas
Scheelhaase	Varley	Welden	

The rules were suspended and amendment H—5567 was adopted.

Byerly of Polk moved the adoption of amendment H—5563, as amended.

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

On the question "Shall amendment H—5563, as amended, be adopted?"

The ayes were, 35:

Bennett	Bina	Branstad	Byerly
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Chiodo	Conlon	Connors	Cusack
Daggett	Davitt	Doyle	Dyrland
Hansen	Hargrave	Harvey	Hines
Horn	Husak	Jochum	Koogler
Lipsky	Menke	O'Halloran	Pellett
Pelton	Perkins	Poncy	Schnekloth
Schroeder	Smalley	Spencer	Stromer
Tofte	Wells	Woods	

The nays were, 53:

Anderson	Arnould	Binneboese	Brandt
Brockett	Clark, B.J.	Clark, J.H.	Crabb
Crawford	Danker	Dieleman	Dunton
Egenes	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Hinkhouse
Hoffmann	Howell	Hullinger	Junker
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Rinas	Scheelhaase	Shimanek	Small
Spear	Stephens	Tauke	Thompson
Walter	Welden	West	Wyckoff
Mr. Speaker			

Absent or not voting, 12:

Avenson	Baker	Brunow	Den Herder
Evans	Fitzgerald	Halvorson	Harbor
Jesse	Millen	Svoboda	Varley

Amendment H—5563, as amended, lost.

Nielsen of Polk moved to reconsider the vote by which amendment H—5563, as amended, failed to be adopted by the House on March 7, 1978.

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

Rule 70 was invoked.

On the question "Shall amendment H—5563, as amended, be reconsidered?"

The ayes were, 45:

Baker	Bennett	Branstad	Byerly
Chiodo	Conlon	Connors	Cusack
Daggett	Danker	Davitt	Dieleman

Doyle	Dyrland	Gettings	Gilson
Halvorson	Hansen	Hargrave	Harvey
Hinkhouse	Horn	Husak	Koogler
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Nielsen	Pellett	Pelton
Perkins	Poncy	Schnekloth	Schroeder
Smalley	Spencer	Stephens	Stromer
Tofte	Welden	Wells	Woods
Wyckoff			

The nays were, 52:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Den Herder
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffiee
Hines	Hoffmann	Howell	Hullinger
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lind	Lonergan
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Rinas	Scheelhaase	Shimanek
Small	Spear	Svoboda	Tauke
Thompson	Walter	West	Mr. Speaker

Absent or not voting, 3:

Brunow	Harbor	Varley
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The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2244)

The ayes were, 71:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Griffiee	Halvorson	Hargrave
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson

Lageschulte	Lind	Lindeen	Lonergan
Middleswart	Millen	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Rinas	Schnekloth	Shimanek	Small
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Walter	Wells
West	Woods	Mr. Speaker	

The nays were, 21:

Baker	Bennett	Branstad	Daggett
Danker	Davitt	Den Herder	Gilson
Harvey	Hinkhouse	Lipsky	Menke
Miller, K.D.	Miller (Sergeant)	Pellett	Scheelhaase
Schroeder	Smalley	Stephens	Welden
Wyckoff			

Absent or not voting, 8:

Crabb	Dunton	Gettings	Hansen
Harbor	Poncy	Tofte	Varley

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

MOTION TO RECONSIDER LOST (House File 2244)

Patchett of Johnson moved to reconsider the vote by which House File 2244 passed the House on March 7, 1978.

A non-record roll call was requested.

The ayes were 32, nays 45.

The motion lost.

PRESENTATION OF VISITORS

Middleswart of Warren presented to the House the Honorable Ralph Winge and his wife, Jane, from Litchville, North Dakota, who were present in the House chamber. Representative Winge has served eighteen years in the North Dakota House of Representatives and is Chair of the Natural Resources Committee.

On motion by Fitzgerald of Webster, the House was recessed until 7:00 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Branstad of Winnebago and Junker of Woodbury to determine that a quorum was present. Rules 69 and 70 were invoked.

Present: 80

Anderson	Arnould	Bennett	Bina
Brandt	Branstad	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Hullinger	Husak	Jesse	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimaneck
Small	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Walter
Wells	Woods	Wyckoff	Mr. Speaker

Absent: 20

Avenson	Baker	Binneboese	Brockett
Connors	Den Herder	Egenes	Evans
Halvorson	Horn	Howell	Jochum
Patchett	Perkins	Spencer	Stephens
Tofte	Varley	Welden	West

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 630, a bill for an act to appropriate funds to the department of health to discharge the responsibilities of the department and to establish the salaries of members of the state health facilities council.

KEVIN P. LIGHT, Assistant Secretary of the Senate

SENATE AMENDMENT TO HOUSE FILE 630

H-5568

1 Amend House File 630 as follows:

2 1. Page 1, lines 4 and 5, by striking the words
3 and figure "one hundred nineteen thousand one hundred
4 eighty-nine (119,189)" and inserting in lieu thereof
5 the words and figure "sixty-seven thousand three
6 hundred forty-two (67,342)".

7 2. Page 1, by inserting after line 18 the following
8 new sections:

9 "Sec. 3. Acts of the Sixty-seventh General Assem-
10 bly, 1977 Session, chapter seventy-five (75), is
11 amended by adding the following new section:

12 **NEW SECTION. CONTRACTS FOR ASSISTANCE WITH**
13 **ANALYSES, STUDIES AND DATA.** In furtherance of the
14 department's responsibilities under sections sixteen
15 (16), seventeen (17) and eighteen (18) of this chapter,
16 the commissioner may contract with the Iowa hospital
17 association and third party payers, the Iowa health
18 care facilities association and third party payers,
19 or the Iowa association of homes for the aging and
20 third party payers for the establishment of pilot
21 programs dealing with prospective rate review in
22 hospitals or health care facilities, or both. No
23 state or federal funds appropriated or available to
24 the department shall be used for any such pilot
25 program.

26 Sec. 4. This Act, being deemed of immediate impor-
27 tance, shall take effect and be in force from and
28 after its publication in The Waterloo Courier, a
29 newspaper published in Waterloo, Iowa, and in the
30 Tama News-Herald, a newspaper published in Tama,
31 Iowa."

REREFERRED TO COMMITTEE ON BUDGET
(House File 557)

The Speaker announced that **House File 557**, recommended amend and do pass by the committee on cities, was rereferred to the committee on **budget**:

CONSIDERATION OF BILLS
Ways and Means Calendar

Senate File 336, a bill for an act relating to the imposition of a hotel and motel tax by a city or county, with report of committee recommending amendment and passage was taken up for consideration.

Gilloon of Dubuque offered amendment H-5436 filed by the committee on ways and means on February 23, 1978 and found on pages 642 and 643 of the House Journal. Division was requested as follows: Lines 3, 4 and 5 to be amendment H-5436A; the remainder of the amendment to be amendment H-5436B.

Schneklath of Scott offered the following amendment H-5479, to the committee amendment H-5436A, filed by him and moved its adoption:

H-5479

- 1 Amend the Committee on Ways and Means amendment,
- 2 H-5436, to Senate File 336 as amended, passed and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 1, lines 4 and 5, by striking the words
- 5 "at a rate of five percent, upon the gross receipts"
- 6 and inserting in lieu thereof the words "at a rate of
- 7 from one to five percent, imposed in increments of
- 8 one percent, upon the gross receipts".

Roll call was requested by Baker of Buena Vista and Horn of Linn.

Rule 70 was invoked.

On the question "Shall amendment H-5479, to amendment H-5436A, be adopted?"

The ayes were, 44:

Arnould	Baker	Bennett	Bina
Brandt	Conlon	Crabb	Cusack
Daggett	Danker	Den Herder	Dieleman
Evans	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Horn	Lageschulte	Lindeen	Hoffmann
Millen	Oxley	Pavich	Menke
Pelton	Perkins	Rinas	Pellett
Schnekloth	Schroeder	Shimaneck	Scheelhaase
Spear	Svoboda	Tauke	Small
Tofte	Walter	Weiden	Thompson
			West

The nays were, 51:

Anderson	Avenson	Binneboese	Branstad
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Connors	Crawford	Davitt	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Griffee	Hargrave	Hines	Howell
Hullinger	Husak	Jesse	Junker
Koogler	Krause	Krewson	Lind
Lipsky	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Poncy
Smalley	Spencer	Stromer	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 5:

Brockett	Byerly	Jochum	Stephens
Varley			

Amendment H—5479 lost.

Gilloon of Dubuque moved the adoption of amendment H—5436A.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 48.

Amendment H—5436A lost.

On motion by Gilloon of Dubuque, the committee amendment H-5436B was adopted.

Bina of Scott offered amendment H-3973 filed by him. Division was requested as follows:

H-3973

1 Amend Senate File 336 as follows:

H-3973A

- 2 1. Page 1, line 1, by striking the words "A city".
- 3 2. Page 1, by striking lines 2 and 3.
- 4 3. Page 1, line 4, by striking the words "at a
- 5 rate not to exceed seven percent," and inserting in
- 6 lieu thereof the words "There is hereby imposed a
- 7 tax of five percent".

H-3973B

- 8 4. Page 1, by striking lines 16 through 35 and
- 9 inserting in lieu thereof the following:
- 10 "All revenues arising under the operation of the
- 11 provisions of this section shall be credited to a
- 12 "local transient guest tax fund" established by section
- 13 two (2) of this Act."

H-3973A

- 14 5. Page 2, line 14, by striking the word "author-
- 15 ized" and inserting in lieu thereof the word "levied".
- 16 6. Title page, line 2, by striking the words "a
- 17 city or county" and inserting in lieu thereof the
- 18 words "the state".

With the adoption of the committee amendment H-5436B, amendment H-3973B was out of order.

Nielsen of Polk rose on a point of order that amendment H-3973A was not germane.

The Speaker ruled the point well taken and amendment H-3973A not germane.

Bina of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-3973A.

The Speaker ruled that the motion, having been debated, was not in order.

Cusack of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-3973A.

Roll call was requested by Cusack of Scott and Bina of Scott.

On the question "Shall the rules be suspended to consider amendment H-3973A?"

The ayes were, 38:

Arnould	Bennett	Bina	Brunow
Clark, B.J.	Conlon	Crabb	Cusack
Danker	Den Herder	Dieleman	Gentleman
Gettings	Gilson	Griffie	Hansen
Harvey	Hoffmann	Horn	Howell
Husak	Jochum	Koogler	Lind
Lipsky	Menke	Middleswart	Miller, K.D.
Monroe	O'Halloran	Patchett	Pavich
Poncy	Schroeder	Spear	Spencer
Walter	Mr. Speaker		

The nays were, 55:

Anderson	Avenson	Baker	Binneboese
Brandt	Branstad	Byerly	Chiodo
Clark, J.H.	Connors	Crawford	Daggett
Davitt	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gilloon
Halvorson	Harbor	Hargrave	Hines
Jesse	Junker	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Millen
Newhard	Nielsen	Norland	Oxley
Pellett	Pelton	Perkins	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Woods	Wyckoff	

Absent or not voting, 7:

Brockett	Dunton	Hinkhouse	Hullinger
Miller (Sergeant)	Stephens	Stromer	

The motion lost.

Bina of Scott offered the following amendment H—3974 filed by him. Division was requested as follows:

H—3974

1 Amend Senate File 336 as follows:

H—3974A

2 1. Page 1, lines 1 and 2, by striking the words
3 "city or".
4 2. Page 1, line 2, by striking the words "by
5 ordinance of the city council or".

H—3974B

6 3. Page 1, by striking lines 16 through 22.

H—3974A

7 4. Title page, line 2, by striking the words "city
8 or".

With the adoption of the committee amendment H—5436B, amendment H—3974B was out of order.

Bina of Scott moved the adoption of amendment H—3974A.

A non-record roll call was requested.

The ayes were 29, nays 59.

Amendment H—3974A lost.

Bina of Scott asked and received unanimous consent to withdraw amendment H—3975 filed by him on May 4, 1977.

Bina of Scott offered the following amendment H—4018 filed by him and moved its adoption:

H—4018

1 Amend Senate File 336 as follows:
2 1. Page 1, line 4, by striking the words "to
3 exceed seven percent" and inserting in lieu thereof
4 the words "less than four percent nor more than
5 seven percent, imposed in increments of one percent".

Amendment H—4018 lost.

Bina of Scott offered the following amendment H—5426 filed by him:

H—5426

1 Amend Senate File 336 as follows:

2 1. Page 1, by inserting after line 15 the follow-
3 ing paragraph:

4 "A city or county shall impose a hotel and motel
5 tax, only after an election at which a majority of
6 those voting on the question favors imposition. The
7 election shall be held at the time of that city's or
8 county's general election. On the ballot adjacent to
9 the question of the imposition of the tax, shall be a
10 statement that fifty percent of all revenue received
11 from this tax will be used to provide property tax
12 relief. The nature of the relief shall be specific-
13 ally stated. Failure to provide the statement or to
14 specify the nature of the property tax relief shall
15 invalidate the tax."

Junker of Woodbury offered the following amendment H—5541,
to amendment H—5426, filed by him and moved its adoption:

H—5541

1 Amend H—5426 to Senate File 336, as amended, passed
2 and reprinted by the Senate as follows:

3 1. Page 1, line 8, by striking all after the word
4 "election."

5 2. Page 1, by striking lines 9 through 15.

Amendment H—5541 was adopted.

Bina of Scott moved the adoption of amendment H—5426, as amended.

Roll call was requested by Scheelhaase of Woodbury and Hines of Story.

Rule 70 was invoked.

On the question "Shall amendment H—5426, as amended, be adopted?"

The ayes were, 54:

Arnould	Baker	Bennett	Bina
Binneboese	Chiodo	Clark, J.H.	Conlon
Crabb	Cusack	Daggett	Danker
Dieleman	Doyle	Evans	Gettings
Gilson	Griffee	Halvorson	Hansen
Harvey	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Junker	Koogler
Krause	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Pavich	Pellett	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Tofte	Walter	Welden
Woods	Mr. Speaker		

The nays were, 44:

Anderson	Avenson	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Connors
Crawford	Davitt	Den Herder	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Harbor	Hargrave
Hines	Howell	Jesse	Jochum
Krewson	Lind	Newhard	Nielsen
Norland	Oxley	Patchett	Pelton
Rinas	Small	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Varley	Wells	West	Wyckoff

Absent or not voting, 2:

Brockett Stephens

Amendment H—5426, as amended, was adopted.

(Senate File 336 pending at adjournment.)

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber Monday afternoon, March 6, 1978. Had I been present, I would have voted "aye" on House Files 2006 and 2047.

LONERGAN of Boone

Because I was representing Iowa at the initial meeting of the Aging Task Force of The National Conference of State Legislatures

held in Washington, D.C., I missed some votes the evening of February 28, the day of March 1, and part of March 2. Had I been present, I would have voted as follows: "aye" on amendments H-5323, H-5439, H-5464, H-5465, H-5466, motion to reconsider amendment H-5485 to House File 187, House File 187, House File 2243 and Senate Files 384 and 2151; "nay" on amendments H-5469C, H-5476, motions to reconsider amendments H-5430 and H-5444B to House File 187, amendments H-5495 to House File 2244 and H-5489B to House File 2243. I also missed two quorum calls found on pages 689 and 690 of the House Journal.

CUSACK of Scott

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 434 Human Resources

To provide home services to families and foster families of children who are under the jurisdiction of the juvenile court.

S.B. 435 Human Resources

To provide for community evaluation services for children.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON CITIES

Scheduled: 10:30 a.m., February 28, 1978

Convened: 10:33 a.m.

Adjourned: 12:00 noon.

Present: Bina, chair; Hines, vice-chair; Connors, Dunton, Hoffmann, Lind, Nielsen, Pavich, Schneklath, Spear, Stephens and Tofte.

Absent: Clark of Lee (arrived 10:34 a.m.), Gentleman (arrived 10:34 a.m.),

Hargrave (arrived 10:43 a.m.), Koogler (arrived 10:38 a.m.), Krewson (arrived 10:35 a.m.), Newhard, Perkins (arrived 10:45 a.m.), Rinas and Smalley (10:47 a.m.).

House File 557, a bill for an act relating to a community development program and making an appropriation.

Recommended Amend and Do Pass.

H-5542

1 Amend House File 557 as follows:

2 1. Page 1, by striking lines 10 and 11 and
3 inserting in lieu thereof the following:

4 "Sec. 2. NEW SECTION. COMMITTEE ESTABLISHED.

5 The Iowa rural community development committee is
6 established within the community betterment division
7 of the Iowa development commission and is".

8 2. Page 1, line 16, by striking the word
9 "commission." and inserting in lieu thereof the words
10 "committee. One citizen shall be appointed from each
11 congressional district and one citizen shall be
12 appointed from the state at large."

13 3. Page 1, by striking lines 17 through 24 and
14 inserting in lieu thereof the following:

15 "2. The director of the division of municipal
16 affairs of the office for planning and programming,
17 the director of the community betterment division
18 of the Iowa development commission, the superinten-
19 dent of grants-in-aid of the Iowa state conservation
20 commission, and the dean and director of the Iowa
21 state university of science and technology cooper-
22 ative extension service or their designees shall be
23 nonvoting, ex officio members of the committee."

24 4. Page 1, line 25, by striking the word
25 "commission" and inserting in lieu thereof the word
26 "committee".

27 5. Page 1, line 29, by striking the word
28 "commission" and inserting in lieu thereof the word
29 "committee".

30 6. Page 1, line 31, by striking the word
31 "commission" and inserting in lieu thereof the word
32 "committee".

33 7. Page 1, line 32, by striking the word
34 "commission" and inserting in lieu thereof the word
35 "committee".

36 8. Page 1, line 34, by striking the words "twenty-
37 five hundred" and inserting in lieu thereof the words
38 "one thousand".

39 9. Page 2, line 1, by striking the word
40 "commission" and inserting in lieu thereof the word
41 "committee".

42 10. Page 2, line 10, by striking the word

- 43 "commission" and inserting in lieu thereof the word
 44 "committee".
 45 11. Page 2, line 23, by striking the word
 46 "commission" and inserting in lieu thereof the word
 47 "committee".
 48 12. Page 2, line 30, by striking the word
 49 "commission" and inserting in lieu thereof the word
 50 "committee".

Page 2

- 1 13. Page 2, line 34, by striking the word
 2 "commission" and inserting in lieu thereof the word
 3 "committee".
 4 14. Page 2, line 35, by striking the words "a
 5 fair" and inserting in lieu thereof the words "an
 6 even distribution among cities of different populations
 7 and an even".
 8 15. Page 3, line 4, by striking the word
 9 "commission" and inserting in lieu thereof the word
 10 "committee".
 11 16. Page 3, line 13, by striking the word
 12 "commission" and inserting in lieu thereof the word
 13 "committee".
 14 17. Page 3, line 15, by striking the word
 15 "commission" and inserting in lieu thereof the word
 16 "committee".
 17 18. Page 3, by striking lines 19 through 26 and
 18 inserting in lieu thereof the following:
 19 "Sec. 7. There is appropriated from the general
 20 fund of the state to the Iowa rural community
 21 development committee for the fiscal year beginning
 22 July 1, 1978 and ending June 30, 1979, the sum of
 23 two hundred fifty thousand (250,000) dollars or so
 24 much thereof as may be necessary to be used for the
 25 projects approved by the committee in accordance with
 26 this Act, the supplies and expenses of the committee,
 27 and the salary of the part-time director, however, not
 28 more than twenty thousand (20,000) dollars may be
 29 spent on supplies, expenses and the salary of the
 30 director."

Aye: Bina, Hines, Connors, Dunton, Gentleman, Hargrave, Hoffmann, Krewson, Lind, Nielsen, Pavich, Perkins, Schnekloth, Spear, Stephens and Tofte.

Nay: Clark of Lee and Smalley.

Absent or not voting: Koogler, Newhard and Rinas.

Study Bill 373, a bill for an act relating to the administration of the Bankhead-Jones Farm Tenant Act.

Recommended Amend and Do Pass.

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Gentleman, Hargrave, Hoffmann, Lind, Pavich, Schneklath, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Koogler, Krewson, Newhard, Nielsen, Perkins, Rinas and Smalley.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., March 1, 1978

Convened: 9:02 a.m.

Adjourned: 10:45 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Horn, Lageschulte, Pavich, Poncy, Smalley, Thompson and Wells.

Absent: Small (arrived 9:14 a.m.) and Hines (arrived 9:21 a.m.).

House File 488, a bill for an act relating to public employment relations, amending the public employment relations Act, and providing penalties for violations.

Recommended Amend and Do Pass.

H—5547

- 1 Amend House File 488 as follows:
- 2 1. Page 1, by striking lines 6 through 16 and
- 3 inserting in lieu thereof the following: "pose
- 4 districts. For the purpose of this chapter, proposed
- 5 collective bargaining agreements for county employees
- 6 covered by the provisions of chapter three hundred
- 7 forty-one (341) of the Code, shall be accepted or
- 8 rejected by a majority vote of a board of county offi-
- 9 cial comprised of each member of the board of
- 10 supervisors, the county auditor, the county treasurer,
- 11 the county recorder, the county sheriff, the county
- 12 attorney, and the clerk of the district court. For
- 13 the purpose of this chapter, the governor shall be
- 14 the exclusive public employer of all state employees
- 15 except for the academic, scientific and other
- 16 professional employees of the state board of regents.
- 17 The state board of regents shall be the exclusive
- 18 public employer of its academic, scientific and other
- 19 professional employees."
- 20 2. Page 3, by striking line 21 and inserting in
- 21 lieu thereof the following: "reduction, in-service

22 training, just cause for discipline, and for employees
 23 not covered under chapter two hundred seventy-nine
 24 (279) of the Code just cause for discharge, preparation
 25 time and class size in the field of education, employee
 26 work year.”.

27 3. Page 3, by inserting after line 32 the follow-
 28 ing:

29 “Sec. . Section twenty point nine (20.9), Code
 30 1977, is amended by adding the following new unnumbered
 31 paragraph:

32 NEW UNNUMBERED PARAGRAPH. Nothing herein shall
 33 limit a public employer's right to control any matter
 34 of educational policy, including the determination
 35 of curriculum or instructional program.”

36 4. Page 6, by striking lines 10 through 35.

37 5. Page 7, by striking lines 1 through 17.

38 6. Page 10, by striking lines 16 through 19 and
 39 inserting in lieu thereof the following:

40 “b. Business or financial interests of its offi-
 41 cers and agents; ~~their spouses, minor children, parents~~
 42 ~~or otherwise, or their relatives to the second degree~~
 43 of consanguinity or affinity, that conflict with the
 44 fiduciary obligation of such persons to the
 45 organization shall be prohibited.”

46 7. Page 11, by inserting after line 28 the
 47 following:

48 “Sec. . Chapter three hundred forty (340),
 49 Code 1977, is amended by adding the following new
 50 section:

Page 2

1 NEW SECTION. DEPUTY COUNTY OFFICERS SUBJECT TO
 2 COLLECTIVE BARGAINING AGREEMENTS. Notwithstanding
 3 sections three hundred forty point four (340.4), three
 4 hundred forty point five (340.5), three hundred forty
 5 point eight (340.8), or three hundred forty point
 6 ten (340.10) of the Code, any deputy county officer
 7 who is subject to a collective bargaining agreement
 8 negotiated under chapter twenty (20) of the Code shall
 9 receive the annual salary provided in the collective
 10 bargaining agreement if the salary does not exceed
 11 the maximum salary allowed for any deputy county
 12 officer under the Code.”

13 8. Page 11, by inserting after line 30 the
 14 following:

15 “Sec. . Section twenty point four (20.4), Code
 16 1977, is amended by striking subsection ten (10).”

17 9. By renumbering sections to conform to this
 18 amendment.

Aye: Connors, Jochum, Chiodo, Gilloon, Hines, Horn, Pavich, Poncy, Small and Wells.

Nay: Egenes, Branstad, Brockett, Crabb, Halvorson, Lageschulte, Smalley and Thompson.

Absent or not voting: None.

House File 2040, a bill for an act to provide a paid leave of absence to compete in olympic competition.

Recommended Amend and Do Pass.

H-5548

- 1 Amend House File 2040 as follows:
- 2 1. Page 1, by striking line 6 and inserting in
- 3 lieu thereof the following: "the state shall grant
- 4 employees who have been employed for two or more years
- 5 by the state or political subdivision of the state,
- 6 leave from employment to".

Aye: Connors, Jochum, Egenes, Brockett, Chiodo, Crabb, Halvorson, Horn, Poncy and Wells.

Nay: Gilloon, Lageschulte, Small and Thompson.

Absent or not voting: Branstad, Hines, Pavich and Smalley.

Committee Bill (Formerly House File 2140), a bill for an act relating to furnishing prosthetic devices for injured workers.

Recommended Amend and Do Pass.

Aye: Connors, Jochum, Brockett, Chiodo, Crabb, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Smalley and Wells.

Nay: None.

Absent or not voting: Egenes, Branstad, Gilloon and Thompson.

Discussed and deferred Study Bill 418. Assigned bills to subcommittee.

COMMITTEE ON CITIES

Scheduled: 2:00 p.m., March 6, 1978

Convened: 2:04 p.m.

Adjourned: 2:23 p.m.

Present: Bina, chair; Clark of Lee, ranking member; Gentleman, Hargrave, Hoffmann, Lind, Pavich, Schneklath, Smalley, Spear, Stephens and Tofte.

Absent: Hines, Krewson, Newhard, Nielsen, Perkins and Rinas.

Excused: Connors, Dunton and Koogler.

Presentation and discussion of the National Conference of State Legislatures — Urban Development Committee meeting in Washington, D.C. and the White House proposed National Urban Policy. Assigned bill to subcommittee.

AMENDMENTS FILED

H—5559	S.F. 336	Miller of Buchanan
H—5560	H.F. 488	Halvorson of Clayton
H—5561	S.F. 2133	Conlon of Muscatine
H—5564	H.F. 2284	Scheelhaase of Woodbury
H—5565	S.F. 2125	Dyrland of Clayton
H—5566	H.F. 557	Bina of Scott
H—5569	S.F. 336	Brunow of Appanoose
		Bina of Scott
		Krause of Kossuth
		Rinas of Linn
		Krewson of Polk
		Schroeder of Pottawattamie
H—5570	S.F. 336	Bina of Scott
H—5571	S.F. 336	Woods of Polk
		Wyckoff of Benton
		Chiodo of Polk
		Gilson of Guthrie
		Danker of Pottawattamie
H—5572	S.F. 336	Clark of Lee
H—5573	S.F. 336	Bennett of Ida
H—5574	S.F. 336	Schneklath of Scott
H—5575	H.F. 602	Welden of Hardin
		Evans of Grundy
H—5576	H.F. 2299	Krewson of Polk
H—5577	S.F. 2125	Danker of Pottawattamie
		Pavich of Pottawattamie
		Daggett of Adams
		Walter of Pottawattamie
		Pellett of Cass
		Perkins of Greene
		Scheelhaase of Woodbury
		Branstad of Winnebago
		Bennett of Ida
		Schroeder of Pottawattamie
		Hullinger of Decatur
		Gilson of Guthrie
		Crabb of Crawford
		Hansen of O'Brien

H—5578	H.F. 488	Egenes of Story
H—5579	H.F. 602	Welden of Hardin
H—5580	H.F. 488	Egenes of Story
H—5581	H.F. 488	Egenes of Story
H—5582	H.F. 488	Egenes of Story
H—5583	S.F. 336	Junker of Woodbury Doyle of Woodbury
H—5584	S.F. 336	Nielsen of Polk

On motion by Fitzgerald of Webster, the House adjourned at 9:35 p.m., until 1:30 p.m., Wednesday, March 8, 1978.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day—Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 8, 1978

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

Prayer was offered by the Reverend Eugene F. Soland, pastor of the Elk Horn Lutheran Church, Elk Horn, Iowa.

The Journal of Tuesday, March 7, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Fred Ashler, Hamburg, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Woods of Polk for the afternoon session and March 9, 1978 on request of Nielsen of Polk; Dunton of Keokuk for the afternoon session on request of Junker of Woodbury; Krause of Kossuth on request of Connors of Polk.

SPECIAL PRESENTATION

Speaker Cochran presented to the House, Richard E. Merritt from the National Conference of State Legislatures. Mr. Merritt is Staff Director, Human Resources for State—Federal Relations, Washington, D.C., and is currently working with the states of Florida and Iowa. He addressed the House briefly on the role of the National Conference of State Legislatures.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 351.

QUORUM CALL

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

CONSIDERATION OF BILLS

House File 351, a bill for an act to clarify and further define "licensed premises" or "premises"; to remove the restriction that the Iowa beer and liquor control department's headquarters and principal place of business be located only in the city of Des Moines; to prevent premises on which a liquor control license or beer permit has been suspended from being relicensed within a designated period of time; to prohibit a person holding a liquor control license or beer permit from permitting or engaging in illegal activities on the licensed premises; and to remove the restriction that a retail beer permittee can own only one class of retail beer permit, with report of committee recommending amendment and passage was taken up for consideration.

Newhard of Jones offered the following amendment H-5410 filed by the committee on state government and moved its adoption:

H-5410

- 1 Amend House File 351 as follows:
- 2 1. Page 2, by striking line 17.

Amendment H-5410 was adopted.

Shimanek of Jones offered the following amendment H-3873 filed by her and Newhard of Jones and moved its adoption:

H-3873

- 1 Amend House File 351 as follows:
- 2 1. Page 1, line 32, by striking the word
- 3 "termination" and inserting in lieu thereof the
- 4 word "suspension".

Amendment H-3873 was adopted.

Schroeder of Pottawattamie offered the following amendment H-5539 filed by Schroeder, et al., and moved its adoption:

H—5539

1 Amend House File 351 as follows:
2 1. Page 1, by striking line 33 and inserting in
3 lieu thereof the following: "first. However, nothing
4 in this section shall prohibit the premises from being
5 relicensed to a new applicant before the suspension
6 has terminated or before the time of suspension has
7 elapsed or before ninety days have elapsed from the
8 commencement of the suspension, if the premises prior
9 to the time of the suspension had been purchased under
10 contract, and the vendor under that contract exercised
11 the person's rights under chapter six hundred fifty-
12 six (656) of the Code and sold the property to a
13 different person who is not related to the previous
14 licensee or permittee by marriage or within the third
15 degree of consanguinity or affinity and if the pre-
16 vious licensee or permittee does not have a financial
17 interest in the business of the new applicant."

Amendment H—5539 was adopted.

Schroeder of Pottawattamie offered the following amendment
H—5555 filed by him and moved its adoption:

H—5555

1 Amend House File 351 as follows:
2 1. Page 2, by inserting after line 14 the following
3 new section:
4 "Sec. Section seven hundred twenty-eight
5 point five (728.5), Code 1977 Supplement, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. If such person advertises that
8 any activity prohibited by this section is allowed
9 or permitted in such licensed premises."
10 2. By renumbering sections to conform to this
11 amendment.

Amendment H—5555 was adopted.

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

On the question "Shall the bill pass?" (H.F. 351)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Den Herder	Dieleman	Doyle	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklloth	Schroeder	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
West	Wyckoff	Mr. Speaker	

The nays were, 1:

Byerly

Absent or not voting, 8:

Arnould	Daggett	Dunton	Jesse
Krause	Lageschulte	Walter	Woods

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

BUSINESS PENDING AT ADJOURNMENT

The House resumed consideration of **Senate File 336**, a bill for an act relating to the imposition of a hotel and motel tax by a city or county.

Nielsen of Polk offered the following amendment H—5584 filed by him and moved its adoption:

H-5584

- 1 Amend Senate File 336 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "percent," the words "which shall be imposed in increments
- 4 of one or more full percentage points".

Amendment H-5584 was adopted.

Bina of Scott asked and received unanimous consent to withdraw amendment H-4017 filed by him on May 5, 1977.

Walter of Pottawattamie offered the following amendment H-5552 filed by him and moved its adoption:

H-5552

- 1 Amend Senate File 336, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 22, by inserting after the word
- 4 "fund" the words ", less ten percent of the moneys
- 5 credited to the fund,".
- 6 2. Page 2, line 25, by inserting after the word
- 7 "amount" the words ", less ten percent of such
- 8 amount,".
- 9 3. Page 2, line 26, by inserting after the word
- 10 "amount" the words ", less ten percent of such
- 11 amount,".
- 12 4. Page 2, line 27, by inserting after the word
- 13 "county." the words "Ten percent of all moneys credited
- 14 to the local transient guest tax fund shall be remitted
- 15 by the treasurer of state to the Iowa development
- 16 commission for the use of the commission in the
- 17 promotion of tourism."

A non-record roll call was requested.

The ayes were 18, nays 65.

Amendment H-5552 lost.

Miller of Buchanan asked and received unanimous consent to defer action on amendment H-5559.

Byerly of Polk offered the following amendment H-5571 filed by Woods, et al., and moved its adoption:

H-5571

- 1 Amend Senate File 336 as amended, passed, and
2 reprinted by the Senate as follows:
- 3 1. Page 2, line 28, by striking the words "All
4 moneys" and inserting in lieu thereof the word
5 "Moneys".
- 6 2. Page 2, line 30, by adding after the word
7 "city" the words ", subject to the provisions of
8 subsection four (4) of this section".
- 9 3. Page 2, by adding after line 30 the follow-
10 ing new section:
- 11 "4. The revenue derived from any hotel and motel
12 tax authorized by this Act shall be used as follows:
- 13 a. Each county or city which levies the tax shall
14 spend at least fifty percent of the revenues derived
15 therefrom for the acquisition of sites for, or
16 constructing, improving, enlarging, equipping,
17 repairing, operating, or maintaining of recreation,
18 convention, cultural, or entertainment facilities
19 including but not limited to memorial buildings, halls
20 and monuments, civic center convention buildings,
21 auditoriums, coliseums, and parking areas or facili-
22 ties located at those recreation, convention,
23 cultural, or entertainment facilities or the payment
24 of principal and interest, when due, on bonds or other
25 evidence of indebtedness issued by the county or city
26 for those recreation, convention, cultural, or
27 entertainment facilities; or for the promotion and
28 encouragement of tourist and convention business in
29 the city or county and surrounding areas.
- 30 b. The remaining revenues may be spent by the
31 city or county which levies the tax for any city or
32 county operations authorized by law as a proper purpose
33 for the expenditure within statutory limitations of
34 city or county revenues derived from ad valorem taxes.
- 35 c. Any city or county which levies and collects
36 the hotel and motel tax authorized by this Act may
37 pledge an amount not to exceed thirty percent of the
38 revenues derived therefrom to the payment of bonds
39 which the city or county may issue for one or more
40 of the purposes set forth in paragraph a of this
41 subsection. Any revenue pledged to the payment of
42 such bonds may be credited to the spending requirement
43 of paragraph a of this subsection."

Roll call was requested by Gilloon of Dubuque and Spencer of Clay.

Rule 70 was invoked.

On the question "Shall amendment H—5571 be adopted?"

The ayes were, 46:

Baker	Bennett	Binneboese	Byerly
Clark, B.J.	Danker	Den Herder	Fitzgerald
Gentleman	Gettings	Gilson	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Horn	Hullinger	Husak	Jesse
Koogler	Lageschulte	Lindeen	Menke
Millen	Miller, K.D.	Monroe	Nielsen
Oxley	Pavich	Pellett	Perkins
Scheelhaase	Schroeder	Small	Smalley
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Walter	Wells
Wyckoff	Mr. Speaker		

The nays were, 49:

Anderson	Arnould	Avenson	Bina
Brandt	Branstad	Brockett	Brunow
Chiodo	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Doyle	Dyrland	Egenes
Evans	Garrison	Gilloon	Griffie
Hargrave	Hines	Hoffmann	Howell
Jochum	Junker	Krewson	Lind
Lipsky	Loneragan	Middleswart	Miller (Sergeant)
Newhard	Norland	O'Halloran	Patchett
Pelton	Poncy	Rinas	Schnekloth
Shimanek	Spear	Svoboda	Varley
Welden			

Absent or not voting, 5:

Daggett	Dunton	Krause	West
Woods			

Amendment H—5571 lost.

Miller of Buchanan offered the following amendment H—5559 filed by him:

H—5559

- 1 Amend Senate File 336, as passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 2, by striking lines 28 through 30,
- 4 and inserting in lieu thereof the following:
- 5 "3. The revenue derived from any transient

6 guest tax authorized by this Act shall be used as
 7 follows:
 8 (a) Twenty-five (25) percent thereof for the
 9 promotion and encouragement of tourist and conven-
 10 tion business in the city or county and surrounding
 11 areas, or the acquisition of sites for, or
 12 constructing, improving, enlarging, equipping,
 13 repairing, operating, and maintaining convention,
 14 entertainment or cultural facilities including but
 15 not limited to memorial buildings, halls, and
 16 monuments, civic center convention buildings,
 17 auditoriums, coliseums, and parking areas or
 18 facilities located at or near the convention,
 19 entertainment, or cultural facilities or the pay-
 20 ment of principal and interest, when due, on bonds
 21 or other evidence of indebtedness issued by the
 22 city or county for convention, entertainment or
 23 cultural facilities."

Schnekloth of Scott offered the following amendment H—5574,
 to amendment H—5559, filed by him and moved its adoption:

H—5574

1 Amend H—5559 to Senate File 336, as amended,
 2 passed and reprinted by the Senate, as follows:
 3 1. Page 1, by striking all of lines 10 and
 4 11 and inserting in lieu thereof the words "tion
 5 business in the city or county from which the tax
 6 was collected, or the acquisition of sites for, or"

Amendment H—5574 lost.

Svoboda of Iowa offered the following amendment H—5590, to
 amendment H—5559, filed by her from the floor and moved its
 adoption:

H—5590

1 Amend amendment H—5559, to Senate File 336, as
 2 passed by the Senate and reprinted, as follows:
 3 1. Page 1, line 8, by striking the word and
 4 figures "Twenty-five (25)" and inserting in lieu
 5 thereof the word "Ten".
 6 2. Page 1, line 14, by inserting after the
 7 word "entertainment" the word ", recreational".

Amendment H—5590 lost.

Fitzgerald of Webster asked for unanimous consent for the previous question on Senate File 336, with respect to the filing of amendments only.

Objection was raised.

Fitzgerald of Webster moved the previous question on Senate File 336, with respect to the filing of amendments only.

A non-record roll call was requested.

The ayes were 52, nays 36.

The motion prevailed.

Conlon of Muscatine offered the following amendment H—5592, to amendment H—5559, filed by him from the floor and moved its adoption:

H—5592

- 1 Amend amendment H—5559, to Senate File 336, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by inserting after line 23, the
- 4 following lettered paragraph:
- 5 "(b) Seventy-five percent to be credited to the
- 6 general fund of the city or county."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 45, nays 47.

Amendment H—5592 lost.

Miller of Buchanan moved to reconsider the vote by which amendment H—5592, to amendment H—5559, failed to be adopted by the House on March 8, 1978.

The motion prevailed and the House reconsidered amendment H—5592, to amendment H—5559.

On motion by Conlon of Muscatine, amendment H—5592 was adopted.

Miller of Buchanan moved the adoption of amendment H—5559, as amended.

A non-record roll call was requested.

The ayes were 26, nays 55.

Amendment H—5559, as amended, lost.

Chiodo of Polk moved to reconsider the vote by which amendment H—5571 failed to be adopted by the House on March 8, 1978.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 50, nays 44.

The motion prevailed and the House reconsidered amendment H—5571.

Byerly of Polk moved the adoption of amendment H—5571.

Roll call was requested by Bina of Scott and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—5571 be adopted?"

The ayes were, 49:

Arnould	Baker	Bennett	Binneboese
Byerly	Chiodo	Danker	Den Herder
Fitzgerald	Gentleman	Gettings	Gilson
Halvorson	Hansen	Harbor	Harvey
Hinkhouse	Horn	Hullinger	Husak
Jesse	Lageschulte	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Monroe
Newhard	Nielsen	Oxley	Pavich
Pellett	Perkins	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spencer	Stephens	Tauke	Tofte
Walter	Welden	Wells	Wyckoff
Mr. Speaker			

The nays were, 43:

Anderson	Avenson	Bina	Brandt
Branstad	Brockett	Brunow	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Davitt	Dieleman
Doyle	Dyrland	Egenes	Garrison
Gilloon	Griffee	Hargrave	Hines
Hoffmann	Howell	Jochum	Junker
Koogler	Krewson	Lind	Lipsky
Miller (Sergeant)	Norland	O'Halloran	Patchett
Pelton	Poncy	Rinas	Spear
Stromer	Svoboda	West	

Absent or not voting, 8:

Daggett	Dunton	Evans	Krause
Lonergan	Thompson	Varley	Woods

Amendment H—5571 was adopted, placing out of order amendment H—5573, filed by Bennett of Ida on March 7, 1978.

Bina of Scott offered the following amendment H—4016 filed by him and moved its adoption:

H—4016

- 1 Amend Senate File 336 as follows:
- 2 1. Page 2, by inserting after line 30 the follow-
- 3 ing new section:
- 4 "Sec. . NEW SECTION. REFUNDS. Before a city
- 5 or county may repeal its hotel or motel tax, such city
- 6 or county must notify in writing the director of reve-
- 7 nue six months before the repeal of the hotel and
- 8 motel tax. Upon receipt of written notice of the
- 9 intended repeal, the director shall estimate the
- 10 amount of refunds which may be authorized to businesses
- 11 located in the city or county where the tax is to be
- 12 repealed and shall notify the treasurer of state of
- 13 such estimated amounts.
- 14 Notwithstanding section two (2) of this Act, the
- 15 treasurer of state upon notification of the estimated
- 16 amounts shall withhold from remitting to the city or
- 17 county of its share of the local transient guest tax
- 18 fund an amount equal to the estimated amount of refund
- 19 attributable to businesses located in the city or unin-
- 20 corporated area of the county where the tax is to be
- 21 repealed. The amount so withheld shall be kept by
- 22 the treasurer in the fund until the statute of limita-
- 23 tions on refunds has run, the director has deter-

24 mined that no refunds are owing or the city or county
 25 has provided appropriate security as determined by
 26 the director.

27 If the funds withheld by the treasurer are insuf-
 28 ficient to meet all authorized refunds, such refunds
 29 shall be paid out of the state general fund and the
 30 director shall collect from the appropriate jurisdic-
 31 tion the amount of the refund paid out of the state
 32 general fund. The director is authorized to use any
 33 means available to collect such amounts including
 34 but not limited to the authority to withhold or order
 35 withheld a sufficient amount of any funds which the
 36 appropriate jurisdiction is entitled to receive from
 37 the state treasury under any other statute."

Amendment H — 4016 lost.

Brunow of Appanoose asked and received unanimous consent to withdraw amendment H — 5569 filed by Brunow, et al., on March 7, 1978, placing amendment H — 5570 filed by Bina of Scott on March 7, 1978 and amendment H — 5572 filed by Clark of Lee on March 7, 1978 out of order.

Junker of Woodbury offered the following amendment H — 5583 filed by him and Doyle of Woodbury:

H — 5583

1 Amend Senate File 336, as amended, passed and
 2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 30 the following
 4 sections:

5 "Sec. 3. Chapter three hundred eighty-four (384),
 6 Code 1977, is amended by adding sections four (4)
 7 through ten (10) of this Act as a new division of
 8 this chapter.

9 Sec. 4. NEW SECTION. DEFINITIONS. As used in
 10 this Act, unless the context otherwise requires:

11 1. "Fuel" means "motor fuel" as defined in section
 12 three hundred twenty-four point two (324.2) of the
 13 Code, and "special fuel" as defined in section three
 14 hundred twenty-four point thirty-three (324.33) of
 15 the Code.

16 2. "Distributor", "dealer", and "user" have the
 17 same meanings and include any person defined as a
 18 "distributor", "dealer, agent, and consignee", "special
 19 fuel dealer" or "special fuel user", in sections three
 20 hundred twenty-four point two (324.2) and three hundred
 21 twenty-four point thirty-three (324.33) of the Code.

22 3. "Director" means the director of revenue.

23 4. "Eligible elector" means "eligible elector"

24 as defined in section thirty-nine point three (39.3)
25 of the Code.

26 Sec. 5. NEW SECTION. LOCAL FUEL TAX. A local
27 fuel tax at a rate of one cent per gallon may be
28 imposed by a city, after approval by the voters of
29 that city, on fuel the use of which is taxed by the
30 state under sections three hundred twenty-four point
31 three (324.3) or three hundred twenty-four point
32 thirty-four (324.34) of the Code, and which is received
33 by a distributor, dealer or user for sale or use at
34 a place of business within the city.

35 Sec. 6. NEW SECTION. ELECTION. Upon its own
36 motion, or upon receipt of a petition signed by the
37 eligible electors within a city equal in number to
38 at least ten percent of the number of persons who
39 voted at the last preceding regular municipal election,
40 requesting that an election be held, the city council
41 shall direct the county commissioner of elections
42 to submit to the voters of the city, at the next
43 regular city election or at a special election called
44 for that purpose, the question of imposing a local
45 fuel tax. Prior to the election, the county
46 commissioner of elections shall publish notice of
47 the election on this question at least twice in the
48 manner provided in section three hundred sixty-two
49 point three (362.3) of the Code.

50 An election shall not be held unless one of the

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1 required notices is published at least sixty days
2 prior to said election.

3 If a majority of those voting favor the imposition
4 of a local fuel tax, the council shall impose the
5 tax by ordinance, as provided in this Act. A local
6 fuel tax imposed under this section may be discontinued
7 by the council by ordinance, or by petition and
8 election in the same manner as provided for imposition
9 of the tax.

10 The question of imposing or discontinuing a local
11 fuel tax shall not be submitted to the voters within
12 one year after an election on either question.

13 Sec. 7. NEW SECTION. PAYMENT OF TAX —
14 ADMINISTRATION. A local fuel tax shall be paid to
15 the director at the same time the state fuel tax is
16 paid, by each distributor, dealer or user subject
17 to the tax.

18 The director shall administer the provisions of
19 a local fuel tax as nearly as possible in conjunction
20 with the administration of state fuel tax laws. The
21 director shall provide appropriate forms, or provide
22 on the regular state fuel tax forms, for reporting

23 local fuel tax liability.

24 An ordinance of a city council imposing a local
25 fuel tax shall adopt by reference the applicable
26 provisions of the appropriate sections of chapter
27 three hundred twenty-four (324) of the Code, and all
28 powers of the director to administer the state fuel
29 tax law are applicable to the administration of a
30 local fuel tax ordinance. Local officials shall
31 confer with the director and obtain the director's
32 assistance in drafting the ordinance imposing a local
33 fuel tax. A certified copy of the ordinance imposing
34 a local fuel tax shall be filed with the director
35 as soon as possible after passage.

36 The director, in consultation with local officials,
37 shall collect and account for a local fuel tax. The
38 director shall credit local fuel tax receipts to a
39 local fuel tax fund hereby established in the office
40 of the treasurer of state.

41 The treasurer of state shall remit quarterly to
42 the cities which have imposed a local fuel tax their
43 share of the balance in the local fuel tax fund.
44 The local fuel tax fund is appropriated for this
45 purpose.

46 Sec. 8. NEW SECTION. USE OF REVENUES. Local
47 fuel tax revenues shall be deposited by the city in
48 a special fund, to be used only for repair, resurfacing
49 or reconstruction in kind of streets which are the
50 city's responsibility. After a period of one year

Page 3

1 from the effective date of a local fuel tax ordinance
2 and so long as the ordinance remains in effect, no
3 special assessments may be levied by the city under
4 Division four (IV) of this chapter for repair,
5 resurfacing or reconstruction in kind of streets.

6 Sec. 9. NEW SECTION. PENALTIES — LIEN. Penalties
7 for failure to report and pay a local fuel tax when
8 due are the same as those provided for state fuel
9 taxes under section three hundred twenty-four point
10 sixty-five (324.65) of the Code, and local fuel taxes
11 shall be added to the amount of the lien provided
12 in section three hundred twenty-four point sixty-six
13 (324.66) of the Code. The portion of the lien at-
14 tributable to local fuel taxes shall be enforced by
15 the state and have priority immediately after state
16 taxes.

17 Sec. 10. NEW SECTION. ENFORCEMENT BY DIRECTOR.

18 1. The director shall consider and include the
19 liability of a distributor, dealer, or user for local
20 fuel taxes, including interest and penalties, in

21 making all determinations and in administering all
 22 enforcement provisions relating to state fuel taxes,
 23 as provided in chapter three hundred twenty-four (324)
 24 of the Code, subject to the same limitations as
 25 provided in that chapter.

26 2. If a refund is granted by the department of
 27 revenue under any provisions of chapter three hundred
 28 twenty-four (324) of the Code on fuel on which a local
 29 fuel tax was paid, the department shall also refund
 30 the local fuel tax paid on the same fuel, in the same
 31 manner and at the same time as the state fuel tax
 32 is refunded.

33 3. The department of revenue shall provide by
 34 rules promulgated under section three hundred twenty-
 35 four point fifty-nine (324.59) of the Code for the
 36 cooperative action of cities and the department of
 37 revenue in enforcing the payment of local fuel taxes
 38 in conjunction with state fuel taxes."

Avenson of Fayette rose on a point of order that amendment
 H—5583 was not germane.

The Speaker ruled the point well taken and amendment
 H—5583 not germane.

Doyle of Woodbury moved that the rules governing ger-
 maneness be suspended for the consideration of amendment
 H—5583.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 35, nays 52.

The motion lost.

Small of Johnson offered the following amendment H—5591
 filed by him from the floor and moved its adoption:

H—5591

- 1 Amend Senate File 336 as follows:
- 2 1. Page 2, by inserting after line 30 the
- 3 following new section:

4 "Sec. . . NEW SECTION. A city which is
 5 remitted funds pursuant to section two (2) of this
 6 act may erect signs or purchase existing signs on
 7 the right of way of the highways in this state
 8 advertising the existence of the number and type
 9 of hotels and motels within that city. Such signs
 10 may be erected or purchased from funds remitted
 11 to the city pursuant to section two (2) of this act.

A non-record roll call was requested.

The ayes were 21, nays 52.

Amendment H—5591 lost.

Lipsky of Linn moved to reconsider the vote by which amendment H—5426, as amended, was adopted by the House on March 7, 1978.

Roll call was requested by Bina of Scott and Walter of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the motion to reconsider amendment H—5426 prevail?"

The ayes were, 47:

Anderson	Avenson	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Connors	Crawford	Davitt
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gilloon	Griffee	Halvorson
Hargrave	Hoffmann	Horn	Howell
Jesse	Jochum	Krewson	Lind
Lipsky	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Patchett	Pelton
Perkins	Rinas	Schneklath	Shimanek
Small	Smalley	Spear	Tauke
Thompson	Wells	West	

The nays were, 41:

Arnould	Baker	Bennett	Bina
Binneboese	Conlon	Crabb	Cusack
Danker	Den Herder	Dieleman	Doyle
Gettings	Gilson	Hansen	Harbor

Harvey	Hullinger	Husak	Junker
Koogler	Lageschulte	Lindeen	Menke
Middleswart	Miller, K.D.	Oxley	Pavich
Pellett	Poncy	Scheelhaase	Schroeder
Spencer	Stephens	Stromer	Svoboda
Tofte	Walter	Welden	Wyckoff
Mr. Speaker			

Absent or not voting, 12:

Chiodo	Daggett	Dunton	Evans
Hines	Hinkhouse	Krause	Lonergan
Millen	Nielsen	Varley	Woods

The motion prevailed and amendment H—5426, as amended, was reconsidered.

(Senate File 336 and amendment H—5426, as amended, pending at adjournment.)

MOTIONS TO RECONSIDER (Amendment H—5436A to Senate File 336)

I move to reconsider the vote by which amendment H—5436A to Senate File 336 failed to be adopted by the House on March 7, 1978.

SCHNEKLOTH of Scott

(Amendment H—5479 to Senate File 336)

I move to reconsider the vote by which amendment H—5479, to amendment H—5436A, to Senate File 336, failed to be adopted by the House on March 7, 1978.

STROMER of Hancock

APPOINTMENT TO THE HOUSE ETHICS COMMITTEE

Pursuant to Chapter 68B.10, Code of Iowa, I hereby appoint the following member to serve on the House ethics committee for the Sixty-seventh General Assembly: Representative Joyce Lonergan of Boone.

JEROME D. FITZGERALD
House Majority Leader

ADOPTION OF HOUSE CONCURRENT RESOLUTION 108

Pursuant to Rule 26, the Speaker announced that House Concurrent Resolution 108, filed on February 6, 1978 and found on pages 342 and 343 of the House Journal, was adopted by unanimous consent.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 8th day of March, 1978: House Files 571, 2018 and 2036.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

RESOLUTION SENT TO THE SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and has on this 8th day of March, 1978, presented to the Secretary of State for deposit: House Joint Resolution 9.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

COMMUNICATION FROM THE SECRETARY OF STATE

March 7, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2037, was published in The Record, Cedar Falls.

Iowa on February 28, 1978, and in the Linn News-Letter, Central City, Iowa on March 1, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

UNANIMOUS CONSENT CALENDAR (House Resolution 108)

We hereby respectfully request that House Resolution 108, filed on February 16, 1978 and found on page 493 of the House Journal, be placed on the unanimous consent calendar.

STROMER of Hancock
BRANSTAD of Winnebago
CLARK of Cerro Gordo

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, March 7, 1978. Had I been present I would have voted "nay" on House File 2244.

TOFTE of Winneshiek

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 436 County Government

To create a county finance committee and to specify its powers and duties.

S.B. 437 Budget

Creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing interactive decision evaluation system encompassing state and local finance and budgeting procedures.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 7, 1978

Convened: 7:45 a.m.

Adjourned: 9:30 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Gentleman, Gilson, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Daggett (arrived 8:00 a.m.), Doyle (arrived 8:08 a.m.), Hargrave (arrived 8:15 a.m.) and Newhard.

Discussion of Senate File 2163 as passed by the Senate.

COMMITTEE ON HOUSE ADMINISTRATION

Scheduled: 9:00 a.m., March 7, 1978

Convened: 9:10 a.m.

Adjourned: 10:15 a.m.

Present: Wells, chair; Bina, Connors, Den Herder, Doyle, Griffee, Millen and Perkins.

Absent: Daggett.

Discussed House renovation (carpet selection), step increases, minority caucus staff, holdover Page for bill room and session in-wats line.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 10:30 a.m., March 7, 1978

Convened: 10:40 a.m.

Adjourned: 12:00 noon.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Arnould, Brunow, Clark of Cerro Gordo, Cusack, Dyrland, Gentleman, Hansen, Hargrave, Krewson, Lipsky, Miller of Buchanan, Schroeder and Tofte.

Absent: Anderson, Baker (arrived 10:46 a.m.), Garrison and Newhard.

Discussed Study Bill 400. House File 610 failed to pass out of committee.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 10:30 a.m., March 7, 1978

Convened: 10:36 a.m.

Adjourned: 11:20 a.m.

Present: Connors, chair; Jochum, vice-chair; Branstad, Brockett, Crabb, Gilloon, Halvorson, Lageschulte, Pavich, Poncy, Thompson and Wells.

Absent: Egenes (arrived 10:42 a.m.), Chiodo (arrived 10:54 a.m.), Hines (arrived 10:52 a.m.), Horn (arrived 10:45 a.m.) and Small (arrived 10:49 a.m.).

Excused: Smalley.

Committee Bill (Formerly House File 509), a bill for an act relating to workers' compensation medical benefits.

Recommended Amend and Do Pass.

Aye: Connors, Jochum, Egenes, Branstad, Brockett, Chiodo, Crabb, Gilloon, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Nay: None.

Absent or not voting: Smalley.

Study Bill 418 was rereferred to the subcommittee.

AMENDMENTS FILED

H—5585

H.F. 2309

Dunton of Keokuk

H—5586

H.F. 248

Jesse of Polk

Shimanek of Jones

Clark of Cerro Gordo

Lipsky of Linn

Newhard of Jones

Smalley of Polk

Branstad of Winnebago

Conlon of Muscatine

Dyrland of Clayton

Doyle of Woodbury

H—5587

H.F. 248

H-5588	S.F. 336	Lipsky of Linn
H-5589	H.F. 488	Spear of Lee
H-5593	H.F. 2076	Spear of Lee
H-5594	H.F. 248	Pelton of Clinton
H-5595	H.F. 2290	Rinas of Linn
H-5596	H.F. 2289	Rinas of Linn

On motion by Fitzgerald of Webster, the House adjourned at 6:18 p.m., until 10:30 a.m., Thursday, March 9, 1978.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day—Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 9, 1978

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

Prayer was offered by Father Irv Matt, pastor of the St. Joseph's Catholic Church, New Hampton, Iowa.

The Journal of Wednesday, March 8, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rawland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of West of Marshall; Poney of Wapello on request of Anderson of Jasper.

PRESENTATION OF VISITORS

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

Thirteen students from Monticello High School, Monticello, Iowa. By Newhard of Jones and Shimanek of Jones.

The Wahlert girls basketball team "The Golden Eagles" from Wahlert High School, Dubuque, Iowa. By Dyrland of Clayton, Jochum of Dubuque and Tauke of Dubuque.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

March 7, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 33, a bill for an act to require autopsies of children under the age of two years when circumstances indicate infant death syndrome and making an appropriation.

Also: That the Senate has on March 7, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2180, a bill for an act making an appropriation for the inmate employment program.

STEVEN C. CROSS, Secretary

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of Senate File 2124.

CONSIDERATION OF BILLS Regular Calendar

Senate File 2124, a bill for an act relating to binding arbitration and to establish dates for receipt of impasse services in public employment collective bargaining negotiations, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered amendment H—5549 filed by the committee on labor and industrial relations on March 6, 1978 and found on pages 816 and 817 of the House Journal and moved its adoption:

Amendment H—5549 was adopted, placing out of order amendment H—5511 filed by Crabb of Crawford on March 2, 1978.

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

On the question "Shall the bill pass?" (S.F. 2124)

The ayes were, 90:

Anderson
Bennett

Arnould
Bina

Avenson
Binneboese

Baker
Brandt

Branstad	Brockett	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford .	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Middleen	Lipsky	Loneragan
Menke	Middlewart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	ShimaneK	Small	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Welfs	West
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Byerly	Daggett	Hines	Krause
Newhard	Patchett	Poncy	Rinas
Smalley	Woods		

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

IMMEDIATE MESSAGE (Senate File 2124)

Connors of Polk asked and received unanimous consent that Senate File 2124 be immediately messaged to the Senate.

MOTION TO RECONSIDER LOST (House File 2113)

Koogler of Mahaska called up for consideration the motion to reconsider pending on House File 2113, a bill for an act relating to the appropriation of federal funds by the general assembly, filed by Chiodo of Polk on February 22, 1978.

Roll call was requested by Monroe of Des Moines and Koogler of Mahaska.

Rule 70 was invoked.

On the question "Shall the motion to reconsider House File 2113 prevail?"

The ayes were, 19:

Bennett	Brockett	Clark, J.H.	Crawford
Egenes	Gentleman	Horn	Lind
Lipsky	Menke	Oxley	Pelton
Schnekloth	Shimanek	Small	Spear
Tauke	Thompson	West	

The nays were, 65:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Conlon	Connors	Crabb
Cusack	Danker	Davitt	Den Herder
Dieleman	Doyle	Dunton	Dyrland
Evans	Garrison	Gettings	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Howell	Hullinger	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Pavich	Pellett
Perkins	Scheelhaase	Schroeder	Spencer
Stephens	Svoboda	Tofte	Varley
Walter	Welden	Wells	Wyckoff
Mr. Speaker			

Absent or not voting, 16:

Branstad	Byerly	Clark, B.J.	Daggett
Fitzgerald	Harvey	Hines	Husak
Millen	Newhard	Patchett	Poncy
Rinas	Smalley	Stromer	Woods

The motion lost.

CONSIDERATION OF BILLS

Budget Calendar

Senate File 2125, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state, with report of committee recommending amendment and passage was taken up for consideration.

Cusack of Scott offered amendment H—5543 filed by the committee on budget on March 6, 1978 and found on page 818 of the House Journal. Division of the amendment was requested as follows: Lines 3, 4 and 5 to be amendment H—5543A and line 6 to be amendment H—5543B.

(Senate File 2125 and amendment H—5543A temporarily deferred.)

**SPECIAL ORDER OF BUSINESS
REPRESENTATIVE ELMER DEN HERDER HONORED**

The hour of 11:45 a.m. having arrived, the Speaker recognized the gentleman from Webster, Mr. Fitzgerald, for a very special order of business in honor of the gentleman from Sioux, Representative Elmer Den Herder, who is retiring this year and undergoing surgery next week.

Representative Den Herder was honored with remarks by Representatives Fitzgerald of Webster, Millen of Van Buren, Varley of Adair, and Cusack of Scott; presented a "WOI Certificate" by Hansen of O'Brien, a "seat tag" by Wells of Linn, a "challenge" by Harbor of Mills and the following poem written by Clark of Cerro Gordo and recited by the forty-two House Pages:

What is a friend?
That question is tough.
Definitions are many—
Far more than enough.

Each mentions some part
Of the total dimension
Of what friendship means,
So it's our intention

To show you one person
All Pages agree—
Best definition of friend
You will ever see—

Our friend
Elmer Den Herder!

Representative Den Herder was further honored by a presentation of a heart-shaped box of candy inscribed, "The heart of the House goes with you." by Menke of O'Brien and remarks by Speaker Cochran and Senator Coleman.

The House rose and expressed their respect and love to Representative Den Herder, who responded with thanks and appreciation to everyone.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2310, by Spencer, a bill for an act relating to the legalization and validation of the Lost Island sanitary district and the procedures of the board of supervisors and the county auditor of Palo Alto county in connection with the creation and organization of the Lost Island sanitary district.

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

House File 2311, by Halvorson, a bill for an act to provide payment in lieu of taxes to the county and school districts for loss of tax revenue as a result of the acquisition of lands by the state.

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

House File 2312, by Spear and Monroe, a bill for an act relating to trotlines.

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

House File 2313, by Monroe, a bill for an act relating to the operation of unregistered vehicles on the traveled portion of a roadway.

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

House File 2314, by Wells, a bill for an act relating to the authority of the public employment relations board to hear and decide prohibited practice violations and imposing civil penalties.

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

House File 2315, by Clark of Cerro Gordo and Norland, a bill for an act to legalize proceedings taken by the board of supervisors of Cerro Gordo county relating to the sale of certain properties.

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

House File 2316, by Norland, a bill for an act to legalize proceedings taken by the city of Kensett relating to the letting of certain contracts.

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

House File 2317, by Junker, a bill for an act relating to property tax exemptions.

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

House File 2318, by Koogler and Horn, a bill for an act relating to the elementary and secondary school finance law.

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

House File 2319, by Harbor, a bill for an act to authorize the issuance of special permits for the operation of vehicles and combinations of vehicles on the highways of the state which exceed the weight limitations imposed by law during certain periods of the year.

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

House File 2320, by Svoboda, a bill for an act extending the deadline for claiming an exemption from or credit for property tax by the surviving spouse of a person having served in the military or a person eligible to claim a homestead credit.

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

House File 2321, by Gilson, a bill for an act relating to elementary and secondary school finance.

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

House File 2322, by committee on commerce, a bill for an act relating to the number of residential parties connected on a telephone party line.

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

House File 2323, by committee on commerce, a bill for an act relating to retention from payment on public contracts and escrow agreements.

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

House File 2324, by committee on commerce, a bill for an act relating to the maximum permissible finance charge which may be imposed in open-end consumer credit transactions.

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

House File 2325, by committee on labor and industrial relations, a bill for an act relating to choice of care for a work related injury covered by workers' compensation.

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

House File 2326, by committee on labor and industrial relations, a bill for an act relating to furnishing prosthetic devices for injured workers.

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

House File 2327, by committee on cities, a bill for an act relating to the administration of the Bankhead-Jones Farm Tenant Act.

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

House File 2328, by Spear, a bill for an act to authorize a public utility to provide communications services to a city without charge or at reduced rates.

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

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Clark of Lee to determine that a quorum was present.

Present: 80

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Chiodo	Clark, J.H.
Conlon	Crabb	Crawford	Cusack
Danker	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Hansen	Harbor	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Pavich	Pellett
Perkins	Scheelhaase	Schroeder	Spear
Spencer	Stephens	Stromer	Svoboda
Tofte	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

Absent: 20

Avenson	Byerly	Clark, B.J.	Connors
Daggett	Halvorson	Hargrave	Hinkhouse
Norland	Patchett	Pelton	Poncy
Rinas	Schnekloth	Shimanek	Small
Smalley	Tauke	Thompson	Woods

BUSINESS PENDING

The House resumed consideration of **Senate File 2125**, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state, and the committee amendment H-5543A.

Cusack of Scott moved the adoption of the committee amendment H-5543A.

Roll call was requested by Anderson of Jasper and Pavich of Pottawattamie.

On the question "Shall the committee amendment H—5543A be adopted?"

The ayes were, 30:

Bennett	Branstad	Clark, B.J.	Crabb
Danker	Dunton	Egenes	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Hullinger	Junker	Lageschulte
Lindeen	Lipsky	Menke	Pellett
Schneklath	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Thompson	Tofte
Welden	Wyckoff		

The nays were, 63:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dyrland	Evans	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lind
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pelton	Perkins
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Tauke	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 7:

Daggett	Millen	Newhard	Norland
Poncy	Varley	Woods	

Amendment H—5543A lost.

Cusack of Scott moved the adoption of the committee amendment H—5543B.

Roll call was requested by Brunow of Appanoose and Lageschulte of Bremer.

On the question "Shall amendment H—5543B be adopted?"

The ayes were, 43:

Arnould	Bennett	Binneboese	Brandt
Branstad	Brockett	Brunow	Clark, J.H.
Conlon	Connors	Cusack	Davitt
Den Herder	Dunton	Evans	Gentleman
Gilloon	Gilson	Hansen	Harbor
Harvey	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lageschulte	Middleswart	Miller, K.D.
Monroe	Perkins	Schnekloth	Schroeder
Svoboda	Tauke	Tofte	Varley
Welden	Wells	Wyckoff	

The nays were, 50:

Anderson	Avenson	Baker	Bina
Byerly	Chiodo	Clark, B.J.	Crabb
Crawford	Danker	Dieleman	Doyle
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Griffee	Halvorson	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Lind	Lindeen	Lipsky	Loneragan
Menke	Miller (Sergeant)	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Rinas	Scheelhaase	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Thompson	Walter
West	Mr. Speaker		

Absent or not voting, 7:

Daggett	Krewson	Millen	Newhard
Norland	Poney	Woods	

Amendment H — 5543B lost.

Stromer of Hancock offered the following amendment H—5601 filed by him and Menke of O'Brien from the floor and moved its adoption:

H—5601

- 1 Amend Senate File 2125, as amended, passed and
- 2 reprinted, as follows:
- 3 1. Page 4, line 32, by striking the figures
- 4 "2,550,000" and inserting in lieu thereof the figures
- 5 "2,569,000".

Roll call was requested by Cusack of Scott and Brunow of Appanoose.

On the question "Shall amendment H—5601 be adopted?"

The ayes were, 33:

Bennett	Branstad	Clark, J.H.	Crawford
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Krewson	Lind	Lindeen
Lipsky	Menke	Millen	Miller (Sergeant)
Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West			

The nays were, 57:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Connors	Crabb	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dyrland	Fitzgerald	Garrison	Gettings
Giloon	Gilson	Griffiee	Hargrave
Hinkhouse	Horn	Howell	Husak
Junker	Krause	Lageschulte	Lonergan
Middleswart	Miller, K.D.	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Rinas	Scheelhaase
Small	Smalley	Spear	Spencer
Svoboda	Walter	Wells	Wyckoff
Mr. Speaker			

Absent or not voting, 10:

Daggett	Dunton	Hines	Hullinger
Jesse	Jochum	Koogler	Newhard
Poncy	Woods		

Amendment H—5601 lost.

Dyrland of Clayton asked for unanimous consent to withdraw amendment H—5565.

Objection was raised.

Dyrland of Clayton moved that amendment H—5565 filed by him on March 7, 1978 be withdrawn.

The motion prevailed and amendment H—5565 was withdrawn.

Menke of O'Brien offered the following amendment H—5600 filed by him and Welden of Hardin from the floor and moved its adoption:

H—5600

- 1 Amend Senate File 2125, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 6, by striking lines 32 through 35.
- 4 2. Page 7, by striking lines 1 through 11.
- 5 3. Page 14, by striking lines 14 through 35.
- 6 4. Page 15, by striking lines 1 through 35.

Roll call was requested by Spencer of Clay and Perkins of Greene.

Rule 70 was invoked.

On the question "Shall amendment H—5600 be adopted?"

The ayes were, 25:

Anderson	Bennett	Brockett	Crabb
Crawford	Dunton	Egenes	Evans
Harbor	Harvey	Howell	Hullinger
Lageschulte	Lindeen	Lipsky	Menke
Middleswart	Millen	Pellett	Rinas
Schroeder	Thompson	Welden	West
Wyckoff			

The nays were, 69:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dyrland	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Hargrave	Hinkhouse
Hoffmann	Horn	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lind	Loneragan	Miller, K.D.
Miller (Sergeant)	Monroe	Nielsen	Norland

O'Halloran	Oxley	Patchett	Pavich
Pelton	Perkins	Scheelhaase	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Wells
Mr. Speaker			

Absent or not voting, 6:

Daggett	Hines	Newhard	Poncy
Stephens	Woods		

Amendment H — 5600 lost.

Egenes of Story offered the following amendment H — 5605 filed by her from the floor and moved its adoption:

H — 5605

1 Amend Senate File 2125, as passed by the Senate
 2 and reprinted, as follows:
 3 1. Page 6, line 32, by striking the word
 4 "NONPUBLIC".
 5 2. Page 7, line 1, by inserting after the word
 6 "a" the words "public or".
 7 3. Page 7, by striking lines 8 through 11 and
 8 inserting in lieu thereof the following:
 9 "pupil and comparable
 10 services offered to resident
 11 public and nonpublic school
 12 pupils shall be provided.....\$4,900,000".
 13 4. Page 14, line 19, by inserting after the word
 14 "attending" the words "public and".
 15 5. Page 14, by striking lines 21 and 22 and
 16 inserting in lieu thereof the words "the same
 17 comparable terms as made available to pupils attending
 18 public schools."
 19 6. Page 14, line 27, by striking the words "to
 20 nonpublic" and inserting in lieu thereof the words
 21 "which require the appropriation of funds by the
 22 general assembly to".
 23 7. Page 15, line 5, by striking the word
 24 "nonpublic".
 25 8. Page 15, line 6, by striking the word
 26 "nonpublic".
 27 9. Page 15, line 12, by striking the word
 28 "nonpublic".
 29 10. Page 15, by inserting after line 35 the
 30 following:
 31 "Sec. . Section three hundred one point twenty-

32 five (301.25), Code 1977, is amended by adding the
 33 following new unnumbered paragraph:
 34 NEW UNNUMBERED PARAGRAPH. If the school district
 35 receives funds for textbook services for public school
 36 pupils under section three hundred one point one
 37 (301.1) of the Code and section fifteen (15) of this
 38 Act, the funds received shall be deposited in the
 39 general fund of the district and be used to purchase
 40 textbooks for loan to pupils."

Roll call was requested by Anderson of Jasper and Hansen of O'Brien.

On the question "Shall amendment H—5605 be adopted?"

The ayes were, 24:

Bennett	Binneboese	Brockett	Byerly
Crabb	Crawford	Danker	Egenes
Evans	Halvorson	Hansen	Harbor
Lindeen	Menke	Millen	Pellett
Pelton	Rinas	Schroeder	Shimanek
Tauke	Thompson	Tofte	Welden

The nays were, 64:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Branstad	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Cusack	Davitt	Den Herder	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Krause	Krewson	Lageschulte	Lind
Loneragan	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Pavich	Perkins	Scheelhaase	Schneklath
Small	Smalley	Spear	Spencer
Stromer	Svoboda	Varley	Walter
Wells	West	Wyckoff	Mr. Speaker

Absent or not voting, 12:

Connors	Daggett	Hullinger	Jesse
Koogler	Lipsky	Middleswart	Newhard
Patchett	Poncy	Stephens	Woods

Amendment H—5605 lost.

Danker of Pottawattamie offered the following amendment H—5577 filed by Danker, et al., and moved its adoption:

H—5577

- 1 Amend Senate File 2125, as passed and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 10, line 1, by inserting after the
- 4 word "including" the words "the engagement of con-
- 5 sultants acknowledged to be experienced in the field
- 6 of planning for institutions and the initiation of
- 7 plans for the location, establishment, construction
- 8 and operation of a state university in western Iowa,
- 9 and also for the".

Roll call was requested by Schroeder of Pottawattamie and Perkins of Greene.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5577 be adopted?"

The ayes were, 40:

Baker	Bennett	Bina	Binneboese
Branstad	Crabb	Danker	Davitt
Doyle	Gettings	Gilson	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Hullinger	Husak	Junker	Koogler
Lind	Lindeen	Miller, K.D.	Miller (Sergeant)
Pavich	Pellett	Perkins	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Spencer	Stromer	Thompson	Tofte
Varley	Walter	Welden	Wyckoff

The nays were, 53:

Anderson	Arnould	Avenson	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilloon	Griffee
Hargrave	Hines	Hinkhouse	Horn
Howell	Jochum	Krause	Krewson
Lageschulte	Lipsky	Lonerган	Menke
Middleswart	Millen	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pelton	Small	Smalley	Spear
Svoboda	Tauke	Wells	West
Mr. Speaker			

Absent or not voting, 7:

Daggett
Poncy

Fitzgerald
Stephens

Jesse
Woods

Patchett

Amendment H—5577 lost.

Scheelhaase of Woodbury asked and received unanimous consent to withdraw amendment H—5538 filed by him and Hinkhouse of Cedar on March 6, 1978.

Byerly of Polk offered the following amendment H—5607 filed by him from the floor.

H—5607

- 1 Amend Senate File 2125, as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 12, by inserting after line 35 the
- 4 following section:
- 5 "Sec. . . . During the fiscal year beginning July
- 6 1, 1978, the state board of regents shall conduct
- 7 a feasibility study of the concept of centralizing
- 8 all graduate education programs in one state board
- 9 of regents institution. The study shall also list
- 10 the estimated budget and staff necessary to maintain
- 11 extension centers at existing state board of regents
- 12 institutions."
- 13 2. By numbering and renumbering sections pur-
- 14 suant to this amendment.

Byerly of Polk asked and received unanimous consent to defer action on amendment H—5607.

Schroeder of Pottawattamie offered the following amendment H—5614 filed by him from the floor and moved its adoption:

H—5614

- 1 Amend Senate File 2125, page 15, line 5, by
- 2 inserting after the word "served." the following:
- 3 "Such payments to the school district shall be
- 4 collected by the nonpublic school attended by the
- 5 pupil, and these payments shall be made to the school
- 6 district by the nonpublic school, irrespective of
- 7 whether or not the parent or guardian made the
- 8 required reimbursement."

Roll call was requested by Schroeder of Pottawattamie and Harvey of Scott.

On the question "Shall amendment H—5614 be adopted?"

The ayes were, 21:

Bennett	Clark, B.J.	Crabb	Crawford
Danker	Egenes	Gentleman	Halvorson
Hansen	Harbor	Harvey	Lageschulte
Lindeen	Menke	Middleswart	Millen
Pellett	Schroeder	Spear	Welden
Wyckoff			

The nays were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, J.H.
Conlon	Connors	Cusack	Davitt
Den Herder	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Lind	Lipsky	Lonergan
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Pavich
Pelton	Perkins	Rinas	Scheelhaase
Schnekloth	Shimanek	Small	Smalley
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 12:

Brockett	Daggett	Griffie	Hullinger
Jesse	Krause	Krewson	Norland
Patchett	Poncy	Stephens	Woods

Amendment H—5614 lost.

Lipsky of Linn offered the following amendment H—5602 filed by her from the floor and moved its adoption:

H—5602

- 1 Amend Senate File 2125 as follows:
- 2 1. Page 16, by adding after line 31 the following:
- 3 "Sec. Funds appropriated by this Act shall
- 4 not be used to pay travel and other necessary expenses
- 5 of any person who attends a conference, seminar, con-
- 6 vention, or other similar meeting in a state which has

7 not approved the proposed federal equal rights amend-
 8 ment. The state comptroller shall not approve any
 9 claim submitted requesting reimbursement which violates
 10 this section."

Amendment H—5602 lost.

Gilloon of Dubuque offered amendment H—5606 filed by him and Jochum of Dubuque from the floor and requested division as follows:

H—5606

1 Amend Senate File 2125, as passed by the Senate
 2 and reprinted, as follows:

H—5606A

3 1. Page 16, by inserting after line 31 the
 4 following:
 5 "Sec. . Section nineteen A point three (19A.3),
 6 subsection nine (9), Code 1977, is amended to read
 7 as follows:
 8 9. Persons employed by the ~~commission for the~~
 9 ~~blind and~~ the division of vocational rehabilitation or
 10 any successor thereto."

H—5606B

11 2. Page 16, by inserting after line 31 the following:
 12 Sec. . Section twenty point four (20.4),
 13 subsection ten (10), Code 1977, is repealed."

Horn of Linn rose on a point of order that amendment H—5606A was not germane.

The Speaker ruled the point well taken and amendment H—5606A not germane.

Jochum of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H—5606A.

A non-record roll call was requested.

The ayes were 17, nays 63.

The motion lost.

Horn of Linn rose on a point of order that amendment H—5606B was not germane.

The Speaker ruled the point well taken and amendment H—5606B not germane.

Gilloon of Dubuque moved that the rules governing germaneness be suspended for the consideration of amendment H—5606B.

A non-record roll call was requested.

The ayes were 30, nays 55.

The motion lost.

The House resumed consideration of amendment H—5607.

Byerly of Polk asked and received unanimous consent to withdraw amendment H—5607.

Pelton of Clinton moved that Senate File 2125 be rereferred to the committee on budget.

Roll call was requested by Avenson of Fayette and Husak of Tama.

On the question "Shall the motion to rerefer prevail?"

The ayes were, 24:

Bennett	Crabb	Danker	Egenes
Evans	Halvorson	Hansen	Harbor
Hoffmann	Lipsky	Menke	Millen
Pellet	Pelton	Schneklath	Schroeder
Shimaneck	Smalley	Stromer	Tauke
Thompson	Tofte	Varley	Welden

The nays were, 65:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Davitt	Den Herder	Dieleman	Doyle
Dyrland	Fitzgerald	Garrison	Gentleman

Gettings	Gilloon	Gilson	Griffie
Hargrave	Harvey	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Lageschulte	Lind	Lindeen	Lonerger
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Pavich	Perkins	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Walter	Wells	West	Wyckoff
Mr. Speaker			

Absent or not voting, 11:

Brockett	Brunow	Daggett	Dunton
Jesse	Krewson	Norland	Patchett
Poncy	Stephens	Woods	

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 2125)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Danker
Davitt	Den Herder	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Lipsky	Lonerger
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Rinas	Scheelhaase
Schneklath	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Wyckoff
Mr. Speaker			

The nays were, 4:

Egenes	Menke	Schroeder	Welden
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Absent or not voting, 7:

Brockett	Daggett	Krewson	Patchett
Poncy	Stephens	Woods	

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

MOTION TO RECONSIDER TABLED
(Senate File 2125)

Horn of Linn moved to reconsider the vote by which Senate File 2125 passed the House on March 9, 1978.

Tauke of Dubuque moved to defer action on the motion to reconsider Senate File 2125.

A non-record roll call was requested.

The ayes were 30, nays 49.

The motion lost.

Fitzgerald of Webster moved to table the motion to reconsider the vote by which Senate File 2125 was adopted by the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 28.

The motion to table prevailed.

REREFERRED TO COMMITTEE ON WAYS AND MEANS
(House File 2177)

The Speaker announced that **House File 2177**, recommended amend and do pass by the committee on state government, was rereferred to the committee on **ways and means**.

HOUSE RESOLUTION 116

By Stromer

- 1 *Whereas*, Britt, Iowa will be celebrating its one
 2 hundredth anniversary; and
 3 *Whereas*, Britt, Iowa is nationally known because
 4 the National Hobo Convention is held in Britt, Iowa
 5 annually; and
 6 *Whereas*, it is fitting that the House of Repre-
 7 sentatives extend its congratulations to Britt, Iowa;
 8 *Now Therefore*,
 9 *Be It Resolved by the House of Representatives*,
 10 That Britt, Iowa be congratulated on the one hundredth
 11 anniversary of its founding and much success be wished
 12 for this year's holding of the National Hobo Convention.

Laid over under Rule 25.

REPORT OF THE CONFERENCE COMMITTEE
 ON SENATE FILE 137

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the first conference committee appointed to consider the differences between the Senate and the House of Representatives on Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, respectfully make the following report:

1. That the Senate recede from its amendments to the House amendment S-3614 to Senate File 137 as amended and passed by the Senate.

2. That the House recede from its amendment S-3614 to Senate File 137 as amended and passed by the Senate.

3. That Senate File 137 as amended and passed by the Senate be amended as follows:

a. By striking everything after the enacting clause and inserting in lieu thereof the following:

"DIVISION I

Section 1. NEW SECTION. DEFINITIONS. As used in this division, unless the context otherwise requires:

1. "Board" means the financial institutions board created by section two (2) of this Act.

2. "Department" means and includes the department of banking, the department of credit unions, the department of savings and loan associations, and the department of supervised lenders.

3. "Superintendent" means and includes the superintendent of banking, the superintendent of credit unions, the superintendent of savings and loan associations, and the superintendent of supervised lenders.

4. "Supervised lender" means a person licensed under chapter five hundred thirty-six (536) or five hundred thirty-six A (536A) of the Code.

Sec. 2. NEW SECTION. FINANCIAL INSTITUTIONS BOARD.

1. There is created a financial institutions board which shall consist of seven members, not more than four of whom shall be of the same political party. Members of the financial institutions board shall be appointed by the governor, subject to confirmation by the Senate. The membership of the financial institutions board shall be chosen from various sections of the state and according to the following provisions:

a. One member shall be an executive officer of a state bank;

b. One member shall be an executive officer of a savings and loan association organized under Iowa law;

c. One member shall be an executive officer of a credit union organized under Iowa law;

d. One member shall be an executive officer of a lender licensed under chapters five hundred thirty-six (536) or five hundred thirty-six A (536A) of the Code; and

e. Three members shall be residents of the state who are not directly affiliated with any bank, savings and loan association, credit union, or person licensed under chapters five hundred thirty-three A (533A); five hundred thirty-six (536) or five hundred thirty-six A (536A) of the Code. A person is directly affiliated with a financial institution for purposes of this chapter only if the person:

(1) Is a director, officer or employee of a financial institution;

(2) Is a director, officer or employee of any corporation controlling or controlled by a financial institution;

(3) Is the holder of stock in a financial institution, either individually or jointly, as owner, administrator, custodian, executor, guardian, or trustee, which in the aggregate constitutes three percent or more of the outstanding shares of any one class of stock; or

(4) Is the holder of one or more shares or other deposit accounts in a savings and loan association or credit union, either individually or jointly, as owner, administrator, custodian, executor, guardian, or trustee, which in the aggregate constitutes three percent or more of the total amount held by that association as share or other deposit accounts.

2. Members of the financial institutions board shall serve terms of four years, commencing July first of the year of appointment and until a successor has been appointed. The governor shall appoint initial members of the board for irregular terms commencing July 1, 1980 as follows:

- a. The bank officer shall be appointed for a term ending June 30, 1984; and
- b. The savings and loan association officer shall be appointed for a term ending June 30, 1983; and
- c. The credit union member shall be appointed for a term term ending June 30, 1982; and
- d. The chapter five hundred thirty-six (536) or five hundred thirty-six A (536A) licensee member shall be appointed for a term ending June 30, 1981; and
- e. The remaining members shall be appointed for terms ending June thirtieth of the years 1984, 1983 and 1982, respectively.

Upon the expiration of the initial terms, appointments shall be made for regular four-year terms.

3. The members of the financial institutions board shall select one of their public members to serve as chairperson of the board for a two-year term. The chairperson shall preside at meetings of the board, except as the rules of the board otherwise may provide.

4. Four members of the financial institutions board shall constitute a quorum for the transaction of business; provided that the affirmative vote of a majority of the full membership of the board is required to take any substantive action. All members of the board shall have the right to vote on any matter within the jurisdiction of the board.

5. A member of the financial institutions board shall be allowed actual and necessary expenses incurred in the performance of duties, and in lieu of salary shall receive a per diem of forty dollars each day in which engaged in official duties.

6. A member of the financial institutions board may be removed from office for any of the causes and in the manner provided in chapter sixty-six (66) of the Code. Removal from office shall not be in lieu of any other penalty provided by law.

7. Any vacancy on the board which occurs when the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days following the convening of the next session of the general assembly. Prior to the expiration of the thirty-day period, the governor shall transmit to the senate for its approval the name of the appointee for the unexpired portion of the regular term. Any vacancy occurring when the general assembly is in session shall be filled in the same manner as regular appointments are made, and before the end of the session, and for the unexpired portion of the regular term.

Sec. 3. NEW SECTION. BOARD MEETINGS. The financial institutions board shall meet regularly once each month; and in addition shall meet at the call of its chairperson, upon not less than two days' notice. Upon the written request of any two board members, or upon the written request of the superintendent of banking, or the superintendent of savings and loan associations, or the superintendent of credit unions, or the superintendent of supervised lenders, a meeting of the financial institutions board shall be called, upon not less than two days' notice.

Sec. 4. NEW SECTION. DEPARTMENTS SUBJECT TO BOARD. The financial institutions board shall have the authority conferred by this chapter with respect to the department of banking, the department of credit unions, the department of savings and loan associations, and the department of supervised lenders.

Sec. 5. NEW SECTION. DUTIES OF BOARD. The financial institutions board shall:

1. Act with each superintendent in an advisory capacity, either upon the request of a superintendent or upon its own motion, concerning laws which the superintendent is charged to administer;

2. Review all existing or proposed rules of a superintendent which are required to be promulgated under chapter seventeen A (17A) of the Code by any law of this state which a superintendent has the duty to administer;

3. Promulgate rules, subject to chapter seventeen A (17A) of the Code, relating to the exercise of the powers and duties of the financial institutions board;

4. Review the budget of each superintendent prior to the submission of the budget to the governor and the general assembly, and make recommendations to the governor and the general assembly respecting each budget;

5. Review administrative and internal operations guidelines used within the departments and make recommendations to encourage reasonable uniformity among departments to the extent permitted by applicable law;

6. Establish and maintain uniformity in the application of chapters five hundred twenty-seven (527) and five hundred thirty-seven (537) of the Code;

7. Receive annual reports prepared by superintendents as required by law and submit those reports in a consolidated form covering the year ending June thirtieth of each year, along with comments, recommendations, and legislative proposals of the financial institutions board, to the governor and general assembly; and

8. Exercise any other duties established in the financial institutions board by law.

Sec. 6. NEW SECTION. AUTHORITY OVER DEPARTMENTAL ACTIONS.

1. The financial institutions board is empowered to exercise the following specific powers with respect to actions of the superintendent of banking, the superintendent of savings and loan associations, the superintendent of credit unions, and the superintendent of supervised lenders:

a. To disapprove any proposed administrative rule, including rules relating to the administration of chapter five hundred twenty-seven (527) of the Code, if the board determines that the rule would be inconsistent with other departmental rules.

b. To make recommendations to the governor and to the general assembly with respect to the budget proposal of a department.

2. A superintendent shall not promulgate any rule which has been disapproved by the financial institutions board without first holding a public hearing and thereafter submitting to the financial institutions board written findings and conclusions in support of the proposed rule.

Sec. 7 NEW SECTION. COSTS OF ADMINISTRATION.

1. All expenses incurred in the administration of this chapter shall be paid from appropriations. The state comptroller shall draw warrants on the treasurer of state for all disbursements authorized by the provisions of this chapter upon itemized and verified vouchers bearing the approval of the executive secretary of the financial institutions board.

2. Expenses incurred in the administration of this chapter shall be certified annually by the treasurer of state to the respective superintendents, and shall be assessed by the respective superintendents against financial institutions as follows:

a. Twenty-five percent of the expenses shall be expenses of administering chapter five hundred twenty-four (524) of the Code, and shall be assessed against state banks by the superintendent of banking in the same manner as other general administration expenses of the department of banking are assessed under section five hundred twenty-four point two hundred nineteen (524.219) of the Code.

b. Twenty-five percent of the expenses shall be expenses of administering chapter five hundred thirty-three (533) of the Code, and shall be assessed against credit unions by the superintendent of credit unions in the same manner as other general administration expenses of the department of credit unions are assessed under section eighteen (18) of this Act.

c. Twenty-five percent of the expenses shall be expenses of administering chapter five hundred thirty-four (534) of the Code, and shall be assessed against savings and loan associations by the superintendent of savings and loan associations in the same manner as other general administration expenses of the department of savings and loan association are assessed under section five hundred thirty-four point sixty-one (534.61) of the Code.

d. Twenty-five percent of the expenses shall be expenses of administering chapters five hundred thirty-three A (533A), five hundred thirty-three B (533B), five hundred thirty-six (536) and five hundred thirty-six A (536A) of the Code, and shall be assessed against supervised lenders by the superintendent of supervised lenders in the same manner as other general administration expenses of the department of supervised lenders are assessed under sections five hundred thirty-six point ten (536.10) and five hundred thirty-six A point twelve (536A.12) of the Code.

3. Notwithstanding any provision of chapters five hundred twenty-four (524), five hundred thirty-three (533), five hundred thirty-four (534), five hundred thirty-six (536), or five hundred thirty-six A (536A) of the Code to the contrary, amounts received by a superintendent which represent payment of the assessments imposed by this section shall be credited to the general fund, and not to any revolving fund or other departmental account.

Sec. 8. NEW SECTION. EXECUTIVE SECRETARY — ASSISTANCE FROM DEPARTMENTS.

1. The financial institutions board shall employ an executive secretary who shall hold office during the pleasure of the board, and who shall perform such duties as may be required by the financial institutions board. The executive secretary shall receive a salary as determined by the merit employment department, and shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. The executive secretary shall be employed full-time and shall not be an officer or director of, or otherwise be affiliated with, any bank, credit union, savings and loan association, or supervised lender.

2. The executive secretary shall keep a complete record of the proceedings of the financial institutions board.

3. The financial institutions board shall not employ other personnel. The financial institutions board may request that the superintendent of banking, the superintendent of credit unions, the superintendent of savings and loan associations, or the superintendent of supervised lenders make personnel of their departments available from time to time to assist the board, and each superintendent shall make personnel available except when such would result in the neglect of other duties of the department.

DIVISION II

Sec. 9. Section five hundred twenty-four point one hundred three (524.103), Code 1977, is amended by adding the following new subsection:

NEW SUBSECTION. "Financial institutions board" means the board created under section two (2) of this Act.

Sec. 10. Section five hundred twenty-four point two hundred one (524.201), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. The superintendent may be removed from office for any of the causes and in the manner provided in chapter sixty-six (66) of the Code. Removal from office shall not be in lieu of any other penalty provided by law.

NEW SUBSECTION. The governor shall obtain the advice of the financial institutions board with respect to any appointee to a regular term or vacancy as superintendent of banking.

Sec. 11. Section five hundred twenty-four point two hundred two (524.202), Code 1977, is amended to read as follows:

524.202 SUPERINTENDENT — SALARY. The superintendent shall receive a salary to be fixed by the state banking board governor and comptroller. The superintendent shall be entitled to receive reimbursement for expenses incurred in the performance of his duties, subject to the provisions of section 524.209.

Sec. 12. Section five hundred twenty-four point two hundred four (524.204), subsection three (3), Code 1977, is amended to read as follows:

3. The deputy superintendent shall receive a salary to be fixed by the state banking financial institutions board. The deputy superintendent shall be entitled to receive reimbursement for expenses incurred in the performance of his duties, subject to the provisions of section 524.209.

Sec. 13. Section five hundred twenty-four point two hundred five (524.205), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

524.205 FINANCIAL INSTITUTIONS BOARD. The financial institutions board shall act with the superintendent in an advisory capacity concerning the administration of this chapter, and shall have other duties as provided in division one (I) of this Act.

Sec. 14. Section five hundred twenty-four point two hundred eight (524.208), Code 1977, is amended to read as follows:

524.208 ASSISTANTS, EXAMINERS AND OTHER EMPLOYEES. The superintendent may appoint such assistants, examiners and other employees as he or she may deem necessary to the proper discharge of the duties imposed upon him by the laws of this state. The merit system as established by chapter 19A, shall apply to all employees of the department of banking, except the superintendent, deputy superintendent and one stenographer or secretary. The salary of such stenographer or secretary shall be fixed by the state banking board superintendent. Pay plans shall be established for employees subject to the merit system, other than clerical, who examine the accounts and affairs of state banks and who examine the accounts and affairs of other persons, subject to supervision and regulation by the superintendent which are substantially equivalent to those paid by the Federal Deposit Insurance Corporation and other federal supervisory agencies in this area of the United States.

Sec. 15. Section five hundred twenty-four point two hundred sixteen (524.216), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

The superintendent shall make a report in writing annually to the governor financial institutions board in the manner and within the time required by chapter 17. A copy of the consolidated report prepared by the financial institutions board shall be furnished by the superintendent to each state bank.

DIVISION III

Sec. 16. Section five hundred twenty-seven point two (527.2), subsection six (6), Code 1977, is amended to read as follows:

6. "Administrator" means and includes both the superintendent of banking and the supervisor of savings and loan associations within the office of the auditor of state, the superintendent of savings and loan associations, and the superintendent of credit unions. However, the powers of administration and enforcement of this chapter shall be exercised only as provided in section twelve (12) of this chapter five hundred twenty-seven point three (527.3), subsection one (1) of the Code.

Sec. 17. Section five hundred twenty-seven point three (527.3), subsection one (1), Code 1977, is amended to read as follows:

1. For purposes of this chapter the superintendent of banking only shall have the power to issue rules applicable to, to accept and approve or disapprove applications or informational statements from, to conduct hearings and revoke any approvals relating to, and to exercise all other supervisory authority created by this chapter with respect to banks and credit unions. The supervisor superintendent of savings and loan associations only shall have and exercise such powers and authority with respect to savings and loan associations. The superintendent of credit unions only shall have and exercise such powers and authority with respect to credit unions.

Sec. 18. Chapter five hundred thirty-three (533), Code 1977, is amended by adding the following new sections:

NEW SECTION. DEPARTMENT OF CREDIT UNIONS. There is created the department of credit unions which shall be the office of the superintendent, and shall include other personnel employed in the discharge of the duties and responsibilities imposed upon the superintendent by the laws of this state.

NEW SECTION. SUPERINTENDENT OF CREDIT UNIONS.

1. APPOINTMENT. The governor shall appoint, subject to the approval of at least two-thirds of the members of the senate, for an irregular term ending June 30, 1982, and for each four-year period thereafter, a superintendent of credit unions. An appointee shall be selected solely with regard to qualifications and fitness for office. The superintendent shall hold office at the seat of government. A person shall not be appointed as superintendent unless the person has had at least five years experience in a credit union or in the regulation or examination of credit unions.

2. TERM — REMOVAL — VACANCY. The regular term of office of the superintendent shall be four years from the first day of July of the year of his appointment, subject to removal from office for any of the causes and in the manner provided in chapter sixty-six (66) of the Code. Removal from office shall not be in lieu of any other penalty provided by law. A vacancy in the office of superintendent occurring while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes. Prior to the expiration of that thirty days the governor shall transmit to the senate for confirmation an appointment for the unexpired portion of the regular term. A vacancy occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of the session and for the unexpired portion of the regular term.

3. The governor shall obtain the advice of the financial institutions board with respect to any appointee to a regular term or vacancy as superintendent.

4. SALARY AND EXPENSES. The superintendent shall receive a salary to be fixed by the governor and comptroller, and shall be reimbursed for actual and necessary expenses incurred in the performance of duties.

5. BOND AND OATH. The superintendent, upon appointment, shall give bond to the state, signed by a responsible surety company, in the penal sum of one hundred thousand dollars, conditioned upon faithful and impartial discharge of duties, and upon proper accounting for all funds and other valuables which may come into his or her

hands. The superintendent shall take an oath of office, and the bond and oath shall be approved by and filed with the governor. The cost of the bond shall be paid by the department as an expense.

NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT. The superintendent shall make an annual report in writing to the financial institutions board. The report shall be for the one-year period ending June thirtieth of each year. A copy of the consolidated report prepared by the financial institutions board shall be furnished by the superintendent at cost to each credit union or other person on request. The annual report shall contain:

1. A summary of applications approved or denied by the superintendent since the last report.

2. A summary of the assets, liabilities and capital structure of all credit unions as of June thirtieth of the year for which the report is made.

3. A statement of the receipts and disbursements of the department during the year ending June thirtieth, and of the funds on hand on that date.

4. Information which the superintendent may deem appropriate and advisable to disclose.

5. Information which the financial institutions board may require to be included.

Prior to July 1, 1980, the annual report required by this section shall be submitted by the superintendent to the governor and the general assembly.

NEW SECTION. PERSONNEL. The superintendent may employ, subject to the approval of the governor and state comptroller, assistants, examiners and other personnel necessary for the proper execution of duties and responsibilities. Chapter nineteen A (19A) of the Code shall apply to all department personnel except the superintendent and his or her secretary. The salary of the secretary shall be fixed by the superintendent. Examiners' salaries shall be commensurate with those of national credit union administration examiners having similar duties. Department personnel shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties. All salaries and reimbursements shall be department expenses.

The superintendent shall acquire good and sufficient bond in a company authorized to do business in this state insuring the faithful performance of assistants, examiners, and all other employees of the department of credit unions and insuring against any liability which may accrue in the case of the loss of any property of a credit union, of a customer of a credit union or of any other person, in the course of any examination, investigation, or other function required or allowed by the laws of this state. The cost of the bond shall be paid by the department as an expense.

NEW SECTION. EMPLOYEE EXPENSES. The superintendent, and when specifically authorized by the superintendent, the assistants, examiners and other employees of the department, shall be entitled to receive reimbursement for expenses incurred while attending conventions, meetings, conferences, schools, or seminars relating to the performance of their duties, and such expenses shall be department expenses.

NEW SECTION. EXPENSES OF THE DEPARTMENT. All expenses required in the discharge of the duties and responsibilities imposed upon the superintendent by the laws of this state shall be paid from funds appropriated from the general fund of the state. The superintendent shall pay all fees and other money received by the superintendent to the treasurer of state within the time required by section twelve point ten (12.10) of the Code. The treasurer of state shall deposit such funds in the general fund of the state. Funds appropriated to the department of credit unions shall be subject at all times to the warrant of the state comptroller, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the department of credit unions.

The superintendent shall account for receipts and disbursements according to the separate duties imposed by the laws of this state.

NEW SECTION. FINANCIAL INSTITUTIONS BOARD. The financial institutions board shall act with the superintendent in an advisory capacity concerning the administration of this chapter, and shall have other duties as provided in division one (I) of this Act.

This section shall take effect July 1, 1980.

NEW SECTION. SUBPOENA - CONTEMPT.

1. The superintendent, and upon the approval of the superintendent, any assistant or examiner shall have the power to subpoena witnesses, to compel their attendance, to administer oaths, to examine any person under oath and to require the production of relevant books or papers. The examination may be conducted on any subject relating to the duties imposed upon, or powers vested in, the superintendent under the provisions of this Act.

2. When a person subpoenaed pursuant to subsection one (1) of this section neglects or refuses to obey the terms of the subpoena, or to produce books or papers or to give testimony, as required, the superintendent may apply to the district court of Polk county for the enforcement of the subpoena or for the issuance of an order compelling compliance as the court directs.

3. The refusal without reasonable cause of a person to obey an order of the district court, issued pursuant to subsection two (2) of this section, shall be considered contempt of court.

NEW SECTION. RECORDS OF CREDIT UNION DEPARTMENT. Records of the credit union department are public records subject to the provisions of chapter sixty-eight A (68A) of the Code, except that papers, documents, reports, reports of examinations and other writings relating specifically to the supervision and regulation of a specific credit union or persons by the superintendent pursuant to the laws of this state are not public records and shall not be open for examination or copying by the public or for examination or publication by the news media.

The superintendent and all employees and deputies may give information secured from or about credit unions to the Iowa credit union league and its affiliates. The

superintendent may provide information regarding credit unions to the administrator of any share insurance corporation including the national credit union administration, for the purpose of availability of a credit union insurance fund to the credit unions.

The superintendent or other employees of the department shall not be subpoenaed in any cause or proceeding to give testimony concerning information relating to the supervision and regulation of a specific credit union or persons by the superintendent pursuant to the laws of this state, nor shall the records of the credit union department which relate to the supervision and regulation of a specific credit union or persons be offered in evidence in a court or subject to subpoena by a party except where relevant:

1. In actions or proceedings brought by the superintendent.
2. In matters in which an interested and proper party seeks review of a decision of the superintendent
3. In actions or proceedings which arise out of the criminal provisions of the laws of this state or of the United States.
4. In actions brought as shareholder derivative suits against a credit union.
5. In actions brought to recover moneys or to recover upon an indemnity bond for embezzlement, misappropriation or misuse of credit union funds.

NEW SECTION. CONFLICTS PROHIBITED. The superintendent and employees of the department shall not be members of nor have any business dealings with a credit union. Credit unions shall not accept moneys for deposit and shall not have any business transaction with the superintendent or an employee of the credit union department. If a person willfully receives or accepts a deposit or undertakes to establish a business dealing contrary to this section, upon conviction that person shall be guilty of a serious misdemeanor, and shall be permanently disqualified from acting as an officer, director or employee of a state chartered credit union and permanently disqualified from acting as superintendent or employee of the state credit union department.

Sec. 19. Section five hundred thirty-three point one (533.1), unnumbered paragraphs two (2) and three (3), and subsections three (3) through seven (7), Code 1977, are amended to read as follows:

ADMINISTRATION. The superintendent of banking shall be charged with the execution of the laws of this state relating to credit unions.

ORGANIZATION. Any seven residents of the state of Iowa may apply to the superintendent of banking for permission to organize a credit union.

3. The articles and the bylaws, both executed in duplicate, shall be forwarded with a fee of ten dollars to the superintendent of banking.

4. The superintendent shall, within thirty days of the receipt of said articles and by laws, determine whether they conform with the provisions of this chapter, and whether or not the organization of the credit union in question would benefit the its members of it and be consistent with the purposes of this chapter.

5. The superintendent shall thereupon notify the applicants of his or her decision. If it the decision is favorable he the superintendent shall issue a certificate of approval, which shall be attached to the duplicate articles of incorporation and the superintendent shall return the same, together with the duplicate bylaws to the applicants.

6. The applicants shall thereupon file the said this duplicate of the articles of incorporation, with and the attached certificate of approval attached thereto, with the county recorder of the county within which the credit union is to do have its principal place of business, who. The county recorder shall record and index the same and return it, with his or her certificate of record attached thereto, to the said superintendent of banking for permanent record.

7. The applicants shall thereupon become and be a credit union, incorporated in accordance with the provisions of this chapter.

In order to simplify the organization of credit unions, the superintendent of banking, upon the taking effect of this chapter, or as soon thereafter as sufficient fees shall have accumulated to liquidate the cost of same, shall cause to be prepared an approved form of articles of incorporation and a form of bylaws, consistent with this chapter which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with blank articles of incorporation and a copy of said this form of suggested bylaws.

Sec. 20. Section five hundred thirty-three point four (533.4), subsection five (5), paragraph e, and subsection thirteen (13), Code 1977, are amended to read as follows:

e. Purchase of notes of liquidating credit unions with the approval of the superintendent of banking.

13. Upon the approval of the superintendent of banking, serve an employee group having an insufficient number of members to form or conduct the affairs of a separate credit union. There shall be no requirement for the existence of a common bond relationship between the said small employee group and the credit union effecting such service.

Sec. 21. Section five hundred thirty-three point six (533.6), Code 1977, is amended to read as follows:

533.6 REPORTS — EXAMINATIONS.

1. Credit unions organized under this chapter shall report annually on or before the first day of February to the superintendent of banking annually on or before the first day of February on blanks supplied by him the superintendent for that purpose. Additional reports may be required. If any report remains in arrears for more than five days, a fine of five dollars for each day such report remains in arrears may be levied against such the offending credit union in addition to the fine for failure to pay the annual fee. If such report is not returned within thirty days of the due date, the

superintendent of banking may, after written notice to the president of such the credit union of his intention to do so, suspend or revoke the certificate of approval, take possession of the business and property of such credit union, and order its dissolution.

2. The superintendent of banking shall annually examine, or cause to be examined, each credit union annually. Each credit union and all of its officers and agents shall give to the representatives of said the superintendent free access to all books, papers, securities, records and other sources of information under their control, and for the purposes of such examination said representatives shall have the power to subpoena witnesses, administer oaths, compel the giving of testimony, and require the submission of documents. A report of such examination shall be forwarded to the president chairperson of each credit union within thirty days after the completion of the examination. Within thirty days of the receipt of such this report, a meeting of the directors shall be called to consider matters contained in the report and the action taken shall be set forth in the minutes of the board. The superintendent may furnish to the administrator or any other official of the national credit union administration any information or report relating to examinations and reports of the status of any state credit union insured by the national credit union administration. The superintendent of banking may accept, in lieu of the annual examination of a credit union, an audit report conducted by a certified public accounting firm selected from a list of firms previously approved by the superintendent of banking. The cost of the audit shall be paid by the credit union.

3. The superintendent of banking may require any credit union whose records are inadequate or whose books have not been balanced as of the end of the month not less than thirty days previously or whose affairs are in an unfavorable condition, to submit to an additional examination each year.

4. Each credit union shall pay to the superintendent of banking a fee for making examinations, based on the actual cost of the operation of the credit union division of the department of banking and the proportionate share of administrative expenses in the operation of the department of banking, attributable to credit unions, to be determined by the superintendent of banking, in accordance with chapter 17A.

4. At the time of filing its annual report each credit union shall pay an annual filing fee, which shall be based on the actual costs and administrative expenses in the operation of the department, as determined by the superintendent. The fee shall be established by the superintendent by rule pursuant to chapter seventeen A (17A) of the Code, and may not be changed more frequently than annually, and when changed shall be effective on January first of the year following the year in which the change was adopted.

The superintendent shall assess against each credit union the actual and necessary expenses incidental to any examination made pursuant to an order under authority of this chapter. Upon completion, the examiner in charge shall render a bill for the fee, in triplicate, and shall deliver one copy to the credit union and one copy to the superintendent. Failure to pay the fee to the superintendent within ten days after the date of receipt of the bill shall subject the credit union to an additional fee equal to five percent of the amount of the fee for each day the payment is delinquent.

Failure of a credit union to pay an annual filing fee or examination fee shall result in a penalty of five dollars per day, or for any part of a day, during which the credit

union is delinquent, and may be the grounds for revocation of the charter of the credit union which failed to make payment.

5. If it shall appear that any credit union is insolvent or that it has violated any of the provisions of this chapter, the superintendent of banking may, after a hearing or giving after an opportunity for a hearing is given, order such that credit union to correct such the condition and. The superintendent shall grant it the credit union not less than sixty days within which to comply and failure so with the order. Failure to do comply shall afford the said superintendent grounds to revoke the certificate of approval and shall afford the superintendent the authority to apply to the district court of the district in which such this credit union is located for the appointment of a receiver for the credit union. The district court shall appoint the superintendent as receiver unless the superintendent has tendered the appointment to the administrator of the national credit union administration. The administrator as receiver shall possess the rights, powers, and privileges granted by state law to a receiver of a state credit union. Neither the superintendent nor the administrator shall be required to furnish bond as receiver of a state credit union.

Sec. 22. Section five hundred thirty-three point twenty (533.20), Code 1977, is amended to read as follows:

533.20 VOLUNTARY DISSOLUTION. The process of voluntary dissolution shall be as follows:

1. At a special meeting called for the that purpose, notice of which purpose must be contained in the call, a credit union may dissolve upon the affirmative vote of a majority of its members eligible to vote at the special meeting. Notice of the meeting's purpose shall be contained in the meeting's notice. Any member eligible to vote and not present at the meeting may, within twenty days after the date on which the meeting was held, vote in favor of dissolution by signing a statement in the form approved by the superintendent of banking and the. This vote shall have the same force and effect as if cast at the meeting.

2. The credit union shall cease to do business except for the purposes of liquidation immediately upon the giving of notice of the special meeting of the called for the members to vote on dissolution and the. The board of directors shall immediately notify the superintendent of banking of the intention of the credit union to dissolve. The credit union shall not resume its regular business unless the dissolution fails to receive the required vote of the members or unless the members shall have revoked prior affirmative action to dissolve as provided for in subsection 4 of this section.

3. The board of directors shall have power to terminate and settle the affairs of a credit union in voluntary dissolution. The credit union shall continue in existence for the purpose of discharging its liabilities, collecting and distributing its assets, and doing all acts required in order to terminate its affairs. The credit union may sue and be sued for the purpose of enforcing such liabilities and for the purpose of collecting its assets until its affairs are fully settled. During the course of dissolution proceedings, the credit union shall make such reports and shall be subject to such examinations as the superintendent of banking may require. If at any time, after the affirmative vote of a majority of the members of a credit union to dissolve the credit union, the superintendent of banking finds that the credit union is not making reasonable pro-

gress toward terminating its affairs or finds that the credit union is insolvent, he the superintendent may apply to the district court for a an appointment of a receiver to be appointed to terminate the affairs of the credit union.

4. A credit union may, at At any time prior to any distribution of its assets, a credit union may revoke the voluntary dissolution proceedings upon by the affirmative vote of a majority of its members eligible to vote. This vote, if taken, shall be at a special meeting called for that purpose in the manner prescribed by the bylaws. The board of directors shall immediately notify the superintendent of banking of any such action to revoke voluntary dissolution proceedings.

5. Upon such proof as is satisfactory to the superintendent of banking that all assets have been liquidated from which there is a reasonable expectance of realization, that the liabilities of the credit union have been discharged and distribution made to its members, and that the liquidation has been completed, the superintendent of banking shall issue a certificate of dissolution, which certificate shall be filed and recorded in the county in which the credit union has its principal place of business and in the county in which its original articles of incorporation were filed and recorded. Upon the issuance of a certificate of dissolution, the existence of the credit union shall cease.

Sec. 23. Section five hundred thirty-three point twenty-one (533.21), subsections one (1) through three (3), Code 1977, are amended to read as follows:

1. In all situations in which the superintendent has been appointed as receiver as provided in section 533.6 and section 533.20 he this chapter, the superintendent shall make a diligent effort to collect and realize on the assets of the credit union, and shall make distribution of the proceeds from time to time to those entitled thereto in the order provided for by law. The superintendent may execute as receiver or after the receivership has terminated assignments, releases, and satisfactions to effectuate sales and transfers as receiver or after the receivership has terminated. Upon the order of the court in which the receivership is pending, the superintendent may sell or compound all bad or doubtful debts, and, on a like order, Upon the order of the court in which the receivership is pending, the superintendent may sell all the real and personal property of the credit union, on such terms as the court shall direct.

2. All expenses of the receivership and dissolution shall be fixed determined by the superintendent, subject to the approval of the district court, and shall be paid out of the assets of the credit union.

3. At the termination of the receivership, the superintendent shall file his a final report containing which shall contain the details of his or her actions therein, together with and such additional facts as the court may require.

Sec. 24. Section five hundred thirty-three point twenty-two (533.22), subsection three (3), Code 1977, is amended to read as follows:

3. The superintendent of banking shall assume custody of the records of a credit union dissolved pursuant to this chapter and shall retain them these records in accordance with the provisions of section 533.26. The superintendent may cause film, photographic, photostatic, or other copies of such these records to be made and the superintendent shall retain such these copies in lieu of the original records.

Sec. 25. Section five hundred thirty-three point twenty-seven (533.27), unnumbered paragraph two (2), Code 1977, is amended to read as follows:

For the purpose of assisting credit unions in the retention of only necessary records and files, or for the destruction of those which are obsolete or unnecessary, credit unions are authorized to destroy such records and files or classes thereof within the period of limitation of actions upon the joint recommendation of the superintendent of banking and a credit union review board relating to records consisting of the directors of the Iowa credit union league.

Sec. 26. Section five hundred thirty-three point thirty (533.30), subsection one (1), three (3), and four (4), Code 1977, are amended to read as follows:

1. A credit union may, with the approval of the superintendent of banking, merge with another credit union under the existing organization of the other credit union if the merger receives approval of the superintendent and if the merger is pursuant to a plan agreed upon by the majority of the board of directors of each credit union joining in the merger and which plan is approved by the affirmative vote of a majority of the members of the merging credit unions.

3. The certificate and a copy of the agreed plan of merger agreed upon shall be forwarded to the superintendent of banking, certified by him or her, and returned to both credit unions within thirty days of the date of receipt by the superintendent.

4. Upon return of the certificates from the superintendent of banking, all property, property rights, and members' interest of the merged credit union shall vest in the surviving credit union without deed, endorsement the legal need for deeds, endorsements or other instrument instruments of transfer, and all debts, obligations and liabilities of the merged credit union are shall be assumed by the surviving credit union under whose charter the merger was effected. The rights and privileges of the members of the merged credit union shall remain intact. Credit union membership in the surviving credit union shall be available to persons within the field of membership of the merged credit union.

Sec. 27. Section five hundred thirty-three point thirty-three (533.33), subsection one (1), Code 1977, is amended to read as follows:

1. The superintendent may tender to the administrator of the national credit union administration the appointment as receiver for an insured credit union. If the administrator of the national credit union administration accepts the appointment as receiver, the rights of the members and other the rights of creditors of the insured credit union shall be determined in accordance with the laws of this state.

Sec. 28. Section five hundred thirty-three point thirty-four (533.34), Code 1977, is amended to read as follows:

533.34 CONVERSION OF STATE CREDIT UNION INTO FEDERAL CREDIT UNION.

1. A state credit union may convert into a federal credit union upon with the ap-

proval of the superintendent and by the affirmative vote of a majority of its the credit union's members eligible to vote. This vote, if taken, shall be at a special meeting called for that purpose and shall be in the manner prescribed by the bylaws and with the approval of the administrator of the national credit union administration. Any member eligible to vote and not present at the meeting may, within twenty days after the date on which the meeting was held, vote in favor of conversion by signing a statement in a form satisfactory to the superintendent ~~of banking and the~~. This vote shall have the same force and effect as if cast at the meeting.

2. The board of directors of the state credit union shall notify the superintendent ~~of banking~~ of any proposed conversion and of any abandonment or disapproval of the conversion by the members or by the administrator of the national credit union administration. The board of directors of the state credit union shall file with the superintendent appropriate evidence of approval of the conversion by the administrator of the national credit union administration and shall notify the superintendent of the date on which the conversion is to be effective.

3. Upon receipt of satisfactory proof that the state credit union has complied with all applicable laws of this state and of the United States, the superintendent shall issue a certificate of conversion which shall be filed and recorded in the county in which the state credit union has its principal place of business and in the county in which its original articles of incorporation were filed and recorded.

Sec. 29. Section five hundred thirty-three point thirty-five (533.35), subsection one (1) and two (2), Code 1977, are amended to read as follows:

1. A federal credit union may convert into a state credit union ~~upon~~ by compliance with the laws of the United States and upon the approval by of the superintendent of banking. Application for approval of the conversion to a state credit union shall be submitted to the superintendent in the form prescribed by the superintendent, together with the articles of incorporation and bylaws as required by section 533.1. The superintendent ~~of banking~~ may cause an examination to be made of any converting federal credit union ~~and the~~. The credit union shall pay to the superintendent the same examination fee as paid for examinations of state credit unions.

2. If the superintendent ~~shall~~ should approve the application of a federal credit union for conversion to a state credit union, he or she shall cause the articles of incorporation of the resulting state credit union to be filed and recorded in the county in which the credit union has its principal place of business and he or she shall issue a certificate of authority to do business under the laws of this state to the resulting state credit union to do business under the laws of this state. The credit union shall then become a state credit union subject to the laws of this state. The superintendent shall furnish a copy of the certificate to the administrator of the national credit union administration.

Sec. 30. Section five hundred thirty-three point thirty-six (533.36), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Superintendent" means the superintendent of credit unions.

NEW SUBSECTION. "Department" means the department of credit unions.

NEW SUBSECTION. "Financial institutions board" means the board created under section two (2) of this Act.

Sec. 31. The credit union examination supervisor, examiners and other staff existing within the department of banking, credit union section, are transferred to the department of credit unions. The Iowa merit employment commission shall promulgate rules to carry out this transfer and shall arbitrate and decide any written appeal made by any employee concerning this transfer. No employee shall lose, because of this transfer, any benefits accrued, including but not limited to salary, retirement, vacation, sick leave or longevity.

The state comptroller, pursuant to section eight point thirty-nine (8.39) of the Code, shall determine what portion of the appropriation made to the department of banking will be in excess of need, if any, because of the transfer of duties and personnel as provided in this section, and shall transfer such amounts to the account of the department of credit unions. The comptroller also shall determine what other funds or accounts, including reserves, are held in the name or for the use or benefit of the existing section of credit unions within the department of banking, and shall transfer all assets and liabilities to the account of the department of credit unions.

Sec. 32. All effective rules, regulations, forms, orders and directives promulgated by the superintendent of banking or other authority pursuant to chapter five hundred thirty-three (533) of the Code shall continue in full force and effect as rules, regulations, forms, orders and directives of the superintendent of credit unions until amended, supplemented or repealed by affirmative action of the superintendent of credit unions. Any approval or certificate of authority, or any other form of permission or license granted or issued by the superintendent of banking or other authority pursuant to chapter five hundred thirty-three (533) of the Code, and in effect on the effective date of this Act, shall continue to be in effect until it expires according to the terms of its issuance or until it is otherwise revoked, suspended or withdrawn as provided by law.

Sec. 33. All existing bonds, deposits, reserves or other funds established pursuant to chapter five hundred thirty-three (533) of the Code, and of which the superintendent of banking is the beneficiary, trustee, or payee, or by which the superintendent of banking acquired right, authority or power, shall continue in effect, and all right, authority, power or benefit shall inure to the superintendent of credit unions who for all intents and purposes shall be a lawful substitute for the superintendent of banking. All legal proceedings, conservatorships, receiverships or other actions pending shall be continued, and any rights, duties or liabilities of the superintendent of banking in those actions shall be rights, duties or liabilities of the superintendent of credit unions.

Sec. 34. Sections five hundred thirty-three point two (533.2), five hundred thirty-three point eight (533.8), five hundred thirty-three point seventeen (533.17), subsections one (1) and three (3), five hundred thirty-three point twenty-three (533.23), Code 1977, are amended by striking the words "superintendent of banking" wherever in those sections, subsections, or paragraphs they may appear, and inserting in lieu thereof the word "superintendent".

DIVISION IV

Sec. 35. Section five hundred thirty-four point two (534.2), Code 1977, is amended by striking subsection two (2) and inserting in lieu thereof the following:

2. "Superintendent" means the superintendent of savings and loan associations.

Sec. 36. Section five hundred thirty-four point two (534.2), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Department" means the department of savings and loan associations.

NEW SUBSECTION. "Financial institutions board" means the board created under section two (2) of this Act.

Sec. 37. Chapter five hundred thirty-four (534), Code 1977, is amended by adding the following new sections:

NEW SECTION. DEPARTMENT OF SAVINGS AND LOAN ASSOCIATIONS. There is created a department of savings and loan associations which shall be the office of the superintendent and shall include other personnel necessary for the discharge of the duties and responsibilities imposed upon the superintendent by the laws of this state.

NEW SECTION. SUPERINTENDENT OF SAVINGS AND LOAN ASSOCIATIONS.

1. APPOINTMENT. The governor shall appoint, subject to the confirmation of at least two-thirds of the members of the senate, for a term ending June 30, 1984 and for each four-year period thereafter, a superintendent of savings and loan associations. An appointee shall be selected solely with regard to qualification and fitness to discharge the duties of office. A person shall not be appointed as superintendent unless the person has had at least five years experience in a savings and loan association or in the regulation or examination of savings and loan associations. The superintendent shall hold office at the seat of state government.

2. TERM — REMOVAL — VACANCY. The regular term of office of the superintendent shall be four years from the first day of July of the year of his or her appointment, subject to removal from office for any of the causes, and in the manner, provided in chapter sixty-six (66) of the Code. Removal from office shall not be in lieu of any other penalty provided by law. A vacancy in the office of superintendent occurring while the general assembly is not in session shall be filled by temporary appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes. Prior to the expiration of that thirty days the governor shall transmit to the senate for confirmation an appointment for the unexpired portion of the regular term. A vacancy occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of the session and for the unexpired portion of the regular term.

3. The governor shall obtain the advice of the financial institutions board with

respect to any appointee to a regular term or vacancy as superintendent of savings and loan associations.

4. **SALARY AND EXPENSES.** The superintendent shall receive a salary to be fixed by the governor and comptroller and he or she shall be entitled to reimbursement for expenses incurred in the performance of duties.

5. **DUTIES AND POWERS.** The superintendent shall be charged with the administration and execution of the laws relating to savings and loan associations, and with other duties and responsibilities as provided by law.

6. **BOND AND OATH.** The superintendent, upon appointment, shall give bond to the state, signed by a responsible surety company, in the penal sum of one hundred thousand dollars, conditioned upon faithful and impartial discharge of duties, and upon proper accounting for all funds and other valuables which may come into his or her hands. The superintendent also shall take an oath of office, and the bond and oath shall be approved by and filed with the governor. The cost of the bond shall be paid by the department as an expense.

NEW SECTION. PERSONNEL. The superintendent may employ, subject to the approval of the governor and the state comptroller, examiners, assistants and other personnel necessary for the execution of the duties and obligations imposed upon the superintendent. Chapter nineteen A (19A) of the Code shall apply to all department personnel except the superintendent and his or her secretary. The salary of the secretary shall be fixed by the superintendent. Examiners' salaries shall be commensurate with those for examiners of the federal savings and loan insurance corporation in this area of the United States. Department personnel shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

The superintendent shall acquire good and sufficient bond in a company authorized to do business in this state insuring the faithful performance of assistants, examiners, and all other employees of the department of savings and loan associations and insuring against any liability which may accrue in the case of the loss of any property of a savings and loan association, of a customer of a savings and loan association or of any other person, in the course of any examination, investigation, or other function required or allowed by the laws of this state. The cost of the bond shall be paid by the department as an expense.

NEW SECTION. EMPLOYEE EXPENSES. The superintendent, and the assistants, examiners and other employees of the department when specifically authorized by the superintendent, shall be entitled to receive reimbursement for expenses incurred while attending conventions, meetings, conferences, schools, or seminars relating to the performance of their duties, and such expenses shall be department expenses.

NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT. The superintendent shall make an annual report in writing to the financial institutions board. The report shall be for the one-year period ending June thirtieth of each year. A copy of the consolidated report prepared by the financial institutions board shall be furnished by the superintendent to each savings and loan association. The annual report shall contain:

1. A summary of the petitions for certificate of incorporation approved and denied during the period of the report.
2. A summary of the assets, liabilities and capital structure of all savings and loan associations as of the year ending June thirtieth.
3. A statement of the receipts and disbursements of department funds during the year ending on June thirtieth, and of the funds on hand on that date.
4. Information which the superintendent may deem appropriate and advisable to disclose.
5. Information which the financial institutions board may require to be included.

NEW SECTION. FINANCIAL INSTITUTIONS BOARD. The financial institutions board shall act with the superintendent in an advisory capacity concerning the administration of this chapter, and shall have other duties as provided in division one (I) of this Act.

Sec. 38. Section five hundred thirty-four point thirty-eight (534.38), Code 1977, is amended to read as follows:

534.38 APPROVAL BY MEMBERS. Such plan shall be submitted to the members of both associations, either at the regular meeting or at special meetings called for that purpose, and if approved by a vote of fifty-one percent of the members of each association, voted in person or by proxy at said meeting, the same shall then be filed in the office of the auditor of state with the superintendent, who shall issue a certificate authorizing the consolidation.

Sec. 39. Section five hundred thirty-four point forty-one (534.41), subsection six (6), Code 1977, is amended to read as follows:

6. RECORD REQUIRED.

a. A record of such examination shall be kept in the auditor's office department, showing in detail as to each association all matters connected with the conduct of the business, its financial standing and everything touching its solvency, plan of business and integrity.

b. Such examinations and reports, and other information connected therewith, shall be kept confidential in the office of the auditor of state and the supervisor of savings and loan associations, and shall not be subject to publication or disclosure to others except as in this chapter provided. However, any evidence of felonious acts on the part of the officers, directors or employees of such association may be referred by the office of the auditor of state superintendent to proper authorities. Members of such associations, other than their officers and directors, shall not be entitled to inspection of any such records or information and shall not be entitled to any information relative to the names of the members of any association, or the amounts invested by them, as disclosed in the auditor's office records of the department, or in the records of any such association.

Sec. 40. Section five hundred thirty-four point three (534.3), subsection one (1), Code 1977, is amended to read to follows:

1. PETITION FOR CERTIFICATE OF INCORPORATION. At any time hereafter any five or more individuals (hereinafter, referred to as the "incorporators", who are citizens of this state may form an association to promote thrift and home financing, subject to approval as hereinafter provided in this chapter by signing and acknowledging, before an officer competent to take acknowledgements of deeds, two copies of a petition for a certificate of incorporation in the form prescribed by the savings and loan supervisor superintendent, and of the bylaws in a form approved by the savings and loan supervisor superintendent, which shall be filed with the savings and loan supervisor in the office of the auditor of state superintendent and accompanied by an incorporation fee.

Sec. 41. Section five hundred thirty-four point three (534.3), subsection three (3), paragraph a, Code 1977, is amended to read as follows:

a. The proposed articles of incorporation for any proposed new association, together with proposed bylaws, shall be presented to the auditor of state filed with the superintendent and by him or her submitted to the state executive council and if it finds that they are in conformity with the law and based upon a plan equitable in all respects to its members, and further finds from the best sources at its command and from such investigation as it may deem necessary, that the proposed incorporators are persons of good character, ability and responsibility; that a reasonable necessity exists for such new institution in the community to be served; that it can be established and operated without undue injury to existing local thrift and home financing institutions and that the proposed name of such institution is not similar to that of any other association operating in the same community and is not misleading or deceitful, the executive council shall attach thereto its certificate of approval and enter its approval of record, and thereupon such articles of incorporation shall be recorded in the office of the secretary of state and in the office of the recorder of the county in which the association's principal place of business is to be situated and then shall be filed in the office of the auditor of state with the superintendent who shall at that time issue a certificate authorizing the association to transact business as a building and loan or savings and loan association.

Sec. 42. Section five hundred thirty-four point four (534.4), subsection one (1), paragraph d, unnumbered subparagraphs two (2) and three (3), Code 1977, are amended to read as follows:

The population of any such city shall be determined by the said supervisor superintendent in accordance with the latest federal decennial census.

The treasurer of the incorporators committee shall file with the said supervisor superintendent a fidelity bond, signed by himself the treasurer and an authorized surety company acceptable to the supervisor superintendent, in a penal sum at least equal to the required paid-in savings liability and expense fund as hereinbefore required, payable to the supervisor of building and loan associations superintendent. Such bond shall assure the safekeeping and delivery to the association, after issuance of a certificate of incorporation, and after the association's authorized officers have filed the required bonds of all such required paid-in savings liability and expense fund, or in the event of failure to complete organization, such bond shall assure the return to

the persons providing such paid-in savings liability and expense funds of the amounts contributed thereto by them, less any necessary cost and expenses.

Sec. 43. Section five hundred thirty-four point sixty-one (534.61), subsection one (1), Code 1977, is amended by striking the subsection and inserting in lieu thereof the following:

1. All expenses required in the discharge of the duties and responsibilities imposed upon the superintendent by the laws of this state shall be paid from funds appropriated from the general fund of the state. The superintendent shall pay all fees and other money received by the superintendent to the treasurer of state within the time required by section twelve point ten (12.10) of the Code. The treasurer of state shall deposit such funds in the general fund of the state. Funds appropriated to the department of savings and loan associations shall be subject at all times to the warrant of the state comptroller, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the department of savings and loan associations.

The superintendent shall account for receipts and disbursements according to the separate duties imposed upon the superintendent by any provisions of the laws of this state.

Sec. 44. Section five hundred thirty-four point sixty-six (534.66), subsection six (6), Code 1977, is amended to read as follows:

6. APPROVAL — CERTIFICATE OF AUTHORITY. If the executive council approves the plan or method of business of any such building and loan association, it shall endorse its approval upon the statement of the resources and liabilities and plan of business presented to it, and such statement shall thereupon be filed in the office of the auditor of state with the superintendent, who shall issue a certificate to such building and loan association to transact business within the state, if such association has deposited with him or her the mortgages and securities required by the other provisions of this chapter.

Sec. 45. The supervisor, examiners and other staff existing within the savings and loan division of the office of the auditor of state are transferred to the department of savings and loan associations. The Iowa merit employment commission shall promulgate rules to carry out this transfer and shall arbitrate and decide any written appeal made by any employee concerning this transfer. No employee shall lose, because of this transfer, any benefits he or she may have accrued, including but not limited to salary, retirement, vacation, sick leave or longevity.

The state comptroller, pursuant to section eight point thirty-nine (8.39) of the Code, shall determine what portion of the appropriation made to the auditor of state will be in excess of need, if any, because of the transfer of duties and personnel as provided in this section, and shall transfer such amounts to the account of the department. The comptroller also shall determine what other funds or accounts, including reserves, are held in the name or for the benefit of the division of savings and loans, and shall transfer all assets and liabilities to the account of the department.

Sec. 46. All rules, regulations, forms, orders, and directives promulgated by the auditor of state or the supervisor of savings and loan associations pursuant to chapter

five hundred thirty-four (534) of the Code, shall continue in full force and effect as rules, regulations, forms, orders and directives of the department of savings and loan associations until amended, supplemented or repealed by affirmative action of the superintendent. Any approval, certificate of authority, or other form of permission or license granted or issued by the auditor, executive council or supervisor pursuant to chapter five hundred thirty-four (534) of the Code, and in effect on the effective date of this Act, shall continue to be in effect until it expires according to the terms of its issuance or until it is otherwise revoked, suspended or withdrawn as provided by law.

Sec. 47. All existing bonds, deposits, reserves or other funds established pursuant to chapter five hundred thirty-four (534) of the Code, of which the auditor of state or the supervisor of savings and loan associations is the beneficiary, trustee, or payee, or by which the auditor or the supervisor acquired right, authority or power, shall continue in effect, and all right, authority, power or benefit shall inure to the superintendent who shall be for all intents and purposes a lawful substitute for the auditor or supervisor. All pending legal proceedings, conservatorships, receiverships or other actions initiated pursuant to chapter five hundred thirty-four (534) of the Code, shall be continued and any rights, duties or liabilities of the auditor or supervisor in those actions shall be rights, duties or liabilities of the superintendent.

Sec. 48. Sections five hundred thirty-four point two (534.2), subsections two (2) and nineteen (19), five hundred thirty-four point three (534.3), subsection one (1), five hundred thirty-four point three (534.3), subsection three (3), paragraph c, five hundred thirty-four point five (534.5), subsections one (1) and two (2), five hundred thirty-four point six (534.6), five hundred thirty-four point seventeen (534.17), subsection two (2), unnumbered paragraph two (2), five hundred thirty-four point eighteen (534.18), five hundred thirty-four point nineteen (534.19), subsection seven (7), unnumbered paragraph one (1), five hundred thirty-four point nineteen (534.19), subsections nine (9), thirteen (13), fifteen (15), and subsection eighteen (18), unnumbered paragraphs one (1) and two (2), five hundred thirty-four point twenty (534.20), unnumbered paragraph two (2), five hundred thirty-four point twenty-one (534.21), subsections one (1) and four (4), five hundred thirty-four point twenty-four (534.24), subsections one (1) and two (2), five hundred thirty-four point thirty-two (534.32), five hundred thirty-four point thirty-four (534.34), five hundred thirty-four point forty-one (534.41), five hundred thirty-four point forty-two (534.42), five hundred thirty-four point forty-six (534.46), five hundred thirty-four point sixty-one (534.61), and five hundred thirty-four point sixty-eight (534.68), Code 1977, are amended by striking the words "savings and loan supervisor", "supervisor", "supervisor of savings and loan associations", and "supervisor of state chartered associations" wherever they may appear in those sections, subsections, and paragraphs, and inserting in lieu thereof the word "superintendent".

Sec. 49. Sections five hundred thirty-four point three (534.3), subsection three (3), paragraph b, five hundred thirty-four point seven (534.7), subsections one (1) and two (2), five hundred thirty-four point twenty-nine (534.29), five hundred thirty-four point thirty (534.30), five hundred thirty-four point forty-one (534.41), five hundred thirty-four point forty-seven (534.47), five hundred thirty-four point forty-nine (534.49), five hundred thirty-four point fifty-one (534.51), subsections one (1) and two (2), five hundred thirty-four point fifty-two (534.52), five hundred thirty-four point fifty-three (534.53), five hundred thirty-four point fifty-four (534.54), five hundred thirty-four point fifty-five (534.55), five hundred thirty-four point fifty-six (534.56), five hundred thirty-four point fifty-eight (534.58), five hundred thirty-four point sixty (534.60), five hundred thirty-four point sixty-one (534.61), five hundred thirty-four point sixty-two

(534.62), five hundred thirty-four point sixty-three (534.63), and five hundred thirty-four point sixty-six (534.66), Code 1977, are amended by striking the words "auditor", "state auditor", "auditor of state", "auditor of this state", and "auditor of the state", wherever they may appear in those sections, subsections, and paragraphs, and inserting in lieu thereof the word "superintendent".

Sec. 50. Section five hundred thirty-four point forty-one (534.41), Code 1977, is amended by striking subsection one (1), unnumbered paragraphs one (1) through four (4) of subsection two (2), and subsection eight (8).

DIVISION V

Sec. 51. Section five hundred thirty-three A point one (533A.1), subsection three (3), Code 1977, is amended to read as follows:

3. "Superintendent" means the superintendent of banking supervised lenders.

Sec. 52. Section five hundred thirty-three B point one (533B.1), Code 1977, is amended to read as follows:

533B.1 PERMISSION FROM SUPERINTENDENT OF BANKING SUPERVISED LENDERS. No person shall engage in the business of selling written instruments for the transmission or payment of money, whether in the form of checks, drafts, money orders, travelers checks or otherwise, unless such person's net worth is at all times at least twenty-five thousand dollars as shown by financial statements satisfactory to the superintendent of banking supervised lenders and such person has deposited and at all times keeps on deposit with the superintendent of banking supervised lenders fifty thousand dollars in cash or securities satisfactory to the superintendent of banking supervised lenders. However, the superintendent of banking supervised lenders may at his or her option accept a surety bond in the sum of fifty thousand dollars in the form satisfactory to him or her and issued by a surety company acceptable to him or her in lieu of such deposit. Such deposit or bond shall be for the protection of purchasers or holders of instruments sold by such person and the superintendent or any aggrieved party may enforce claims on such instruments against such deposit or bond. Simultaneously with the making of such deposit or delivery of such bond and annually thereafter each such person shall pay to the superintendent of supervised lenders an annual fee of one hundred dollars.

Sec. 53. Chapter five hundred thirty-six (536), Code 1977, is amended by adding the following new section:

NEW SECTION. FINANCIAL INSTITUTIONS BOARD. The financial institutions board shall act with the superintendent in an advisory capacity concerning the administration of this chapter, and shall have other duties as provided in division one (I) of this Act.

Sec. 54. Section five hundred thirty-six point four (536.4), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

If the application is denied the superintendent shall within twenty days thereafter file with the banking in the records of the department a written transcript

of the evidence and decision and findings with respect thereto containing the reasons supporting the denial, and forthwith serve upon the applicant a copy thereof.

Sec. 55. Section five hundred thirty-six point nine (536.9), subsection seven (7), Code 1977, is amended to read as follows:

7. Whenever the superintendent shall revoke or suspend a license issued under this chapter, he or she shall forthwith file with the banking in the records of the department a written transcript of the evidence and order to that effect and findings with respect thereto containing the reasons supporting the revocation or suspension, and forthwith serve upon the licensee a copy thereof.

Sec. 56. Section five hundred thirty-six point ten (536.10), unnumbered paragraph three (3), Code 1977, is amended to read as follows:

Every licensee subject to examination, supervision and regulation by the superintendent, shall pay to the superintendent an examination fee, based on the actual cost of the operation of the small loan division of the department of banking, and the proportionate share of costs and administrative expenses in the operation of the department of banking which are attributable to the small loan division of banking which are attributable to the small loan division administration of this chapter, as determined by the superintendent of banking. Such fee shall apply equally to all licenses and shall not be changed more frequently than annually and when changed, shall be effective on January 1 first of the year following the year in which the change is approved adopted.

Sec. 57. Section five hundred thirty-six point twenty-one (536.21), Code 1977, is amended to read as follows:

536.21 RULES. The superintendent is hereby authorized and empowered to make such reasonable and relevant rules may promulgate rules pursuant to chapter seventeen A (17A) of the Code as may be necessary for the execution and the enforcement of the provisions of this chapter, in addition hereto and not inconsistent herewith. All rules shall be filed and entered by the superintendent in the banking department in an indexed, permanent book or record, with the effective date thereof suitably indicated, and such book or record shall be a public document records of the department.

Sec. 58. Section five hundred thirty-six point twenty-eight (536.28), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Superintendent" means the superintendent of supervised lenders.

NEW SUBSECTION. "Department" means the department of supervised lenders.

NEW SUBSECTION. "Financial institutions board" means the board created under section two (2) of this Act.

Sec. 59. Sections five hundred thirty-six point one (536.1), five hundred thirty-six point twenty-two (536.22) and five hundred thirty-six point twenty-four (536.24), Code

1977, are amended by striking the words "superintendent of banking" wherever in those provisions those words appear and inserting in lieu thereof the word "superintendent".

Sec. 60. Sections five hundred thirty-six point thirteen (536.13), section title and subsection one (1), and five hundred thirty-six point twenty-three (536.23), Code 1977, are amended by striking the words "banking board" and "state banking board" wherever in those provisions those words appear and inserting in lieu thereof the words "financial institutions board".

Sec. 61. Section five hundred thirty-six A point two (536A.2), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. "Superintendent" means the superintendent of supervised lenders.

NEW SUBSECTION. "Department" means the department of supervised lenders.

NEW SUBSECTION. "Financial institutions board" means the board created under section two (2) of this Act.

Sec. 62. Section five hundred thirty-six A point fifteen (536A.15), Code 1977, is amended to read as follows:

536A.15 EXAMINATION OF LICENSEES — FEE. The auditor superintendent or his a duly authorized representative shall, at least once each year without previous notice, examine and audit the books, accounts and records of each licensee engaged in the industrial loan business as defined by this chapter. Any licensee, in lieu of such examination and audit by the auditor superintendent or his a duly authorized representative, at the option of the auditor superintendent, may be audited at the expense of the licensee by a certified public accountant licensed to practice in the state of Iowa. After receiving such an audit the auditor superintendent may make such further examination of the licensee as he or she may deem necessary. A record of each examination shall be kept in the auditor's office records of the department. Such examinations and reports, and other information connected therewith, shall be kept confidential in the office of the auditor and shall not be subject to publication or disclosure to others except as in this chapter provided. Any evidence of criminal acts committed by officers, directors or employees of any industrial loan association shall be reported by the auditor superintendent to the proper authorities. The licensee shall be charged and shall pay the actual costs of the examination.

Every licensee shall pay to the superintendent an examination fee, based on the actual costs and administrative expenses in the operation of the department which are attributable to the administration of this chapter, as determined by the superintendent. The fee shall apply equally to all licensees and shall not be changed more frequently than annually, and when changed shall be effective on January first of the year following the year in which the change is adopted.

Sec. 63. Sections five hundred thirty-six A point three (536A.3), five hundred thirty-six A point four (536A.4), five hundred thirty-six A point six (536A.6), five hun-

dred thirty-six A point seven (536A.7), five hundred thirty-six A point nine (536A.9), five hundred thirty-six A point ten (536A.10), five hundred thirty-six A point eleven (536A.11), five hundred thirty-six A point twelve (536A.12), five hundred thirty-six A point thirteen (536A.13), five hundred thirty-six A point fourteen (536A.14), five hundred thirty-six A point sixteen (536A.16), five hundred thirty-six A point seventeen (536A.17), five hundred thirty-six A point eighteen (536A.18), five hundred thirty-six A point nineteen (536A.19), five hundred thirty-six A point twenty-one (536A.21), five hundred thirty-six A point twenty-eight (536A.28), five hundred thirty-six A point twenty-nine (536A.29), and five hundred thirty-six A point thirty (536A.30), Code 1977, are amended by striking the words "auditor of the state of Iowa" and "auditor" wherever those words appear in those sections and inserting in lieu thereof the word "superintendent".

Sec. 64. Section five hundred thirty-six A point two (536A.2), Code 1977, is amended by striking subsection four (4).

DIVISION VI

Sec. 65. The following new sections are enacted as a new chapter five hundred thirty-six B (536B) of the Code.

NEW SECTION. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Superintendent" means the superintendent of supervised lenders.
2. "Department" means the department of supervised lenders.
3. "Supervised lender" means and includes a person licensed under the provisions of chapters five hundred thirty-six (536) or five hundred thirty-six A (536A) of the Code.
4. "Financial institutions board" means the board created under section two (2) of this Act.

NEW SECTION. DEPARTMENT OF SUPERVISED LENDERS. There is created a department of supervised lenders which shall be the office of the superintendent, and shall include personnel necessary for the discharge of the duties and responsibilities imposed upon the superintendent by the laws of this state.

NEW SECTION. SUPERINTENDENT.

1. APPOINTMENT. The governor shall appoint, subject to confirmation of at least two-thirds of the members of the senate, for a term ending June 30, 1984, and for each four-year period thereafter, a superintendent of supervised lenders. An appointee shall be selected solely with regard to qualifications and fitness for office. A person shall not be appointed as superintendent unless the person has had at least five years experience with a supervised lender or in the regulation or examination of supervised lenders. The superintendent shall hold office at the seat of government.

2. TERM - REMOVAL - VACANCY. The regular term of office of the

superintendent shall be four years from the first day of July of the year of his or her appointment, subject to removal from office for any of the causes and in the manner provided in chapter sixty-six (66) of the Code. Removal from office shall not be in lieu of any other penalty provided by law. A vacancy in the office of superintendent occurring while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty days from the time the general assembly next convenes. Prior to the expiration of that thirty days the governor shall transmit to the senate for confirmation an appointment for the unexpired portion of the regular term. A vacancy occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of the session and for the unexpired portion of the regular term.

3. The governor shall obtain the advice of the financial institutions board with respect to any appointee to a regular term or vacancy as superintendent of supervised lenders.

4. SALARY AND EXPENSES. The superintendent shall receive a salary to be fixed by the governor and comptroller, and shall be entitled to reimbursement for expenses incurred in the performance of duties.

5. DUTIES AND POWERS. The superintendent shall have the powers, duties and responsibilities provided in chapters five hundred thirty-three A (533A), five hundred thirty-three B (533B), five hundred thirty-six (536) and five hundred thirty-six A (536A) of the Code, and other powers, duties and responsibilities as the law may provide.

6. BOND AND OATH. The superintendent, upon appointment, shall give bond to the state, signed by a responsible surety company, in the penal sum of one hundred thousand dollars, conditioned upon faithful and impartial discharge of duties, and upon proper accounting for all funds and other valuables which may come into his or her hands. The superintendent also shall take an oath of office, and the bond and oath shall be approved by and filed with the governor. The cost of the bond shall be paid by the department as an expense.

NEW SECTION. ANNUAL REPORT OF THE SUPERINTENDENT. The superintendent shall make an annual report in writing to the financial institutions board. The report shall be for the one-year period ending June thirtieth of each year. A copy of the consolidated report prepared by the financial institutions board shall be furnished by the superintendent to each supervised lender. The annual report shall contain:

1. A summary of license applications approved or denied by the superintendent since the last report.

2. A summary of the assets, liabilities and capital structure of all supervised lenders as of December thirty-first of the year for which the report is made, which shall include the analyses and recapitulations required under sections five hundred thirty-six point eleven (536.11) and five hundred thirty-six A point fifteen (536A.15) of the Code.

3. A statement of the receipts and disbursements of department funds during the year ending June thirtieth and of the funds on hand on that date.

4. Information which the superintendent may deem appropriate and advisable to disclose.

5. Information which the financial institutions board may require to be included.

NEW SECTION. PERSONNEL. The superintendent may employ, subject to the approval of the governor and the state comptroller, assistants, examiners and other personnel necessary for the proper execution of his or her duties and responsibilities. Chapter nineteen A (19A) of the Code shall apply to all department personnel except the superintendent and his or her secretary. The salary of the secretary shall be fixed by the superintendent. Examiner's salaries shall be commensurate with those for examiners of the federal deposit insurance corporation in this area of the United States. Department personnel shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

The superintendent shall acquire good and sufficient bond in a company authorized to do business in this state insuring the faithful performance of assistants, examiners, and all other employees of the department of supervised lenders and insuring against any liability which may accrue in the case of the loss of any property of a supervised lender, of a customer of a supervised lender, or of any other person in the course of any examination, investigation, or other function required or allowed by the laws of this state. The cost of bonds shall be paid by the department as an expense.

NEW SECTION. EXPENSES OF THE DEPARTMENT. All expenses required in the discharge of the duties and responsibilities imposed upon the superintendent by the laws of this state shall be paid from funds appropriated from the general fund of the state. The superintendent shall pay all fees and other money received by the superintendent to the treasurer of state within the time required by section twelve point ten (12.10) of the Code. The treasurer of state shall deposit such funds in the general fund of the state. Funds appropriated to the department of supervised lenders shall be subject at all times to the warrant of the state comptroller, drawn upon written requisition of the superintendent or a designated representative, for the payment of all salaries and other expenses necessary to carry out the duties of the department of supervised lenders.

The superintendent shall account for receipts and disbursements according to the separate duties imposed by the laws of this state.

NEW SECTION. EMPLOYEE EXPENSES. The superintendent, and the assistants, examiners and other employees of the department when specifically authorized by the superintendent, shall be entitled to receive reimbursement for expenses incurred while attending conventions, meetings, conferences, schools, or seminars relating to the performance of their duties, and such expenses shall be department expenses.

NEW SECTION. FINANCIAL INSTITUTIONS BOARD. The financial institutions board shall act with the superintendent in an advisory capacity concerning the administration of this chapter, and shall have other duties as provided in division one, (I) of this Act.

Sec. 66. The loan institution examination supervisor, examiners and other related staff existing within the loan institution section of the department of banking are

transferred to the department of supervised lenders. The Iowa merit employment commission shall promulgate rules to carry out this transfer and shall arbitrate and decide any written appeal made by any employee concerning this transfer. No employee shall lose, because of this transfer, any benefits accrued to him or her, including but not limited to salary, retirement, vacation, sick leave or longevity.

The state comptroller, pursuant to section eight point thirty-nine (8.39) of the Code, shall determine what portion of the appropriation made to the department of banking will be in excess of need, if any, because of the transfer of duties and personnel as provided in this section, and shall transfer such amounts to the account of the department of supervised lenders. The comptroller also shall determine what other funds or accounts, including reserves, are held in the name or for the benefit of the loan institution section of the department of banking and shall transfer all assets and liabilities to the account of the department of supervised lenders.

Sec. 67. All rules, regulations, forms, orders, and directives promulgated by the superintendent of banking or the banking board pursuant to chapters five hundred thirty-three A (533A), five hundred thirty-three B (533B), and five hundred thirty-six (536) of the Code, shall continue in full force and effect as rules, regulations, forms, orders and directives of the department of supervised lenders until amended, supplemented or repealed by affirmative action of the superintendent. Any approval, certificate of authority, or any other form of permission or license granted or issued by the superintendent of banking or the banking board pursuant to chapters five hundred thirty-three A (533A), five hundred thirty-three B (533B), and five hundred thirty-six (536) of the Code, and in effect on the date of enactment of this section, shall continue to be in effect until it expires according to the terms of its issuance or until it is otherwise revoked, suspended or withdrawn as provided by law.

Sec. 68. The supervisor, examiners and other staff existing within the industrial loan division of the office of the auditor of state are transferred to the department of supervised lenders. The Iowa merit employment commission shall promulgate rules to carry out this transfer and shall arbitrate and decide any written appeal made by any employee concerning this transfer. No employee shall lose, because of this transfer, any benefits accrued to him or her, including but not limited to salary, retirement, vacation, sick leave or longevity.

The state comptroller, pursuant to section eight point thirty-nine (8.39) of the Code, shall determine what portion of the appropriation made to the auditor of state will be in excess of need, if any, because of the transfer of duties and personnel as provided in this section, and shall transfer such amounts to the account of the department of supervised lenders. The state comptroller also shall determine what other funds or accounts, including reserves, are held in the name or for the benefit of the industrial loan division of the office of the auditor of state and shall transfer all assets and liabilities to the account of the department of supervised lenders.

Sec. 69. All rules, regulations, forms, orders, and directives promulgated by the auditor of state or the supervisor pursuant to chapter five hundred thirty-six A (536A) of the Code, shall continue in full force and effect as rules, regulations, forms, orders and directives of the department of supervised lenders until amended, supplemented or repealed by affirmative action of the superintendent. Any approval, certificate of authority, or other form of permission or license granted or issued by the auditor, ex-

ecutive council or supervisor pursuant to chapter five hundred thirty-six A (536A) of the Code, and in effect on the effective date of this Act, shall continue to be in effect until it expires according to the terms of its issuance or until it is otherwise revoked, suspended or withdrawn as provided by law.

Sec. 70. All existing bonds, deposits, reserves or other funds established pursuant to chapter five hundred thirty-three A (533A), five hundred thirty-three B (533B), five hundred thirty-six (536) or five hundred thirty-six A (536A) of the Code, of which the superintendent of banking, the auditor of state, or another official of the state of Iowa, is the beneficiary, trustee, or payee, or by which the official acquired right, authority or power, shall continue in effect, and all right, power, authority or benefit shall inure to the superintendent of supervised lenders who shall be, for all intents and purposes, a lawful substitute for the auditor, superintendent of banking, or other official. All pending legal proceedings, conservatorships, receiverships or other actions initiated pursuant to chapter five hundred thirty-three A (533A), five hundred thirty-three B (533B), five hundred thirty-six (536), or five hundred thirty-six A (536A) of the Code, shall continue and any rights, duties, or liabilities of the auditor, superintendent of banking, or other official shall be rights, duties or liabilities of the superintendent.

Sec. 71. The persons who are serving on the state banking board as of June 30, 1978, shall be authorized to continue to serve as members of the state banking board until July 1, 1980, irrespective of their term of appointment. Effective July 1, 1980, the state banking board is abolished. In the event of a vacancy on the state banking board which occurs before July 1, 1980, the governor may appoint a qualified person to serve as a member of the state banking board until July 1, 1980. This section shall take effect July 1, 1978.

Sec. 72. Prior to July 1, 1980, the term superintendent of savings and loan associations as used in sections sixteen (16) and seventeen (17) of this Act shall mean the supervisor of savings and loan associations within the office of the auditor of state. This section shall take effect January 1, 1979.

Sec. 73. EFFECTIVE DATES.

1. Sections one (1) through fifteen (15) and thirty-five (35) through seventy (70) of this Act shall take effect July 1, 1980.

2. Except as otherwise expressly provided in section eighteen (18) of this Act, sections sixteen (16) through thirty-four (34) of this Act shall take effect January 1, 1979.

Sec. 74. The Code editor shall codify sections one (1) through eight (8) of this Act as a new chapter of the Code."

b. Amend the title by striking lines 1 through 3 and inserting in lieu thereof the following:

"An Act relating to the administration of the laws regulating financial institutions, including banks, savings and loan associations, credit unions, and persons licensed under chapters five hundred thirty-three A (533A), five hundred thirty-three B (533B), five hundred thirty-six (536) and five hundred thirty-six A (536A) of the Code."

ON THE PART OF THE SENATE:

BOB RUSH, Chair
 CLOYD ROBINSON
 JOHN MURRAY

ON THE PART OF THE HOUSE:

NED CHIDO, Chair
 ARTHUR SMALL
 NEAL HINES
 THOMAS TAUKE

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, March 8, 1978. Had I been present I would have voted "aye" on amendment H—5571 to Senate File 336.

THOMPSON of Polk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 438 Transportation

To create easements on railroad rights-of-way under certain circumstances, providing a mechanism for those easements to be purchased by the state or affected political subdivisions for future transportation use, and providing a mechanism to extinguish the easements so created.

S.B. 439 Commerce

Relating to the membership of the board of speech pathology and audiology examiners.

S.B. 440 Commerce

Providing for the appearance by political subdivisions as intervenors in proceedings before the Iowa commerce commission under section four hundred seventy-six point six (476.6) of the Code and providing for the payment of the costs of such intervention by the customers of the utilities involved in such proceedings.

S.B. 441 Education

To prohibit the smoking of tobacco in certain public places and to provide penalties.

S.B. 442 Education

Relating to immunizations and admission of persons to schools.

S.B. 443 Energy

Relating to the implementation in Iowa of the initial regulatory program developed under the federal Surface Mining Control and Reclamation Act of 1977.

SUBCOMMITTEE ASSIGNMENTS**House Resolution 112**

Human Resources: Brunow, Chair; Hargrave and Hansen.

House File 557

Budget: Avenson, Chair; Wells and Harvey.

House File 2052

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 2171

Labor and Industrial Relations: Chiodo, Chair; Poncey and Crabb.

House File 2195

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Nielsen and Gentleman.

House File 2197

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Nielsen and Gentleman.

House File 2199

Labor and Industrial Relations: Horn, Chair; Gilloon, Chiodo, Egenes and Branstad.

House File 2210

Judiciary and Law Enforcement: Woods, Chair; Nielsen and Lipsky.

House File 2211

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Nielsen and Gentleman.

House File 2214

Labor and Industrial Relations: Chiodo, Chair; Poncey and Crabb.

House File 2215

Labor and Industrial Relations: Small, Chair; Wells and Lageschulte.

House File 2236

Judiciary and Law Enforcement: Clark of Cerro Gordo, Chair; Smalley and Arnould.

House File 2240

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Branstad, Nielsen and Gentleman.

House File 2255

Cities: Bina, Chair; Clark of Lee, Connors, Hoffmann, Krewson, Pavich and Rinas.

House File 2256

Human Resources: Baker, Chair; Tofte and Anderson.

House File 2258

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

House File 2267

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 2268

Judiciary and Law Enforcement: Newhard, Chair; Woods, Shimanek and Conlon.

House File 2276

Judiciary and Law Enforcement: Newhard, Chair; Woods, Shimanek and Conlon.

House File 2282

Judiciary and Law Enforcement: Dyrland, Chair; Newhard and Lipsky.

House File 2285

Judiciary and Law Enforcement: Arnould, Chair; Smalley and Spencer.

House File 2287

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

House File 2288

Human Resources: Miller of Buchanan, Chair; Garrison and Schroeder.

House File 2298

Budget: Varley, Chair; Dunton and Welden.

Senate File 2008

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Senate File 2119

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

Senate File 2120

Judiciary and Law Enforcement: Doyle, Chair; Newhard, Garrison, Clark of Cerro Gordo and Lipsky.

Senate File 2124

Labor and Industrial Relations: Connors, Chair; Halvorson, Pavich, Thompson and Poncy.

Senate File 2133

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 418

Labor and Industrial Relations: Connors, Chair; Gilloon and Thompson.

Study Bill 419

Judiciary and Law Enforcement: Newhard, Chair; Jesse and Woods.

Study Bill 424

Transportation: Rinas, Chair; Harbor, Krause, Brunow and Egenes.

Study Bill 431

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

Study Bill 436

County Government: Gilson, Chair; Lindeen, Pellett, Baker and Spear.

Study Bill 437

Budget: Norland, Chair; O'Halloran and Stromer.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., March 6, 1978

Convened: 1:05 p.m.

Adjourned: 2:00 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Brandt, Crawford, Dieleman, Griffee, Hansen, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Absent: Avenson, Jesse and Stromer.

House File 468, a bill for an act relating to the establishment of a depository library center within the Iowa library department.

Recommended Amend and Do Pass.

H-5615

- 1 Amend House File 468 as follows:
 2 1. Page 1, line 11, by striking the word
 3 "solely" and inserting in lieu thereof the word
 4 "primarily".
 5 2. Page 2, line 26, by inserting after the
 6 word "documents," the word "maps,".
 7 3. Page 2, line 29, by inserting after the
 8 word "pamphlet," the word "map,".
 9 4. Page 2, line 32, by inserting after the
 10 word "pamphlet," the word "map,".
 11 5. Page 2, line 34, by inserting after the
 12 word "document," the word "map,".

Aye: Monroe, Arnould, Brandt, Crawford, Dieleman, Griffee, Hansen, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Woods, Harvey, Avenson, Jesse and Stromer.

House File 2177, a bill for an act to create an alcoholism rehabilitation fund financed by taxes on consumers of beer and alcoholic beverages and to provide for the use of the fund for the rehabilitation of alcoholics.

Recommended Amend and Do Pass.

H-5611

- 1 Amend House File 2177 as follows:
 2 1. Page 2, lines 10 and 11, by striking the
 3 words "division on alcoholism" and inserting
 4 in lieu thereof the words "department of sub-
 5 stance abuse".
 6 2. Page 2, line 32, by striking the
 7 words "division on alcoholism" and inserting
 8 in lieu thereof the words "department of sub-
 9 stance abuse".
 10 3. Page 3, line 5, by striking the
 11 words "division on alcoholism" and inserting
 12 in lieu thereof the words "department of sub-
 13 stance abuse".
 14 4. Page 3, by striking lines 6 through 10.

Aye: Monroe, Arnould, Brandt, Crawford, Dieleman, Griffee, Hansen, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Woods, Harvey, Avenson, Jesse and Stromer.

COMMITTEE ON ENERGY

Scheduled: 10:30 a.m., March 7, 1978

Convened: 10:45 a.m.

Adjourned: 11:45 a.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Perkins and Varley.

Absent: Daggett (arrived 10:50 a.m.), Griffee (arrived 10:48 a.m.), Norland, Pelton and Svoboda.

House File 559, a bill for an act requiring existing residential dwellings or portions of existing structures used therefor to meet thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

Recommended Amend and Do Pass.

H-5613

1 Amend House File 559 as follows:

2 1. Page 1, line 5, by striking the number "1978"
3 and inserting in lieu thereof the number "1979".

4 2. Page 1, line 5, by striking the words "all
5 of".

6 3. Page 1, line 5, by inserting after the word
7 "used" the word "primarily".

8 4. Page 1, line 21, by striking the number "1978"
9 and inserting in lieu thereof the number "1979".

10 5. Page 1, by striking lines 27 through 35 and
11 inserting in lieu thereof the following:

12 "2. If the structure does not comply with the
13 thermal efficiency standards at the time of closing
14 of the transaction:

15 a. The buyer shall agree to make the improvements
16 pursuant to an agreement between the buyer and the
17 lender and subject to the conditions of this Act;
18 or

19 b. The seller shall provide for the establishment
20 of an escrow account in the amount of one hundred
21 twenty-five percent of the estimated cost of the
22 improvements necessary to achieve compliance with
23 the thermal efficiency standards and the improvements
24 shall be made by the seller.

- 25 The improvements necessary to bring the structure
 26 into compliance with the thermal efficiency standards
 27 shall be completed within one hundred eighty days".
 28 6. Page 2, line 3, by striking the words "If the"
 29 and inserting in lieu thereof the word "If".
 30 7. Page 2, by striking line 4 and inserting in
 31 lieu thereof the words "improvements which are to
 32 be made by the seller are not made by the seller
 33 within one".
 34 8. Page 2, line 11, by inserting after the word
 35 "seller" the words "at the seller's address of record".
 36 9. Page 2, line 21, by striking the word "made"
 37 and inserting in lieu thereof the word "completed".
 38 10. Page 2, by striking lines 25 through 35.
 39 11. Page 3, by striking lines 1 through 5.
 40 12. Page 3, by striking line 20 and inserting
 41 in lieu thereof the words "twenty-eight for structures
 42 that at the time application for the loan is made
 43 have a resistance to winter heat loss or summer heat
 44 gain value of less than nineteen."
 45 13. Page 4, line 3, by striking all after the
 46 word "mortgage" and inserting in lieu thereof the
 47 word "loan."
 48 14. Page 4, by striking lines 4 through 11.
 49 15. Page 4, by inserting after line 28 the
 50 following section:

Page 2

- 1 "Sec. . This Act is repealed January 1, 1989."
 2 16. Amend the title, line 3, by striking the words
 3 "ownership or when" and inserting in lieu thereof
 4 the word "ownership."
 5 17. Amend the title, by striking line 4.

Aye: O'Halloran, Howell, Welden, Binneboese, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Perkins and Varley.

Nay: None.

Absent or not voting: Daggett, Norland, Pelton and Svoboda.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 8, 1978

Convened: 7:45 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Doyle (arrived 8:05 a.m.), Hines (arrived 8:55 a.m.) and Newhard.

Discussed subcommittee amendments to Senate File 2163.

COMMITTEE ON COMMERCE

Scheduled: 9:00 a.m., March 8, 1978

Convened: 9:10 a.m.

Adjourned: 10:10 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Den Herder, Dieleman, Evans, Halvorson, Koogler, Lonergan, Schroeder, Tauke, Welden and West.

Absent: Jochum, Krause and Walter.

Committee Bill (Formerly House File 2201), a bill for an act relating to the interest rate and maturity of property investment loans by savings and loan associations.

Recommended Do Pass.

Aye: Small, Chiodo, Bina, Brockett, Anderson, Brunow, Den Herder, Dieleman, Evans, Halvorson, Koogler, Lonergan, Schroeder, Tauke, Welden and West.

Nay: None.

Absent or not voting: Jochum, Krause and Walter.

House File 2273, a bill for an act amending the laws applicable to accident and health insurance policies by restricting the sale of skilled nursing care coverage and requiring that the insured be given thirty days after delivery of the policy within which to return the policy and obtain a refund of the premium paid.

Recommended Amend and Do Pass.

H-5612

- 1 Amend House File 2273 as follows:
- 2 1. Page 2, line 10, by striking the word
- 3 "thirty" and inserting in lieu thereof "ten".
- 4 2. Page 2, line 15, by striking the words
- 5 "However, the".
- 6 3. Page 2, by striking lines 16, 17 and 18.

Aye: Small, Chiodo, Brockett, Anderson, Bina, Brunow, Den Herder, Dieleman, Evans, Halvorson, Koogler, Lonergan, Schroeder, Tauke, Welden and West.

Nay: None.

Absent or not voting: Jochum, Krause and Walter.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 9:00 a.m., March 8, 1978

Convened: 9:11 a.m.

Adjourned: 9:30 a.m.

Present: Hullinger, chair; Danker, vice-chair; Spear, ranking member; Gilson, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett and Wyckoff.

Absent: Brandt, Byerly, Clark of Lee, Gilloon, Harvey, Stephens, Stromer and Wells.

Excused: Baker.

Assigned Study Bill 436 to subcommittee.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 9:00 a.m., March 8, 1978

Convened: 9:17 a.m.

Adjourned: 10:32 a.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Lipsky, Scheelhaase, Shimanek and Spencer.

Absent: Arnould, Garrison (arrived 10:08 a.m.), Nielsen, Patchett, Pelton (arrived 9:29 a.m.), Smalley and Woods.

House File 304, a bill for an act relating to disclosure of criminal history and intelligence data and providing a penalty.

Recommended Amend and Do Pass.

H-5610

- 1 Amend House File 304 as follows:
- 2 1. Page 1, by striking lines 1 and 2 and inserting
- 3 in lieu thereof the following:
- 4 "Section 1. Section six hundred ninety-two point
- 5 one (692.1), Code 1977 Supplement, is amended by
- 6 adding the following new".

7 2. Page 1, by striking lines 8 through 13 and
8 inserting in lieu thereof the following:
9 "b. Arrest information and information disclosing
10 that the police have elected not to refer a matter
11 to a prosecutor, or that a prosecutor has elected
12 not to commence criminal proceedings;
13 c. Arrest information and information disclosing
14 that proceedings have been indefinitely postponed;
15 or
16 d. Arrest information and information disclosing
17 acquittals and dismissals."
18 3. Page 1, by striking lines 14 through 16 and
19 inserting in lieu thereof the following:
20 "Sec. 2. Section six hundred ninety-two point
21 two (692.2), Code 1977 Supplement, is amended to read
22 as follows:
23 692.2 DISSEMINATION OF CRIMINAL HISTORY DATA.
24 The".
25 4. Page 1, line 30, by striking the number "749B.3"
26 and inserting in lieu thereof the number "692.3".
27 5. Page 2, by striking lines 10 through 12 and
28 inserting in lieu thereof the following:
29 "Sec. 3. Section six hundred ninety-two point
30 four (692.4), Code 1977 Supplement, is amended to
31 read as follows:
32 692.4 STATISTICS. The department, bureau, or
33 a criminal".
34 6. Page 2, by inserting after line 25 the
35 following:
36 "Sec. 4. Section six hundred ninety-two point
37 fifteen (692.15), Code 1977 Supplement, is amended
38 to read as follows:
39 692.15 REPORTS TO DEPARTMENT. When it comes to
40 the attention of a sheriff, police department, or
41 other law enforcement agency that a public offense
42 has been committed in its jurisdiction, it shall be
43 the duty of the law enforcement agency to report
44 information concerning such crimes to the bureau
45 department on a form to be furnished by the bureau
46 department not more than thirty-five days from the
47 time the crime first comes to the attention of such
48 law enforcement agency. These reports shall be used
49 to generate crime statistics. The bureau department
50 shall submit statistics to the governor, legislature

Page 2

1 and crime commission on a quarterly and yearly basis.
2 When a sheriff, police department or other law
3 enforcement agency makes an arrest which is reported
4 to the bureau department, the arresting law enforcement

5 agency and any other law enforcement agency which
 6 obtains custody of the arrested person shall furnish
 7 a disposition report to the bureau department whenever
 8 the arrested person is transferred to the custody
 9 of another law enforcement agency or is released
 10 without having a complaint or information filed with
 11 any court.

12 Whenever a criminal complaint or information is
 13 filed in any court, the clerk shall furnish a
 14 disposition report of such case.

15 The disposition report, whether by a law enforcement
 16 agency or court, shall be sent to the bureau department
 17 within thirty days after disposition on a form provided
 18 by the bureau department."

19 7. Page 2, by striking lines 26 and 27 and
 inserting in lieu thereof the following:

21 "Sec. 5. Section six hundred ninety-two point
 22 seventeen (692.17), Code 1977 Supplement, is amended
 23 by striking the section and".

24 8. Page 2, line 29, by striking the number
 25 "749B.17" and inserting in lieu thereof the number
 26 "692.17".

27 9. Page 2, by striking lines 32 and 33 and
 inserting in lieu thereof the following:

29 "Sec. 6. Chapter six hundred ninety-two (692),
 30 Code 1977 Supplement, is amended by adding the
 31 following new section:".

32 10. Page 3, by striking lines 13 and 14 and
 inserting in lieu thereof the following:

34 "Sec. 7. Chapter six hundred ninety-two (692),
 35 Code 1977 Supplement, is amended by adding the
 36 following new section:".

37 11. Page 3, by striking lines 30 and 31 and
 inserting in lieu thereof the following:

39 "Sec. 8. Chapter six hundred ninety-two (692),
 40 Code 1977 Supplement, is amended by adding the
 41 following new section:".

42 12. Page 4, by striking lines 3 and 4 and inserting
 in lieu thereof the following:

44 "Sec. 9. Chapter six hundred ninety-two (692),
 45 Code 1977 Supplement, is amended by adding the
 46 following new section:".

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle,
 Dyrland, Garrison, Lipsky, Scheelhaase and Shimanek.

Nay: Gentleman, Pelton and Spencer.

Absent or not voting: Arnould, Nielsen, Patchett, Smalley and Woods.

Assignment of bills to subcommittee.

COMMITTEE ON WAYS AND MEANS

Scheduled: 10:30 a.m., March 8, 1978

Convened: 10:46 a.m.

Adjourned: 12:00 noon.

Present: Norland, chair; Miller of Buchanan, vice-chair; Bennett, Bina, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Dunton, Harbor, Harvey, Hines, Horn, Husak, Junker, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Thompson, Varley, Wells and Wyckoff.

Absent: West, ranking member; (arrived 11:00 a.m.), Anderson, Brandt (arrived 10:55 a.m.), Cusack, Egenes (arrived 11:24 a.m.), Gilloon, Howell (arrived 10:50 a.m.), Jochum (arrived 11:25 a.m.) and Svoboda.

Committee Bill (Formerly House File 2250), a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make such claim for them.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Den Herder, Dieleman, Egenes, Harbor, Harvey, Horn, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Thompson, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Cusack, Dunton, Gilloon, Hines, Svoboda and Varley.

AMENDMENTS FILED

H—5604

H.F. 488

Spear of Lee

H—5608

H.F. 2296

Jochum of Dubuque

Miller of Buchanan

Rinas of Linn

Patchett of Johnson

Howell of Floyd

Hargrave of Johnson

Horn of Linn

Connors of Polk

Small of Johnson

Garrison of Black Hawk

Arnould of Scott

Newhard of Jones

Oxley of Linn

Krewson of Polk

Avenson of Fayette

Clark of Cerro Gordo

Dyrland of Clayton

Hines of Story

Spear of Lee

Tauke of Dubuque

Clark of Lee

Griffie of Chickasaw
 Fitzgerald of Webster
 Monroe of Des Moines
 Wells of Linn
 Jesse of Polk
 Gettings of Wapello
 Shimanek of Jones
 Cusack of Scott
 Husak of Tama
 Lind of Black Hawk

Lonergan of Boone
 Krause of Kossuth
 Pavich of Pottawattamie
 Gilloon of Dubuque
 Gentleman of Polk
 Crawford of Story
 Svoboda of Iowa
 Bina of Scott
 O'Halloran of Black Hawk

H-5609

S.F. 356

Spear of Lee

Rinas of Linn
 Smalley of Polk
 Hoffmann of Muscatine
 Connors of Polk
 Tofte of Winneshiek
 Pavich of Pottawattamie

Bina of Scott
 Krewson of Polk
 Clark of Lee
 Stephens of Plymouth
 Lind of Black Hawk
 Hines of Story

On motion by Fitzgerald of Webster, the House adjourned at 6:42 p.m., until 11:00 a.m., Monday, March 13, 1978.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day—Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 13, 1978

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

Prayer was offered by the Reverend Alvern Boetsma, pastor of the Good News Chapel, Oskaloosa, Iowa.

The Journal of Thursday, March 9, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. H. Gardner, Ames, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Loneragan of Boone on request of Crabb of Crawford; Danker of Pottawattamie for a portion of the day on request of Schroeder of Pottawattamie; Tauke of Dubuque on request of Shimanek of Jones; Stromer of Hancock for the morning session only, and Harvey of Scott on request of Millen of Van Buren; Miller (Sergeant) of Calhoun on request of Hansen of O'Brien; Gilloon of Dubuque on request of Dyrlund of Clayton; Den Herder of Sioux for an indefinite period on request of Millen of Van Buren.

PETITION FILED

The following petition was received and placed on file:

By Pellett of Cass from eight students at Iowa State University in support of legislation for the Quadrangle Remodeling Project.

ADOPTION OF HOUSE RESOLUTION 113

Pursuant to House Rule 26, the Speaker announced that House Resolution 113, filed on March 1, 1978 and found on pages 735 and 736 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS
Regular Calendar

House File 2294, a bill for an act to define an additional substance as a controlled substance under the Uniform Controlled Substances Act, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2294)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Svoboda	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Brockett	Danker	Den Herder	Egenes
Garrison	Gilloon	Harvey	Hines
Jochum	Krewson	Lonergan	Miller (Sergeant)
Norland	Stephens	Stromer	Tauke

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

House File 2246, a bill for an act extending liability and errors and omissions insurance to appointed county officers, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Gentleman
Gettings	Gilson	Griffie	Halvorson
Hansen	Harbor	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Small	Smalley	Spear	Spencer
Svoboda	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Schroeder

Absent or not voting, 17:

Brockett	Danker	Den Herder	Egenes
Garrison	Gilloon	Harvey	Hines
Jochum	Krewson	Loneragan	Miller (Sergeant)
Norland	Stephens	Stromer	Tauke
Welden			

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

HOUSE FILE 567 WITHDRAWN

Middleswart of Warren asked and received unanimous consent to withdraw House File 567 from further consideration by the House.

HOUSE FILE 480 WITHDRAWN

Spear of Lee asked and received unanimous consent to withdraw House File 480 from further consideration by the House.

CONSIDERATION OF BILLS

House File 606, a bill for an act relating to the standards for protective clothing and equipment used by fire fighters, with report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered amendment H-5189 filed by the committee on labor and industrial relations on February 1, 1978 and found on pages 306 and 307 of the House Journal. Division was requested as follows: Lines 2 through 10 to be amendment H-5189A, and line 11 to be amendment H-5189B.

Pavich of Pottawattamie moved the adoption of the committee amendment H-5189A.

A non-record roll call was requested.

The ayes were 44, nays 21.

Committee amendment H-5189A was adopted.

On motion by Pavich of Pottawattamie, the committee amendment H-5189B was adopted.

Evans of Grundy offered the following amendment H-5473 filed by Evans, et al. Division was requested as follows:

H-5473

1 Amend House File 606 as follows:

H-5473A

- 2 1. Page 1, line 11, by inserting after the word
 3 "standards." the following: "The commissioner shall
 4 provide a copy of the standards, rules and any changes
 5 thereto to each fire department operating in this state."

H-5473B

- 6 2. Page 1, line 14, by inserting after the word
 7 "state" the words ", provided that the standards and
 8 rules shall be advisory rather than mandatory for
 9 volunteer fire fighters".

On motion by Evans of Grundy, amendment H-5473A was adopted.

On motion by Evans of Grundy, amendment H-5473B was adopted.

(House File 606 pending at recess.)

On motion by Anderson of Jasper, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Postmaster	Ruth Spencer	10-2 to 10-3	IFT	4/14/78
Switchboard Operator	Virginia Semple	13-1 to 13-2	IFT	2/3/78
House Clerk	Kathleen L. Peterson	15-4 to 15-5	IFT	3/13/78
Research Analyst	Timothy N. Hyde	23-1	IFT to PFT	3/3/78

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 8, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 380, a bill for an act relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district.

STEVEN C. CROSS, Secretary

BUSINESS PENDING

The House resumed consideration of **House File 606**, a bill for an act relating to the standards for protective clothing and equipment used by fire fighters.

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

On the question "Shall the bill pass?" (H.F. 606)

The ayes were, 77:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brändt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Gentleman	Gettings
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Miller, K.D.	Monroe
Nielsen	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Rinäs
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Stromer	Svoboda
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 2:

Schroeder Welden

Absent or not voting, 21:

Danker	Den Herder	Egenes	Evans
Fitzgerald	Garrison	Giloon	Harvey
Hines	Hullinger	Krewson	Lonergan
Millen	Miller (Sergeant)	Newhard	Norland
O'Halloran	Patchett	Spencer	Stephens
Tauke			

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

MOTION TO RECONSIDER WITHDRAWN
(House File 2021)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 2021 filed by him on February 13, 1978.

Budget Calendar

House File 2290, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense, was taken up for consideration.

Speaker pro tempore Nielsen of Polk in the chair at 1:50 p.m.

Monroe of Des Moines offered amendment H-5617 filed by Monroe, Husak, Gilson, Daggett, Pellett, Hansen and Tofte from the floor. Division was requested as follows:

H-5617

1 Amend House File 2290 as follows:

H-5617A

2 1. Page 4, by striking lines 16 through 35 and
3 inserting in lieu thereof the following:
4 "2. INSPECTION AND SECURITY
5 FUNCTION
6 For salaries, support, mainte-
7 nance and miscellaneous purposes of

8 fire marshal's inspections, arson
 9 investigators including the state's
 10 contribution to the peace officers'
 11 retirement, accident, and disability
 12 system provided in chapter ninety-
 13 seven A (97A) of the Code in the
 14 amount of sixteen percent of the
 15 salaries for which the funds are
 16 appropriated, and capitol security
 17 divisions.....\$ 805,000
 18 3. INVESTIGATION FUNCTION
 19 For salaries, support, mainte-
 20 nance, and miscellaneous purposes of
 21 the divisions of criminal investiga-
 22 tion and bureau of identification,
 23 drug law enforcement, and beer and
 24 liquor law enforcement, including the
 25 state's contribution to the peace
 26 officers' retirement, accident, and
 27 disability system provided in chap-
 28 ter ninety-seven A (97A) of the Code
 29 in the amount of sixteen percent of
 30 the salaries for which the funds are
 31 appropriated.....\$ 2,688,000"
 32 2. Page 5, by striking line 1.

H-5617B

33 3. Page 9, by inserting after line 27 the following
 34 new sections:
 35 "Sec. . Section ninety-seven A point one
 36 (97A.1), subsections two (2) and six (6), Code 1977,
 37 is amended to read as follows:
 38 2. "PEACE OFFICER" OR "PEACE OFFICERS" shall mean
 39 all members of the divisions of highway safety and
 40 uniformed force and criminal investigation and bureau
 41 of identification in the department of public safety,
 42 except clerical workers, who have passed a satisfactory
 43 physical and mental examination and have been duly
 44 appointed as members of the state department of public
 45 safety in accordance with the provisions of section
 46 80.15 and the division of drug law enforcement in
 47 the department of public safety except clerical
 48 workers, and the division of beer and liquor law
 49 enforcement of the department of public safety, except
 50 clerical workers, and arson investigators.

Page 2

1 6. "MEMBERSHIP SERVICE" shall mean service as
 2 a peace officer in the division of highway safety

3 and uniformed forces or the division of criminal
4 investigation and bureau of identification or division
5 of drug law enforcement in the department of public
6 safety and arson investigators rendered since last
7 becoming a member, or, where membership is regained
8 as provided in this chapter, all of such service.
9 Sec. . Section ninety-seven A point three
10 (97A.3), subsection one (1), Code 1977, is amended
11 to read as follows:

12 1. All members of the division of highway safety
13 and uniformed force and the division of criminal
14 investigation and bureau of identification in the
15 department of public safety, excepting the members
16 of the clerical force, who are employed by the state
17 of Iowa when this chapter becomes effective, and all
18 persons thereafter employed as members of such
19 divisions in the department of public safety or
20 division of drug law enforcement or qualified members
21 of the division of beer and liquor law enforcement
22 in said department except the members of the clerical
23 force, and arson investigators shall be members of
24 this system. Such members shall not be required to
25 make contributions under any other pension or
26 retirement system of the state of Iowa, anything to
27 the contrary notwithstanding.

28 Sec. . Section ninety-seven A point four
29 (97A.4), unnumbered paragraph two (2), Code 1977,
30 is amended to read as follows:

31 Any member of the system who has been employed
32 continuously prior to the passage of this chapter
33 in the division of highway safety and uniformed force
34 or the division of criminal investigation and bureau
35 of identification in the department of public safety,
36 or as a member of the Iowa highway safety patrol,
37 or as a peace officer or a member of the uniformed
38 force in any department or division whose functions
39 were transferred to, merged, or consolidated in the
40 department of public safety at the time such department
41 was created, or arson investigators shall receive
42 credit for such service in determining retirement
43 and disability benefits provided for in this chapter.

44 Sec. . Section ninety-seven A point six (97A.6),
45 subsection seven (7), paragraph c, Code 1977, is
46 amended to read as follows:

47 c. The commissioner of public safety may, subject
48 to approval of the medical board, assign any former
49 member of the division of highway safety and uniformed
50 force or the division of criminal investigation and

2 who is retired and drawing a pension for disability
3 under the provisions of this chapter, to the
4 performance of light duties in such division.

H-5617C

5 Sec. . Section ninety-seven A point six (97A.6),
6 subsection ten (10), Code 1977, is amended to read
7 as follows:

8 10. RETURN OF ACCUMULATED CONTRIBUTIONS. Should
9 a member cease to be a peace officer in the division
10 of highway safety and uniformed force or the
11 division of criminal investigation and bureau of
12 identification in the department of public safety
13 or an arson investigator except by death or retirement,
14 he or she shall be paid on demand the amount of his
15 or her accumulated contributions standing to the
16 credit of his or her individual account in the annuity
17 savings fund.

H-5617A

18 4. Page 10, by inserting after line 22 the
19 following new section:

20 "Sec. . It is the intent of the general assem-
21 bly that the commissioner of public safety shall
22 reassign the arson investigators from the division
23 of criminal investigation and bureau of identification
24 of the department of public safety to the state fire
25 marshal's office effective July 1, 1978 and the arson
26 investigators shall be under the direct supervision
27 of the state fire marshal."

H-5617B

28 5. Renumber sections and correct internal refer-
29 ences as are necessary in accordance with this
30 amendment.

Monroe of Des Moines moved the adoption of amendment
H-5617A.

Roll call was requested by Gilson of Guthrie and Perkins of
Greene.

On the question "Shall amendment H-5617A be adopted?"

The ayes were, 36:

Avenson	Baker	Branstad	Connors
Crabb	Daggett	Dunton	Evans
Gilson	Griffie	Halvorson	Hansen
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Junker	Krause
Lindeen	Monroe	Oxley	Pavich
Pellett	Perkins	Poncy	Scheelhaase
Spear	Spencer	Stephens	Tofte
Welden	Wells	West	Woods

The nays were, 47:

Anderson	Arnould	Bennett	Bina
Binneboese	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crawford	Cusack	Davitt	Dieleman
Doyle	Dyrland	Gentleman	Gettings
Hargrave	Hoffmann	Jesse	Jochum
Koogler	Lageschulte	Lind	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Newhard	Patchett	Pelton	Rinas
Schneklath	Schroeder	Shimanek	Small
Smalley	Stromer	Thompson	Varley
Walter	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 17:

Chiodo	Cochran	Danker	Den Herder
Egenes	Fitzgerald	Garrison	Gilloon
Harbor	Harvey	Krewson	Lonergan
Miller (Sergeant)	Norland	O'Halloran	Svoboda
Tauke			

Amendment H—5617A lost.

Monroe of Des Moines asked for unanimous consent to withdraw amendment H + 5617B.

Objection was raised.

Monroe of Des Moines moved to withdraw amendment H—5617B.

Schroeder of Pottawattamie moved to defer the motion to withdraw amendment H—5617B.

The Speaker ruled the motion to defer not in order.

On the motion to withdraw amendment H—5617B, the motion lost.

Schroeder of Pottawattamie asked for unanimous consent to defer action on amendment H—5617B.

Action on amendment H—5617B was temporarily deferred.

Monroe of Des Moines moved the adoption of amendment H—5617C.

Amendment H—5617C was adopted.

The House resumed consideration of amendment H—5617B.

Schroeder of Pottawattamie offered the following amendment H—5624, to amendment H—5617B, filed by him from the floor and moved its adoption:

H—5624

- 1 Amend amendment H—5617 to House File 2290 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the
- 4 word "enforcement" the words "and arson investigators".
- 5 2. Page 1, line 50, by striking the words "
- 6 and arson investigators".
- 7 3. Page 2, line 20, by inserting after the word
- 8 "enforcement" the words "and arson investigators".
- 9 4. Page 2, line 23, by striking the words "
- 10 and arson investigators".

Amendment H—5624 was adopted.

Monroe of Des Moines moved the adoption of amendment H—5617B, as amended.

A non-record roll call was requested.

The ayes were 51, nays 12.

Amendment H—5617B, as amended, was adopted.

Horn of Linn offered amendment H—5618 filed by him from the floor and requested division as follows:

H—5618

1 Amend House File 2290 as follows:

H—5618A

2 1. Page 5, line 12, by striking the figure
3 "\$10,898,000" and inserting in lieu thereof the figure
4 "\$10,763,000".

H—5618B

5 2. Page 5, by inserting after line 18 the follow-
6 ing:
7 "6. It is the intent of the general assembly that
8 motor vehicles purchased after January 1, 1979, for
9 the Iowa highway safety patrol shall be equipped with
10 an eight-cylinder engine having the smallest engine
11 displacement available for the particular make and
12 type of motor vehicle purchased."
13 3. Renumber as necessary in conformance with this
14 amendment.

Horn of Linn moved the adoption of amendment H—5618A.

A non-record roll call was requested.

The ayes were 14, nays 57.

Amendment H—5618A lost.

Monroe of Des Moines offered the following amendment H—5621, to amendment H—5618B, filed by him from the floor and moved its adoption:

H—5621

1 Amend amendment H—5618, to House File 2290,
2 as follows:
3 1. Page 1, line 10, by striking the words
4 "eight cylinder engine" and inserting in lieu
5 thereof the words "engine of not more than eight
6 cylinders".

Amendment H—5621 lost.

Horn of Linn moved the adoption of amendment H—5618B.

A non-record roll call was requested.

The ayes were 7, nays 54.

Amendment H—5618B lost.

Hargrave of Johnson offered the following amendment H—5633 filed by him from the floor:

H—5633

- 1 Amend House File 2290 as follows:
- 2 1. Page 3, line 4, by striking the numerals
- 3 "1,662,000" and inserting in lieu thereof the
- 4 numerals "1,652,000".

Fitzgerald of Webster moved the previous question on House File 2290, with respect to the filing of amendments only.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 39.

The motion prevailed.

Hargrave of Johnson moved the adoption of amendment H—5633.

Roll call was requested by Hargrave of Johnson and Binneboese of Plymouth.

On the question "Shall amendment H—5633 be adopted?"

The ayes were, 27:

Arnould	Bina	Binneboese	Chiodo
Connors	Cusack	Doyle	Dyrland
Gentleman	Hargrave	Hinkhouse	Horn
Howell	Jesse	Jochum	Lipsky
Middleswart	Miller, K.D.	Monroe	Oxley
Pavich	Rinas	Small	Tofte
Walter	Welden	Mr. Speaker	
		(Nielsen)	

The nays were, 55:

Anderson	Baker	Bennett	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Dunton	Egenes
Evans	Fitzgerald	Gettings	Gilson
Griffee	Halvorson	Hansen	Harbor
Hines	Hoffmann	Husak	Junker
Krause	Lageschulte	Lind	Lindeen
Millen	Newhard	O'Halloran	Pellett
Pelton	Poncy	Schneklath	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Thompson	Varley
Wells	Woods	Wyckoff	

Absent or not voting, 18:

Avenson	Den Herder	Garrison	Gilloon
Harvey	Hullinger	Koogler	Krewson
Lonergan	Menke	Miller (Sergeant)	Norland
Patchett	Perkins	Scheelhaase	Svoboda
Tauke	West		

Amendment H—5633 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth on request of Anderson of Jasper.

Speaker Cochran in the chair at 4:16 p.m.

Horn of Linn offered the following amendment H—5632 filed by him from the floor:

H—5632

- 1 Amend House File 2290 as follows:
- 2 1. Page 5, by inserting after line 24 the
- 3 following:
- 4 "7. The department of public safety shall provide
- 5 uniformed highway safety patrol peace officers to
- 6 escort candidates for governor between the date the
- 7 candidate is certified by the state commissioner of
- 8 elections for placement on the general election ballot
- 9 and the date of the general election."

10 2. Renumber as necessary in conformance with this
11 amendment.

Rinas of Linn rose on a point of order that amendment H—5632 was not germane.

The Speaker ruled the point well taken and amendment H—5632 not germane.

Horn of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5632.

Roll call was requested by Horn of Linn and Menke of O'Brien.

Rule 70 was invoked.

Under the provisions of Rule 71, Fitzgerald of Webster refrained from voting.

On the question "Shall the rules be suspended?"

The ayes were, 24:

Arnould	Baker	Bina	Byerly
Conlon	Connors	Doyle	Dyrland
Gettings	Hinkhouse	Horn	Husak
Jesse	Jochum	Krause	Miller, K.D.
Nielsen	Patchett	Poncy	Spencer
Walter	Wells	Woods	Wyckoff

The nays were, 63:

Anderson	Avenson	Bennett	Binneboese
Brandt	Branstad	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dunton	Egenes	Evans
Gentleman	Gilson	Halvorson	Hansen
Harbor	Hargrave	Hines	Hoffmann
Howell	Hullinger	Junker	Lageschulte
Lind	Lindeen	Lipsky	Menke
Middleswart	Millen	Monroe	Newhard
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Thompson	Tofte	Varley
Welden	West	Mr. Speaker	

Absent or not voting, 13:

Chiodo	Den Herder	Fitzgerald	Garrison
Gilloon	Griffie	Harvey	Koogler
Krewson	Lonergan	Miller (Sergeant)	Norland
Tauke			

The motion lost.

Spencer of Clay offered the following amendment H—5629 filed by Spencer, Daggett, Gilson, Howell, Baker, Miller of Buchanan and Harbor from the floor and moved its adoption:

H—5629

- 1 Amend House File 2290 as follows:
- 2 1. Page 6, line 12, by striking the numerals
- 3 "1,700,000" and inserting in lieu thereof the
- 4 numerals "2,000,000".

Roll call was requested by Spencer of Clay and Lageschulte of Bremer.

Rule 70 was invoked.

On the question "Shall amendment H—5629 be adopted?"

The ayes were, 36:

Baker	Bennett	Branstad	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Crabb
Crawford	Daggett	Danker	Egenes
Evans	Gilson	Hansen	Harbor
Howell	Krause	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Pellett	Scheelhaase	Schroeder
Spencer	Stephens	Stromer	Thompson
Varley	West	Woods	Wyckoff

The nays were, 54:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Conlon	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Gentleman	Gettings	Griffie
Halvorson	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Husak	Jesse
Jochum	Junker	Koogler	Middleswart

Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Schnekloth
Shimanek	Small	Smalley	Spear
Svoboda	Tofte	Walter	Welden
Wells	Mr. Speaker		

Absent or not voting, 10:

Den Herder	Garrison	Giloon	Harvey
Hullinger	Krewson	Lonergan	Miller (Sergeant)
Norland	Tauke		

Amendment H—5629 lost.

Fitzgerald of Webster asked and received unanimous consent to temporarily defer action on House File 2290. House File 2290 was deferred and placed under unfinished business.

ADOPTION OF HOUSE RESOLUTION 109

Hinkhouse of Cedar called up for consideration House Resolution 109 filed on February 22, 1978 and found on pages 608 and 609 of the House Journal.

Scheelhaase of Woodbury offered amendment H—5486, filed by the committee on agriculture on March 1, 1978 and found on page 751 of the House Journal, and moved its adoption.

Amendment H—5486 was adopted.

Hinkhouse of Cedar moved the adoption of House Resolution 109, as amended.

The motion prevailed and the resolution, as amended, was adopted.

INTRODUCTION OF BILLS

House File 2329, by committee on budget, a bill for an act creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing interactive decision evaluation system encompassing state and local finance and budgeting procedures.

Read first time and placed on the budget calendar.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2039, a bill for an act relating to the perfection and enforcement of mechanics' liens.

STEVEN C. CROSS, Secretary

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 571, an act relating to granting an easement at the Woodward Hospital-School.

House File 2018, an act to clarify the applicability of certain sections to the Women's Reformatory and the Iowa Security Medical Facility.

House File 2036, an act to define "political subdivision" for purposes of appeals to the State Appeal Board for suspension of statutory property tax levy limits on property tax budgets in certain situations.

HOUSE CONCURRENT RESOLUTION 118

By Brandt and Monroe

- 1 *Whereas*, chapter 252 of the present Code of Iowa,
- 2 governing county general relief programs, is one of
- 3 Iowa's most antiquated state statutes; and
- 4 *Whereas*, efforts have begun during the sessions of
- 5 the Sixty-seventh General Assembly to develop legisla-
- 6 tion to modernize chapter 252 of the Code in an
- 7 appropriate manner, and a draft bill intended to achieve
- 8 that objective has been requested of and prepared by the
- 9 Legislative Service Bureau; and
- 10 *Whereas*, it appears unlikely that there will be
- 11 sufficient opportunity for thorough and deliberate
- 12 review of that draft bill during the balance of the
- 13 1978 Session of the Sixty-seventh General Assembly;
- 14 *Now Therefore*,
- 15 *Be It Resolved by the House of Representatives,*
- 16 *the Senate Concurring*, That the standing Committees
- 17 on State Government of the House of Representatives
- 18 and the Senate are authorized to establish a joint

19 interim subcommittee to review the draft bill pre-
20 pared by the Legislative Service Bureau, identified
21 as LSB 3171, and such other proposals for modernization
22 of Iowa's statutes governing county general relief as
23 the subcommittee deems useful. The subcommittee shall
24 prepare a report and recommendations, which shall be
25 made available to the first session of the Sixty-eighth
26 General Assembly upon its convening.

Referred to committee on **state government**.

MOTIONS TO RECONSIDER
(House File 2246)

I move to reconsider the vote by which House File 2246 passed the House on March 13, 1978.

MILLER of Buchanan

(Amendment H—5617A to House File 2290)

I move to reconsider the vote by which amendment H—5617A to House File 2290 failed to be adopted by the House on March 13, 1978.

DOYLE of Woodbury

SPONSOR ADDED
(House File 2255)

Hoffmann of Muscatine requested to be added as a sponsor on House File 2255.

HOFFMANN of Muscatine

UNANIMOUS CONSENT CALENDAR
(House Resolution 114)

We hereby respectfully request that House Resolution 114, filed

on March 7, 1978 and found on page 823 of the House Journal, be placed on the unanimous consent calendar.

SCHEELHAASE of Woodbury
BINNEBOESE of Plymouth
JUNKER of Woodbury

(House Resolution 115)

We hereby respectfully request that House Resolution 115, filed on March 7, 1978 and found on pages 823 and 824 of the House Journal, be placed on the unanimous consent calendar.

SCHEELHAASE of Woodbury
BINNEBOESE of Plymouth
JUNKER of Woodbury

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 8:00 a.m., March 9, 1978

Convened: 8:05 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Doyle, Gentleman, Gilson, Hargrave, Lindeen, and Miller (Sergeant) of Calhoun.

Absent: Daggett, Hines and Newhard.

Discussion of sections of Senate File 2163, including health insurance coverage of welfare recipients, and maximum reimbursement for intermediate care facilities services.

COMMITTEE ON COMMERCE

Scheduled: 8:30 a.m., March 9, 1978

Convened: 8:30 a.m.

Adjourned: 8:39 a.m.

Present: Small, chair; Brockett, ranking member; Anderson, Den Herder, Dieleman, Evans, Halvorson, Koogler, Krause, Schroeder and Tauke.

Absent: Chiodo, Brunow, Jochum, Lonergan, Walter, Welden and West.

Excused: Bina.

Study Bill 416, a bill for an act redefining the term governing body as used in chapter five hundred nine A (509A) of the Code, relating to insurance plans for public employees.

Recommended Do Pass.

Aye: Small, Brockett, Anderson, Den Herder, Dieleman, Evans, Halvorson, Koogler, Krause, Schroeder and Tauke.

Nay: None.

Absent or not voting: Chiodo, Bina, Brunow, Jochum, Lonergan, Walter, Welden and West.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., March 9, 1978

Convened: 9:15 a.m.

Adjourned: 10:14 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Chiodo, Evans, Miller of Buchanan, O'Halloran, Scheelhaase, Shimanek, Tofte, Welden and Wyckoff.

Absent: Avenson (arrived 9:34 a.m.), Bennett (arrived 9:30 a.m.), Garrison, Griffiee, Jesse, Pelton, Perkins, Stephens (arrived 9:19 a.m.) and Varley (arrived 9:43 a.m.).

Study Bill 403, a bill for an act relating to the administration of the temporary state land preservation policy commission.

Recommended Do Pass.

Aye: Middleswart, Spencer, Halvorson, Bennett, Chiodo, Evans, Miller of Buchanan, O'Halloran, Scheelhaase, Shimanek, Stephens, Tofte, Varley, Welden and Wyckoff.

Nay: None.

Absent or not voting: Avenson, Garrison, Griffee, Jesse, Pelton and Perkins.

Assigned bills and discussed Study Bill 314.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., March 9, 1978

Convened: 9:05 a.m.

Adjourned: 10:15 a.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Brunow, Clark of Cerro Gordo, Doyle, Dunton, Gettings, Harbor, Hullinger, Lageschulte, Monroe, Oxley and Schnekloth.

Absent: Egenes, Hoffmann, Lipsky, Rinas and Woods.

Committee Bill (Formerly House File 2060), a bill for an act relating to the use of outside mirrors on van or van type motor vehicles.

Recommended Amend and Do Pass.

Aye: Krause, Davitt, Binneboese, Brunow, Clark of Cerro Gordo, Dunton, Gettings, Harbor, Hullinger, Lageschulte and Monroe.

Nay: Schroeder and Schnekloth.

Absent or not voting: Doyle, Egenes, Hoffmann, Lipsky, Oxley, Rinas and Woods.

COMMITTEE ON BUDGET

Scheduled: 12:45 p.m., March 9, 1978

Convened: 1:00 p.m.

Adjourned: 1:25 p.m.

Present: Cusack, chair; Jesse, Koogler, Norland, Stromer, Varley, Welden and Wells.

Absent: Den Herder (arrived 1:10 p.m.), Avenson (arrived 1:16 p.m.), Harvey (arrived 1:12 p.m.), and O'Halloran (arrived 1:08 p.m.).

Excused: Dunton (arrived 1:15 p.m.).

Study Bill 437, a bill for an act creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing interactive decision evaluation system encompassing state and local finance and budgeting procedures.

Recommended **Do Pass**.

Fiscal note is not required.

Aye: Cusack, Dunton, Den Herder, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: None.

AMENDMENTS FILED

H-5616	H.F. 2290	Wyckoff of Benton Harbor of Mills Crabb of Crawford Hinkhouse of Cedar
H-5619	H.F. 2290	Rinas of Linn
H-5620	H.F. 2290	Welden of Hardin Millen of Van Buren Rinas of Linn
H-5622	H.F. 2290	Perkins of Greene Clark of Lee Hinkhouse of Cedar Hoffmann of Muscatine Schneklath of Scott
		Cusack of Scott Avenson of Fayette Bina of Scott Shimanek of Jones Halvorson of Clayton
H-5623	H.F. 2290	Lipsky of Linn
H-5625	H.F. 488	Daggett of Adams
H-5626	H.F. 2327	Schneklath of Scott
H-5627	S.F. 2163	Miller of Buchanan
H-5628	H.F. 2292	Scheelhaase of Woodbury Welden of Hardin
H-5630	H.F. 2290	Woods of Polk
H-5634	H.F. 2290	Horn of Linn
H-5635	H.F. 2290	Horn of Linn
H-5636	H.F. 2107	Patchett of Johnson

H-5637	H.F. 2084	Evans of Grundy Griffie of Chickasaw O'Halloran of Black Hawk
H-5638	H.F. 2084	Evans of Grundy Griffie of Chickasaw O'Halloran of Black Hawk
H-5639	H.F. 2084	Evans of Grundy Griffie of Chickasaw O'Halloran of Black Hawk
H-5640	H.F. 2084	Evans of Grundy Griffie of Chickasaw O'Halloran of Black Hawk

On motion by Fitzgerald of Webster, the House adjourned at 5:08 p.m., until 1:30 p.m., Tuesday, March 14, 1978.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day — Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 14, 1978

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

Prayer was offered by the Reverend Harold Peterson, pastor of the Trinity Lutheran Church, Avoca, Iowa.

The Journal of Monday, March 13, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Steve Richards, Resident, Broadlawns Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dieleman of Marion for a portion of the day on request of Howell of Floyd; Brockett of Marshall on request of Evans of Grundy; Tauke of Dubuque for a portion of the day on request of Crawford of Story.

PRESENTATION OF VISITORS

Stromer of Hancock presented to the House, rotary exchange student Elizabeth Crawford from Perth, Western Australia. She is a senior attending Britt Secondary School, Britt, Iowa.

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

Sixty members of the junior class from Danville Junior-Senior High School, Danville, Iowa, accompanied by Bob Heffelfinger. By Spear of Lee.

PETITION FILED

The following petition was received and placed on file:

By Patchett of Johnson from eighty-five constituents opposed to the spending of tax dollars for the funding of abortions.

INTRODUCTION OF BILLS

House File 2330, by committee on commerce, a bill for an act redefining the term "governing body" as used in chapter five hundred nine A (509A) of the Code, relating to insurance plans for public employees.

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

House File 2331, by committee on natural resources, a bill for an act relating to authority of soil conservation district commissioners and their authorized agents or employees to enter upon public or private property.

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

House File 2332, by Hoffmann and Bina, a bill for an act requiring the use of understandable language and meaningful sequence of terms in consumer agreements, and providing a civil penalty.

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

House File 2333, by committee on human resources, a bill for an act to clarify the notice of adoption hearing provisions, section six hundred point eleven (600.11) of the Code.

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

House File 2334, by committee on commerce, a bill for an act relating to the interest rate and maturity of property improvement loans by savings and loan associations.

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

House File 2335, by committee on natural resources, a bill for an act relating to the administration of the temporary state land preservation policy commission.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 299, a bill for an act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search.

Also: That the Senate has on March 9, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 396, a bill for an act relating to conflict of interest for city civil service commissioners and providing a penalty.

Also: That the Senate has on March 8, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2243, a bill for an act relating to and appropriating funds to state agencies for designated service programs including health programs, civil rights and parole services and programs for minority, elderly and disadvantaged persons.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 44, a bill for an act to provide that certain records required to be filed in a dissolution action shall not be public records and providing a penalty.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 72, a bill for an act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa state arts council.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 99, a bill for an act relating to a state of the judicial department message.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2017, a bill for an act to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2032, a bill for an act to increase the time between the holding of an informational meeting and the filing of a petition for the construction of a pipeline.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2087, a bill for an act to establish a community education program.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2096, a bill for an act revising the requirement that the issuing officer shall determine that an applicant does not constitute a danger to any person before a professional or nonprofessional permit to carry weapons can be issued.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2103, a bill for an act permitting an inmate to be placed on work release for longer than six months in any twelve-month period.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2115, a bill for an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2118, a bill for an act granting certain counties the authority to acquire and finance certain public improvements.

Also: That the Senate has on March 13, 1978, concurred in the House amendment to, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2124, a bill for an act relating to binding arbitration and to establish dates for receipt of impasse services in public employment collective bargaining negotiations.

Also: That the Senate has on March 9, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2158, a bill for an act relating to the food stamp program, vesting the authority to administer the program in the department of social services, and prescribing penalties for violations.

SENATE AMENDMENT TO
HOUSE FILE 299

H-5641

- 1 Amend House File 299 as follows:
- 2 1. Page 1, by striking lines 1 through 3 and inserting
- 3 in lieu thereof the following:
- 4 "Section 1. Chapter eight hundred four (804), Code 1977
- 5 Supplement, is amended by adding".
- 6 2. Page 1, by striking lines 15 through 17 and inserting
- 7 in lieu thereof the following:
- 8 "Sec. 2. Chapter eight hundred eight (808), Code.1977
- 9 Supplement, is amended by adding the".

SENATE AMENDMENT TO
HOUSE FILE 396

H-5642

- 1 Amend House File 396 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking line 9.

SENATE MESSAGES CONSIDERED

Senate File 380, a bill for an act relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district.

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

Senate File 2039, a bill for an act relating to the perfection and enforcement of mechanics' liens.

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

HOUSE RESOLUTION 117

By Byerly of Polk

- 1 *Whereas*, the Ankeny High School girls basket-
- 2 ball team has won the Iowa Girls High School basket-
- 3 ball championship; and
- 4 *Whereas*, the Ankeny High School girls basket-
- 5 ball team has displayed the utmost in spirit, team-
- 6 work, and talent, *Now Therefore*,
- 7 *Be It Resolved by the House of Representatives*,

8 That the Sixty-seventh General Assembly, 1978 Session,
9 extends its heartiest congratulations to Ankeny, their
10 coaches Mr. Rasmussen, Mr. Scott and Mr. Kruse, cheer-
11 leaders, faculty and administration, families and loyal
12 fans who encouraged and supported Ankeny through the
13 regular season and during the tournament, and

14 *Be It Further Resolved*, That the members of the
15 Sixty-seventh General Assembly commend Ankeny for their
16 splendid example of sportsmanship, fair play and
17 athletic prowess which took them to the highest place
18 in Iowa girls high school basketball, winning the Girls
19 State Basketball championship and becoming Iowa's
20 number one team, and

21 *Be It Further Resolved*, That a copy of this
22 resolution be sent to the Ankeny High School girls
23 basketball team and the coaches.

Laid over under Rule 25.

HOUSE FILE 2290 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2290 be deferred and that the bill retain its place on the calendar.

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 246)

Brandt of Black Hawk called up for consideration the report of the conference committee on House File 246, a bill for an act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties and providing a penalty, filed on March 6, 1978 and found on pages 811 and 812 of the House Journal.

Brandt of Black Hawk moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report and the amendments contained therein were adopted.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 246)

The ayes were, 81:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Daggett	Davitt	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Shimanek
Small	Spear	Spencer	Stromer
Svoboda	Tofte	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 10:

Bennett	Crabb	Danker	Lipsky
Menke	Millen	Schneklath	Smalley
Stephens	Thompson		

Absent or not voting, 9:

Brockett	Den Herder	Dieleman	Harvey
Middleswart	Newhard	Schroeder	Tauke
Welden			

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

SENATE AMENDMENT CONSIDERED

Jesse of Polk called up for consideration **House File 248**, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties, amended by the Senate amendment H—5335 received from the Senate on February 17, 1978 and found on pages 508 through 527 of the House Journal.

Jesse of Polk asked and received unanimous consent to withdraw amendments H—5556 and H—5557 filed by Jesse, et al., on March 6, 1978.

Jesse of Polk offered the following amendment H—5586, to the Senate amendment H—5335, filed by Jesse, et al. Division was requested as follows:

H—5586

- 1 Amend H—5335, the Senate amendment to House
- 2 File 248, as follows:

H—5586A

- 3 1. Page 2, by striking lines 16 through 31.
- 4 2. Page 2, by striking lines 36 through 40.

H—5586B

- 5 3. Page 3, by striking lines 40 through 41.

H—5586C

- 6 4. Page 4, by striking lines 6 through 19.
- 7 5. Page 4, by striking lines 22 through 25.

H—5586B

- 8 6. Page 4, by striking line 39.
- 9 7. Page 5, by striking lines 10 through 24.
- 10 8. Page 5, by striking lines 49 through 50.
- 11 9. Page 6, by striking lines 7 through 11.
- 12 10. Page 6, by striking lines 47 through 50.
- 13 11. Page 7, by striking lines 45 through 48.
- 14 12. Page 8, by striking line 40.
- 15 13. Page 9, by striking lines 41 through 42.
- 16 14. Page 12, by striking lines 12 through 14.
- 17 15. Page 12, by striking lines 15 through 18.
- 18 16. Page 13, by striking line 13.

H—5586D

- 19 17. Page 15, by striking line 49.

H—5586B

- 20 18. Page 15, by striking line 50.
- 21 19. Page 16, by striking line 1.

Pelton of Clinton offered the following amendment H—5594, to amendment H—5586C, to the Senate amendment H—5335, filed by him and moved its adoption:

H—5594

- 1 Amend amendment H—5586, to Senate amendment H—5335,
- 2 to House File 248, as passed by the House and reprinted,
- 3 as follows:
- 4 1. Page 1, line 6, by striking the numerals "19"
- 5 and inserting in lieu thereof the numeral "8".
- 6 2. Page 1, by inserting after line 6 the following:
- 7 " . Page 4, by striking lines 9 through 19."

A non-record roll call was requested.

The ayes were 25, nays 52.

Amendment H—5594 lost.

Jesse of Polk moved the adoption of amendment H—5586A, to the Senate amendment H—5335.

Roll call was requested by Pelton of Clinton and Menke of O'Brien.

Rule 70 was invoked.

On the question "Shall amendment H—5586A be adopted?"

The ayes were, 58:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Doyle	Dunton	Dyrland	Garrison
Gentleman	Gilloon	Griffee	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lipsky	Loneragan	Middleswart	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pellett
Rinas	Scheelhaase	Shimanek	Small
Smalley	Svoboda	Thompson	Wells
Woods	Mr. Speaker		

The nays were, 33:

Baker	Bennett	Crabb	Daggett
Danker	Davitt	Egenes	Evans

Gettings	Gilson	Halvorson	Hansen
Harbor	Hullinger	Lageschulte	Lind
Lindeen	Menke	Millen	Miller, K.D.
Pavich	Pelton	Perkins	Poncy
Schnekloth	Schroeder	Spear	Spencer
Stromer	Tofte	Varley	West
Wyckoff			

Absent or not voting, 9:

Brockett	Den Herder	Dieleman	Fitzgerald
Husak	Stephens	Tauke	Walter
Welden			

Amendment H—5586A was adopted.

Jesse of Polk moved the adoption of amendment H—5586B, to the Senate amendment H—5335.

Amendment H—5586B was adopted.

Jesse of Polk moved the adoption of amendment H—5586C, to the Senate amendment H—5335.

A non-record roll call was requested.

The ayes were 53, nays 31.

Amendment H—5586C was adopted.

Jesse of Polk moved the adoption of amendment H—5586D, to the Senate amendment H—5335.

A non-record roll call was requested.

The ayes were 66, nays 17.

Amendment H—5586D was adopted.

Doyle of Woodbury offered the following amendment H—5587, to the Senate amendment H—5335, filed by him:

H—5587

- 1 Amend H—5335, the Senate amendment to House File
- 2 248, as follows:

- 3 1. Page 1, line 12, by inserting after the word
- 4 "time." the words "Absence by a parent due to the
- 5 parent's admission or commitment to any institution,
- 6 hospital or health facility or due to active service
- 7 in the state or federal armed forces shall not alone
- 8 constitute abandonment."

Doyle of Woodbury asked and received unanimous consent to defer action on amendment H—5587.

Miller of Buchanan offered the following amendment H—5527, to the Senate amendment H—5335, filed by him:

H—5527

- 1 Amend the Senate amendment H—5335, to House File
- 2 248, as passed by the House and reprinted, as follows:
- 3 1. Page 3, by inserting after line 6 the following:
- 4 " . Page 7, line 24, by inserting after the
- 5 word "natural" the following: ", foster".

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5527.

Monroe of Des Moines offered the following amendment H—5648, to the Senate amendment H—5335, filed by him from the floor and moved its adoption:

H—5648

- 1 Amend the Senate amendment H—5335, to House File
- 2 248, as passed by the House and reprinted, as
- 3 follows:
- 4 1. Page 4, by striking lines 40 through 42.

Amendment H—5648 was adopted.

Miller of Buchanan offered the following amendment H—5526, to the Senate amendment H—5335, filed by him:

H—5526

- 1 Amend the Senate amendment, H—5335, to House File
- 2 248, as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 16, by inserting after line 36 the
- 5 following:
- 6 " . Page 74, by inserting after line 12 the

7 following new section:

8 "Sec. . Section twenty-five A point two (25A.2),
9 subsection three (3), Code 1977, is amended to read
10 as follows:

11 3. "Employee of the state" includes any one or
12 more officers, agents, or employees of the state or
13 any state agency, including members of the general
14 assembly, and persons acting on behalf of the state
15 or any state agency in any official capacity,
16 temporarily or permanently in the service of the state
17 of Iowa, whether with or without compensation. Persons
18 designated as foster parents under this Act are to
19 be considered employees of the state. Professional
20 personnel, including medical doctors, osteopathic
21 physicians and surgeons, osteopathic physicians,
22 optometrists and dentists, who render services to
23 patients and inmates of state institutions under the
24 jurisdiction of the department of social services
25 are to be considered employees of the state, whether
26 such personnel are employed on a full-time basis or
27 render such services on a part-time basis on a fee
28 schedule or arrangement, but shall not include any
29 contractor doing business with the state." "

Jesse of Polk rose on a point of order that amendment H—5526 was not germane.

The Speaker ruled the point well taken and amendment H—5526 not germane.

Miller of Buchanan moved that the rules governing germaneness be suspended for the consideration of amendment H—5526.

A non-record roll call was requested.

The ayes were 30, nays 46.

The motion lost.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Schroeder of Pottawattamie offered the following amendment H—5650, to the Senate amendment H—5335, filed by him from the floor:

H—5650

1 Amend the Senate amendment H—5335, to House File
2 248, as passed by the House and reprinted, as follows:

3 1. Page 16, by inserting after line 36 the
4 following:

5 " . Page 74, by inserting after line 12 the
6 following:

7 Sec. . Section ninety-two point seventeen
8 (92.17), subsection four (4), Code 1977, is amended
9 to read as follows:

10 4. A child from working in any occupation or
11 business operated by his or her parents. For the
12 purposes of this subsection, "child" and "parents"
13 include foster children and their foster parents
14 who are licensed under chapter two hundred thirty-
15 seven (237) of the Code.

16 . Page 74, by inserting after line 34 the
17 following:

18 Sec. . Chapter two hundred thirty-seven (237),
19 Code 1977, is amended by adding the following new
20 section:

21 **NEW SECTION.** Foster parents licensed by the
22 state director stand in the same relationship to
23 their foster children as to natural parents and
24 their children for purposes of tort actions by or
25 on behalf of the foster child against the foster
26 parents."

Jesse of Polk rose on a point of order that amendment H—5650 was not germane.

The Speaker ruled the point well taken and amendment H—5650 not germane.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

The House resumed consideration of amendment H 5587.

Doyle of Woodbury asked and received unanimous consent to withdraw amendment H—5587.

Doyle of Woodbury offered the following amendment H—5651, to the Senate amendment H—5335, filed by him from the floor and moved its adoption:

H-5651

- 1 Amend the Senate amendment H-5335, to House File
- 2 248, as passed by the House and reprinted, as follows:
- 3 1. Page 15, by inserting after line 19 the
- 4 following:
- 5 " Page 61, by inserting after line 2 the
- 6 following new paragraph:
- 7 e. That the absence of a parent is due to the
- 8 parent's admission or commitment to any institution,
- 9 hospital or health facility or due to active service
- 10 in the state or federal armed forces."

Amendment H-5651 was adopted.

Jesse of Polk moved that the House concur in the Senate amendment H-5335, as amended.

The motion prevailed and the House concurred in the Senate amendment H-5335, as amended.

Jesse of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 248)

The ayes were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Garrison
Gentleman	Gilloon	Hansen	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Husak	Jesse	Jochum	Junker
Koogler	Krewson	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Poncy	Scheelhaase	Schroeder
Shimanek	Small	Smalley	Spencer
Svoboda	Thompson	Varley	Walter
Wells	Woods	Mr. Speaker	

The nays were, 25:

Bennett	Crabb	Daggett	Danker
Evans	Gettings	Gilson	Griffee
Halvorson	Harbor	Harvey	Howell
Hullinger	Lageschulte	Millen	Pellett
Pelton	Perkins	Spear	Stephens
Stromer	Tofte	Welden	West
Wyckoff			

Absent or not voting, 8:

Brockett	Den Herder	Fitzgerald	Krause
Newhard	Rinas	Schnekloth	Tauke

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

MOTION TO RECONSIDER LOST (House File 248)

Jesse of Polk moved to reconsider the vote by which House File 248 passed the House on March 14, 1978.

A non-record roll call was requested.

The ayes were 23, nays 47.

The motion lost.

Regular Calendar

House File 2084, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fitzgerald of Webster for the remainder of the day on request of Avenson of Fayette.

(House File 2084 pending at recess.)

On motion by Avenson of Fayette, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Crabb of Crawford on request of Millen of Van Buren; Danker of Pottawattamie on request of Pellett of Cass, both for the evening session.

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Junker of Woodbury to determine that a quorum was present.

Present: 91

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 9

Brockett
Egenes
Pavich

Crabb
Fitzgerald

Danker
Hines

Den Herder
Jesse

UNANIMOUS CONSENT

Avenson of Fayette asked and received unanimous consent to substitute House File 2245 for House File 630 on the Daily Debate Calendar for Wednesday, March 15, 1978.

BUSINESS PENDING

The House resumed consideration of **House File 2084**, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency.

Varley of Adair offered the following amendment H-5480 filed by him and requested division as follows:

H-5480

1 Amend House File 2084 as follows:

H-5480A

- 2 1. Page 1, line 10, by striking the words
- 3 "separate municipal corporation" and inserting in
- 4 lieu thereof the words "public corporation".
- 5 2. Page 1, line 34, by striking the word "public".
- 6 3. Page 2, lines 28 and 29 by striking the words
- 7 "separate political subdivision and municipal corpo-
- 8 ration" and inserting in lieu thereof the words "public
- 9 corporation".
- 10 4. Page 3, line 25, by striking the word "municipal".
- 11 5. Page 3, by striking lines 26, 27 and 28 and
- 12 inserting in lieu thereof "public corporation."
- 13 6. Page 4, line 14, by striking the words "other
- 14 than the municipal".
- 15 7. Page 4, line 15, by striking the words "power
- 16 agency created by the agreement,"
- 17 8. Page 5, line 5, by striking the words "political

- 18 subdivision of" and inserting in lieu thereof the words
19 "public corporation".
20 9. Page 5, line 6, by striking the words "the state
21 and a municipal corporation".
22 10. Page 9, by striking lines 24 through 28 and
23 inserting in lieu thereof the following: "and duties
24 enumerated in this section. All powers of the municipal
25 power agency shall".

H-5480B

- 26 11. Page 11, by striking lines 3 through 19.

H-5480C

- 27 12. Page 21, by striking lines 10 through 18.

H-5480A

- 28 13. Page 21, line 22, by striking the words ", as
29 a political subdivision."
30 14. Page 21, line 25, by striking the words ", as
31 a political subdivision."

H-5480D

- 32 15. Page 23, by striking lines 23 through 35 and
33 inserting in lieu thereof the following: "agency shall
34 be liable for its torts in the same manner as a privately-
35 owned utility corporation."
36 16. Page 24, by striking line 1.

H-5480E

- 37 17. Page 27, by striking lines 6 through 17.

H-5480D

- 38 18. Page 27, by striking lines 30 through 34 and
39 inserting in lieu thereof the following: "manner as a
40 privately-owned utility corporation."

H-5480F

- 41 19. Title Page, lines 2 and 3, by striking the words
42 "separate municipal corporation and political subdivision
43 of this state" and inserting in lieu thereof the words
44 "public corporation".

Small of Johnson in the chair at 7:09 p.m.

Varley of Adair moved the adoption of amendment H—5480A.

Roll call was requested by O'Halloran of Black Hawk and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall amendment H—5480A be adopted?"

The ayes were, 43:

Bennett	Bina	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Doyle	Gentleman	Halvorson	Harbor
Harvey	Hullinger	Junker	Koogler
Krewson	Lind	Lipsky	Lonergan
Millen	Miller, K.D.	Nielsen	Norland
Oxley	Pavich	Pellett	Pelton
Scheelhaase	Schneklath	Schroeder	Shimanek
Smalley	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	Woods	Wyckoff	

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Branstad	Cochran
Conlon	Crawford	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Garrison	Gettings
Gilloon	Gilson	Griffiee	Hansen
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jochum
Krause	Lageschulte	Lindeen	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Patchett	Perkins	Poney
Rinas	Spear	Spencer	Stephens
Svoboda	West	Mr. Speaker (Small)	

Absent or not voting, 6:

Brockett	Crabb	Danker	Den Herder
Fitzgerald	Jesse		

Amendment H—5480A lost.

Varley of Adair moved the adoption of amendment H—5480B.

Roll call was requested by Varley of Adair and Harbor of Mills.

On the question "Shall amendment H—5480B be adopted?"

The ayes were, 39:

Bennett	Bina	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Doyle	Gentleman	Halvorson	Harbor
Harvey	Hullinger	Junker	Koogler
Krewson	Lind	Lipsky	Loneragan
Millen	Miller, K.D.	Nielsen	Oxley
Pavich	Pelton	Scheelhaase	Schnekloth
Schroeder	Shimaneck	Smalley	Tauke
Thompson	Varley	Walter	Welden
Wells	Woods	Wyckoff	

The nays were, 56:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Branstad	Cochran
Conlon	Crawford	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Garrison	Gettings
Gilloon	Gilson	Griffie	Hansen
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Krause	Lageschulte	Lindeen
Menke	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Patchett
Pellett	Perkins	Poncy	Rinas
Spear	Spencer	Stephens	Stromer
Svoboda	Tofte	West	Mr. Speaker (Small)

Absent or not voting, 5:

Brockett	Crabb	Danker	Den Herder
Fitzgerald			

Amendment H—5480B lost.

Varley of Adair moved the adoption of amendment H—5480C.

Roll call was requested by Varley of Adair and Harbor of Mills.

On the question "Shall amendment H—5480C be adopted?"

The ayes were, 36:

Bennett	Bina	Brunow	Chiodo
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Clark, B.J.	Gentleman	Halvorson	Harbor
Harvey	Horn	Hullinger	Koogler
Krewson	Lind	Lipsky	Lonergan
Millen	Miller, K.D.	Nielsen	Oxley
Pellett	Pelton	Perkins	Poncy
Schneklath	Schroeder	Shimanek	Smalley
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Woods	Wyckoff

The nays were, 54:

Arnould	Avenson	Baker	Binneboese
Brandt	Branstad	Byerly	Clark, J.H.
Conlon	Connors	Crawford	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Garrison
Gettings	Gilloon	Gilson	Griffie
Hansen	Hines	Hinkhouse	Hoffmann
Howell	Husak	Jesse	Jochum
Junker	Krause	Lageschulte	Lindeen
Menke	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Rinas	Scheelhaase	Spear
Spencer	Stephens	Svoboda	Wells
West	Mr. Speaker (Small)		

Absent or not voting, 10:

Anderson	Brockett	Cochran	Crabb
Cusack	Danker	Den Herder	Fitzgerald
Hargrave	Welden		

Amendment H—5480C lost.

Varley of Adair moved the adoption of amendment H—5480D.

Roll call was requested by Nielsen of Polk and Schroeder of Pottawattamie.

On the question "Shall amendment H—5480D be adopted?"

The ayes were, 46:

Bennett	Bina	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Connors	Doyle	Gentleman	Halvorson
Harbor	Harvey	Horn	Hullinger
Husak	Junker	Koogler	Krewson
Lind	Lipsky	Lonergan	Millen

Miller, K.D.	Nielsen	Oxley	Pavich
Pellett	Pelton	Perkins	Scheelhaase
Schnekloth	Schroeder	Shimanek	Smalley
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Woods	Wyckoff		

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Conlon	Crawford
Daggett	Davitt	Dieleman	Dunton
Dyrland	Egenes	Evans	Garrison
Gettings	Gilloon	Gilson	Griffie
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Howell	Jesse	Jochum
Krause	Lageschulte	Lindeen	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Patchett	Poncy
Rinas	Spear	Spencer	Stephens
Svoboda	West	Mr. Speaker (Small)	

Absent or not voting, 7:

Brockett	Cochran	Crabb	Cusack
Danker	Den Herder	Fitzgerald	

Amendment H—5480D lost.

Varley of Adair asked and received unanimous consent to withdraw amendments H—5480E and H—5480F.

Smalley of Polk offered the following amendment H—5259 filed by him and Chiodo of Polk.

H—5259

- 1 Amend House File 2084 as follows:
- 2 1. Page 2, line 7, by inserting after the word
- 3 "state" the following: "which owns and operates a
- 4 utility pursuant to law for the local distribution
- 5 of electric energy".

Smalley of Polk moved the adoption of amendment H—5259.

Roll call was requested by Schnekloth of Scott and Nielsen of Polk.

On the question "Shall amendment H—5259 be adopted?"

The ayes were, 54:

Bennett	Bina	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Connors	Crabb	Cusack	Daggett
Doyle	Evans	Gentleman	Gilloon
Gilson	Halvorson	Harbor	Hargrave
Harvey	Horn	Hullinger	Husak
Junker	Koogler	Krewson	Lageschulte
Lind	Lipsky	Lonergan	Millen
Miller, K.D.	Miller (Sergeant)	Nielsen	Norland
Oxley	Pavich	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff		

The nays were, 38:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Cochran	Conlon
Crawford	Davitt	Dieleman	Dunton
Egenes	Garrison	Gettings	Griffiee
Hansen	Hines	Hinkhouse	Hoffmann
Howell	Jesse	Jochum	Krause
Lindeen	Middleswart	Monroe	Newhard
O'Halloran	Patchett	Poncy	Rinas
Spear	Spencer	Stephens	Stromer
Svoboda	Mr. Speaker (Small)		

Absent or not voting, 8:

Brockett	Danker	Den Herder	Dyrland
Fitzgerald	Menke	Perkins	Scheelhaase

Amendment H—5259 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Menke of O'Brien for the remainder of the day on request of Avenson of Fayette.

Brunow of Appanoose offered the following amendment H—5654 filed by him from the floor and moved its adoption:

H-5654

1 Amend House File 2084 as follows:

2 1. Page 3, line 20, by striking the word "Any"
3 and inserting in lieu thereof the following: "Subject
4 to the provisions of chapter three hundred eighty-
5 eight (388) of the Code, any".

6 2. Page 33, by inserting after line 25 the
7 following:

8 "Sec. . . Section three hundred eighty-eight
9 point two (388.2), unnumbered paragraph one (1), Code
10 1977, is amended to read as follows:

11 The proposal of a city to establish, acquire,
12 lease, or dispose of a city utility, except a sanitary
13 sewage system, or to join a municipal power agency, in
14 order to undertake or to discontinue the operation of
15 the city utility, or the proposal to establish or dis-
16 solve a combined utility system, or the proposal to
17 establish or discontinue a utility board, is subject
18 to the approval of the voters of the city, except that
19 a board may be discontinued by resolution of the council
20 when the city utility, city utilities, or combined
21 utility system it administers is disposed of or leased
22 for a period of over five years."

Amendment H-5654 was adopted.

Evans of Grundy offered the following amendment H-5652
filed by him from the floor and moved its adoption:

H-5652

1 Amend House File 2084 as follows:

2 1. Page 4, line 15, by striking the word "or"
3 and inserting in lieu thereof the words "and are not
4 legal or moral obligations of".

Amendment H-5652 was adopted.

Walter of Pottawattamie offered the following amendment
H-5659 filed by Walter, Shimanek and Krewson from the floor and
moved its adoption:

H-5659

1 Amend House File 2084 as follows:

2 1. Page 4, by inserting after line 22 the
3 following paragraph:

4 " . . . That as a condition precedent for membership

- 5 that the utility systems of the member cities meet
- 6 the electrical safety standards of the National Electrical
- 7 Code, NFPA, 1978."

Roll call was requested by Tauke of Dubuque and Tofte of Winneshiek.

Rule 70 was invoked.

On the question "Shall amendment H—5659 be adopted?"

The ayes were, 46:

Bennett	Bina	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Connors	Davitt	Doyle	Gentleman
Halvorson	Harbor	Horn	Hullinger
Husak	Junker	Koogler	Krewson
Lind	Lipsky	Loneragan	Millen
Miller, K.D.	Nielsen	Oxley	Pavich
Pellett	Pelton	Perkins	Scheelhaase
Schneklath	Schroeder	Shimaneck	Smalley
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Woods	Wyckoff		

The nays were, 48:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Cochran	Conlon
Crabb	Crawford	Cusack	Daggett
Dieleman	Dunton	Dyrland	Egenes
Evans	Garrison	Gettings	Gilloon
Gilson	Griffie	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Howell	Jesse	Jochum	Krause
Lageschulte	Lindeen	Middleswart	Miller (Sergeant)
Monroe	Norland	O'Halloran	Patchett
Poney	Rinas	Spear	Spencer
Stephens	Svoboda	West	Mr. Speaker (Small)

Absent or not voting, 6:

Brockett	Danker	Den Herder	Fitzgerald
Menke	Newhard		

Amendment H—5659 lost.

Connors of Polk offered the following amendment H—5209 filed by him:

H—5209

- 1 Amend House File 2084 as follows:
- 2 1. Page 9, line 33, by striking the words "or
- 3 outside".

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5640, to amendment H—5209, filed by Evans, et al., on March 13, 1978.

Spear of Lee offered the following amendment H—5653, to amendment H—5209, filed by him from the floor and moved its adoption:

H—5653

- 1 Amend the amendment, H—5209, to House File 2084
- 2 as follows:
- 3 1. Page 1, by inserting after line 3 the follow-
- 4 ing:
- 5 " Page 10, line 4, by inserting after the word
- 6 "project." the following: "The prohibition contained
- 7 in this subsection with respect to participation in
- 8 projects located outside of this state shall not apply
- 9 with respect to any project involving the production
- 10 of electricity through the use of nuclear energy."

Amendment H—5653 was adopted.

Evans of Grundy offered the following amendment H—5655, to amendment H—5209, filed by Evans, Griffee and Connors from the floor:

H—5655

- 1 Amend amendment H—5209 to House File 2084 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the
- 4 following:
- 5 "2. Page 28, by striking all of lines 13 and 14
- 6 and inserting in lieu thereof the following: "of
- 7 fuel."
- 8 3. Page 29, line 28, by striking the words
- 9 "outside of this state".
- 10 4. Page 31, by inserting after line 8 the

- 11 following subsection:
 12 . Projects for the production of electricity
 13 built or owned by a municipal power agency must lie
 14 within this state, but other provisions of this Act
 15 notwithstanding, a municipal power agency may plan,
 16 acquire, construct, reconstruct, own, operate, main-
 17 tain, repair, extend or improve projects other than
 18 projects for the production of electricity outside
 19 of this state."

Evans of Grundy asked for unanimous consent to amend amendment H—5655 by inserting on line 12 after the word "electricity" the words "except through the use of nuclear energy".

Objection was raised.

Evans of Grundy moved that the rules be suspended to amend amendment H—5655 by inserting on line 12 after the word "electricity" the words "except through the use of nuclear energy".

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

Rule 70 was invoked.

On the question "Shall the rules be suspended and amendment H—5655 amended?"

The ayes were, 50:

Arnould	Baker	Bennett	Binneboese
Brandt	Brunow	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Garrison
Gettings	Gilson	Griffiee	Hansen
Hargrave	Hines	Hinkhouse	Hoffmann
Howell	Jesse	Jochum	Junker
Krause	Lageschulte	Lindeen	Middleswart
Miller (Sergeant)	Monroe	Newhard	O'Halloran
Patchett	Pellett	Perkins	Poncy
Rinas	Scheelhaase	Spear	Spencer
Stephens	Mr. Speaker (Small)		

The nays were, 44:

Anderson	Avenson	Bina	Branstad
Byerly	Chiodo	Clark, B.J.	Clark, J.H.

Cochran	Gentleman	Gilloon	Halvorson
Harbor	Harvey	Horn	Husak
Koogler	Krewson	Lind	Lipsky
Lonergan	Millen	Miller, K.D.	Nielsen
Norland	Oxley	Pavich	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff

Absent or not voting, 6:

Brockett	Danker	Den Herder	Fitzgerald
Hullinger	Menke		

The motion, having failed to receive a constitutional majority, lost.

Speaker Cochran in the chair at 9:52 p.m.

Nielsen of Polk rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken and House File 2084 referred to the committee on ways and means.

Avenson of Fayette moved to suspend Rule 32.

Roll call was requested by Pelton of Clinton and Walter of Pottawattamie.

On the question "Shall Rule 32 be suspended?"

The ayes were, 56:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Garrison	Gettings	Gilloon	Gilson
Griffée	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Howell	Hullinger
Jesse	Jochum	Krause	Lageschulte
Lindeen	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pellett	Perkins	Poncy
Rinas	Small	Spear	Spencer
Stephens	Svoboda	Wells	Mr. Speaker

The nays were, 38:

Bennett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Doyle	Gentleman
Halvorson	Harbor	Harvey	Horn
Husak	Junker	Koogler	Krewson
Lind	Lipsky	Lonergan	Millen
Miller, K.D.	Nielsen	Pavich	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wyckoff		

Absent or not voting, 6:

Brockett	Danker	Den Herder	Fitzgerald
Menke	Scheelhaase		

The motion prevailed and Rule 32 was suspended.

(House File 2084 and amendment H—5655, to amendment H—5209, pending at adjournment.)

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 14, 1978, he approved and transmitted to the Secretary of State the following bill:

Senate File 2124, an act relating to binding arbitration and to establish dates for receipt of impasse services in public employment collective bargaining negotiations.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of March, 1978: House Files 411, 412, 2069 and 2132.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

PROOF OF PUBLICATION

Published copy of House File 2310 and verified proof of publication of said bill in

the Emmetsburg Reporter, on February 21, 1978, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

Published copy of House File 2315 and verified proof of publication of said bill in The Globe-Gazette, on February 18, 1978, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

Published copy of House File 2316 and verified proof of publication of said bill in the Northwood Anchor, on February 16, 1978, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 13, 1978, due to a previous engagement in Waterloo. Had I been present I would have voted "aye" on House Files 606, 2246 and 2294.

GARRISON of Black Hawk

I was necessarily absent from the House chamber on Monday, March 13, 1978, due to illness. Had I been present I would have voted "aye" on House Files 606, 2246, 2294 and amendment H-5633 to House File 2290; "nay" on amendments H-5617A, H-5629, and H-5632 to House File 2290.

KREWSON of Polk.

I was necessarily absent from the House chamber on Monday, March 13, 1978. Had I been present I would have voted "aye" on House Files 606, 2246 and 2294.

LONERGAN of Boone

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 444 Judiciary and Law Enforcement

To legalize and validate the procedures whereby the Fremont-Mills Community School District in the Counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with the respective purchasers.

S.B. 445 Labor and Industrial Relations

Relating to workers' compensation and the establishment of an Iowa workers' compensation court.

S.B. 446 County Government

Authorizing township trustees to divide a township into taxing districts to provide fire protection services.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 9:00 a.m., March 13, 1978

Convened: 9:10 a.m.

Adjourned: 11:20 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave and Lindeen.

Absent: Hines, Miller (Sergeant) of Calhoun and Newhard.

Discussed amendments for Senate File 2163.

AMENDMENTS FILED

H—5643	H.F. 2084	Junker of Woodbury Evans of Grundy
H—5644	H.F. 2084	Lonergan of Boone
Walter of Pottawattamie Tauke of Dubuque Anderson of Jasper Lipsky of Linn Varley of Adair		Connors of Polk Schroeder of Pottawattamie Clark of Lee Husak of Tama Smalley of Polk

Dunton of Keokuk
Clark of Cerro Gordo
Hullinger of Decatur

Garrison of Black Hawk
Monroe of Des Moines

H-5645	H.F. 2084
H-5646	H.F. 2284
H-5647	S.F. 2163
H-5649	H.F. 2084
H-5656	H.F. 2084
H-5657	S.F. 244
H-5658	H.F. 488
H-5660	H.F. 2084
H-5661	S.F. 244
H-5662	H.F. 2084
H-5663	H.F. 2084

Conlon of Muscatine
Millen of Van Buren
Miller of Buchanan
Woods of Polk
Schroeder of Pottawattamie
Schnekloth of Scott
Monroe of Des Moines
Harvey of Scott
Spear of Lee
Byerly of Polk
Stromer of Hancock
Patchett of Johnson
Lind of Black Hawk
Schroeder of Pottawattamie

On motion by Avenson of Fayette, the House adjourned at 9:57 p.m. until 2:00 p.m., Wednesday, March 15, 1978.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 15, 1978

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

Prayer was offered by the Reverend John Gilbert, pastor of the David Community Church, Riceville, Iowa.

The Journal of Tuesday, March 14, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. G. Boeke, Osage, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie on request of Millen of Van Buren; Pelton of Clinton for the afternoon session on request of Hoffmann of Muscatine; Fitzgerald of Webster for a portion of the day on request of Avenson of Fayette.

PETITION FILED

The following petition was received and placed on file:

By Monroe of Des Moines from seven constituents opposing House File 488, relating to enlarging the scope of collective bargaining negotiations.

SPECIAL PRESENTATION

Krause of Kossuth presented to the House, government member of the House of Parliament, Dublin, Ireland, the Honorable Noel Davern and his wife Anne Marie. They are visiting Emmetsburg, Iowa for its St. Patrick's Day Celebration. The House rose and extended its welcome and Mr. Davern responded with a few brief words.

PRESENTATION OF VISITORS

Crabb of Crawford presented to the House, the Honorable William E. Darrington, former member of the House representing Harrison County.

Stephens of Plymouth presented to the House, foreign exchange student Maggie Wazome from Kenya, Africa, who is attending Le Mars High School, Le Mars, Iowa.

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

One hundred twenty students of the government and social science classes from Mount Pleasant Community School, Mount Pleasant, Iowa. By Lindeen of Henry.

Forty-four Student Council members from Wilson Junior High School, Cedar Rapids, Iowa, accompanied by Mr. John Mackey. By Wells of Linn.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 82, a bill for an act placing with the department of health the authority for regulating the design, installation and use of radiation emitting equipment and providing a penalty.

Also: That the Senate has on March 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2067, a bill for an act providing that certain people may request exemption from jury duty.

Also: That the Senate has on March 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2169, a bill for an act relating to air transportation regulation.

Also: That the Senate has on March 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2176, a bill for an act relating to the probing of grain for foreign material content.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE FILE 82

H-5666

- 1 Amend House File 82 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, line 23, by striking the word "design,".
- 4 2. Page 2, line 14, by striking the word "design,".
- 5 3. Page 2, line 19, by adding after the word
- 6 "dentistry" the following: ", dental hygiene".
- 7 4. Page 2, by striking lines 34 and 35.
- 8 5. Page 3, by striking lines 1 through 4.
- 9 6. Page 3, by striking lines 21 through 27 and
- 10 inserting in lieu thereof the following section:
- 11 "Sec. . This Act is effective January 1, 1979."
- 12 7. Amend the title, line 2, by striking the word
- 13 "design,".

INTRODUCTION OF BILLS

House File 2336, by Egenes, a bill for an act relating to the determination of unemployment benefits.

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

House File 2337, by Danker, a bill for an act relating to civil actions against manufacturers, sellers or lessors of products.

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

House File 2338, by Evans, a bill for an act authorizing memorial hospitals to issue tax anticipatory warrants.

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

House File 2339, by Tauke, a bill for an act to establish construction standards for pipelines to protect soil conservation and drainage structures and practices.

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

SENATE MESSAGES CONSIDERED

Senate File 44, a bill for an act to provide that certain records required to be filed in a dissolution action shall not be public records, and providing a penalty.

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

Senate File 72, a bill for an act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa state arts council.

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

Senate File 99, a bill for an act relating to a state of the judicial department message.

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

Senate File 2017, a bill for an act to require the department of social services to make certified psychologists eligible to receive payment for services rendered to recipients of medical assistance.

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

Senate File 2032, a bill for an act to increase the time between the holding of an informational meeting and the filing of a petition for the construction of a pipeline.

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

Senate File 2087, a bill for an act to establish a community education program.

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

Senate File 2096, a bill for an act revising the requirement that the issuing officer shall determine that an applicant does not constitute a danger to any person before a professional or nonprofessional permit to carry weapons can be issued.

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

Senate File 2103, a bill for an act permitting an inmate to be placed on work release for longer than six months in any twelve-month period.

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

Senate File 2115, a bill for an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds.

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

Senate File 2118, a bill for an act granting certain counties the authority to acquire and finance certain public improvements.

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

Senate File 2158, a bill for an act relating to the food stamp program, vesting the authority to administer the program in the department of social services, and prescribing penalties for violations.

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

UNANIMOUS CONSENT

Avenson of Fayette asked and received unanimous consent for the immediate consideration of House File 463.

SENATE AMENDMENT CONSIDERED

House Refuses To Concur

Patchett of Johnson called up for consideration **House File 463**, a bill for an act relating to the operation of area education agencies and to make an appropriation, amended by the Senate amendment H-5521 as found on pages 768 through 776 of the House Journal, and moved that the House concur in the Senate amendment H-5521.

The motion lost and the House refused to concur in the Senate amendment H—5521.

IMMEDIATE MESSAGE
(House File 463)

Patchett of Johnson asked and received unanimous consent that House File 463 be immediately messaged to the Senate.

BUSINESS PENDING

The House resumed consideration of **House File 2084**, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency, and amendment H—5655, to amendment H—5209, found on pages 993 and 994 of the House Journal.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5655.

Evans of Grundy offered the following amendment H—5667, to amendment H—5209, filed by Evans, Spear, Griffee and Connors from the floor:

H—5667

- 1 Amend amendment H—5209 to House File 2084 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the follow-
- 4 ing:
- 5 "2. Page 29, line 28, by striking the words
- 6 "outside of this state".
- 7 3. Page 31, by inserting after line 8 the fol-
- 8 lowing subsection:
- 9 . Projects for the production of electricity,
- 10 except through the use of nuclear energy, built or owned
- 11 by a municipal power agency must lie within this state,
- 12 but other provisions of this Act notwithstanding, a
- 13 municipal power agency may plan, acquire, construct, a
- 14 reconstruct, own, operate, maintain, repair, extend or
- 15 improve projects other than projects for the production
- 16 of electricity outside of this state."

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5667.

Evans of Grundy offered the following amendment H—5671, to amendment H—5209, filed by Evans, Spear, Griffiee and Connors from the floor and moved its adoption:

H—5671

- 1 Amend amendment H—5209 to House File 2084 as
- 2 follows:
- 3 1. Page 1, by inserting after line 3 the follow-
- 4 ing:
- 5 "2. Page 29, line 28, by striking the words
- 6 "outside of this state".
- 7 3. Page 31, by inserting after line 8 the fol-
- 8 lowing subsection:
- 9 . Projects for the mining of coal or for
- 10 the production of electricity except through the use
- 11 of nuclear energy built or owned by a municipal power
- 12 agency must lie within this state, but other provis-
- 13 ions of this Act notwithstanding, a municipal power
- 14 agency may plan, acquire, construct, reconstruct,
- 15 own, operate, maintain, repair, extend or improve
- 16 projects other than projects for the production of
- 17 electricity outside of this state."

Amendment H—5671 was adopted.

Connors of Polk moved the adoption of amendment H—5209, as amended.

Roll call was requested by Small of Johnson and Griffiee of Chickasaw.

On the question "Shall amendment H—5209, as amended, be adopted?"

The ayes were, 71:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gettings	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey

Hines	Hinkhouse	Hoffmann	Horn
Hullinger	Jochum	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Pavich	Pellett
Poncy	Rinas	Schnekloth	Schroeder
Shimanek	Spencer	Stromer	Tauke
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 18:

Bennett	Branstad	Byerly	Gentleman
Gilson	Howell	Krowson	Lipsky
Millen	Nielsen	Perkins	Small
Spear	Stephens	Svoboda	Thompson
Tofte	Varley		

Absent or not voting, 11:

Brunow	Danker	Den Herder	Fitzgerald
Gilloon	Husak	Jesse	Patchett
Pelton	Scheelhaase	Smalley	

Amendment H—5209, as amended, was adopted.

Nielsen of Polk offered the following amendment H—5672 filed by him from the floor and moved its adoption:

H—5672

- 1 Amend House File 2084 as follows:
- 2 1. Page 12, line 15, by striking the word "annu-
- 3 ally" and inserting in lieu thereof the word "semi-
- 4 annually".

Amendment H—5672 was adopted.

Nielsen of Polk offered the following amendment H—5673 filed by him from the floor and moved its adoption:

H—5673

- 1 Amend House File 2084 as follows:
- 2 1. Page 12, line 16 by striking the words "to
- 3 the state of Iowa and".

A non-record roll call was requested.

The ayes were 47, nays 35.

Amendment H—5673 was adopted.

Nielsen of Polk offered the following amendment H—5674 filed by him from the floor and moved its adoption:

H—5674

- 1 Amend House File 2084 as follows:
- 2 1. Page 13, by striking lines 33 through 35.
- 3 2. Page 14, by striking lines 1 through 5.

Roll call was requested by Nielsen of Polk and Wyckoff of Benton.

On the question "Shall amendment H—5674 be adopted?"

The ayes were, 46:

Anderson	Bennett	Bina	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Cusack	Doyle	Gentleman
Halvorson	Harbor	Hoffmann	Horn
Husak	Jesse	Junker	Koogler
Krewson	Lind	Lipsky	Lonergan
Millen	Miller, K.D.	Nielsen	Norland
Oxley	Pavich	Pellett	Scheelhaase
Schneklath	Schroeder	Shimanek	Spear
Stromer	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wyckoff		

The nays were, 40:

Arnould	Avenson	Baker	Binneboese
Brandt	Brockett	Crabb	Crawford
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Garrison	Gettings
Gilson	Griffee	Hansen	Hargrave
Hines	Hinkhouse	Howell	Jochum
Krause	Lageschulte	Lindeen	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Poncy	Rinas	Small
Spencer	Stevens	Wells	Mr. Speaker

Absent or not voting, 14:

Clark, J.H.	Connors	Daggett	Danker
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Den Herder	Fitzgerald	Gilloon	Harvey
Hullinger	Patchett	Pelton	Perkins
Smalley	Svoboda		

Amendment H—5674 was adopted.

Avenson of Fayette moved the previous question on House File 2084, with respect to the filing of amendments only.

Roll call was requested by Schroeder of Pottawattamie and Tofte of Winneshiek.

Rule 70 was invoked.

On the question "Shall the previous question prevail?"

The ayes were, 62:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Brunow	Byerly	Chiodo	Connors
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Garrison	Gettings	Gilson	Griffee
Hansen	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Lageschulte
Lind	Lindeen	Lonergan	Middleswart
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Pellett	Perkins	Poney	Rinas
Scheelhaase	Small	Spear	Spencer
Stephens	Svoboda	Walter	Wells
Woods	Mr. Speaker		

The nays were, 30.

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Gentleman
Halvorson	Harbor	Harvey	Hoffmann
Junker	Koogler	Krewson	Lipsky
Menke	Millen	Miller, K.D.	Schnekloth
Schroeder	Shimanek	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Wyckoff		

Absent or not voting, 8:

Daggett	Danker	Den Herder	Fitzgerald
Gilloon	Patchett	Pelton	Smalley

The motion prevailed.

Nielsen of Polk offered the following amendment H—5675 filed by him from the floor:

H—5675

- 1 Amend House File 2084 as follows:
- 2 Page 14, by striking lines 6 through 17.

Nielsen of Polk asked for unanimous consent to withdraw amendment H—5675.

Objection was raised.

Nielsen of Polk moved that amendment H—5675 be withdrawn, which motion prevailed.

Koogler of Mahaska offered the following amendment H—5400 filed by him and moved its adoption:

H—5400

- 1 Amend House File 2084 as follows:
- 2 1. Page 14, by inserting after line 35 the
- 3 following: "However, no bonds shall be issued for a
- 4 project prior to issuance of a certificate as
- 5 required by section four hundred seventy-six A point
- 6 two (476A.2) of the Code."

Amendment H—5400 was adopted.

Koogler of Mahaska asked and received unanimous consent to withdraw amendment H—5443 filed by him on February 23, 1978, placing amendment H—5645 (to amendment H—5443) filed by Conlon of Muscatine on March 14, 1978, out of order.

Junker of Woodbury asked and received unanimous consent to withdraw amendment H—5318 filed by him on February 15, 1978.

Junker of Woodbury offered the following amendment H—5643 filed by him and Evans of Grundy and moved its adoption:

H—5643

- 1 Amend House File 2084 as follows:

- 2 1. Page 20, line 18, by striking the word "may"
- 3 and inserting in lieu thereof the word "shall".
- 4 2. Page 20, line 19, by inserting after the word
- 5 "city" the words "when the duration of the contract is
- 6 greater than one year".

Amendment H—5643 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5639 filed by Evans, et al., on March 13, 1978.

Schnekloth of Scott offered the following amendment H—5453 filed by him:

H—5453

1 Amend House File 2084 as follows:

- 2 1. Page 20, by inserting after line 27 the
- 3 following:
- 4 "4. A city which owns and operates a municipal
- 5 electric utility and which is a member of a municipal
- 6 power agency or contracts with a municipal power
- 7 agency for the purchase or transmission of electric
- 8 power shall not impose upon any school district with
- 9 which it provides electrical energy a charge for that
- 10 service which exceeds the cost incurred by the utility
- 11 in producing the power and delivering it to the school
- 12 district plus ten percent of the production and
- 13 delivery cost, or, if the municipal public utility
- 14 purchases the electrical energy from another supplier,
- 15 the charge imposed shall not exceed the cost of
- 16 purchasing and delivering the electrical energy plus
- 17 ten percent of that cost. A city violating this
- 18 section shall be liable for damages to any school
- 19 district aggrieved by the violation."

Lind of Black Hawk offered the following amendment H—5662, to amendment H—5453, filed by him and moved its adoption:

H—5662

1 Amend amendment H—5453, to House File 2084, as

2 follows:

- 3 1. Page 1, line 8, by inserting after the word
- 4 "district" the words "or school".
- 5 2. Page 1, line 12, by inserting after the word
- 6 "district" the words "or school".
- 7 3. Page 1, line 19, by inserting after the word
- 8 "district" the words "or school".

Amendment H—5662 was adopted.

Griffie of Chickasaw rose on a point of order that amendment H—5453 was not germane.

The Speaker ruled the point not well taken and amendment H—5453 germane.

Schnekloth of Scott moved the adoption of amendment H—5453, as amended.

A non-record roll call was requested.

The ayes were 22, nays 55.

Amendment H—5453, as amended, lost.

Avenson of Fayette asked and received unanimous consent that action on House File 2084 be deferred and that the bill retain its place on the unfinished business calendar.

UNANIMOUS CONSENT

Avenson of Fayette asked and received unanimous consent for the immediate consideration of House Files 2245, 2273 and 2160.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2170, a bill for an act relating to the latest date when political party precinct caucuses may be held in general election years.

STEVEN C. CROSS, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2170, a bill for an act relating to the latest date when political party precinct caucuses may be held in general election years.

Read first time and passed on file.

BUDGET CALENDAR

House File 2245, a bill for an act making an appropriation to the state department of health to fund the gathering of evidence and the cost of treatment required by section seven hundred nine point ten (709.10), Code 1977 Supplement, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2245)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffie	Halvorson
Hansen	Harbor	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Perkins	Poncy
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Arnould	Brandt	Danker	Den Herder
Doyle	Fitzgerald	Hargrave	Patchett
Pelton	Rinas	Wells	

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

Regular Calendar

House File 2273, a bill for an act amending the laws applicable to accident and health insurance policies by restricting the sale of skilled nursing care coverage and requiring that the insured be given thirty days after delivery of the policy within which to return the policy and obtain a refund of the premium paid, with report of committee recommending amendment and passage was taken up for consideration.

Small of Johnson offered amendment H—5612 filed by the committee on commerce on March 9, 1978 and found on page 937 of the House Journal and moved its adoption.

Amendment H—5612 was adopted.

Schroeder of Pottawattamie offered the following amendment H—5680 filed by him from the floor:

H—5680

- 1 Amend House File 2273 as follows:
- 2 1. Page 2, by inserting after line 23 the
- 3 following:
- 4 "Sec. 3. Any policy of accident and sickness
- 5 insurance in effect as of the effective date of this
- 6 Act which contains any insurance or indemnity benefit,
- 7 whether as primary coverage or as supplemental coverage
- 8 for loss incurred as a result of expenses for health
- 9 care provided by a skilled nursing facility as defined
- 10 in subsection three (3) of section one hundred thirty-
- 11 five C point one (135C.1) shall be deemed to provide
- 12 like insurance or indemnity benefit for loss incurred
- 13 as a result of expenses for health care provided by an
- 14 intermediate nursing facility as defined in subsection
- 15 two (2) of section one hundred thirty-five C point one
- 16 (135C.1)."

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5680.

Baker of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2273)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Giloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middlewart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Crabb	Danker	Den Herder	Doyle
Hargrave	Lind	Patchett	Rinas
Wells			

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

IMMEDIATE MESSAGE (House File 2273)

Small of Johnson asked and received unanimous consent that House File 2273 be immediately messaged to the Senate.

SENATE FILE 2170 SUBSTITUTED FOR HOUSE FILE 2160

Hines of Story asked and received unanimous consent to substitute Senate File 2170 for House File 2160.

Senate File 2170, a bill for an act relating to the latest date when political party precinct caucuses may be held in general election years, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2170)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Dieleman	Harvey	Krewson
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Absent or not voting, 11:

Brockett	Crabb	Danker	Den Herder
Doyle	Hargrave	Patchett	Rinas
Scheelhaase	Stephens	Wells	

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

IMMEDIATE MESSAGE
(Senate File 2170)

Hines of Story asked and received unanimous consent that Senate File 2170 be immediately messaged to the Senate.

HOUSE FILE 2160 WITHDRAWN

Hines of Story asked and received unanimous consent to withdraw House File 2160 from further consideration by the House.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 101

Husak of Tama offered the following House Memorial Resolution 101 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 101

Whereas, The Honorable Azel Hull McClrath of Poweshiek County, who was a member of the Forty-second, Forty-second Extra and Forty-third sessions of the General Assembly, passed away on March 3, 1978; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Husak of Tama, Dunton of Keokuk and Doyle of Woodbury.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 102

Husak of Tama offered the following House Memorial Resolution 102 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 102

Whereas, The Honorable Hugh Alfred (Al) Meacham of Poweshiek County, who was a member of the Sixtieth Extra and Sixty-first sessions of the General Assembly, passed away on March 3, 1978; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Husak of Tama, Dunton of Keokuk and Doyle of Woodbury.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rinas of Linn for a portion of the afternoon and March 16, 1978 on request of Hines of Story.

UNANIMOUS CONSENT CALENDAR (House Concurrent Resolution 116)

We hereby respectfully request that House Concurrent Resolution 116, filed on March 1, 1978 and found on pages 732 and 733 of the House Journal, be placed on the unanimous consent calendar.

LONERGAN of Boone
MONROE of Des Moines
CRABB of Crawford

COMMUNICATION FROM THE DEPARTMENT OF TRANSPORTATION

There is on file in the office of the Chief Clerk a copy of the Annual Report to the Legislature Concerning Section 601J.4 of the 1977 Code of Iowa.

COMMUNICATION FROM THE OFFICE FOR PLANNING AND PROGRAMMING

There is on file in the office of the Chief Clerk a copy of the report of the Office for Planning and Programming for Fiscal Year 1977, submitted pursuant to Chapter 7A.3.17 of the Code.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 447 Education

Relating to reorganization procedures for school districts.

S.B. 448 Education

Relating to the financing of school districts.

S.B. 449 Education

To provide for pilot programs for gifted and talented children.

S.B. 450 Education

Relating to the qualifications and title of the chief state school officer.

S.B. 451 Education

To allow school boards to issue additional contracts to teachers.

S.B. 452 Education

To provide an exception to the foreign language requirement for school districts.

S.B. 453 County Government

Making statutory changes which affect the duties, responsibilities and procedures of county treasurers with regard to tax sales, collection of taxes and fees, tax levies, maintenance of records and disposition of county funds.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 10:00 a.m., March 13, 1978

Convened: 10:10 a.m.

Adjourned: 10:55 a.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Koogler, O'Halloran, Varley and Welden.

Absent: Jesse, Norland, Stromer, Wells (arrived 10:15 a.m.) and Harvey.

Excused: Den Herder.

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Recommended Amend and Do Pass.

H-5684

- 1 Amend Senate File 2127 as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 4, by striking lines 1 through 11.
- 4 2. Page 4, by inserting after line 30, the
- 5 words: "Funds included in this appropriation may
- 6 be expended to match Federal funds on a 90-10 basis
- 7 and includes ten new positions for on site consulta-
- 8 tion services under the occupational safety and
- 9 health program. These additional positions expire
- 10 if Federal funds are not continued on a 90-10 basis."
- 11 3. Page 5, by striking lines 13 through 15.

Fiscal note is not required.

Aye: Cusack, Avenson, Koogler, O'Halloran, Varley, Welden and Wells.

Nay: Dunton.

Absent or not voting: Den Herder, Harvey, Jesse, Norland and Stromer.

COMMITTEE ON BUDGET

Scheduled: 5:15 p.m., March 13, 1978

Convened: 5:15 p.m.

Adjourned: 5:55 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Koogler, O'Halloran, Varley, Welden and Wells.

Absent: Harvey, Jesse (arrived 5:20 p.m.), Norland and Stromer (arrived 5:20 p.m.).

Excused: Den Herder.

House File 557, a bill for an act relating to a community development program and making an appropriation.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, O'Halloran, Stromer, Varley and Wells.

Nay: Welden.

Absent or not voting: Den Herder, Harvey and Norland.

House File 2298, a bill for an act appropriating funds for an ethanol production project to be conducted at the Iowa state university of science and technology.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Koogler, O'Halloran, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder, Harvey, Jesse, Norland and Stromer.

Senate File 2128, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion.

Recommended Amend and Do Pass.

Fiscal note is not required

H-5664

- 1 Amend Senate File 2128 as follows:
- 2 1. Page 1, line 30, by inserting the words
- 3 "without prior appointment" after the word "public".

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, O'Halloran, Varley and Wells.

Nay: Welden.

Absent or not voting: Den Herder, Harvey, Norland and Stromer.

ADMINISTRATIVE RULES REVIEW COMMITTEE

Scheduled: 7:30 a.m., March 14, 1978

Convened: 7:55 a.m.

Adjourned: 11:15 a.m.

Present: Priebe, chair; Monroe, vice-chair; Doyle, Kelly and Schroeder.

Absent: Doderer.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 14, 1978

Convened: 7:45 a.m.

Recessed: 9:10 a.m.

Reconvened: 1:05 p.m.

Adjourned: 1:45 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle (excused a.m.), Gentleman, Gilson (absent p.m.), Hargrave, Hines (absent p.m.), Lindeen, Miller (Sergeant) of Calhoun and Newhard (absent a.m.).

Discussed amendments for Senate File 2163.

COMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., March 14, 1978

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Patchett, chair; Miller (Sergeant), vice-chair; Daggett, ranking member; Baker, Crawford, Dyrland, Gilson, Hansen, Koogler, Krewson, Lind, Poncy, Spear, Stromer and Thompson.

Absent: Brockett, Byerly (arrived 9:45 a.m.), Horn, Norland and Small (arrived 9:35 a.m.).

Discussion of Study Bill 319.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:00 a.m., March 14, 1978

Convened: 9:10 a.m.

Adjourned: 10:00 a.m.

Present: Krause, chair; Davitt, vice-chair; Binneboese, Brunow, Clark of Cerro Gordo, Dunton, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Oxley, Rinas and Schneklath.

Absent: Schroeder, ranking member; Egenes, Monroe and Woods.

Excused: Doyle.

Study Bill 431, a bill for an act relating to motor vehicle transportation regulation.

Recommended Do Pass.

Aye: Krause, Davitt, Binneboese, Brunow, Clark of Cerro Gordo, Dunton, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Lipsky, Oxley, Rinas and Schnekloth.

Nay: None.

Absent or not voting: Schroeder, Egenes, Doyle, Monroe and Woods.

Discussed Study Bill 438.

COMMITTEE ON COMMERCE

Scheduled: 10:00 a.m., March 14, 1978

Convened: 10:25 a.m.

Adjourned: 11:00 a.m.

Present: Small, chair; Chiodo, vice-chair; Bina, Brunow, Dieleman, Evans, Jochum, Koogler, Krause, Walter, Welden and West.

Absent: Anderson, Brockett, Halvorson and Schroeder.

Excused: Den Herder, Lonergan and Tauke.

Committee Bill (Formerly House File 336), a bill for an act to provide a maximum statute of limitations for actions for injuries arising out of improvements to real property.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Small, Chiodo, Bina, Brunow, Dieleman, Evans, Koogler, Krause, Welden and West.

Nay: Walter.

Absent or not voting: Brockett, Anderson, Den Herder, Halvorson, Jochum, Lonergan, Schroeder and Tauke.

Committee Bill (Formerly House File 409), a bill for an act relating to requiring the Iowa state commerce commission to conduct a study of electric and natural gas rate designs.

Recommended Amend and Do Pass.

Aye: Small, Chiodo, Bina, Brunow, Dieleman, Evans, Jochum, Koogler, Walter, Welden and West.

Nay: None.

Absent or not voting: Brockett, Anderson, Den Herder, Halvorson, Krause, Lonergan, Schroeder and Tauke.

Committee Bill (Formerly House File 2184), a bill for an act providing that repairs to goods by a seller within prescribed limitations shall not be considered consumer fraud.

Recommended Do Pass.

Fiscal note is not required.

Aye: Small, Chiodo, Bina, Brunow, Dieleman, Evans, Jochum, Koogler, Walter, Welden and West.

Nay: None.

Absent or not voting: Brockett, Anderson, Den Herder, Halvorson, Krause, Lonergan, Schroeder and Tauke.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 10:00 a.m., March 14, 1978

Convened: 10:08 a.m.

Adjourned: 10:35 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Wells and Wyckoff.

Absent: Junker, Stephens and Stromer.

Study Bill 446, a bill for an act authorizing township trustees to divide a township into taxing districts to provide fire protection service.

Recommended Do Pass.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Clark of Lee, Gilson, Harvey, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Pellett and Wyckoff.

Nay: Byerly, Gilloon, Oxley and Wells.

Absent or not voting: Hinkhouse, Junker, Stephens and Stromer.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 10:00 a.m., March 14, 1978

Convened: 10:16 a.m.

Adjourned: 11:03 a.m.

Present: Jesse, chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Connors, Dyrland, Garrison, Gentleman, Lipsky, Patchett, Scheelhaase, Shimanek, Smalley and Spencer.

Absent: Newhard, vice-chair; Arnould, Nielsen, Pelton (arrived 10:20 a.m.) and Woods (arrived 10:30 a.m.).

Excused: Doyle.

Senate File 18, a bill for an act relating to gifts to minors.

Recommended **Amend and Do Pass**.

H-5665

- 1 Amend Senate File 18 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, line 31, by striking the words "Act
- 4 and" and inserting in lieu thereof the word "Act."
- 5 2. Page 1, by striking lines 32 through 35.
- 6 3. Page 2, line 1, by striking the figure "1978"
- 7 and inserting in lieu thereof the figure "1979".

Fiscal note is not required.

Aye: Jesse, Branstad, Clark of Cerro Gordo, Connors, Dyrland, Garrison, Lipsky, Patchett, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Conlon.

Absent or not voting: Newhard, Arnould, Doyle and Nielsen.

Assigned bills to subcommittees.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 11:00 a.m., March 14, 1978

Convened: 11:05 a.m.

Adjourned: 11:55 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould,

Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Walter and West.

Absent: None.

Excused: Tauke.

House File 2175, relating to State Military Code — Failed to Pass.

AMENDMENTS FILED

H—5668	H.F. 2084	Wyckoff of Benton
H—5669	H.F. 2084	Harbor of Mills
H—5670	H.F. 2084	Wyckoff of Benton
H—5676	H.F. 2084	Nielsen of Polk
H—5677	S.F. 18	Conlon of Muscatine
H—5678	H.F. 2084	Nielsen of Polk
H—5679	H.F. 2084	Schroeder of Pottawattamie

Lipsky of Linn
 Howell of Floyd
 Clark of Lee
 Koogler of Mahaska
 Dunton of Keokuk
 Harbor of Mills
 Miller of Buchanan
 Woods of Polk

Newhard of Jones
 Varley of Adair
 Chiodo of Polk
 Hullinger of Decatur
 Wyckoff of Benton
 Pelton of Clinton
 Halvorson of Clayton

On motion by Fitzgerald of Webster, the House adjourned at 5:49 p.m., until 10:30 a.m., Thursday, March 16, 1978.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day—Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 16, 1978

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

Prayer was offered by the Honorable James Middleswart, State Representative from Warren County.

The Journal of Wednesday, March 15, 1978 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Davitt of Warren on request of Brunow of Appanoose; Perkins of Greene on request of Baker of Buena Vista.

PETITION FILED

The following petition was received and placed on file:

By Brunow of Appanoose from one hundred sixty-one constituents supporting the proposed budget for abortion funding for Iowa women who qualify for Title XIX medicaid.

INTRODUCTION OF BILLS

House Joint Resolution 2005, by Danker, a joint resolution proposing a constitutional amendment to the Constitution of the State of Iowa to limit state and local expenditures and to provide certain exemptions.

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

House File 2340, by committee on ways and means, a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them.

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

House File 2341, by committee on county government, a bill for an act authorizing township trustees to divide a township into taxing districts to provide fire protection service.

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

House File 2342, by Small, a bill for an act providing for the creation of a small business institute at the college of business of the state university of Iowa, and providing an appropriation for the funding thereof.

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

House File 2343, by Junker, Binneboese, Rinas and Crabb, a bill for an act relating to city government by authorizing initiative, referendum and recall.

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

House File 2344, by Poncy, a bill for an act relating to the training of a coonhound at night thirty days prior to the hunting season on raccoons.

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

House File 2345, by committee on judiciary and law enforcement, a bill for an act relating to the office of a magistrate who devotes his or her entire time to official duties, including the office of district associate judge.

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

House File 2346, by Norland, a bill for an act relating to the responsibility for paying the cost of moving, building or rebuilding certain facilities at points where a drainage district improvement crosses a public road.

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

House File 2347, by Clark of Lee, a bill for an act relating to the exemption of certain vehicles from the state use tax and making the Act retroactive.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 114, providing for a recess of the General Assembly over Easter.

STEVEN C. CROSS, Secretary

ADOPTION OF HOUSE RESOLUTION 108

Pursuant to House Rule 26, the Speaker announced that House Resolution 108, filed on February 16, 1978 and found on page 493 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 103

Binneboese of Plymouth offered the following House Memorial Resolution 103 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 103

Whereas, The Honorable Dr. W. E. Simonsen of Cherokee County, who was a member of the Fifty-first session of the General Assembly, passed away on December 3, 1977; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Binneboese of Plymouth, Baker of Buena Vista and Menke of O'Brien.

UNFINISHED BUSINESS

The House resumed consideration of **House File 2084**, a bill for an act providing for the formation by cities of a municipal power agency which shall be a separate municipal corporation and political subdivision of this state, and specifying the powers, limitations, rights, liabilities, privileges, immunities, duties and obligations of a municipal power agency, and of cities when forming, becoming and engaged as a member of, terminating membership in, and contracting with a municipal power agency.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—5656 filed by him and Schnekloth of Scott on March 14, 1978.

Woods of Polk offered the following amendment H—5649 filed by him:

H—5649

- 1 Amend House File 2084 as follows:
- 2 1. Page 21, by inserting after line 21 the
- 3 following new subsection:
- 4 " . A municipal power agency shall be an
- 5 employer within the meaning and for all the purposes
- 6 of chapter eighty-eight (88) of the Code."
- 7 2. By renumbering subsections as necessary.

Small of Johnson in the chair at 10:55 a.m.

Woods of Polk moved the adoption of amendment H—5649.

A non-record roll call was requested.

The ayes were 40, nays 27.

Amendment H—5649 was adopted.

Evans of Grundy offered the following amendment H—5638 filed by Evans, et al. :

H—5638

- 1 Amend House File 2084 as follows:
- 2 1. Page 22, line 7, by inserting after the word

- 3 "sources" the words ", nor shall it in any way discrim-
- 4 inate against a city which does purchase power or service
- 5 from such sources because of such purchase".

By unanimous consent the following amendment H-5685, to amendment H-5638, filed by Harbor of Mills from the floor was adopted:

H-5685

- 1 Amend amendment H-5638, to House File 2084,
- 2 as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "a" the word "member".

Evans of Grundy moved the adoption of amendment H-5638, as amended.

Amendment H-5638, as amended, was adopted.

Lonergan of Boone offered the following amendment H-5644 filed by Lonergan, et al., and moved its adoption:

H-5644

- 1 Amend House File 2084 as follows:
- 2 1. Page 25 by striking lines 32 through 35.
- 3 2. Page 26 by striking lines 1 through 5 and
- 4 inserting in lieu thereof the following: "Nothing
- 5 contained in this subsection".

Roll call was requested by Schroeder of Pottawattamie and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall amendment H-5644 be adopted?"

The ayes were, 46:

Anderson	Bennett	Bina	Binneboese
Brunow	Byerly	Chiodo	Clark, B.J.
Connors	Doyle	Dunton	Dyrland
Gentleman	Halvorson	Harbor	Harvey
Horn	Hullinger	Husak	Jesse
Junker	Koogler	Krewson	Lind
Lipsky	Lonergan	Miller, K.D.	Nielsen
Norland	Oxley	Pavich	Pellet

Pelton	Schnekloth	Schroeder	Shimanek
Smalley	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
Woods	Wyckoff		

The nays were, 42:

Arnould	Avenson	Baker	Brandt
Brockett	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Dieleman	Egenes	Evans	Garrison
Gettings	Gilloon	Gilson	Griffiee
Hansen	Hargrave	Hinkhouse	Hoffmann
Howell	Krause	Lageschulte	Lindeen
Menke	Middleswart	Miller (Sergeant)	Monroe
O'Halloran	Patchett	Poncy	Spear
Spencer	Stephens	Svoboda	Wells
West	Mr. Speaker (Small)		

Absent or not voting, 12:

Branstad	Clark, J.H.	Davitt	Den Herder
Fitzgerald	Hines	Jochum	Millen
Newhard	Perkins	Rinas	Scheelhaase

Amendment H—5644 was adopted.

Daggett of Adams moved to reconsider the vote by which amendment H—5659 failed to be adopted by the House on March 14, 1978.

Fitzgerald of Webster asked and received unanimous consent that House File 2084 be deferred and that the bill retain its place on the calendar. (The motion to reconsider amendment H—5659 pending.)

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to take up for consideration House File 602.

PRESENTATION OF VISITORS

Lageschulte of Bremer presented to the House, foreign exchange student, Thomas Bokemark from Sweden, who is attending Waverly-Shell Rock High School, Waverly, Iowa.

Branstad of Winnebago presented to the House, the Honorable Karl Kilsholm, former member of the House representing Kossuth County.

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

Twenty members of the boys basketball team from Waukon High School, Waukon, Iowa, accompanied by Wayne Sawyer. By Halvorson of Clayton.

The members of the "Fighting Irish" basketball team from St. Mary's High School, Clinton, Iowa, accompanied by Coach John Lingle and Coach Don Sisler. By Pelton of Clinton.

COMMUNICATION FROM CITY DEVELOPMENT BOARD

There is on file in the office of the Chief Clerk a copy of the fifth annual report of the work and operations of the City Development Board covering the period of July 1, 1976 through June 30, 1977, submitted pursuant to Section 368.10 of the 1977 Code.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Brunow of Appanoose in the chair.

RULE 20 SUSPENDED

Cusack of Scott asked and received unanimous consent to suspend Rule 20 and that Mr. Bill McNarney, Director of the Iowa Housing Authority, be permitted in the House chamber during the consideration of House File 602.

CONSIDERATION OF BILLS
Regular Calendar

House File 602, a bill for an act to amend the Iowa housing finance authority relating to the eligibility of applicants, property improvement loans, lease-purchase agreements, homesteading, and a loan and grant fund, with report of committee recommending amendment and passage, was taken up for consideration.

Cusack of Scott offered amendment H—5420 filed by the committee on human resources on February 22, 1978 and found on pages 615 through 617 of the House Journal and requested division as follows:

Amendment H—5420A, lines 2 through 5, page 1.

Amendment H—5420B, lines 6 through 46, page 1.

Amendment H—5420C, lines 47 through 50, page 1 and lines 1 through 10, page 2.

Amendment H—5420D, lines 11 through 15, page 2.

Amendment H—5420E, lines 16 through 33, page 2.

Amendment H—5420F, lines 34 through 36, page 2.

Evans of Grundy offered the following amendment H—5686, to the committee amendment H—5420A, filed by Evans, Cusack, Welden, Middleswart, O'Halloran, Svoboda, Doyle and Varley from the floor and moved its adoption:

H—5686

- 1 Amend amendment H—5420 to House File 602 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 5 and
- 4 inserting in lieu thereof the following:
- 5 "1. Page 1, by striking lines 11 through 14 and
- 6 inserting in lieu thereof the following:
- 7 NEW SUBSECTION. "Property improvement loan" means
- 8 a financial obligation secured by collateral acceptable
- 9 to the authority, the proceeds of which shall be used
- 10 for improvement or rehabilitation of housing which is
- 11 deemed by the authority to be substandard in its pro-
- 12 tective coatings or its structural, plumbing, heating,
- 13 cooling, or electrical systems; and regardless of the
- 14 condition of the property the term "property improvement
- 15 loan" may include loans to increase the energy effi-
- 16 ciency of housing or to finance solar or other renewable
- 17 energy systems for use in that housing."

Amendment H—5686 was adopted.

On motion by Cusack of Scott amendment H—5420A, as amended, was adopted.

On motion by Cusack of Scott, amendment H—5420B was adopted.

Cusack of Scott asked and received unanimous consent to amend amendment H—5420C by inserting a “,” on page 2, line 8, after the word “development”.

On motion by Cusack of Scott, amendment H—5420C, as amended above, was adopted.

On motion by Cusack of Scott, amendment H—5420D was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5575, to amendment H—5420E, filed by him and Evans of Grundy on March 7, 1978.

Welden of Hardin offered the following amendment H—5687, to the committee amendment H—5420E, filed by Welden, Evans and Cusack from the floor:

H—5687

1 Amend amendment H—5420, to House File 602, as
2 follows:
3 1. Page 2, by striking all of lines 22 through
4 27 and inserting in lieu thereof the following:
5 “funds for achievement of its corporate purposes
6 , the payment of interest on its bonds and notes, the
7 establishment of reserves to secure its bonds and
8 notes, and all other expenditures of the authority
9 incident to and necessary or convenient to carry out
10 its purposes and powers. The principal amount of any
11 bonds issued by the authority after January 1,
12 1979 shall not be used to pay interest or principal
13 on any bonds issued by the authority. However, the
14 authority may”.

Giloon of Dubuque asked and received unanimous consent to defer action on amendment H—5687, to amendment H—5420E.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie for the remainder of the afternoon on request of Pellett of Cass.

On motion by Cusack of Scott, the committee amendment H—5420F was adopted.

Evans of Grundy offered amendment H—5688 filed by Evans, Cusack, Welden, Middleswart, O'Halloran, Svoboda, Doyle and Varley from the floor. Division was requested as follows:

H—5688

1 Amend House File 602 as follows:

H—5688A

2 1. Page 4, by inserting after line 1, the fol-
3 lowing new subsection:
4 " . The authority may require as a condition
5 of a property improvement loan that the improvements
6 to be made therewith shall include bringing the pro-
7 perty into compliance with thermal efficiency stand-
8 ards established by the state building code commiss-
9 ioner for existing structures or into compliance with
10 such other thermal efficiency standards as the auth-
11 ority may deem appropriate."

H—5688B

12 2. Page 4, by inserting after line 1, the fol-
13 lowing new subsection:
14 " . The authority may make property improve-
15 ment loans which will benefit other than low or mod-
16 erate income families when the purpose of the loans
17 is to increase the energy efficiency of housing or to
18 finance solar or other renewable energy systems for
19 use in that housing."

Evans of Grundy moved the adoption of amendment H—5688A.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 66, nays 14.

Amendment H—5688A was adopted.

On motion by Evans of Grundy, amendment H—5688B lost.

The House resumed consideration of amendment H—5687, to the committee amendment H—5420E.

Welden of Hardin asked and received unanimous consent to defer action on House File 602 and that the bill retain its place on the calendar.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cusack of Scott on request of Arnould of Scott; Gentleman of Polk on request of Lipsky of Linn, both for the remainder of the day.

QUORUM CALL

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2223, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of stepparent adoptions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2223)

The ayes were, 87:

Anderson
Bennett

Arnould
Bina

Avenson
Binneboese

Baker
Brandt

Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gettings	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Patchett	Pavich
Pellett	Pelton	Poncy	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Brockett	Cusack	Danker	Davitt
Den Herder	Garrison	Gentleman	Junker
Oxley	Perkins	Rinas	Spencer
Tofte			

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

House File 2164, a bill for an act relating to the salary of full-time prosecutors, was taken up for consideration.

Spear of Lee offered the following amendment H—5317 filed by him:

H—5317

- 1 Amend House File 2164 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Chapter three hundred thirty-two
- 5 (332), Code 1977, is amended by adding sections two
- 6 (2) through five (5) of this Act.
- 7 Sec. 2. **NEW SECTION. FULL—TIME OR PART—TIME**
- 8 **COUNTY ATTORNEYS.** A county having a population of
- 9 more than thirty-five thousand may provide that the

10 county attorney shall be a full-time or part-time
11 county officer in the manner provided in this Act.
12 A full-time county attorney shall refrain from the
13 private practice of law.

14 Sec. 3. NEW SECTION. RESOLUTION — EFFECTIVE DATE.

15 1. The board of supervisors may provide, by
16 resolution at any regular meeting after at least
17 fourteen days public notice, that the county attorney
18 shall be a full-time county officer. The resolution
19 shall include an effective date which shall not be
20 less than sixty days from the date of adoption.
21 However, if the county attorney or county attorney-
22 elect objects to the full-time status, the effective
23 date of the change to the full-time status shall be
24 delayed until January first of the year following
25 the next general election at which a county attorney
26 is elected. A resolution changing the status of the
27 county attorney shall not be adopted between March
28 first and the date of the general election of the
29 year in which the county attorney is regularly elected
30 as provided in section thirty-nine point seventeen
31 (39.17) of the Code.

32 2. Notwithstanding section three hundred forty
33 A point six (340A.6) of the Code, before the effective
34 date of the resolution changing the status of the
35 county attorney, the county compensation board shall
36 hold a public hearing after at least fourteen days
37 public notice to consider the annual salary of the
38 county attorney and make a recommendation to the board
39 of supervisors. The board of supervisors shall adopt
40 an annual salary for the county attorney which is
41 not more than the recommendation and which is effective
42 on the effective date of the resolution changing the
43 status of the county attorney.

44 Sec. 4. NEW SECTION. PART-TIME COUNTY ATTORNEYS.

45 The board of supervisors of a county may change the
46 status of a full-time county attorney to a part-time
47 county attorney by following the same procedures as
48 provided in section three (3) of this Act. If the
49 incumbent county attorney objects to the change in
50 status, the change shall be delayed until January

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1 first following the next election of a county attorney.
2 The county compensation board shall meet and make
3 a recommendation on the salary of the county attorney
4 in the same manner as provided in section three (3)
5 of this Act.

6 NEW SECTION. CURRENT STATUS UNAFFECTED.

7 The provisions of this Act shall not affect the full-
8 time or part-time status of a county attorney that

- 9 is in effect on the effective date of this Act, but
10 any subsequent change in the full-time or part-time
11 status of the county shall be made as provided in
12 section three (3) or four (4) of this Act, as
13 applicable.”
14 2. By renumbering sections to conform to this
15 amendment.

Spear of Lee offered the following amendment H—5345, to amendment H—5317, filed by him and moved its adoption:

H—5345

- 1 Amend H—5317 to House File 2164 as follows:
2 1. Page 1, line 8, by striking the words “having
3 a population of”.
4 2. Page 1, line 9, by striking the words “more
5 than thirty-five thousand”.

Amendment H—5345 was adopted.

Spear of Lee offered the following amendment H—5461, to amendment H—5317, filed by him and moved its adoption:

H—5461

- 1 Amend the amendment, H—5317, to House File 2164
2 as follows:
3 1. Page 1, lines 33 and 34, by striking the words
4 “before the effective date” and inserting in lieu
5 thereof the words “within sixty days after passage”.

Amendment H—5461 was adopted.

Schroeder of Pottawattamie rose on a point of order that amendment H—5317 was not germane.

The Speaker ruled the point well taken and amendment H—5317 not germane.

Spear of Lee asked and received unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—5317.

Spear of Lee moved the adoption of amendment H—5317, as amended.

A non-record roll call was requested.

The ayes were 50, nays 23.

Amendment H—5317, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk for the remainder of the day on request of Bina of Scott.

Bennett of Ida rose on a point of order regarding Joint Rule 16.

The Speaker ruled that a fiscal note would not be required.

Spear of Lee offered the following amendment H—5312 filed by him and moved its adoption:

H—5312

- 1 Amend House File 2164 as follows:
- 2 1. By striking lines 2 through 6 and inserting
- 3 in lieu thereof the following: "Code 1977, is amended
- 4 by striking the section and inserting in lieu thereof
- 5 the following:
- 6 340.10 ASSISTANT COUNTY ATTORNEY. The annual
- 7 salary of each assistant county attorney shall be
- 8 determined by the board of supervisors."
- 9 2. Page 1, by striking lines 15 and 16 and
- 10 inserting in lieu thereof the following: "county
- 11 attorneys shall not be subject to the provisions of
- 12 section 340.10 be determined by the board of
- 13 supervisors."

Roll call was requested by Byerly of Polk and Poncy of Wapello.

On the question "Shall amendment H—5312 be adopted?"

The ayes were, 50:

Anderson	Arnould	Bina	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crawford
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gilloon	Gilson
Griffee	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Jesse
Jochum	Koogler	Krause	Lindeen
Lipsky	Loneragan	Miller, K.D.	Monroe

Newhard	Nielsen	Norland	O'Halloran
Pavich	Small	Spear	Stephens
Tauke	Thompson	Varley	Wells
Woods	Mr. Speaker		

The nays were, 34:

Baker	Bennett	Binneboese	Crabb
Daggett	Doyle	Gettings	Halvorson
Hansen	Harbor	Harvey	Hullinger
Husak	Junker	Lageschulte	Lind
Menke	Middleswart	Millen	Miller (Sergeant)
Pellett	Pelton	Poncy	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spencer	Stromer	Walter	Welden
West	Wyckoff		

Absent or not voting, 16:

Avenson	Brockett	Clark, J.H.	Cusack
Danker	Davitt	Den Herder	Garrison
Gentleman	Krewson	Oxley	Patchett
Perkins	Rinas	Svoboda	Tauke

Amendment H—5312 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for the remainder of the day on request of Dunton of Keokuk.

By unanimous consent the following amendment H—5692 filed by Conlon of Muscatine from the floor was adopted:

H—5692

- 1 Amend House File 2164 as follows:
- 2 1. Title page, by striking line 1 and inserting
- 3 in lieu thereof the following: "An Act relating to
- 4 the status and salaries of full-time or part-time
- 5 county attorneys and assistant county attorneys."

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

On the question "Shall the bill pass?" (H.F. 2164)

The ayes were, 62:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Daggett
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Gilloon	Gilson
Griffie	Hargrave	Harvey	Hines
Hoffmann	Horn	Howell	Hullinger
Jesse	Jochum	Koogler	Krause
Lind	Lindeen	Loneragan	Middleswart
Millen	Miller, K.D.	Monroe	Newhard
Norland	O'Halloran	Patchett	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Varley	Welden	Wells	West
Woods	Mr. Speaker		

The nays were, 25:

Bennett	Binneboese	Crabb	Egenes
Gettings	Halvorson	Hansen	Harbor
Hinkhouse	Husak	Junker	Lageschulte
Menke	Miller (Sergeant)	Nielsen	Pavich
Pellett	Pelton	Poney	Scheelhaase
Schnekloth	Schroeder	Smalley	Walter
Wyckoff			

Absent or not voting, 13:

Brockett	Cusack	Danker	Davitt
Den Herder	Garrison	Gentleman	Krewson
Lipsky	Oxley	Perkins	Rinas
Tofte			

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

MOTION TO RECONSIDER WITHDRAWN
(Senate File 384)

Baker of Buena Vista asked and received unanimous consent to withdraw the motion to reconsider Senate File 384 filed by him on March 2, 1978.

MOTION TO RECONSIDER
(Amendment H—5688A to House File 602)

I move to reconsider the vote by which amendment H—5688A to House File 602 was adopted by the House on March 16, 1978.

SCHROEDER of Pottawattamie

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 16, 1978 and is on file in the office of the Chief Clerk:

Mr. David L. Wray
Chief Clerk
House of Representatives
State House
L O C A L

Dear Mr. Wray:

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

These include nine (9) claims of a general nature. This supplements our filing on January 10, 1978.

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

Receipt of the above is hereby acknowledged.

DAVID L. WRAY, Chief Clerk

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
1283-66-25	Stuart Allen Lawson Conway, Iowa Request for refund of use tax	\$ 66.00	Disapproved
1937-66-25	Marshall County Dept. of Social Services Marshalltown, Iowa Foster care payment request	6,008.26	Disapproved

1938-66-25	Marshall County Dept of Social Services Marshalltown, Iowa Foster care payment request	11,936.73	Disapproved
3346-67-25	Margaret E. Urich Whittemore, Iowa Property damage	558.00	Disapproved
3703-67-25	Thomas A. Zachman, Ph. D. Moline, Illinois Outdated billing	45.00	Disapproved
4410-68-25	Iowa Methodist Medical Center Des Moines, Iowa Outdated invoice	70.00	Disapproved
4413-68-25	Area Education Agency I Elkader, Iowa Reimbursement of cost incurred	23,913.42	Disapproved
4428-68-25	University of Iowa Hospitals & Clinics Iowa City, Iowa Outdated Title XIX invoice	304.00	Disapproved
4450-68-25	Richard L. Miller, M.D. P.C. Waterloo, Iowa Outdated Title XIX invoice	22.00	Disapproved

HOUSE CONCURRENT RESOLUTION 119
By Committee on Labor and Industrial Relations

- 1 *Whereas*, the accessibility of public and private
- 2 buildings for use of physically handicapped persons is
- 3 of prime concern to members of the general assembly;
- 4 and
- 5 *Whereas*, in order for physically handicapped persons
- 6 to carry out business and social activities it is neces-
- 7 sary that they have knowledge of buildings that have
- 8 facilities which will allow for them to make use of
- 9 such buildings which are not constructed in a manner
- 10 which will inhibit their use by handicapped persons;
- 11 and
- 12 *Whereas*, telephone companies have in some instances
- 13 initiated efforts to publish in telephone directories
- 14 the names and locations of buildings that do provide
- 15 access for persons with physical handicaps and such
- 16 telephone companies could further such a public service
- 17 endeavor by making greater efforts, in cooperation with
- 18 public and private groups and agencies which provide
- 19 programs and services for handicapped persons, to pub-
- 20 lish more detailed listing of buildings which are con-
- 21 structed so as to provide accessibility for handicapped
- 22 persons; *Now Therefore*,
- 23 *Be It Resolved by the House of Representatives, The*

- 24 *Senate Concurring*, That the telephone companies doing
 25 business in this state are urged to make greater efforts
 26 to identify buildings providing access for handicapped
 27 persons and provide for their publication in a prominent
 28 place in the telephone directories issued by such
 29 companies; and
 30 *Be It Further Resolved*, That the governor's committee

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- 1 on employment of the handicapped or any public or
 2 private organization which provides programs and
 3 services for handicapped persons be urged to provide
 4 information on a timely basis to telephone companies
 5 in this state in order that the objectives of this
 6 resolution can be properly achieved.

Laid over under Rule 25.

HOUSE RESOLUTION 118

By Bina, Cusack, Arnould,
 Harvey and Conlon

- 1 *Whereas*, the West High Falcons football team of
 2 Davenport, Iowa, won the 1977 Iowa State Football
 3 Championship-Class 4A in a 21-14 title match over a
 4 worthy opponent, Newton; and
 5 *Whereas*, the Falcons were rated as high as third
 6 in the statewide high school football poll; and
 7 *Whereas*, four members of the state championship
 8 Davenport Falcons football team earned awards of
 9 outstanding distinction:
 10 Todd Rubley — First Team All-State Quarterback
 11 Ron Handy — First Team All-State End
 12 Jerry Teel — Honorable Mention All-State End
 13 Rick Keller — Honorable Mention All-State
 14 Defensive Back;
 15 and
 16 *Whereas*, the Falcons defensive starting team
 17 consisting of:
 18 Ron Berrie
 19 Pat Burken
 20 Dave Dunn
 21 Kirk Feuerbach
 22 Craig Hufford
 23 Rick Keller
 24 Darl Osborne
 25 Terry Rouse
 26 Malcom Seline
 27 Steve Wallace
 28 Ed Wernecke
 29 and

30 *Whereas*, the Falcons offensive starting team
31 consisting of:

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1 Ron Handy
2 Dwayne Hicks
3 Ben Juering
4 Greg Kern
5 Jim Lambert
6 Monty McCleary
7 Todd Rubley
8 Gary Sones
9 Scott Stevens
10 Jerry Teel
11 John Ward
12 earned a season record of ten wins and only two
13 losses; and
14 *Whereas*, this most successful season was made
15 possible only through the complete cooperation of the
16 young men and their parents and families working
17 together with the coaching staff, administration and
18 faculty of the Community School District and all of
19 the citizens of the area; and
20 *Whereas*, the example the team has set in good
21 sportsmanship, citizenship and their dedication to the
22 tasks before them, regardless of their excellent record
23 and the championship they have won; *Now Therefore*,
24 *Be It Resolved by the House of Representatives*, that we
25 extend heartiest congratulations to Head Coach Roger Harring-
26 ton; his coaching staff, Cy Robinson, Bob Potter, Ted
27 Minnick and Gary Olson, and the Davenport West High Student
28 Body and Faculty for its excellence and sportsmanship.
29 *Be It Further Resolved*, that a copy of this resolution
30 be forwarded to Davenport West High School in Davenport,
31 Iowa.

Laid over under Rule 25.

HOUSE RESOLUTION 119

By Bina, Arnould, Dyrland, Dieleman, Cusack,
Walter, Conlon, Harvey, Pavich, Patchett,
Lipsky, Hullinger, Hinkhouse and Scheelhaase

1 *Whereas*, The Iowa Legislature, on behalf of the
2 people of this State, hereby commemorates the week of
3 June 27-July 1, 1978, as National Autistic Children's
4 Week, in Iowa, and urges all citizens to learn about this
5 most difficult and baffling disorder that strikes many of
6 our children; and
7 *Whereas*, we realize that our young people are the

8 builders of tomorrow and as such are our most important
9 resource. Indeed their good health is dependent upon the
10 constructive and protective measures we take today to safe-
11 guard their well-being; and

12 *Whereas*, there are approximately five autistic children
13 in a population of 10,000. Through education, training, and
14 new research findings, specialists are increasingly able
15 to identify and treat victims of autism; and

16 *Whereas*, through its State and local chapters, the
17 National Society for Autistic Children seeks to acquaint
18 the public with its obligation to provide educational
19 programs, services, and research for autistic children;
20 and

21 *Whereas*, encouraging autism programs and research
22 projects are being carried on in many states, and are at
23 this very moment helping to combat this devastating and
24 little-understood affliction; and

25 *Whereas*, even today, many parents and families of
26 these children suffer anguish and a sense of desperation
27 occasioned by tragic neglect stemming from lack of profes-
28 sional and public awareness; *Now Therefore*,

29 *Be It Resolved by the House of Representatives*, that the
30 Iowa Legislature hereby recognize the week of June 27 - July 1,
31 1978, as National Autistic Children's Week in Iowa.

32 *Be It Further Resolved*, That copies of this resolution
33 be transmitted to the Quad-Cities Society for Autistic
34 Children, the Mid-Iowa Chapter, and the National Society
35 for Autistic Children.

Laid over under Rule 25.

HOUSE RESOLUTION 120
By Dieleman, Husak and Anderson

1 *Whereas*, the unincorporated community of Newburg
2 is nearing its centennial anniversary on July 1, 1978;
3 and

4 *Whereas*, the citizens of Newburg are preparing for
5 a centennial celebration to commemorate the one-hundredth
6 anniversary of the community; and

7 *Whereas*, this small community of less than one hundred
8 population also contains a church which will celebrate
9 its centennial in two years; *Now Therefore*,

10 *Be It Resolved by the House of Representatives*, That
11 the membership of the Iowa House of Representatives
12 extends its heartiest congratulations to the com-
13 munity of Newburg, Iowa in commemoration of its
14 centennial anniversary; and

15 *Be It Further Resolved*, That a copy of this resolution
16 be forwarded to the citizens of Newburg who are in charge
17 of making preparations for the centennial celebration.

Laid over under Rule 25.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber attending a White House briefing by Presidential Advisor, Mr. Jack Watson, to discuss the Carter administration's proposed national urban policy. The briefing was part of the National Conference of State Legislatures — State-Federal Assembly meeting in Washington, D. C., which I attended on the afternoon of March 1, 1978, and March 2, 1978, all day. Had I been present, I would have voted "aye" on amendment H—5489B to House File 2243, House File 2243, motion to reconsider amendments H—5444B, H—5430, and H—5485 to House File 187, House File 187, amendments H—5503 and 5513 to House File 2244 and Senate Files 384 and 2151; "nay" on amendment H—5495 to House File 2244.

BINA of Scott

I was necessarily absent from the House chamber March 14, 1978. Had I been present I would have voted "aye" on House File 246 and amendment H—5586A.

DIELEMAN of Marion

Due to special commitments I had in my capacity as chair of the House committee on education, I was unavoidably absent from the House chamber on Thursday, March 9, 1978, when the final vote was taken on Senate File 2125, the education budget bill. Had I been present, I would have voted "aye."

PATCHETT of Johnson

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2004

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

House File 612

Energy: Howell, Chair; Binneboese, Daggett, Evans and Perkins.

House File 2138

Energy: O'Halloran, Chair; Evans, Middleswart, Perkins, Varley and Welden.

House File 2200

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 2205

Energy: Griffee, Chair; Daggett, Evans, Howell, Pelton and Svoboda.

House File 2221

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House File 2225

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

House File 2228

Energy: Hullinger, Chair; Doyle and Danker.

House File 2241

Energy: Griffee, Chair; Daggett, Evans, Howell, Pelton and Svoboda.

House File 2242

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 2251

Energy: Griffee, Chair; Binneboese and Pelton.

House File 2254

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2257

State Government: Hansen, Chair; Brandt and Woods.

House File 2260

State Government: Woods, Chair; Poncy and Shimanek.

House File 2261

Education: Koogler, Chair; Small, Horn, Daggett and Crawford.

House File 2262

State Government: Crawford, Chair; Patchett and Brandt.

House File 2263

State Government: Patchett, Chair; Brandt and Harvey.

House File 2266

State Government: Hansen and Brandt, Co-chair; Monroe, Griffee and Crawford

House File 2269

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 2270

State Government: Harvey, Chair; Monroe and Avenson.

House File 2271

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

House File 2272

Natural Resources: Avenson, Chair; Spencer and Shimanek.

House File 2286

Ways and Means: Jochum, Chair; Hines, Bina, Pavich, West, Clark of Lee and Thompson.

House File 2299

Human Resources: Hargrave, Chair; Krewson, Brunow, Schroeder and Dyrland.

House File 2301

Human Resources: Lonergan and Crawford, Co-chairs; Anderson, Garrison and Gentleman.

House File 2302

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2306

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2307

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

House File 2310

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

House File 2313

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2314

Labor and Industrial Relations: Connors, Chair; Halvorson, Pavich, Poncey and Thompson.

House File 2315

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

House File 2316

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

House File 2319

Transportation: Krause, Chair; Schroeder, Rinas, Hullinger and Clark of Cerro Gordo.

House Concurrent Resolution 117

Education: Patchett, Chair; Poncey, Norland, Krewson and Stromer.

Senate File 2043

Ways and Means: Dieleman, Chair; Husak, Howell, Junker, Daggett, Brandt and Egenes.

Senate File 2056

Ways and Means: Jochum, Chair; Hines, Bina, Pavich, West, Clark of Lee and Thompson.

Senate File 2131

State Government: Arnould, Chair; Walter and West.

Senate File 2137

Ways and Means: Miller of Buchanan, Chair; Pavich, Wells, Branstad and Conlon.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 421**

Ways and Means: Rinas, Chair; Dunton, Schnekloth, Wyckoff and Egenes.

Study Bill 430

State Government: Poncy, Chair; Brandt and Stromer.

Study Bill 439

State Government: Poncy, Chair; Brandt and Hansen.

Study Bill 440

Commerce: Jochum, Chair; Welden, Anderson and Løergeran.

Study Bill 441

Education: Patchett, Chair; Poncy, Norland, Krewson and Stromer.

Study Bill 442

Education: Dyrland, Chair; Gilson, Baker, Thompson and Lind.

Study Bill 443

Energy: Middleswart, Chair; Hinkhouse, Hullinger, Pellett, Varley and Welden.

Study Bill 444

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

Study Bill 445

Labor and Industrial Relations: Jochum, Chair; Hines, Brockett, Small and Smalley.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Scheduled: 11:00 a.m., March 14, 1978

Convened: 11:10 a.m.

Adjourned: 12:00 noon.

Present: Scheelhaase, chair; Hinkhouse, vice-chair; Pellett, ranking member;

Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gettings, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller (Sergeant) of Calhoun and Svoboda.

Absent: None.

Excused: Den Herder.

Senate File 121, a bill for an act relating to the issuance of permits for poultry and livestock operations by the department of environmental quality.

Recommended Amend and Do Pass.

H-5689

1 Amend Senate File 121, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Section four hundred fifty-five B
6 point thirty-two (455B.32), subsection three (3),
7 unnumbered paragraph two (2), Code 1977, as amended
8 by Acts of the Sixty-seventh General Assembly, 1977
9 Session, chapter one hundred twenty-four (124), section
10 five (5), is amended to read as follows:
11 Establish, modify or repeal rules relating to the
12 location, construction, operation, and maintenance
13 of disposal systems and public water supply systems
14 and specifying the conditions under which the executive
15 director shall issue, revoke, suspend, modify or deny
16 permits for the operation, installation, construction,
17 addition to or modification of any disposal system
18 or public water supply system, or for the discharge
19 of any pollutant or for the disposal of water wastes
20 resulting from poultry and livestock operations.
21 The rules specifying the conditions under which the
22 executive director shall issue permits for the
23 construction of an electric power generating facility
24 subject to chapter four hundred seventy-six A (476A)
25 of the Code shall provide for issuing a conditional
26 permit upon the submission of engineering descriptions,
27 flow diagrams and schematics that qualitatively and
28 quantitatively identify effluent streams and
29 alternative disposal systems that will provide
30 compliance with effluent standards or limitations.
31 Until the Iowa national pollutant elimination system
32 program is approved by the federal environmental
33 protection agency pursuant to section four hundred
34 two (402) of the federal Water Pollution Control Act
35 as amended to December 31, 1976, the commission shall
36 not require and the executive director shall not issue
37 a permit under this division for a poultry or livestock
38 operation unless the federal environmental protection

- 39 agency has previously issued or simultaneously issues
 40 a federal national pollutant discharge elimination
 41 system permit for the poultry or livestock operation
 42 pursuant to section four hundred two (402) of the
 43 federal Water Pollution Control Act as amended to
 44 December 31, 1976.
 45 Sec. 2. This Act is effective January 1, 1979."

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Crabb, Danker, Davitt, Gettings, Gilson, Howell, Husak, Krause, Lageschulte, Lindeen, Menke, Miller (Sergeant) of Calhoun and Svoboda.

Nay: Byerly.

Absent or not voting: Den Herder.

Discussed House Files 413 and 2071.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 15, 1978

Convened: 7:30 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hansen, ranking member; Gilson and Newhard.

Presentations on corrections by Victor Preisser, Roland McCauley and Harry Woods from the Department of Social Services.

COMMITTEE ON ENERGY

Scheduled: 9:00 a.m., March 15, 1978

Convened: 9:15 a.m.

Adjourned: 10:40 a.m.

Present: Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Doyle, Evans, Griffee, Hinkhouse, Lindeen, Middleswart, Pellett, Svoboda and Varley.

Absent: O'Halloran, chair; (arrived 9:18 a.m.), Norland (arrived 9:20 a.m.) and Pelton.

Excused: Danker, Hullinger and Perkins.

Study Bill 443, a bill for an act relating to the implementation in Iowa of the initial regulatory program developed under the federal Surface Mining Control and Reclamation Act of 1977.

Recommended Amend and Do Pass.

Aye: O'Halloran, Howell, Welden, Binneboese, Daggett, Doyle, Evans, Griffee, Hinkhouse, Lindeen, Middleswart, Norland, Pellett, Svoboda and Varley.

Nay: None.

Absent or not voting: Danker, Hullinger, Pelton and Perkins.

Senate File 261, a bill for an act requiring state agencies and political subdivisions to conduct a life cycle cost analysis for certain construction projects.

Recommended Amend and Do Pass.

H-5690

- 1 Amend Senate File 261 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting in lieu thereof the following:
- 5 "Section 1. NEW SECTION. DEFINITIONS. As used
- 6 in this Act unless the context otherwise requires:
- 7 1. "Public agency" means any executive board,
- 8 commission, bureau, division, office or department
- 9 of the state and any county, city or school district
- 10 or combination thereof.
- 11 2. "Major facility" means any building having
- 12 twenty-five thousand square feet or more of usable
- 13 floor space that contains a heating or cooling system.
- 14 3. "Initial cost" means the moneys required for
- 15 the capital construction or renovation of a major
- 16 facility.
- 17 4. "Renovation" means a project where additions
- 18 or alterations exceed fifty percent of the value of
- 19 a major facility and will affect any energy system.
- 20 5. "Economic life" means the projected or
- 21 anticipated useful life of a major facility as
- 22 expressed by a term of years.
- 23 6. "Life cycle cost" means the cost of a major
- 24 facility including its initial cost, the cost of the
- 25 energy consumed over its economic life, and the energy
- 26 consumption related cost of its operation and
- 27 maintenance.
- 28 7. "Life cycle cost analysis" includes, but is
- 29 not limited to, the following elements:
- 30 a. The coordination and positioning of a major
- 31 facility on its physical site.
- 32 b. The number, position, and design of windows
- 33 and doors to be included in a major facility.
- 34 c. The amount and thermal characteristics of
- 35 insulation incorporated into the design of a major
- 36 facility.

37 d. The variable occupancy and operating conditions
38 of a major facility, including illumination levels.

39 e. Architectural features that affect energy
40 consumption.

41 f. An energy-consumption analysis of a major
42 facility.

43 8. "Energy systems" means all utilities, including,
44 but not limited to, heating, air-conditioning,
45 ventilating, lighting, and the supplying of domestic
46 hot water.

47 9. "Energy-consumption analysis" means the evalu-
48 tion of all applicable energy systems and components.

49 Sec. 2. NEW SECTION. POLICY — ANALYSIS REQUIRED.

50 The general assembly declares that it is the public

Page 2

1 policy of this state to insure that energy conservation
2 is of primary importance in the design of major
3 publicly-owned facilities. Commencing January 1,
4 1979, any public agency responsible for the
5 construction or renovation of a major facility shall
6 in any design begun after that date include as a
7 design criterion the requirement that a life cycle
8 cost analysis be conducted for the major facility.
9 The objectives of the life cycle cost analysis shall
10 be to maximize energy efficiency and minimize life
11 cycle cost.

12 Sec. 3. NEW SECTION. ANALYSIS APPROVED. The
13 analysis shall be approved by the public agency prior
14 to the commencement of actual construction or
15 renovation. A public agency may accept the facility
16 design if the agency is satisfied that the life cycle
17 cost analysis provides for an efficient energy system
18 based on the economic life of the major facility.
19 A copy of the analysis shall be filed with the energy
20 policy council. If the public agency does not select
21 the most energy efficient design and system, a
22 statement justifying this decision shall be submitted
23 to the energy policy council with the life cycle cost
24 analysis.

25 Sec. 4. NEW SECTION. RULES. The energy policy
26 council shall promulgate rules to implement the
27 provisions of this Act.

Aye: O'Halloran, Howell, Binneboese, Doyle, Griffee, Middleswart, Norland,
Svoboda and Varley.

Nay: Welden.

Absent or not voting: Daggett, Danker, Evans, Hinkhouse, Hullinger, Lindeen,
Pellett, Pelton and Perkins.

Assignment of bills to subcommittee.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., March 15, 1978

Convened: 9:10 a.m.

Adjourned: 10:30 a.m.

Present: Connors, chair; Branstad, Brockett, Crabb, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Absent: Jochum, vice-chair; Egenes, ranking member (arrived 9:23 a.m.); Chiodo (arrived 9:25 a.m.), Gilloon, Halvorson (arrived 9:15 a.m.), Hines (arrived 9:12 a.m.), Horn (arrived 9:16 a.m.), and Smalley (arrived 9:40 a.m.).

Concurrent Resolution (Formerly Study Bill 418), a resolution that the telephone companies doing business in this state are urged to make greater efforts to identify buildings providing access for handicapped persons and provide for their publication in a prominent place in the telephone directories issued by such companies.

Recommended Do Pass.

Aye: Connors, Egenes, Branstad, Brockett, Chiodo, Crabb, Halvorson, Hines, Horn, Lageschulte, Pavich, Poncy, Small, Thompson and Wells.

Nay: None.

Absent or not voting: Jochum, Smalley and Gilloon.

Committee Bill (Formerly House File 419), a bill for an act relating to age discrimination in employment.

Recommended Amend and Do Pass.

Aye: Connors, Chiodo, Hines, Horn, Pavich, Poncy, Small and Wells.

Nay: Brockett and Crabb.

Absent or not voting: Jochum, Egenes Branstad, Gilloon, Halvorson, Lageschulte, Smalley and Thompson.

Committee Bill (Formerly House File 2215), a bill for an act authorizing group insurance, health or medical service for dependents of public employees.

Recommended Do Pass.

Aye: Connors, Egenes, Brockett, Chiodo, Crabb, Halvorson, Hines, Lageschulte, Pavich, Poncy, Small and Wells.

Nay: None.

Absent or not voting: Jochum, Branstad, Gilloon, Smalley and Thompson.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., March 15, 1978

Convened: 10:10 a.m.

Adjourned: 11:02 a.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Anderson, Baker, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Krewson and Tofte.

Absent: Arnould (arrived 10:11 a.m.), Brunow, Cusack (arrived 10:15 a.m.), Lipsky (arrived 10:26 a.m.), Miller of Buchanan, Newhard and Schroeder (arrived 10:25 a.m.).

Excused: Hargrave.

Assignment of bills to subcommittees. Final report of Human Services Research Institute presented by Valerie Bradley.

BUDGET SUBCOMMITTEE ON EDUCATION

Scheduled: 11:00 a.m., March 15, 1978

Convened: 11:08 a.m.

Adjourned: 12:00 noon.

Present: Horn, chair; Menke, ranking member; Baker, Branstad, Brockett, Davitt and Poncy.

Absent: Anderson, Egenes (arrived 11:58 a.m.), Nielsen (arrived 11:35 a.m.), Oxley (arrived 11:14 a.m.) and Pelton (arrived 11:23 a.m.).

Discussion of and vote to recommend capital appropriations. Discussion of ETV appropriations and decision to request written report from investigating committee before further discussion and voting.

COMMITTEE ON EDUCATION

Scheduled: 1:00 p.m., March 15, 1978

Convened: 1:05 p.m.

Adjourned: 2:10 p.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Lind, Norland, Poncy, Spear and Thompson.

Absent: Koogler, Small and Stromer.

Study Bill 447, a bill for an act relating to reorganization procedures for school districts.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Lind, Norland, Poncey, Spear and Thompson.

Nay: None.

Absent or not voting: Koogler, Small and Stromer.

Study Bill 448, a bill for an act relating to the financing of school districts.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Brockett, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Lind, Norland, Poncey, Spear and Thompson.

Nay: None.

Absent or not voting: Koogler, Small and Stromer.

Study Bill 449, a bill for an act to provide for pilot programs for gifted and talented children.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Lind, Norland, Poncey, Spear and Thompson.

Nay: Brockett.

Absent or not voting: Koogler, Small and Stromer.

**ANNOUNCEMENT OF MEETING
POLICE COMMUNICATIONS REVIEW COMMITTEE**

Scheduled: 6:00 p.m., March 15, 1978.

Convened: 6:00 p.m.

Adjourned: 10:00 p.m.

Place: Police Radio, Atlantic, Iowa.

Present: Doyle, chair; Nolting, Schwengels and Wells.

Excused: Crabb and Gallagher.

Toured the new Iowa Highway Patrol Radio Base Station and the Open House. Met with LEATAC and persons involved in the operation of the high band radio system.

AMENDMENTS FILED

H-5691	H.F. 476	Bina of Scott Wells of Linn Thompson of Polk
H-5693	H.F. 2277	Spear of Lee

On motion by Fitzgerald of Webster the House adjourned at 5:52 p.m., until 10:00 a.m., Monday, March 20, 1978.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day—Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 20, 1978

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

Prayer was offered by the Reverend Howard Lord, pastor of the Southeast Warren United Methodist Parish, Milo, Iowa.

The Journal of Thursday, March 16, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gerald McGowan, Sioux City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Perkins of Greene on request of Baker of Buena Vista; Danker of Pottawattamie on request of Pellett of Cass; Clark of Lee for March 20 and 21, 1978 on request of Tauke of Dubuque.

PRESENTATION OF VISITORS

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

Sixty-one eighth grade students from Sacred Heart, West Des Moines, Iowa, accompanied by Bob Hardin. By Thompson of Polk.

Sixty students from Carlisle High School, Carlisle, Iowa, accompanied by R. C. Schallert. By Anderson of Jasper.

INTRODUCTION OF BILLS

House File 2348, by Poncy, a bill for an act relating to improvement of certain benefits for members of police and fire retirement systems.

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

House File 2349, by committee on judiciary and law enforcement, a bill for an act requiring that each judicial district department of correctional services in the state develop and maintain a community-based correctional program for juveniles, and providing for the content, administration and financial support of those programs.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 15, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2063, a bill for an act to change the defined term "councilman" to "council member" in the city code of Iowa, and to make appropriate conforming amendments.

Also: That the Senate has on March 15, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2068, a bill for an act relating to transfer of rights-of-way between the state and political subdivisions of the state.

Also: That the Senate has on March 15, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2180, a bill for an act to establish standards for the production and processing of cottage cheese dry curd, cottage cheese, and low fat cottage cheese.

Also: That the Senate has on March 15, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2181, a bill for an act providing for the destruction of certain court records.

SENATE CONCURRENT RESOLUTION 114 By Committee on Rules and Administration

- 1 A concurrent resolution providing for the Easter
- 2 recess of the General Assembly.
- 3 *Be It Resolved by the Senate, the House Concurring,*
- 4 That when adjournment is had on Thursday, March 23,

5 1978, it be to reconvene on Tuesday, March 28, 1978,
6 at 10:00 a.m.

Laid over under Rule 25.

SENATE MESSAGES CONSIDERED

Senate File 2067, a bill for an act providing that certain people may request exemption from jury duty.

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

Senate File 2169, a bill for an act relating to air transportation regulation.

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

Senate File 2176, a bill for an act relating to the probing of grain for foreign material content.

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

CONSIDERATION OF BILLS Regular Calendar

House File 2277, a bill for an act relating to the sale by area schools of student-constructed buildings and certain property, was taken up for consideration.

Nielsen of Polk asked and received unanimous consent to temporarily defer action on House File 2277.

House File 2137, a bill for an act relating to the tax levied and budget approval dates for the operation of an area vocational school or area community college, was taken up for consideration.

Miller (Sergeant) of Calhoun moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2137)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker			

The nays were, 1:

Stephens

Absent or not voting, 14:

Binneboese	Clark, J.H.	Danker	Den Herder
Egenes	Hines	Howell	Hullinger
Jesse	Monroe	Newhard	Norland
Perkins	West		

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

SENATE FILE 2169 SUBSTITUTED FOR HOUSE FILE 2309

Dunton of Keokuk asked and received unanimous consent to substitute Senate File 2169 for House File 2309.

Senate File 2169, a bill for an act relating to air transportation regulation, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-5696 filed by Schroeder, Hoffmann, Middleswart, Baker, Hansen, Miller (Sergeant) of Calhoun, Hullinger, Dunton, Lonergan, Crabb, Varley, Wells, Wyckoff, Spencer, Pavich and Stromer from the floor:

H-5696

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 3, line 17, by striking the word
- 3 "paragraph." and inserting in lieu thereof the
- 4 following:
- 5 "paragraph and inserting in lieu thereof the
- 6 following:
- 7 The owner or operator of an aircraft shall not
- 8 be liable for any damages to any passenger or person
- 9 riding in the aircraft as a guest or by invitation
- 10 and not for hire unless damage is caused as a result
- 11 of the operator of the aircraft being under the
- 12 influence of an alcoholic beverage, a narcotic, hyp-
- 13 notic or other drug, or any combination of such
- 14 substances, or because of the reckless operation by
- 15 the operator of the aircraft."

Tauke of Dubuque rose on a point of order that amendment H-5696 was not germane.

The Speaker ruled the point not well taken and amendment H-5696 germane.

Speaker pro tempore Nielsen of Polk in the chair at 11:25 a.m.

Miller of Buchanan offered the following amendment H-5699, to amendment H-5696, filed by him from the floor and moved its adoption:

H-5699

- 1 Amend amendment H-5696, to Senate File 2169 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by inserting after line 15 the
- 4 following new paragraph:
- 5 "The owner or operator shall post
- 6 notice in a conspicuous place that such owner or
- 7 operator is not liable under the circumstances out-
- 8 lined in the foregoing paragraph. Failure to post
- 9 such notice shall make the owner and or operator
- 10 liable, the above paragraph notwithstanding."

Amendment H—5699 was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5696, as amended.

Roll call was requested by Schroeder of Pottawattamie and Scheelhaase of Woodbury.

On the question "Shall amendment H—5696, as amended, be adopted?"

The ayes were, 31:

Anderson	Baker	Bennett	Byerly
Clark, B.J.	Conlon	Crabb	Davitt
Egenes	Evans	Gilson	Halvorson
Harbor	Hoffmann	Hullinger	Lind
Lonergan	Middleswart	Millen	Miller (Sergeant)
Oxley	Pellett	Schroeder	Spencer
Stephens	Stromer	Varley	Welden
Wells	Woods	Wyckoff	

The nays were, 54:

Arnould	Avenson	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Chiodo	Crawford	Cusack	Daggett
Dieleman	Doyle	Dunton	Garrison
Gentleman	Gettings	Gilloon	Hansen
Hargrave	Hinkhouse	Horn	Howell
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Menke	Miller, K.D.	Newhard
O'Halloran	Patchett	Pavich	Pelton
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Svoboda	Tauke	Thompson	Tofte
Walter	Mr. Speaker (Nielsen)		

Absent or not voting, 15:

Clark, J.H.	Cochran	Connors	Danker
Den Herder	Dyrland	Fitzgerald	Griffie
Harvey	Hines	Jesse	Monroe
Norland	Perkins	West	

Amendment H—5696, as amended, lost.

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

On the question "Shall the bill pass?" (S.F. 2169)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poncy	Rinas	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, none.

Absent or not voting, 13:

Clark, J.H.	Cochran	Danker	Den Herder
Dyrland	Gilloon	Hines	Jesse
Monroe	Norland	Perkins	Scheelhaase
West			

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

HOUSE FILE 2309 WITHDRAWN

Dunton of Keokuk asked and received unanimous consent to withdraw House File 2309 from further consideration by the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Norland of Worth for March 20 and 21, 1978 on request of Avenson of Fayette; Jesse of Polk for the week of March 20, 1978 on request of Newhard of Jones.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

Halvorson of Clayton presented to the House the Honorable Harley J. Palas, former member of the House representing Clayton County.

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

Sixty sixth grade students from Greenwood Elementary School, Des Moines, Iowa, accompanied by Mrs. Carlson and Mr. Peterson. By Gentleman of Polk.

REGULAR CALENDAR

The House resumed consideration of **House File 2277**, a bill for an act relating to the sale by area schools of student-constructed buildings and certain property.

Nielsen of Polk offered the following amendment H—5695 filed by him from the floor. Division was requested as follows:

H—5695

1 Amend House File 2277 as follows:

H—5695A

- 2 1. Page 1, by striking line 4 and inserting in
- 3 lieu thereof the following:
- 4 "7. Have authority to construct, repair, rebuild,
- 5 remodel, and sell a student-constructed building".

H-5695B

6 2. Page 1, by striking lines 11, 12, and 13 and
 7 inserting in lieu thereof the following:
 8 "in the purchase of such articles. Any profit re-
 9 ceived from the sale of any structure or article shall
 10 be used for student financial aid. All revenue re
 11 ceived from the sale of any article shall be credited
 12 to the funds of the board of the merged area.

Action on amendment H-5695A was temporarily deferred.

Byerly of Polk offered the following amendment H-5700, to amendment H-5695B, filed by him and Brunow of Appanoose from the floor and moved its adoption:

H-5700

1 Amend amendment H-5695 to House File 2277 as
 2 follows:
 3 1. Page 1, line 10, inserting after the word
 4 "aid" the following:
 5 "except that such funds may be used to finance
 6 another student-constructed house or article".

Amendment H-5700 was adopted.

Nielsen of Polk moved the adoption of amendment H-5695B, as amended.

Roll call was requested by Nielsen of Polk and Schroeder of Pottawattamie.

On the question "Shall amendment H-5695B, as amended, be adopted?"

The ayes were, 22:

Bina	Brunow	Byerly	Chiodo
Connors	Cusack	Daggett	Davitt
Garrison	Gilloon	Harbor	Harvey
Horn	Husak	Krause	Nielsen
Pavich	Schroeder	Varley	Walter
Woods	Wyckoff		

The nays were, 64:

Anderson	Arnould	Baker	Bennett
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Binneboese	Brandt	Branstad	Brockett
Clark, B.J.	Conlon	Crabb	Crawford
Dieleman	Doyle	Dunton	Egenes
Evans	Gentleman	Gettings	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Hinkhouse	Hoffmann	Hqwell	Hullinger
Jochum	Junker	Koogler	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	O'Halloran
Patchett	Pellett	Poncy	Rinas
Scheelhaase	Schneklloth	Shimanek	Small
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Welden	Wells	West	Mr. Speaker

Absent or not voting, 14:

Avenson	Clark, J.H.	Danker	Den Herder
Dyrland	Fitzgerald	Hines	Jesse
Krewson	Norland	Oxley	Pelton
Perkins	Smalley		

Amendment H—5695B, as amended, lost.

The House resumed consideration of amendment H—5695A.

Nielsen of Polk asked and received unanimous consent to withdraw amendment H—5695A, placing out of order amendments H—5697 and H—5702, both to amendment H—5695A, filed by Spear of Lee from the floor.

Spear of Lee offered the following amendment H—5693 filed by him:

H—5693

- 1 Amend House File 2277 as follows:
- 2 1. Page 1 line 4, by striking the word
- 3 "building" and inserting in lieu thereof the words
- 4 "house, and auxiliary structures,".
- 5 2. Page 1, line 5, by striking the word
- 6 "building" and inserting in lieu thereof the word
- 7 "house".
- 8 3. Amend the title, line 2, by striking the
- 9 word "buildings" and inserting in lieu thereof the
- 10 words "houses, auxiliary structures,".

Spear of Lee offered the following amendment H—5704, to

amendment H—5693, filed by him from the floor and moved its adoption:

H—5704

1 Amend amendment H—5693, to House File 2277, as
2 follows:

3 1. Page 1, line 4, by striking the word "house"
4 and inserting in lieu thereof the words "dwelling
5 of not more than two units".

6 2. Page 1, line 7, by striking the word "house"
7 and inserting in lieu thereof the word "dwelling".

8 3. Page 1, line 10, by striking the word "houses"
9 and inserting in lieu thereof the word "dwellings".

Amendment H—5704 lost.

Spear of Lee moved the adoption of amendment H—5693.

Amendment H—5693 lost.

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

On the question "Shall the bill pass?" (H.F. 2277)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Egenes
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson

Tofte
West

Walter
Woods

Welden
Mr. Speaker

Wells

The nays were, 4:

Evans

Spear

Varley

Wyckoff

Absent or not voting, 9:

Brunow
Dyrland
Smalley

Clark, J.H.
Jesse

Danker
Norland

Den Herder
Perkins

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

House File 2283, a bill for an act relating to railroad spur tracks, was taken up for consideration.

Wyckoff of Benton offered the following amendment H-5694 filed by Wyckoff, Harbor, Miller of Buchanan, Evans and Husak from the floor:

H-5694

- 1 Amend House File 2283 as follows:
- 2 1. Page 2, by inserting after line 2 the
- 3 following:
- 4 "Sec. . Section six hundred fourteen
- 5 point seventeen (614.17), Code 1977, is amended by
- 6 adding the following new paragraph:
- 7 NEW PARAGRAPH. The provisions of this section
- 8 shall not apply to reversions of railroad property
- 9 under the provisions of sections three hundred
- 10 twenty-seven G point seventy-six (327G.76) and
- 11 three hundred twenty-seven G point seventy-seven
- 12 (327G.77) of the Code.

Krause of Kossuth rose on a point of order that amendment H-5694 was not germane.

The Speaker ruled the point well taken and amendment H-5694 not germane.

Wyckoff of Benton moved that the rules governing germaneness be suspended for the consideration of amendment H-5694.

A non-record roll call was requested.

The ayes were 30, nays 43.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 2283)

The ayes were, 84:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Middleswart	Millen	Miller (Sergeant)	Monroe
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schnekloth	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Mr. Speaker

The nays were, 6:

Crabb	Husak	Menke	Miller, K.D.
Schroeder	Wyckoff		

Absent or not voting, 10:

Clark, J.H.	Danker	Den Herder	Dyrland
Gilloon	Jesse	Newhard	Norland
Perkins	Smalley		

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

HOUSE FILE 2084 DEFERRED

Griffiee of Chickasaw asked for unanimous consent to defer action on House File 2084 and that the bill retain its place on the calendar.

Objection was raised.

Griffiee of Chickasaw moved that House File 2084 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 64, nays 10.

The motion prevailed.

BUDGET CALENDAR

House File 2329, a bill for an act creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing interactive decision evaluation system encompassing state and local finance and budgeting procedures, was taken up for consideration.

Brunow of Appanoose in the chair at 3:29 p.m.

Byerly of Polk offered the following amendment H-5705 filed by him from the floor and moved its adoption:

H-5705

- 1 Amend House File 2329 as follows:
- 2 1. Page 2, by inserting after line 8 the following:
- 3 " . To establish and maintain a state-wide
- 4 property tax data base."

A non-record roll call was requested.

The ayes were 17, nays 55.

Amendment H-5705 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for the remainder of the day on request of Dunton of Keokuk.

Harbor of Mills asked for unanimous consent to defer action on House File 2329.

Objection was raised.

Harbor of Mills moved that House File 2329 be deferred and that the bill retain its place on the calendar.

The motion lost.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 63:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brockett
Chiodo	Clark, B.J.	Cochran	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Gettings	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Koogler
Krause	Lageschulte	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Scheelhaase	Shimanek
Small	Spear	Stromer	Svoboda
Tofte	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker (Brunow)	

The nays were, 25:

Bennett	Byerly	Conlon	Crabb
Gentleman	Harbor	Hoffmann	Junker
Krewson	Lind	Lindeen	Lipsky

Menke
Pelton
Spencer
Welden

Millen
Schnekloth
Stephens

Nielsen
Schroeder
Tauke

Pellett
Smalley
Thompson

Absent or not voting, 12:

Branstad
Dyrland
Jesse

Clark, J.H.
Garrison
Norland

Danker
Gilloon
Perkins

Den Herder
Harvey
Varley

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

REGULAR CALENDAR

House File 2176, a bill for an act relating to the claims appeal board of the Iowa department of job service with report of committee recommending passage was taken up for consideration.

Thompson of Polk offered the following amendment H-5709 filed by her and Connors of Polk from the floor and moved its adoption:

H-5709

- 1 Amend House File 2176 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and
- 3 inserting in lieu thereof the following:
- 4 "thousand seven hundred fifty a salary set by
- 5 the governor, within a range of from eighteen
- 6 thousand nine hundred".

Amendment H-5709 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2176)

The ayes were, 88:

Anderson
Bennett
Brockett
Cochran
Crawford
Dieleman

Arnould
Bina
Byerly
Conlon
Cusack
Doyle

Avenson
Binneboese
Chiodo
Connors
Daggett
Dunton

Baker
Brandt
Clark, B.J.
Crabb
Davitt
Egenes

Evans	Fitzgerald	Gentleman	Gettings
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Poney	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker (Brunow)

The nays were, none.

Absent or not voting, 12:

Branstad	Clark, J.H.	Danker	Den Herder
Dyrland	Garrison	Gilloon	Harvey
Jesse	Norland	Perkins	Varley

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

MOTION TO RECONSIDER (House File 2170)

Wyckoff of Benton called up for consideration the motion to reconsider **House File 2170**, filed on February 21, 1978, and moved to reconsider the vote by which House File 2170, a bill for an act making appropriations to the department of general services for operating purposes, passed the House on February 20, 1978.

A non-record roll call was requested.

The ayes were 80, nays 2.

The motion prevailed and the House reconsidered House File 2170.

On motion by Wyckoff of Benton, the House reconsidered the vote by which House File 2170 was placed on its last reading.

Schroeder of Pottawattamie asked and received unanimous consent to reconsider the vote by which amendment H—5354 was adopted by the House on February 20, 1978.

Schroeder of Pottawattamie offered the following amendment H—5711, to amendment H—5354, filed by Schroeder, Avenson and Wyckoff from the floor and moved its adoption:

H—5711

- 1 Amend amendment H—5354 to House File 2170 by
- 2 striking lines 4 through 7 and inserting in lieu
- 3 thereof the following:
- 4 "(1) The funds appropriated by this paragraph
- 5 shall include the installation of one emergency exit
- 6 device on the east doors, main floor of the capitol,
- 7 and further, that the buildings and grounds department
- 8 shall initiate plans to implement similar devices on
- 9 all other exits as soon as practical.
- 10 (2) The buildings and grounds department, at the
- 11 time of modernization of the south elevator car, shall
- 12 equip the car for operator and or automatic control for
- 13 more effective use after hours."

Amendment H—5711 was adopted.

Schroeder of Pottawattamie moved the adoption of amendment H—5354, as amended.

Amendment H—5354, as amended, was adopted.

Wyckoff of Benton asked and received unanimous consent to withdraw amendment H—5475 filed by him on February 28, 1978.

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

On the question "Shall the bill pass?" (H.F. 2170)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Byerly	Chiodo	Clark, B.J.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt

Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Welden	West	Woods
Wyckoff	Mr. Speaker (Brunow)		

The nays were, 1:

Harvey

Absent or not voting, 13:

Branstad	Clark, J.H.	Danker	Den Herder
Dyrland	Garrison	Gilloon	Jesse
Koogler	Norland	Perkins	Varley
Wells			

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

HOUSE FILE 2168 WITHDRAWN

Connors of Polk asked and received unanimous consent to withdraw House File 2168 from further consideration by the House.

HOUSE FILE 2199 WITHDRAWN

Thompson of Polk asked and received unanimous consent to withdraw House File 2199 from further consideration by the House.

AMENDMENT WITHDRAWN (Amendment H—3466 to House File 488)

Egenes of Story asked and received unanimous consent to withdraw amendment H—3466 to House File 488 filed by her on April 1, 1977.

**MOTION TO RECONSIDER WITHDRAWN
(House File 2246)**

Miller of Buchanan asked and received unanimous consent to withdraw the motion to reconsider House File 2246 filed by him on March 13, 1978.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of March, 1978: House Files 415, 547 and 2180.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

**HOUSE RESOLUTION 121
By Hansen**

1 *Whereas*, the University of Okoboji located some-
2 where in Dickinson County, Iowa has begun to acquire
3 a national reputation for its unique curricula and
4 open enrollment program; and

5 *Whereas*, the entire curricula of the University of
6 Okoboji is not duplicated in any of its offerings by
7 the courses offered by the universities under the
8 state board of regents; and

9 *Whereas*, the University of Okoboji has demonstrated
10 that it has a lower per pupil administrative cost than
11 the universities under the state board of regents; and

12 *Whereas*, the University of Okoboji has many alumni
13 in the state who desire the continued health of the
14 University; and

15 *Whereas*, affiliation of the University of Okoboji
16 with the state board of regents will enhance the stabil-
17 ity of all the institutions under the state board of
18 regents; *Now Therefore*,

19 *Be It Resolved by the House of Representatives*,

20 That we extend our congratulations to the University of
21 Okoboji, its faculty, and alumni for its excellence.

22 Also to suggest that the state board of regents initiate
23 negotiations to bring the University of Okoboji under
24 its jurisdiction; and

25 *Be It Further Resolved*, That a copy of this resolu-

26 tion be forwarded to the Mayor of Milford, and to the
27 President of the University.

Laid over under Rule 25.

**UNANIMOUS CONSENT CALENDAR
(House Resolution 118)**

We hereby respectfully request that House Resolution 118, filed on March 16, 1978 and found on pages 1046 and 1047 of the House Journal, be placed on the unanimous consent calendar.

**PAVICH of Pottawattamie
ARNOULD of Scott
DYRLAND of Clayton**

(House Resolution 119)

We hereby respectfully request that House Resolution 119, filed on March 16, 1978 and found on page 1047 and 1048 of the House Journal, be placed on the unanimous consent calendar.

**KREWSON of Polk
WALTER of Pottawattamie
GETTINGS of Wapello**

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 411, an act relating to the date upon which the inheritance tax on life estates in real and personal property is due and making the act retroactive.

House File 412, an act relating to the reporting of stock transfers for inheritance tax purposes.

House File 2069, an act relating to the inspection of boilers and similar vessels by the Bureau of Labor.

House File 2132, an act relating to the period of limitations during which determination of income tax due can be made and refunds can be claimed.

Senate File 2151, an act relating to city finances by altering the composition and duties of the city finance committee and modifying the date on which property taxes become delinquent and when interest as a penalty may be charged.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber March 16, 1978. Had I been present I would have voted "aye" on House Files 2164 and 2223; "nay" on amendment H-5312 to House File 2164.

TOFTE of Winneshiek

Because I had a meeting of my constituents in my district the evening of Thursday, March 16, I left the House chambers late on Thursday afternoon and missed a couple of votes. Had I been present, I would have voted "aye" on House Files 2164, 2223 and amendment H-5312 to House File 2164.

CUSACK of Scott

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 16, 1978

Convened: 7:35 a.m.

Adjourned: 9:00 a.m.

Present: Brunow, chair; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hansen, Hines and Newhard.

Discussion of corrections.

COMMITTEE ON WAYS AND MEANS

Scheduled: 9:00 a.m., March 16, 1978

Convened: 9:21 a.m.

Adjourned: 10:31 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Branstad, Conlon, Daggett, Dieleman, Dunton, Gilloon, Harbor, Harvey, Howell, Junker, Lind, Menke, Oxley, Pavich, Schneklloth, Svoboda, Thompson, Wells and Wyckoff.

Absent: Brandt, Clark of Lee (arrived 9:32 a.m.), Cusack, Davitt, Egenes (arrived 9:36 a.m.), Hines, Horn (arrived 9:35 a.m.), Husak (arrived 9:25 a.m.), Jochum, O'Halloran, Rinas, Spencer (arrived 9:31 a.m.) and Varley (arrived 9:55 a.m.).

Excused: Den Herder.

Committee Bill (Formerly House File 2239 and House File 2183), a bill for an act to create a reassessment expense fund to provide loans to assessing jurisdictions which are ordered by the department of revenue to revalue property and making an appropriation therefor and relating to the duties of the department of revenue and owners of industrial property in valuing industrial property.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Branstad, Clark of Lee, Conlon, Daggett, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Junker, Lind, Menke, Oxley, Pavich, Schneklloth, Spencer, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Brandt, Cusack, Davitt, Den Herder, Hines, Jochum, O'Halloran, Rinas and Svoboda.

AMENDMENTS FILED

H-5698	H.F. 2212	Wyckoff of Benton
H-5701	H.F. 2338	Evans of Grundy
H-5703	S.F. 2163	Doyle of Woodbury
H-5706	H.F. 2326	Evans of Grundy
H-5707	H.F. 2324	Doyle of Woodbury
		Small of Johnson
		Chiodo of Polk
H-5708	H.F. 602	Miller of Buchanan
H-5712	S.F. 261	Svoboda of Iowa
		Howell of Floyd
H-5713	S.F. 261	Svoboda of Iowa
		Howell of Floyd
H-5714	S.F. 2163	Lind of Black Hawk
H-5715	S.F. 2163	Lind of Black Hawk
H-5716	H.F. 488	Spear of Lee

On motion by Fitzgerald of Webster the House adjourned at 5:22 p.m., until 1:00 p.m., Tuesday, March 21, 1978.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 21, 1978

The House met pursuant to adjournment, Speaker pro tempore Nielsen of Polk in the chair.

Prayer was offered by the Reverend William Temple, pastor of the First Baptist Church, Leon, Iowa.

The Journal of Monday, March 20, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Zittergruen, resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Oxley of Linn for a portion of the day on request of Schroeder of Pottawattamie; Danker of Pottawattamie on request of Pellett of Cass; Perkins of Greene for a portion of the day on request of Baker of Buena Vista.

PRESENTATION OF VISITORS

Stromer of Hancock presented to the House, foreign exchange student, Marijcke Yntema from Workum, Netherlands. Marijcke is a senior attending Garner-Hayfield Community High School, Garner, Iowa.

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

Thirty-six students from Maquoketa Junior High School, Maquoketa, Iowa, accompanied by Mrs. Welch and Mr. Sheridan. By Gilloon of Dubuque, Newhard of Jones and Shimanek of Jones.

Sixty-three 4-H members from Cedar county, accompanied by Varlyn Fink. By Hinkhouse of Cedar.

Forty members of the senior class from Twin Rivers High School, Bode, Iowa, accompanied by Mrs. Nancy Warren and Mr. Paul Aslesen. By Krause of Kossuth.

PETITION FILED

The following petition was received and placed on file:

By Wells of Linn, one thousand seven hundred sixteen signatures from the College of Dentistry, College of Nursing, College of Medicine, School of Recreation, University of Iowa, Maharishi International University and the University of Iowa community supporting House File 285 and Senate File 2022, relating to smoking in public places.

INTRODUCTION OF BILLS

House File 2350, by Junker, a bill for an act relating to the requirement that the state educational radio and television facility board televise at least five hours of the legislative activities each week over public television facilities.

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

House File 2351, by Clark of Cerro Gordo, Krewson, Hoffmann and Gentleman, a bill for an act to permit a terminally ill adult to direct the withholding of life-sustaining procedures and providing a penalty.

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

House File 2352, by committee on labor and industrial relations, a bill for an act authorizing group insurance, health or medical service for dependents of public employees.

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

House File 2353, by committee on transportation, a bill for an act relating to motor vehicle transportation regulation.

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

House File 2354, by committee on energy, a bill for an act relating to the implementation in Iowa of the initial regulatory program developed under the federal Surface Mining Control and Reclamation Act of 1977.

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

House File 2355, by Lipsky, a bill for an act relating to the purpose and method for paying legislators' salaries.

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

House File 2356, by committee on ways and means, a bill for an act relating to assessment procedures by providing duties for the department of revenue and owners of industrial property in valuing industrial property and creating a reassessment expense fund to provide loans to assessing jurisdictions for revaluing property and making an appropriation therefor.

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

House File 2357, by Schneklath, a bill for an act relating to the computation of income taxable for state tax purposes by allowing a partial deduction for rent paid for residential property, a partial deduction for rental income from residential property and the partial disallowance of a deduction for real property taxes paid on residential rental property.

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

House File 2358 by Avenson, a bill for an act relating to the imposition of a tax on sporting goods and recreational vehicles.

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

House File 2359, by committee on education, a bill for an act relating to reorganization procedures for school districts.

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

House File 2360, by committee on education, a bill for an act to provide for pilot programs for gifted and talented children.

Read first time and placed on the calendar.

House File 2361, by committee on education, a bill for an act relating to moneys available to school districts, providing for an additional enrichment amount, funds for unusual transportation problems and unique problems of school districts, changing the budget certification date for the site fund, altering the eligibility for one hundred twenty-five percent allowable growth, and prohibition of reduction of school budgets after their certification.

Read first time and placed on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2085, a bill for an act relating to determination of the salaries of deputy sheriffs.

Also: That the Senate has on March 16, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2173, a bill for an act providing for exemption certificates for exempt purchases under the sales tax law and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law.

Also: That the Senate has on March 16, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2185, a bill for an act providing that conciliation is waived if it is not applied for within forty-five days after the filing of a petition for dissolution of marriage.

STEVEN C. CROSS, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2068, a bill for an act relating to transfer of rights-of-way between the state and political subdivisions of the state.

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

Senate File 2157, a bill for an act relating to the administration of the Bankhead-Jones Farm Tenant Act.

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

Senate File 2180, a bill for an act to establish standards for the production and processing of cottage cheese dry curd, cottage cheese, and low fat cottage cheese.

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

Senate File 2181, a bill for an act providing for the destruction of certain court records.

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

HOUSE RESOLUTION 122

By Crabb

1 *Whereas*, The players and coaches of the 1977-78 Denison
2 Monarchs Basketball Team are now the most successful team
3 in the history of the Denison Community Schools, and
4 *Whereas*, these players and coaches have made every
5 sacrifice, have practiced every discipline and have in-
6 creased every skill to make this record, and
7 *Whereas*, this team and their coaches now have won
8 more than the Class II Championship of Iowa, and the team
9 with their cheerleaders and fans have won more than the
10 Sportsmanship Award — they have all won the respect of
11 the entire State of Iowa, not just for winning but for
12 demonstrating that high school athletes and their fans
13 can benefit from the aforementioned sacrifices and disci-
14 plines, *Now Therefore*,
15 *Be It Resolved by the House of Representatives*, that
16 this team, the coaches, school administrators and fans
17 be commended for this splendid example of sportsmanship
18 and accomplishment, and
19 *Be It Further Resolved*, that the players and their
20 families be hereby congratulated for proving again that
21 dedication and perseverance will be rewarded, and finally
22 that we hereby express our gratitude to the team for the
23 inspiration they have been to the Denison Community School
24 District and the residents thereof.

25 *Be It Further Resolved*, that a copy of this resolution
26 be forwarded to Denison Community High School, Denison,
27 Iowa.

Laid over under Rule 25.

HOUSE RESOLUTION 123

By Lind

1 *Whereas*, the Columbus High School of Waterloo
2 boys hockey team has won the Iowa Boys High School
3 hockey championship; and
4 *Whereas*, the Columbus High School of Waterloo
5 boys hockey team has displayed the utmost in spirit,
6 teamwork, and talent, *Now Therefore*,
7 *Be It Resolved by the House of Representatives*,
8 That the Sixty-seventh General Assembly, 1978 Session,
9 extends its heartiest congratulations to Columbus High
10 School of Waterloo, their coaches Brian Dutkowski
11 and Mark Maloney, cheerleaders, faculty and adminis-
12 tration, families and loyal fans who encouraged and
13 supported Columbus High School of Waterloo through
14 the regular season and during the tournament, and
15 *Be It Further Resolved*, That the members of the
16 Sixty-seventh General Assembly commend Columbus of
17 Waterloo for their splendid example of sportsman-
18 ship, fair play and athletic prowess which took
19 them to the highest place in Iowa boys high school
20 hockey, winning the Boys State Hockey Championship
21 and becoming Iowa's number one team, and
22 *Be It Further Resolved*, That a copy of this
23 resolution be sent to the Columbus High School of
24 Waterloo boys hockey team and the coaches.

Laid over under Rule 25.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

ADOPTION OF HOUSE RESOLUTION 114

Pursuant to House Rule 26, the Speaker announced that House Resolution 114 filed on March 7, 1978 and found on page 823 of the House Journal was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 115

Pursuant to House Rule 26, the Speaker announced that House Resolution 115 filed on March 7, 1978 and found on pages 823 and 824 of the House Journal was adopted by unanimous consent.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to take up out of order House File 557.

CONSIDERATION OF BILLS
Budget Calendar

House File 557, a bill for an act relating to a community development program and making an appropriation, with report of committee recommending amendment and passage was taken up for consideration.

Bina of Scott offered amendment H-5542 filed by the committee on cities on March 7, 1978 and found on pages 847 and 848 of the House Journal.

Division of amendment H-5542 was requested as follows: Lines 36, 37 and 38 to be amendment H-5542B; the remainder of the amendment to be amendment H-5542A.

Dunton of Keokuk offered the following amendment H-5717, to the committee amendment H-5542A, filed by him and Hoffmann of Muscatine from the floor and moved its adoption:

H-5717

- 1 Amend amendment H-5542, to House File 557, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "citizen" the words "from a city qualifying pursuant
- 5 to section three (3) of this Act".

Amendment H-5717 was adopted.

On motion by Bina of Scott, the committee amendment H-5542A, as amended, was adopted.

Bina of Scott moved the adoption of amendment H—5542B.

Roll call was requested by Horn of Linn and Woods of Polk.

Rule 70 was invoked.

On the question "Shall the committee amendment H—5542B be adopted?"

The ayes were, 43:

Arnould	Bina	Binneboese	Branstad
Clark, B.J.	Conlon	Crabb	Cusack
Davitt	Dieleman	Doyle	Dunton
Dyrland	Garrison	Gentleman	Halvorson
Harbor	Harvey	Hinkhouse	Hoffmann
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lind	Lonerger
Menke	Middleswart	Millen	Miller (Sergeant)
Pavich	Pellett	Pelton	Scheelhaase
Schroeder	Stephens	Svoboda	Thompson
Tofte	Walter	Wyckoff	

The nays were, 46:

Anderson	Avenson	Baker	Bennett
Brandt	Brockett	Brunow	Byerly
Chiodo	Cochran	Crawford	Daggett
Egenes	Evans	Fitzgerald	Gettings
Gilson	Griffie	Hansen	Hargrave
Hines	Horn	Howell	Lageschulte
Lindeen	Miller, K.D.	Monroe	Newhard
O'Halloran	Patchett	Poncy	Rinas
Schnekloth	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Tauke
Varley	Welden	Wells	West
Woods	Mr. Speaker (Nielsen)		

Absent or not voting, 11:

Clark, J.H.	Connors	Danker	Den Herder
Gilloon	Hullinger	Jesse	Lipsky
Norland	Oxley	Perkins	

Amendment H—5542B lost.

Bina of Scott offered the following amendment H—5566 filed by him and moved its adoption:

H-5566

- 1 Amend House File 557 as follows:
- 2 1. Page 1, lines 15 and 16, by striking the words
- 3 "designated by the governor" and inserting in lieu
- 4 thereof the words "elected by the members every two
- 5 years to serve".
- 6 2. Page 2, line 27, by striking the word "is"
- 7 and inserting in lieu thereof the word "are".
- 8 3. Page 2, lines 28 and 29, by striking the words
- 9 "in the development of the needs" and inserting in
- 10 lieu thereof the words "of the development needs".

Amendment H-5566 was adopted.

Krewson of Polk asked and received unanimous consent to withdraw amendment H-4118 filed by him on May 11, 1977.

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

On the question "Shall the bill pass?" (H.F. 557)

The ayes were, 88:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	O'Halloran	Patchett	Pavich
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, 2:

Brandt Schroeder

Absent or not voting, 10:

Clark, J.H.	Connors	Danker	Den Herder
Jesse	Lipsky	Norland	Oxley
Perkins	Welden		

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

IMMEDIATE MESSAGE (House File 2283)

Krause of Kossuth asked and received unanimous consent that House File 2283 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bina of Scott for a portion of the afternoon on request of Cusack of Scott.

BUDGET CALENDAR

House File 2298, a bill for an act appropriating funds for an ethanol production pilot project to be conducted at the Iowa state university of science and technology, with report of committee recommending passage was taken up for consideration.

Harbor of Mills offered the following amendment H-5719 filed by him from the floor:

H-5719

- 1 Amend House File 2298 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 "Sec. . NEW SECTION. IOWA GRAIN ETHANOL ALCOHOL
- 5 FUEL PROGRAM.
- 6 1. There is established an Iowa grain ethanol
- 7 alcohol fuel program within the Iowa development
- 8 commission. The purpose of the program shall be to
- 9 provide an alternative source of motor fuel, create

10 a greater demand for grain products and other
11 carbohydrate residue, and to further utilize and
12 promote the use of products made in Iowa which are
13 related to agriculture in order to enhance the economy
14 of the state.

15 2. The purposes of the Iowa fuel program include
16 but are not limited to the following:

17 a. To establish relations and cooperate with
18 private industry as necessary for the manufacture
19 and marketing of ethanol alcohol blended fuels derived
20 from agricultural products.

21 b. To encourage a procedure for the introduction
22 of alcohol blended fuel into the market place.

23 c. To analyze and research the testing of marketing
24 procedures to assure acceptance of ethanol alcohol
25 blended fuels and other by-products.

26 d. To cooperate with private industry when
27 practical and feasible to encourage the construction
28 and operation of privately-owned grain ethanol alcohol
29 manufacturing plants in the state of Iowa.

30 3. In addition to the purpose stated in this
31 section, it shall be the policy of the Iowa grain
32 ethanol alcohol fuel program and the duty of the Iowa
33 development commission in accordance with chapter
34 twenty-eight E (28E) of the Code, to consult and
35 contract with private or public business or agencies
36 which are engaged in the manufacture and processing
37 of alcohol or ethanol alcohol blended products, and
38 to encourage agencies and businesses contracting and
39 cooperating with the state pursuant to this Act, to
40 utilize the use of agricultural products grown in
41 Iowa and other by-products made in Iowa.

42 Sec. . NEW SECTION. GRAIN ETHANOL ALCOHOL
43 FUEL COMMITTEE.

44 1. There is established within the Iowa development
45 commission a grain ethanol alcohol fuel committee
46 for the purpose of establishing policy for and
47 administering the grain alcohol fuel program.

48 The commission shall appoint a committee of seven
49 to serve as members of the Iowa grain alcohol fuel
50 committee. The committee shall include two members

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1 whose major source of income is derived from grain
2 farming, one whose major source of income is derived
3 from the feeding and sale of livestock and one member
4 who is engaged in general farming. The committee
5 shall also have one member actively engaged in the
6 petroleum industry and two members shall be actively
7 engaged in agri-business in this state.

8 2. The grain ethanol alcohol fuel committee may
 9 meet as necessary to administer the grain ethanol
 10 alcohol fuel program, but shall meet at least twice
 11 annually, and report to the commission regarding the
 12 Iowa grain ethanol alcohol fuel program. Members
 13 appointed to serve on a grain ethanol alcohol fuel
 14 committee shall be compensated at the rate of forty
 15 dollars for each day of actual committee duty, and
 16 shall be reimbursed for actual expenses reasonably
 17 incurred in the performance of official committee
 18 duties.

19 3. Salaries, per diem, and expenses incurred in
 20 the performance of official duties of the committee
 21 or its members shall be paid from funds appropriated
 22 to the Iowa development commission by the general
 23 assembly.

24 4. The Iowa development commission shall submit
 25 to the general assembly in January of each year,
 26 commencing in January of 1979, a summary of the
 27 activities of the commission."

28 2. Amend the title, line 3, by inserting after
 29 the word "technology" the words "and establishing
 30 an Iowa grain ethanol fuel program within the Iowa
 31 development commission".

Harbor of Mills asked and received unanimous consent to withdraw amendment H—5719.

Lipsky of Linn asked for unanimous consent to amend House File 2298, page 1, by striking on line 23 the words "the committees on energy of".

Objection was raised.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2298)

The ayes were, 83:

Arnould	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Clark, B.J.	Cochran
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings

Gilloon	Gilson	Griffiee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	O'Halloran	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schneklath	Shimanek
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 1:

Schroeder

Absent or not voting, 16:

Anderson	Bina	Chiodo	Clark, J.H.
Connors	Danker	Den Herder	Hoffmann
Jesse	Krewson	Norland	Oxley
Perkins	Smalley	Walter	West

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

SENATE AMENDMENT CONSIDERED

Monroe of Des Moines called up for consideration **House File 2033**, a bill for an act relating to obsolete or inconsistent provisions of the Code, amended by the Senate amendment H—5403 as found on page 586 of the House Journal and moved that the House concur in Senate amendment H—5403.

The motion prevailed and the House concurred in the Senate amendment H—5403.

Lipsky of Linn moved to reconsider the vote by which amendment H—5052 failed to be adopted by the House on January 23, 1978.

Monroe of Des Moines rose on a point of order that the motion was not in order.

The Speaker ruled the point well taken and the motion to reconsider not in order, in accordance with Joint Rule 11.

Monroe of Des Moines moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2033)

The ayes were, 85:

Arnould	Avenson	Baker	Bennett
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	O'Halloran	Patchett
Pavich	Pellet	Pelton	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Weiden	Wells	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, none.

Absent or not voting, 15:

Anderson	Bina	Clark, J.H.	Cochran
Connors	Danker	Den Herder	Hoffmann
Jesse	Krewson	Norland	Oxley
Perkins	Walter	West	

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

REGULAR CALENDAR

Senate File 244, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code, with report of committee recommending amendment and passage was taken up for consideration.

Harvey of Scott offered amendment H—5499 filed by the committee on state government on March 2, 1978 and found on pages 781 through 786 of the House Journal.

Patchett of Johnson offered the following amendment H—5661, to the committee amendment H—5499, filed by him:

H—5661

1 Amend the Committee on State Government amend-
2 ment, H—5499, to Senate File 244 as amended, passed
3 and reprinted by the Senate as follows:
4 1. Page 1, by striking lines 10 through 12 and
5 inserting in lieu thereof the following:
6 "11. To consult with the Code editor establish
7 policies with regard to the".
8 2. Page 1, by inserting after line 25 the follow-
9 ing:
10 "Sec. . Section two point fifty-eight (2.58),
11 Code 1977, is amended to read as follows:
12 2.58 SERVICE BUREAU. There is hereby created
13 a legislative service bureau which shall operate under
14 the direction and control of the legislative council.
15 The administrative head of the legislative service
16 bureau shall be the director of the bureau. The
17 bureau shall cooperate with and serve all members
18 of the general assembly, the legislative council,
19 and committees of the general assembly. It shall
20 upon proper request of members and committees of the
21 general assembly prepare research reports upon any
22 governmental matter. Such research reports and the
23 findings therein shall not contain any recommendations.
24 The bureau shall assist and serve any standing or
25 interim committee of the general assembly upon request,
26 approved by the legislative council. The bureau shall
27 draft and prepare bills for committees and individual
28 members of the general assembly. Research and bill
29 drafting requests made between sessions shall be in
30 the manner provided for by the legislative council.
31 The bureau shall be responsible for the editing and
32 publication of the Code of Iowa and the Acts of the
33 general assembly. The legislative council shall have

34 the sole power and duty to allocate the work load
 35 of the bureau but may delegate such duty to the
 36 legislative service bureau director.
 37 Sec. . Section two point fifty-nine (2.59),
 38 Code 1977, is amended by adding the following new
 39 subsection:
 40 NEW SUBSECTION. To employ a Code editor, subject
 41 to the approval of the legislative council, who shall
 42 be in charge of the Code editing functions of the
 43 bureau."
 44 3. Page 1, by striking lines 43 through 45 and
 45 inserting in lieu thereof the following:
 46 "14.1 CODE EDITOR. The Code editor shall be
 47 appointed by the director of the legislative service
 48 bureau with the approval of the legislative council.
 49 The office of the Code editor shall be a division
 50 of the legislative service bureau and shall be subject

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1 to the supervision of the director of the legislative
 2 service bureau."
 3 4. Page 3, lines 8 and 9, by striking the words
 4 "in consultation with the legislative service bureau".
 5 5. By renumbering the sections to conform with
 6 this amendment.

Speaker Cochran in the chair at 3:26 p.m.

Patchett of Johnson moved the adoption of amendment
 H—5661, to the committee amendment H—5499.

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

On the question "Shall amendment H—5661 be adopted?"

The ayes were, 20:

Arnould	Dieleman	Dyrland	Egenes
Fitzgerald	Garrison	Gettings	Gilloon
Hines	Koogler	Krause	Lipsky
Miller, K.D.	Miller (Sergeant)	Newhard	Patchett
Pavich	Small	Thompson	Wyckoff

The nays were, 68:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo

Clark, B.J.	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Doyle
Dunton	Evans	Gentleman	Gilson
Griffie	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Monroe	Nielsen	O'Halloran
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Smalley	Spear	Spencer	Stephens
Stromer	Tauke	Tofte	Varley
Welden	Wells	Woods	Mr. Speaker

Absent or not voting, 12:

Clark, J.H.	Connors	Danker	Den Herder
Jesse	Krewson	Norland	Oxley
Perkins	Svoboda	Walter	West

Amendment H—5661 lost.

Monroe of Des Moines offered the following amendment H—5657, to the committee amendment H—5499, filed by him and Harvey of Scott and moved its adoption:

H—5657

- 1 Amend H—5499 amending Senate File 244 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "the" the words "Iowa administrative code and bulletin,
- 5 the".
- 6 2. Page 1, line 47, by striking the figure "(6)."
- 7 and inserting in lieu thereof the following: "(6)
- 8 and inserting in lieu thereof the following:
- 9 "6. Notify the administrative rules coordinator
- 10 that a rule is not in proper style or form." "
- 11 3. Page 2, line 21, by inserting after the figure
- 12 "(1)," the words and figure "and subsection one (1), "
- 13 4. Page 2, line 25, by inserting after the word "code"
- 14 the words "and bulletin".
- 15 5. Page 2, by inserting after line 25 the
- 16 following:
- 17 "1. Correct ~~therein~~ all misspelled words in the
- 18 original enrollments and filed rules."
- 19 6. Page 3, line 45, by striking the word "Code"
- 20 and inserting in lieu thereof the words "Code
- 21 Bulletin".
- 22 7. Page 5, line 8, by striking the words

- 23 "supplement to" and inserting in lieu thereof the
 24 words "supplement to issue of".
- 25 8. Page 5, lines 8 and 9, by striking the words
 26 " "Iowa Administrative Code" " and inserting in lieu
 27 thereof the words " "Iowa Administrative Code" Iowa
 28 administrative bulletin and in the Iowa administrative
 29 code when that rule is printed in it".
- 30 9. Page 5, line 19, by striking the word "file"
 31 and inserting in lieu thereof the word "file".
- 32 10. Page 5, line 20, by striking the word "with"
 33 and inserting in lieu thereof the words "forward to".
- 34 11. Page 5, lines 22 and 23, by striking the words
 35 "forwarded to the Code editor" and inserting in lieu
 36 thereof the words "forwarded to filed with the Code
 37 editor by the administrative rules coordinator".
- 38 12. Page 6, line 8, by inserting after the word
 39 "code" the words ", its supplements, and the Iowa
 40 administrative bulletin".

Amendment H—5657 was adopted.

Harvey of Scott offered the following amendment H—5718, to the committee amendment H—5499, filed by him and Monroe of Des Moines from the floor and moved its adoption:

H—5718

- 1 Amend H—5499 to Senate File 244 as amended, passed
 2 and reprinted by the Senate as follows:
- 3 1. Page 5, by inserting after line 15 the follow-
 4 ing:
- 5 "Sec. . Section seventeen A point four (17A.4),
 6 Code 1977, is amended by adding the following new
 7 subsection:
- 8 NEW SUBSECTION. The governor may rescind an adopted
 9 rule by executive order within thirty-five days of
 10 the publication of the rule. The governor shall
 11 provide a copy of the executive order to the Code
 12 editor who shall include it in the next publication
 13 of the Iowa administrative bulletin."
- 14 2. By renumbering the sections to conform with
 15 this amendment.

A non-record roll call was requested.

The ayes were 58, nays 5.

Amendment H—5718 was adopted.

On motion by Harvey of Scott, the committee amendment H—5499, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 244)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Giloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Poncy	Rinas	Scheelhaase	Schneklough
Schroeder	Shimanek	Small	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none:

Absent or not voting, 11:

Chiodo	Clark, J.H.	Connors	Danker
Den Herder	Jesse	Norland	Perkins
Smalley	Stromer	Svoboda	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago for the remainder of the day on request of Clark of Cerro Gordo.

BUDGET CALENDAR

House File 2289, a bill for an act transferring the responsibilities to administer the interstate fuel use tax law from the department of revenue to the state department of transportation, was taken up for consideration.

Rinas of Linn offered the following amendment H—5596 filed by him and moved its adoption:

H—5596

- 1 Amend House File 2289 as follows:
- 2 1. Page 4, by striking lines 18 through 22
- 3 and inserting in lieu thereof the following:
- 4 "or evidence of the permit required in this section.
- 5 A visible sign of a compliance with this section
- 6 may at the discretion of the director of revenue
- 7 be attached to the outside of a commercial motor
- 8 vehicle. A fee not to exceed fifty cents shall be".

Amendment H—5596 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2289)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell

Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Newhard
Nielsen	Oxley	Patchett	Pavich
Pellett	Pelton	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 3:

Dieleman	Krause	Monroe
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Absent or not voting, 12:

Branstad	Chiodo	Clark, J.H.	Connors
Danker	Den Herder	Jesse	Miller (Sergeant)
Norland	O'Halloran	Perkins	Small

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

ADOPTION OF HOUSE MEMORIAL RESOLUTION 104

Poncy of Wapello offered the following House Memorial Resolution 104 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 104

Whereas, The Honorable Edna C. Lawrence of Wapello County, who was a member of the Fifty-second, Fifty-second special and the Fifty-third sessions of the General Assembly, passed away on March 1, 1978; *Now Therefore*,

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

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to take up out of order House File 396.

SENATE AMENDMENT CONSIDERED

Horn of Linn called up for consideration **House File 396**, a bill for an act relating to conflict of interest for city civil service commissioners and providing a penalty, amended by the Senate amendment H—5642 found on page 972 of the House Journal and moved that the House concur in the Senate amendment H—5642.

The motion prevailed and the House concurred in the Senate amendment H—5642.

Horn of Linn moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 396)

The ayes were, 82:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Miller, K.D.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Poncy
Scheelhaase	Schneklath	Shimaneck	Small
Smalley	Spear	Spencer	Stephens
Svoboda	Tauke	Thompson	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 6:

Conlon	Harvey	Schroeder	Stromer
Tofte	Welden		

Absent or not voting, 12:

Branstad	Clark, J.H.	Connors	Danker
Den Herder	Jesse	Krause	Millen
Miller (Sergeant)	Norland	Perkins	Rinas

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

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Iowa for the evening session on request of Small of Johnson; Connors of Polk for the remainder of the day, March 22 and March 23 on request of Anderson of Jasper; Brockett of Marshall on request of West of Marshall; Perkins of Greene for the evening session on request of Baker of Buena Vista.

QUORUM CALL

Roll call was requested by Garrison of Black Hawk and Schroeder of Pottawattamie to determine that a quorum was present. Rules 69 and 70 were invoked.

Present: 77

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brunow
Clark, B.J.	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Patchett	Pavich	Pellett
Pelton	Scheelhaase	Schnekloth	Schroeder

Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Wyckoff
Mr. Speaker			

Absent: 23

Brandt	Branstad	Brockett	Byerly
Chiodo	Clark, J.H.	Connors	Danker
Den Herder	Egenes	Hargrave	Harvey
Hines	Jesse	Nielsen	Norland
O'Halloran	Oxley	Perkins	Poncy
Rinas	Svoboda	Woods	

UNFINISHED BUSINESS

The House resumed consideration of **Senate File 336**, a bill for an act relating to the imposition of a hotel and motel tax by a city or county, and amendment H—5426, as amended.

Lipsky of Linn offered the following amendment H—5588, to amendment H—5426, filed by her:

H—5588

- 1 Amend amendment H—5426 to Senate File 336 as passed
- 2 by the Senate and reprinted, as follows:
- 3 1. Page 1, line 6, by striking the word "The".
- 4 2. Page 1, by striking all of lines 7 and 8.

CALL OF THE HOUSE (Senate File 336)

Pursuant to Rule 73, the following members respectfully request a Call of the House on Senate File 336 and all motions and amendments filed thereto.

VARLEY of Adair
MILLEN of Van Buren
STROMER of Hancock
HARBOR of Mills
SCHROEDER of Pottawattamie

A non-record roll call was requested to determine those members present.

The vote revealed ninety members present, ten members previously excused.

The House resumed consideration of Senate File 336 and amendment H—5588, to amendment H—5426.

Lipsky of Linn moved the adoption of amendment H—5588, to amendment H—5426.

A non-record roll call was requested.

The ayes were 31, nays 43.

Amendment H—5588 lost.

Bina of Scott asked for unanimous consent to suspend the rules on the previous question for the consideration of an amendment to amendment H—5426.

Objection was raised.

Bina of Scott moved that the rules on the previous question be suspended for the consideration of an amendment to amendment H—5426.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 35, nays 55.

The motion lost.

MOTION FAILS TO LIFT CALL OF HOUSE

Millen of Van Buren moved that further proceedings under the call be dispensed with.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 38, nays 52.

The motion lost.

The House resumed consideration of amendment H—5426, as amended, to Senate File 336.

Bina of Scott moved the adoption of amendment H—5426, as amended.

Roll call was requested by Bina of Scott and Junker of Woodbury.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5426, as amended, be adopted?"

The ayes were, 51:

Arnould	Baker	Bennett	Bina
Binneboese	Byerly	Chiodo	Conlon
Crabb	Cusack	Daggett	Dieleman
Doyle	Dunton	Evans	Garrison
Gilson	Halvorson	Hansen	Harbor
Harvey	Hullinger	Husak	Junker
Koogler	Krause	Lageschulte	Lindeen
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Nielsen	O'Halloran
Oxley	Pavich	Pelton	Poncy
Scheelhaase	Schneklloth	Schroeder	Spencer
Stephens	Stromer	Varley	Walter
Woods	Wyckoff	Mr. Speaker	

The nays were, 39:

Anderson	Avenson	Brandt	Brunow
Clark, B.J.	Crawford	Davitt	Dyrland
Egenes	Fitzgerald	Gentleman	Gettings
Gilloon	Griffie	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Jochum	Krewson	Lind	Lipsky
Monroe	Newhard	Patchett	Pellett
Rinas	Shimanek	Small	Smalley
Spear	Tauke	Thompson	Tofte
Welden	Wells	West	

Absent or not voting, 10:

Branstad	Brockett	Clark, J.H.	Connors
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Danker
Perkins

Den Herder
Svoboda

Jesse

Norland

Amendment H—5426, as amended, was adopted.

Schneklath of Scott called up for consideration the motion to reconsider amendment H—5436A filed by him on March 8, 1978 and moved to reconsider the vote by which the committee amendment H—5436A failed to be adopted by the House on March 7, 1978.

A non-record roll call was requested.

Rules 69 and 70 were invoked.

The ayes were 46, nays 44.

The motion prevailed and the House reconsidered amendment H—5436A.

Stromer of Hancock called up for consideration the motion to reconsider amendment H—5479, to amendment H—5436A, filed by him on March 8, 1978 and asked for unanimous consent that the motion to reconsider be withdrawn.

Objection was raised.

Stromer of Hancock moved to reconsider the vote by which amendment H—5479, to amendment H—5436A, failed to be adopted by the House on March 7, 1978.

A non-record roll call was requested.

The ayes were 25, nays 58.

The motion lost.

Husak of Tama moved to table amendment H—5436A to Senate File 336.

Roll call was requested by Husak of Tama and Crabb of Crawford.

On the question "Shall the motion to table prevail?"

The ayes were, 36:

Arnould	Baker	Bennett	Bina
Crabb	Cusack	Davitt	Dunton
Garrison	Gilson	Griffee	Halvorson
Hansen	Harbor	Harvey	Hinkhouse
Horn	Hullinger	Husak	Koogler
Krause	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
O'Halloran	Pavich	Spencer	Stephens
Walter	Welden	Wyckoff	Mr. Speaker

The nays were, 53:

Anderson	Avenson	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crawford	Daggett	Dieleman
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gettings	Gilloon
Hargrave	Hines	Hoffmann	Howell
Jochum	Junker	Krewson	Lageschulte
Lind	Lipsky	Monroe	Newhard
Nielsen	Patchett	Pellett	Pelton
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Tauke	Thompson
Tofte	Varley	Wells	West
Woods			

Absent or not voting, 11:

Branstad	Brockett	Clark, J.H.	Connors
Danker	Den Herder	Jesse	Norland
Oxley	Perkins	Svoboda	

The motion lost.

Gilloon of Dubuque moved the adoption of the committee amendment H—5436A.

A non-record roll call was requested.

The ayes were 28, nays 55.

Amendment H—5436A lost.

Wyckoff of Benton moved that the rules on the previous question be suspended to consider an amendment.

A non-record roll call was requested.

The ayes were 27, nays 49.

The motion lost.

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

Rules 69 and 70 were invoked.

On the question "Shall the bill pass?" (S.F. 336)

The ayes were, 43:

Anderson	Avenson	Brandt	Brunow
Chiodo	Clark, B.J.	Conlon	Crawford
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Hargrave	Hines	Hoffmann
Howell	Jochum	Junker	Krause
Krewson	Lind	Lipsky	Newhard
Nielsen	Pelton	Poncy	Rinas
Schnekloth	Shimanek	Small	Smalley
Spear	Tauke	Thompson	Varley
Wells	West	Woods	

The nays were, 47:

Arnould	Baker	Bennett	Bina
Binneboese	Byerly	Crabb	Cusack
Daggett	Davitt	Dieleman	Dunton
Gilson	Griffie	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Horn
Hullinger	Husak	Koogler	Lageschulte
Lindeen	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
O'Halloran	Oxley	Patchett	Pavich
Pellett	Scheelhaase	Schroeder	Spencer
Stephens	Stromer	Tofte	Walter
Welden	Wyckoff	Mr. Speaker	

Absent or not voting, 10:

Branstad	Brockett	Clark, J.H.	Connors
Danker	Den Herder	Jesse	Norland
Perkins	Svoboda		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

MOTIONS TO RECONSIDER
(Senate File 336)

I move to reconsider the vote by which Senate File 336 failed to pass the House on March 21, 1978.

HARVEY of Scott

(Senate File 336)

I move to reconsider the vote by which Senate File 336 failed to pass the House on March 21, 1978.

PATCHETT of Johnson

(Senate File 336)

I move to reconsider the vote by which Senate File 336 failed to pass the House on March 21, 1978.

BYERLY of Polk

(Senate File 336)

I move to reconsider the vote by which Senate File 336 failed to pass the House on March 21, 1978.

BINA of Scott

(Senate File 336)

I move to reconsider the vote by which Senate File 336 failed to pass the House on March 21, 1978.

KOGLER of Mahaska

(House File 2329)

I move to reconsider the vote by which House File 2329 passed the House on March 20, 1978.

WYCKOFF of Benton

UNANIMOUS CONSENT CALENDAR
(House Resolution 110)

We hereby respectfully request that House Resolution 110, filed on February 27, 1978 and found on page 645 of the House Journal, be placed on the unanimous consent calendar.

GILSON of Guthrie
HINKHOUSE of Cedar
SPEAR of Lee

(House Resolution 111)

We hereby respectfully request that House Resolution 111, filed on February 27, 1978 and found on page 646 of the House Journal, be placed on the unanimous consent calendar.

GILSON of Guthrie
HINKHOUSE of Cedar
SPEAR of Lee

(House Resolution 120)

We hereby respectfully request that House Resolution 120, filed on March 16, 1978 and found on page 1048 of the House Journal, be placed on the unanimous consent calendar.

DIELEMAN of Marion
HUSAK of Tama
ANDERSON of Jasper

(House Resolution 121)

We hereby respectfully request that House Resolution 121, filed on March 20, 1978 and found on page 1080 of the House Journal, be placed on the unanimous consent calendar.

HANSEN of O'Brien
SPENCER of Clay
MILLER (SERGEANT) of Calhoun

SPONSOR ADDED
(House Resolution 121)

Spencer of Clay and Miller (Sergeant) of Calhoun requested to be added as sponsors of House Resolution 121.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 454 Transportation

To provide for the safety and comfort of bus passengers; to provide for the security of bus terminals; to prohibit disorderly conduct aboard buses; to authorize the removal of disorderly or intoxicated passengers from buses and terminals; to prohibit the possession of explosives or deadly weapons in terminals or on buses; to authorize enforcement provisions of this act by bus company personnel; to provide penalties for violations of this act; and for related purposes.

S.B. 455 Transportation

Relating to the owner or operator of an aircraft not being liable for any damages to any passenger or person riding in the aircraft as a guest or by invitation and not for hire unless damage is caused as a result of the operator of the aircraft being under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any combination of such substances, or because of the reckless operation by the operator of the aircraft.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON HOUSE ADMINISTRATION

Scheduled: 1:00 p.m., March 20, 1978

Convened: 1:10 p.m.

Adjourned: 1:55 p.m.

Present: Wells, chair; Bina, Connors, Daggett, Doyle, Griffee and Millen.

Absent: None.

Excused: Den Herder and Perkins.

Discussion of parking problems and Majority Administrative Assistant.

AMENDMENTS FILED

H-5720	H.F. 82	Doyle of Woodbury Monroe of Des Moines O'Halloran of Black Hawk Howell of Floyd Evans of Grundy
H-5722	S.F. 2180	Schroeder of Pottawattamie
H-5723	S.F. 2087	Patchett of Johnson
H-5726	H.F. 2212	Middleswart of Warren Welden of Hardin
H-5727	H.F. 2212	Evans of Grundy
H-5728	H.F. 2212	Evans of Grundy
H-5729	H.F. 602	Welden of Hardin
H-5730	H.F. 2324	Smalley of Polk Gilson of Guthrie

On motion by Fitzgerald of Webster, the House adjourned at 10:02 p.m., until 9:00 a.m., Wednesday, March 22, 1978.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day – Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 22, 1978

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

Prayer was offered by the Reverend Paul Akin, pastor of the St. Luke United Methodist Church, Newton, Iowa.

The Journal of Tuesday, March 21, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Eugene Ritter, Centerville, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varley of Adair for the morning session on request of Harbor of Mills; Danker of Pottawattamie for March 22 and 23 on request of Pellett of Cass; Brockett of Marshall for the morning session on request of Evans of Grundy; Arnould of Scott for a portion of the morning session on request of Cusack of Scott.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on March 15, 1978, rejected the conference committee report on Senate File 137, a bill for an act relating to the establishment and operation of an agency for the regulation of credit unions, and providing penalties, and that the members of the second conference committee, on the part of the Senate, appointed March 21, 1978, are: The Senator from Pottawattamie, Senator Slater, Chair; the Senator from Scott, Senator Ashcraft; the Senator from Dubuque, Senator Carr; the Senator from Lee, Senator Junkins; and the Senator from Clinton, Senator Shaff.

Also: That the Senate has on March 20, 1978, amended and adopted the following joint resolution in which concurrence of the Senate was asked:

House Joint Resolution 12, proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights of men and women under the law shall not be denied or restricted by the state or by any of its political subdivisions.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE JOINT RESOLUTION 12

H-5736

1 Amend House Joint Resolution 12 as amended, passed
2 and reprinted by the House as follows:

3 1. Page 1, by inserting after line 13 the follow-
4 ing new section:

5 "Sec. . It is declared to be the intent of the
6 general assembly in agreeing to the foregoing proposed
7 amendment to the Constitution of the State of Iowa
8 that a classification on the basis of gender shall not
9 be held to deny or restrict equality of rights if it
10 can be established that such classification is necessary
11 to accomplish a compelling state interest."

12 2. By renumbering the remaining sections to
13 conform with this amendment.

HOUSE RESOLUTION 124
By Small and Hargrave

1 *Whereas*, the Runnin' Regals of Regina High School of
2 Iowa City, Iowa have won the high school boys Class 1-A
3 state basketball championship; and

4 *Whereas*, the Runnin' Regals, ranked No. 1 all season,
5 compiled a record of 25 wins without a defeat, a record
6 which is very rare considering the high degree of basket-
7 ball skill of modern high school students; and

8 *Whereas*, during the regular season and throughout the
9 post-season playoffs and tournament the Runnin' Regals
10 and their coach, Bob Norton and his assistants, while
11 compiling the enviable record of not having suffered a
12 defeat displayed a high degree of sportsmanship and
13 respect towards the teams with whom they competed; *Now*
14 *Therefore*,

15 *Be It Resolved by the House of Representatives*, That
16 the Runnin' Regals of Regina High School of Iowa City,
17 Iowa and their coach Bob Norton and his assistant coaches
18 be congratulated for the team's excellence and outstand-
19 ing record in winning the high school boys Class 1-A state
20 basketball championship; and

21 *Be It Further Resolved*, That the students and fans
22 representing Regina High School be recognized for the

- 23 sportsmanship which they displayed; and
24 *Be It Further Resolved*, That a copy of this resolution
25 be forwarded to Coach Bob Norton and the Runnin' Regals
26 of Regina High School of Iowa City, Iowa.

Laid over under Rule 25.

SENATE MESSAGES CONSIDERED

Senate File 2085, a bill for an act relating to the determination of the salaries of deputy sheriffs.

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

Senate File 2173, a bill for an act providing for exemption certificates for exempt purchases under the sales tax law and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law.

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

Senate File 2185, a bill for an act providing that conciliation is waived if it is not applied for within forty-five days after the filing of a petition for dissolution of marriage.

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

SENATE AMENDMENT CONSIDERED

Doyle of Woodbury called up for consideration **House File 299**, a bill for an act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search, amended by Senate amendment H—5641 found on page 972 of the House Journal and moved that the House concur in Senate amendment H—5641.

The motion prevailed and the House concurred in the Senate amendment H—5641.

Doyle of Woodbury moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 299)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Byerly
Chiodo	Clark, B.J.	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Nielsen	Norland	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	Wells	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 23:

Arnould	Branstad	Brockett	Brunow
Clark, J.H.	Connors	Danker	Den Herder
Egenes	Gilloon	Hargrave	Harvey
Jesse	Monroe	Newhard	O'Halloran
Patchett	Rinas	Svoboda	Varley
Walter	West	Woods	

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

REGULAR CALENDAR

The House resumed consideration of **House File 602**, a bill for an act to amend the Iowa housing finance authority relating to the eligibility of applicants, property improvement loans, lease-purchase agreements, homesteading, and a loan and grant fund and amendment H-5687, to the committee amendment H-5420E.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5687.

Cusack of Scott asked and received unanimous consent to suspend Rule 20 and that Mr. Ralph Gross of the Iowa Housing Authority be permitted in the House chamber during the consideration of House File 602.

On motion by Cusack of Scott, the committee amendment H—5420E was adopted.

Miller of Buchanan offered the following amendment H—5708 filed by him and moved its adoption:

H—5708

- 1 Amend House File 602 as follows:
- 2 1. Page 1, line 2, by inserting after the word "a,"
- 3 the words "and subsection eleven (11), paragraph a".
- 4 2. Page 1, by inserting after line 8 the following:
- 5 "11. a. "Housing" means single family and multifamily
- 6 dwellings, and facilities incidental or appurtenant to
- 7 the dwellings, and includes noninstitutional residential
- 8 care facilities and shall also include a modular or
- 9 mobile home which is permanently affixed to a foundation
- 10 and is assessed as realty."

Amendment H—5708 was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5579 filed by him on March 7, 1978.

Welden of Hardin offered the following amendment H—5729 filed by him and moved its adoption:

H—5729

- 1 Amend House File 602 as follows:
- 2 1. Page 11 by adding after line 14 the follow-
- 3 ing:
- 4 "Sec. . Section two hundred twenty point
- 5 twenty-seven (220.27), Code 1977, is amended by add-
- 6 ing the following new subsection:
- 7 **NEW SUBSECTION.** The authority shall cause to be
- 8 delivered to the legislative fiscal committee within
- 9 ninety (90) days of the close of its fiscal year its
- 10 annual report certified by an independent certified

11 public accountant (who may be the accountant or a mem-
 12 ber of the firm of accountants who regularly audits
 13 the books and accounts of the authority) selected by
 14 the authority. In the event that the principal amount
 15 of any bonds or notes deposited in a bond reserve fund
 16 is withdrawn for payment of principal or interest
 17 thereby reducing the amount of that fund to less than
 18 the bond reserve fund requirement, the authority shall
 19 immediately notify the general assembly of this event
 20 and shall thereafter take steps to restore such bond
 21 reserve to the bond reserve fund requirement for that
 22 fund from any amounts available, other than principal
 23 of a bond issue, which are not pledged to the payment
 24 of other bonds or notes."

Amendment H-5729 was adopted.

Schroeder of Pottawattamie called up for consideration his motion to reconsider amendment H-5688A filed by him on March 16, 1978, and moved to reconsider the vote by which amendment H-5688A was adopted by the House on March 16, 1978.

A non-record roll call was requested.

The ayes were 24, nays 43.

The motion lost.

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

On the question "Shall the bill pass?" (H.F. 602)

The ayes were, 77:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Byerly
Chiodo	Clark, B.J.	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Millen

Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Schnekloth	Shimaneck
Small	Smalley	Spear	Stephens
Stromer	Svoboda	Thompson	Tofte
Walter	Wells	West	Wyckoff
Mr. Speaker			

The nays were, 2:

Schroeder	Welden
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Absent or not voting, 21:

Arnould	Branstad	Brockett	Brunow
Clark, J.H.	Connors	Danker	Den Herder
Dyrland	Gilloon	Harvey	Hullinger
Jesse	Krause	Middleswart	Patchett
Rinas	Spencer	Tauke	Varley
Woods			

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

House File 2023, a bill for an act relating to the denominations in which bonds of local governmental units may be issued, with report of committee recommending passage was taken up for consideration.

Bina of Scott offered the following amendment H—5061 filed by Rinas of Linn and Junker of Woodbury and moved its adoption:

H—5061

- 1 Amend House File 2023 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "dollars" the following ", provided the purchaser is
- 4 an agency of the Federal Government".

Amendment H—5061 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2023)

The ayes were, 85:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Arnould	Brockett	Clark, J.H.	Connors
Danker	Den Herder	Gilloon	Harvey
Jesse	Krause	Norland	Patchett
Svoboda	Varley	Woods	

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

House File 2324, a bill for an act relating to the maximum permissible finance charge which may be imposed in open-end consumer credit transactions, was taken up for consideration.

Smalley of Polk offered the following amendment H-5730 filed by him and Gilson of Guthrie:

H-5730

1 Amend House File 2324 as follows:

2 1. Page 1, line 9, by inserting after the word
3 "dollars" the following: "; provided, however, that
4 a creditor directly or indirectly operating not more
5 than one retail business in this state which employs
6 ten or fewer employees may impose, for consumer credit
7 sales originating in connection with the operation
8 of that retail business, a charge which does not
9 exceed an amount equal to one and one-half percent
10 of that part of the maximum amount pursuant to
11 subsection two (2) of this section which is five
12 hundred dollars or less and one and one-fourth percent
13 of that part of the maximum amount which is more than
14 five hundred dollars".

Lageschulte of Bremer offered the following amendment
H—5735, to amendment H—5730, filed by him from the floor:

H—5735

1 Amend amendment H—5730, to House File 2324, as
2 follows:
3 1. Page 1, line 6, by inserting after the word
4 "fewer" the word "full-time".

Lipsky of Linn asked for unanimous consent to temporarily
defer action on amendment H—5735.

Objection was raised.

Speaker pro tempore Nielsen of Polk in the chair at 11:00 a.m.

Fitzgerald of Webster moved the previous question on House
File 2324, with respect to the filing of amendments only.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 52, nays 37.

The motion prevailed.

Lageschulte of Bremer moved the adoption of amendment
H—5735, to amendment H—5730.

A non-record roll call was requested.

The ayes were 71, nays 12.

Amendment H—5735 was adopted, placing out of order amendment H—5740 (to amendment H—5730) filed by Lipsky of Linn from the floor.

Lind of Black Hawk offered the following amendment H—5737, to amendment H—5730, filed by him from the floor and moved its adoption:

H—5737

- 1 Amend amendment H—5730, to House File 2324, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word "one"
- 4 and inserting in lieu thereof the word "two".

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 50, nays 44.

Amendment H—5737 was adopted.

(House File 2324 and amendment H—5730, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for the afternoon session on request of Schroeder of Pottawattamie.

PRESENTATION OF VISITORS

Clark of Cerro Gordo presented to the House, Dr. Zaidu Aliyu, Planning Officer of Livestock Production, from Nigeria.

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

Seventeen members of the eighth grade social science class from Franklin Junior High School, Des Moines, Iowa, accompanied by Carolyn Christianson, John Young and Bob Millen. By Millen of Van Buren and Smalley of Polk.

Seventy students from Cascade Junior High School, Cascade, Iowa, accompanied by Mr. Bassler, Mr. Kleasner, Sister Margaret Feldner and Sister Nancy Puetz.

REMOVED FROM UNANIMOUS CONSENT CALENDAR
(House Resolution 121)

We hereby respectfully request that House Resolution 121, filed March 20, 1978 and found on page 1080 of the House Journal, be removed from the unanimous consent calendar.

SCHROEDER of Pottawattamie
HALVORSON of Clayton
MONROE of Des Moines

BAKER of Buena Vista
KOOGLER of Mahaska
ANDERSON of Jasper

REFERRED TO COMMITTEE ON EDUCATION
(House Resolution 121)

The Speaker announced that House Resolution 121, removed from the Unanimous Consent Calendar, was referred to the committee on education.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

BUSINESS PENDING

The House resumed consideration of **House File 2324**, a bill for an act relating to the maximum permissible finance charge which may be imposed in open-end consumer credit transactions, and amendment H—5730, as amended.

Byerly of Polk moved to reconsider the vote by which amendment H-5737, to amendment H-5730, was adopted by the House.

The motion prevailed and the House reconsidered amendment H-5737.

Action on amendment H-5737 was temporarily deferred.

Schnekloth of Scott offered the following amendment H-5732 filed by him from the floor:

H-5732

1 Amend House File 2324 as follows:

2 1. Page 1, by inserting before line 1 the follow-

3 ing:

4 "Sec. . . Section five hundred thirty-five point
5 two (535.2), subsection two (2), Code 1977, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Any person borrowing
8 money in the principal amount of one hundred thousand
9 dollars or more may agree in writing to pay any rate
10 of interest in excess of the rate prescribed in
11 subsection one (1) of this section, and no person
12 so agreeing shall plead or interpose the claim or
13 defense of usury in any action or proceeding."

14 2. By renumbering sections of the bill as
15 necessary.

16 3. Amend the title, line 2, by striking the words
17 "open-end consumer".

Woods of Polk rose on a point of order that amendment H-5732 was not germane.

The Speaker ruled the point well taken and amendment H-5732 not germane.

Schnekloth of Scott asked for unanimous consent to suspend the rules for the consideration of amendment H-5732.

Objection was raised.

Schnekloth of Scott moved that the rules governing germaneness be suspended for the consideration of amendment H-5732.

Roll call was requested by Scheelhaase of Woodbury and Menke of O'Brien.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 40:

Bennett	Brandt	Branstad	Brockett
Clark, B.J.	Conlon	Crawford	Daggett
Egenes	Evans	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Pellett	Pelton	Schneklath
Schroeder	Shimaneck	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wyckoff

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brunow	Byerly
Chiodo	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffiee	Hargrave	Hines	Hinkhouse
Horn	Howell	Husak	Jochum
Koogler	Krause	Loneragan	Miller (Sergeant)
Monroe	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 9:

Clark, J.H.	Connors	Crabb	Danker
Den Herder	Harbor	Hullinger	Jesse
Norland			

The motion lost.

The House resumed consideration of amendment H-5737, to amendment H-5730.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H-5737.

Lind of Black Hawk asked and received unanimous consent to suspend the rules to offer the following amendment H—5743, to amendment H—5730, filed by Lind, Small, Smalley and Chiodo from the floor and moved its adoption:

H—5743

- 1 Amend amendment H—5730, to House File 2324, as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting in
- 4 lieu thereof the following: "than one retail
- 5 business with not more than two locations in this
- 6 state which employs".

Amendment H—5743 was adopted.

Smalley of Polk moved the adoption of amendment H—5730, as amended.

Roll call was requested by Small of Johnson and Bina of Scott.

Under the provisions of Rule 71, West of Marshall refrained from voting.

On the question "Shall amendment H—5730, as amended, be adopted?"

The ayes were, 78:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Conlon	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Howell
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklloth
Shimanek	Small	Smalley	Spencer
Stephens	Tauke	Tofte	Varley
Walter	Welden	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, 11:

Baker	Garrison	Gentleman	Hoffmann
Horn	Hullinger	Monroe	Schroeder
Spear	Stromer	Thompson	

Absent or not voting, 11:

Clark, B.J.	Clark, J.H.	Connors	Danker
Den Herder	Harbor	Jesse	Lipsky
Patchett	Svoboda	West	

Amendment H—5730, as amended, was adopted, placing out of order amendment H—5734 filed by Halvorson, Smalley and Tauke from the floor.

Doyle of Woodbury offered the following amendment H—5707 filed by Doyle, et al. :

H—5707

- 1 Amend House File 2324 as follows:
- 2 1. Page 1, by inserting after line 30 the follow-
- 3 ing:
- 4 "Sec. Chapter five hundred thirty-seven
- 5 (537), article two (2), part one (1), Code 1977, is
- 6 amended by adding the following new sections as
- 7 sections five hundred thirty-seven point two thousand
- 8 one hundred three (537.2103) and five hundred thirty-
- 9 seven point two thousand one hundred four (537.2104),
- 10 respectively:
- 11 NEW SECTION. 537.2103 APPLICABILITY. The limita-
- 12 tions on a finance charge which are imposed by sections
- 13 five hundred thirty-seven point two thousand two
- 14 hundred two (537.2202) and five hundred thirty-seven
- 15 point two thousand four hundred two (537.2402) of
- 16 the Code shall apply irrespective of the domicile
- 17 of the creditor or lender if the following conditions
- 18 apply:
- 19 1. The extension of credit to the buyer, lessor
- 20 or debtor is pursuant to a seller credit card or a
- 21 lender credit card;
- 22 2. The cardholder was a resident of this state
- 23 at the time the credit card was issued for his or
- 24 her use; or the cardholder has become a resident of
- 25 this state since the credit card was issued and has
- 26 given notice thereof to the card issuer, and the card
- 27 issuer has not discontinued the credit arrangement
- 28 which permits the use of the credit card; and
- 29 3. The card issuer authorizes one or more sellers
- 30 or lessors engaged in business in this state, whether

31 or not affiliated with the card issuer, to accept
32 credit cards issued by the card issuer as tender of
33 payment for property or services provided by the
34 seller or lessor to holders of those credit cards.

35 **NEW SECTION. 537.2104 ACCEPTANCE OF CERTAIN**
36 **CREDIT CARDS PROHIBITED.**

37 1. A person engaged in the business of selling
38 or leasing property or services or both in this state
39 shall not agree with any credit card issuer to accept,
40 or accept from any cardholder, or advertise or
41 otherwise communicate to any cardholder that he or
42 she accepts, any seller credit card or lender credit
43 card as tender of payment for property or services
44 sold or leased if the person knows or has reason to
45 know that the card issuer imposes upon cardholders
46 who are residents of this state a finance charge with
47 respect to the credit card account which exceeds the
48 amount permitted under this article.

49 2. The prohibition contained in subsection one
50 (1) of this section shall apply whether or not the

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1 card issuer has or claims to have any right or
2 privilege under the laws of the United States or any
3 other state to impose a finance charge in excess of
4 that permitted under this article.

5 3. In the event of a violation of subsection one
6 (1) of this section, a consumer has a cause of action
7 against the violator to recover actual damages incurred
8 as a result of the violation, if any, and to recover
9 a penalty in an amount determined by the court of
10 not less than one hundred dollars nor more than one
11 thousand dollars, plus costs of the action, plus
12 reasonable attorney fees as determined according to
13 the provisions of subsection eight (8) of section
14 five hundred thirty-seven point five thousand two
15 hundred one (537.5201) of the Code.

16 4. In the event the administrator of chapter five
17 hundred thirty-seven (537) of the Code determines
18 that a lender or seller whose credit cards are issued
19 to cardholders in this state imposes a finance charge
20 with respect to credit card accounts in excess of
21 that permitted under this article, the administrator
22 may give notice thereof in writing by certified mail
23 to any seller or lessor who is subject to the
24 provisions of subsection one (1) of this section.
25 Upon receipt of the notice the seller or lessor shall
26 be deemed to have reason to know that the card issuer
27 identified in the notice imposes upon cardholders
28 who are residents of this state a finance charge with

29 respect to the credit card accounts which exceeds
 30 the amount permitted under this article."
 31 2. By renumbering sections of the bill and correct-
 32 ing internal references as necessary.

Smalley of Polk offered the following amendment H—5733, to amendment H—5707, filed by him from the floor:

H—5733

1 Amend the amendment, H—5707, to House File 2324
 2 as follows:
 3 1. Page 2, by inserting after line 30 the following:
 4 " . Page 1, by inserting after line 30 the
 5 following:
 6 "Sec. . Chapter five hundred thirty-seven
 7 (537), article three (3), part three (3), Code 1977,
 8 is amended by adding the following new section:
 9 NEW SECTION. LIMITATION ON CREDIT CARD ISSUER
 10 CHARGES.
 11 1. With respect to an express or implied agree-
 12 ment between the issuer of a lender credit card or
 13 a seller credit card and another person who is engaged
 14 in business in this state as a seller or lessor whereby
 15 a holder of a credit card issued by that issuer obtains
 16 the privilege of purchasing or leasing property or
 17 services from the seller or lessor pursuant to the
 18 credit card, the issuer shall not impose or collect
 19 from the seller or lessor in consideration of the
 20 agreement any charge or combination of charges which
 21 exceeds the amount permitted by subsection two (2)
 22 of this section.
 23 2. In any agreement subject to the provisions
 24 of this section, the issuer of the credit card may
 25 impose upon and collect from the seller or lessor,
 26 with respect to each transaction involving a
 27 cardholder, an amount which, when divided by the
 28 product of the total price of the sale or lease trans-
 29 action to the cardholder multiplied by twelve, yields
 30 a percentage which does not exceed the maximum
 31 percentage authorized to be imposed upon any portion
 32 of an account balance by a seller or lender under
 33 subsection three (3) of section five hundred thirty-
 34 seven point two thousand two hundred two (537.2202)
 35 or subsection three (3) of section five hundred thirty-
 36 seven point two thousand four hundred two (537.2402)
 37 of the Code. The issuer shall not impose or collect
 38 any other fee or charge in consideration of the
 39 agreement.
 40 3. In the event a credit card issuer violates
 41 the provisions of subsection two (2) of this section,

42 the seller or lessor has a cause of action against
43 the card issuer to recover actual damages incurred
44 as a result of the violation, and to recover a penalty
45 in an amount determined by the court of not less than
46 one hundred dollars nor more than one thousand dollars,
47 plus costs of the action, plus reasonable attorney
48 fees as determined according to the provisions of
49 subsection eight (8) of section five hundred thirty-
50 seven point five thousand two hundred one (537.5201)

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1 of the Code.
2 4. The provisions of this section shall apply
3 irrespective of the domicile of the lender or seller
4 issuing the credit card, and shall not be waived by
5 agreement of the parties." "
6 2. By renumbering sections of the amendment as
7 necessary.

Small of Johnson rose on a point of order that amendment
H-5733 was not germane.

The Speaker ruled the point well taken and amendment
H-5733 not germane.

Doyle of Woodbury moved the adoption of amendment H-5707.

Amendment H-5707 was adopted.

Halvorson of Clayton offered the following amendment H-5741
filed by him from the floor:

H-5741

1 Amend House File 2324 as follows:
2 1. Page 1, by inserting after line 30 the
3 following section:
4 "Sec. . Chapter five hundred thirty-seven (537),
5 Code 1977, Article 2, is amended by adding the
6 following new section:
7 NEW SECTION. With respect to the sale of an
8 item which could be a consumer credit sale pursuant
9 to open end credit if the consumer chooses that
10 option, the business shall discount the purchase
11 price of that item in an amount at least equal to
12 the dealer charge which could be charged if the
13 consumer chooses to make it a consumer credit
14 sale."

Small of Johnson rose on a point of order that amendment H—5741 was not germane.

The Speaker ruled the point well taken and amendment H—5741 not germane.

Halvorson of Clayton moved that the rules governing germaneness be suspended for the consideration of amendment H—5741.

Hargrave of Johnson rose on a point of order that the motion, having been debated, was not in order.

The Speaker ruled the point well taken and the motion not in order.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H—5741.

Roll call was requested by Harvey of Scott and Conlon of Muscatine.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 46:

Arnould	Bennett	Binneboese	Branstad
Brockett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Dyrland
Egenes	Evans	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Husak
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Pellett	Pelton
Schnekloth	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Welden
West	Wyckoff		

The nays were, 47:

Anderson	Avenson	Baker	Bina
Brandt	Brunow	Byerly	Chiodo

Cusack	Davitt	Dieleman	Doyle
Dunton	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Jochum	Koogler	Krause
Lonergan	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poncy
Scheelhaase	Small	Spear	Spencer
Walter	Woods	Mr. Speaker	

Absent or not voting, 7:

Connors	Danker	Den Herder	Harbor
Jesse	Rinas	Wells	

The motion lost.

Miller of Buchanan offered the following amendment H—5742 filed by him from the floor:

H—5742

1 Amend House File 2324 as follows:
 2 1. Page 1, by inserting after line 30 the
 3 following:
 4 "Sec. Chapter five hundred thirty-seven
 5 (537), Code 1977, is amended by adding the following
 6 new section:
 7 NEW SECTION. A credit information agency may
 8 not distribute information which does not directly
 9 relate to the credit of the individual being investi-
 10 gated."

Small of Johnson rose on a point of order that amendment H—5742 was not germane.

The Speaker ruled the point well taken and amendment H—5742 not germane.

Schroeder of Pottawattamie asked for unanimous consent to suspend the rules governing germaneness for the consideration of amendment H—5742.

Objection was raised.

Schroeder of Pottawattamie moved that the rules governing

germaneness be suspended for the consideration of amendment H—5742.

Roll call was requested by Anderson of Jasper and Poncy of Wapello.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 48:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Cusack
Daggett	Davitt	Doyle	Dunton
Garrison	Gentleman	Griffee	Halvorson
Hansen	Harvey	Hoffmann	Horn
Howell	Husak	Junker	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Patchett	Pellett
Pelton	Perkins	Schneklloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Wyckoff

The nays were, 43:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Dieleman	Dyrland
Egenes	Fitzgerald	Gettings	Gilloon
Gilson	Hargrave	Hinkhouse	Hullinger
Jochum	Kogler	Krause	Krewson
Loneragan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Poncy	Scheelhaase
Small	Spear	Spencer	Svoboda
Wells	Woods	Mr. Speaker	

Absent or not voting, 9:

Connors	Crawford	Danker	Den Herder
Evans	Harbor	Hines	Jesse
Rinas			

The motion having failed to receive a constitutional majority, lost.

Halvorson of Clayton asked for unanimous consent to suspend the rules on the previous question for consideration of an amendment.

Objection was raised.

Halvorson of Clayton moved the rules on the previous question be suspended for the consideration of the following amendment H-5746 filed by him from the floor and that the amendment be adopted:

H-5746

- 1 Amend amendment H-5734, to House File 2324, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the figure "9"
- 4 and inserting in lieu thereof the figure "8".
- 5 2. Page 1, by striking lines 12 and 13.

Roll call was requested by Halvorson of Clayton and Stromer of Hancock.

On the question "Shall the rules be suspended?"

The ayes were, 35:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Daggett
Egenes	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Schneklath
Schroeder	Shimanek	Smalley	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West	Wyckoff	

The nays were, 48:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Byerly
Chiodo	Cusack	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jochum	Krause	Lonergan	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Poncy
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Woods	Mr. Speaker

Absent or not voting, 17:

Brunow	Connors	Crawford	Danker
Den Herder	Evans	Harbor	Jesse
Junker	Koogler	Middleswart	Miller, K.D.
O'Halloran	Perkins	Rinas	Stephens
Wells			

The motion lost.

Walter of Pottawattamie moved that the rules on the previous question be suspended to consider an amendment.

Roll call was requested by Tauke of Dubuque and Walter of Pottawattamie.

Rule 70 was invoked.

On the question "Shall the rules be suspended?"

The ayes were, 46

Arnould	Bennett	Brandt	Branstad
Brockett	Clark, B.J.	Conlon	Crabb
Daggett	Dunton	Egenes	Evans
Garrison	Gentleman	Griffee	Halvorson
Hansen	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Miller, K.D.
O'Halloran	Patchett	Pellett	Pelton
Schnekloth	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Walter	Welden
West	Wyckoff		

The nays were, 47:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Byerly	Chiodo
Clark, J.H.	Cusack	Davitt	Dieleman
Doyle	Dyrland	Fitzgerald	Gettings
Gilloon	Gilson	Hargrave	Hines
Hinkhouse	Horn	Howell	Hullinger
Husak	Jochum	Koogler	Krause
Lonergan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Poney	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Wells	Woods	Mr. Speaker.	

Absent or not voting, 7:

Connors	Crawford	Danker	Den Herder
Harbor	Jesse	Perkins	

The motion lost.

Speaker pro tempore Nielsen of Polk in the chair at 4:38 p.m.

Pelton of Clinton moved to table House File 2324.

Wyckoff of Benton rose on a point of order that the motion was not in order.

The Speaker ruled the point not well taken and the motion in order.

Roll call was requested by Anderson of Jasper and Hines of Story.

On the question "Shall the motion to table prevail?"

The ayes were, 36:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Daggett
Evans	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellet	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West

The nays were, 59:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cochran	Conlon
Cusack	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poney

Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 5:

Connors	Danker	Den Herder	Harbor
Jesse			

The motion lost.

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

Rule 70 was invoked.

Under the provisions of Rule 71, West of Marshall, Lipsky of Linn, Husak of Tama, Hinkhouse of Cedar and Pelton of Clinton refrained from voting.

On the question "Shall the bill pass?" (H.F. 2324)

The ayes were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cochran	Conlon
Cusack	Davitt	Doyle	Dyrland
Egenes	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Hargrave
Hines	Horn	Howell	Hullinger
Jochum	Koogler	Krause	Lind
Lonergan	Middleswart	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Mr. Speaker (Nielsen)			

The nays were, 37:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Crabb	Crawford	Daggett
Dieleman	Dunton	Evans	Gentleman
Halvorson	Hansen	Harvey	Hoffmann
Junker	Krewson	Lageschulte	Lindeen

Menke	Millen	Miller, K.D.	Miller (Sergeant)
Pellett	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
Wyckoff			

Absent or not voting, 10:

Connors	Danker	Den Herder	Harbor
Hinkhouse	Husak	Jesse	Lipsky
Pelton	West		

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

MOTION TO RECONSIDER LOST (House File 2324)

Small of Johnson moved to reconsider the vote by which House File 2324 passed the House on March 22, 1978.

Speaker Cochran in the chair at 5:18 p.m.

Roll call was requested by Nielsen of Polk and Junker of Woodbury.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 40:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Egenes	Evans	Gentleman	Halvorson
Hansen	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Pelton	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	Wyckoff

The nays were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Giloon
Gilson	Griffie	Hargrave	Hines

Hinkhouse	Horn	Howell	Hullinger
Husak	Jochum	Middleswart	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Perkins
Poney	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 9:

Brockett	Connors	Danker	Den Herder
Harbor	Jesse	Koogler	Krause
Pellett			

The motion lost.

ADOPTION OF SENATE CONCURRENT RESOLUTION 114

Fitzgerald of Webster called up for consideration Senate Concurrent Resolution 114 filed on March 20, 1978 and found on pages 1062 and 1063 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

MOTION TO WITHDRAW FROM COMMITTEE LOST

Schroeder of Pottawattamie invoked Rule 53 and moved to withdraw from committee and place on the calendar House Resolution 103.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 49.

The motion lost.

HOUSE FILE 37 WITHDRAWN

Small of Johnson asked and received unanimous consent to withdraw House File 37 from further consideration by the House.

HOUSE FILE 525 WITHDRAWN

Small of Johnson asked and received unanimous consent to withdraw House File 525 from further consideration by the House.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on March 22, 1978, insisted on amendment to House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation, and that the members of the conference committee on the part of the Senate are: The Senator from Polk, Senator Willits, Chair; the Senator from Black Hawk, Senator Hansen; the Senator from Scott, Senator Holden; the Senator from Poweshiek, Senator Orr; and the Senator from Pottawattamie, Senator Slater.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 125

By Gentleman

- 1 *Whereas*, the Roosevelt Roughriders boys basketball
2 team of Roosevelt High School of Des Moines, Iowa
3 has won the class 3—A boys basketball tournament; and
4 *Whereas*, the Roughriders were termed by many persons
5 to be "underdogs" or "dark horses" in the state class
6 3—A boys basketball tournament but the Roughriders
7 by exhibiting an exciting, fast-breaking, devil-may-
8 care, run-and-shoot style of basketball overcame their
9 ratings and won the 1978 state class 3—A high school
10 basketball championship; and
11 *Whereas*, the Roosevelt High School Roughriders
12 exhibited team spirit and teamwork which throughout
13 the 1977-1978 season deemphasized individual performances
14 and resulted in various team members achieving high
15 standards of performance throughout the season; *Now*
16 *Therefore*,
17 *Be It Resolved by the House of Representatives*, That
18 recognition and congratulations be extended to the
19 Roosevelt High School Roughriders basketball team and
20 their coaches Ron Adcock, Tom Long, and Brian Larson,
21 for the perseverance, spirit, and teamwork displayed and
22 the winning of the class 3—A state high school boys
23 basketball championship; and
24 *Be It Further Resolved*, That a copy of this resolu-
25 tion be forwarded to Coach Ron Adcock and the members
26 of the Roosevelt High School Roughriders basketball team.

Laid over under Rule 25.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated position, and at the indicated classification, grade and step, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. date</u>
Leader's Administrative Assistant	Mark W. Bransgard	26-2	P-FT	3/17/78

WELLS of Linn, Chair

**UNANIMOUS CONSENT CALENDAR
(House Resolution 122)**

We hereby respectfully request that House Resolution 122, filed on March 21, 1978 and found on pages 1089 and 1090 of the House Journal, be placed on the unanimous consent calendar.

CRABB of Crawford
HALVORSON of Clayton
AVENSON of Fayette

EXPLANATIONS OF VOTE

I was necessarily absent at the request of the Governor on the afternoon of March 21, 1978 to attend a meeting in his office. Had I been present, I would have voted "aye" on House Files 2033 and 2298.

HOFFMANN of Muscatine

I was necessarily absent from the House chamber on March 21, 1978. Had I been present, I would have voted "aye" on House Files 2033 and 2298; "nay" on amendment H-5661 to the committee amendment H-5499 to Senate File 244.

KREWSON of Polk

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 456 Judiciary and Law Enforcement**

To legalize proceedings taken by the board of supervisors of Chickasaw County, relating to the sale of certain properties.

S.B. 457 Budget

Relating to the distribution of excess moneys in the military service tax credit fund.

S.B. 458 Cities

Relating to the tort liability of governmental subdivisions.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., March 21, 1978

Convened: 8:15 a.m.

Adjourned: 8:51 a.m.

Present: Hullinger, chair; Spear, ranking member; Baker, Brandt, Byerly, Hinkhouse, Hoffmann, Junker, Oxley, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Clark of Lee, Gilloon and Harvey.

Excused: Danker, Gilson, Lindeen and Miller (Sergeant) of Calhoun.

Assignment of subcommittees. Discussion of Study Bill 453 and House File 2161.

COMMITTEE ON EDUCATION

Scheduled: 9:00 a.m., March 21, 1978

Convened: 9:15 a.m.

Adjourned: 10:30 a.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Poncey, Small, Spear, Stromer and Thompson.

Absent: Brockett and Norland.

Committee Bill (Formerly Study Bill 363), a bill for an act to repeal the authority of the special education division of the Department of Public Instruction to provide standards and certifications for special education teachers.

Recommended Do Pass.

Fiscal note is not required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Byerly, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Poncey, Small, Spear, Stromer and Thompson.

Nay: None.

Absent or not voting: Brockett and Norland.

Committee Bill (Formerly Study Bill 451), a bill for an act to allow school boards to issue additional contracts to teachers.

Recommended Do Pass.

Fiscal note is not required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Baker, Byerly, Crawford, Dyrland, Gilson, Koogler, Krewson, Small and Spear.

Nay: Daggett, Hansen, Horn, Lind, Poncey, Stromer and Thompson.

Absent or not voting: Brockett and Norland.

Committee Bill (Formerly Study Bill 452), a bill for an act to provide an exception to the foreign language requirement for school districts.

Recommended Do Pass.

Fiscal note is not required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Gilson, Hansen, Horn, Lind, Poncey, Small and Stromer.

Nay: Byerly, Crawford, Dyrland, Koogler, Krewson, Spear and Thompson.

Absent or not voting: Brockett and Norland.

COMMITTEE ON NATURAL RESOURCES

Scheduled: 9:00 a.m., March 21, 1978

Convened: 9:10 a.m.

Adjourned: 10:30 a.m.

Present: Middleswart, chair; Spencer, vice-chair; Halvorson, ranking member; Bennett, Evans, Miller of Buchanan, Scheelhaase, Shimanek, Stephens, Tofte, Varley and Wyckoff.

Absent: Avenson, Chiodo, Garrison, Griffee, Jesse, O'Halloran (arrived 9:30 a.m.), Pelton, Perkins and Welden.

Presentations: Landsat Overview by Paul A. Tessar, NCSL Remote Sensing Project; NASA's Regional Remote Sensing by Roy Estess, Regional Applications Group Earth Resources Lab/NASA; and Remote Sensing Activities in the State of Iowa by Bernard Hoyer, Director, Remote Sensing Lab Iowa State Geological Survey.

COMMITTEE ON ETHICS

Scheduled: 10:30 a.m., March 21, 1978

Convened: 10:30 a.m.

Adjourned: 11:05 a.m.

Present: Dyrland, Conley, Gentleman, Howell, Lonergan and Welden.

The meeting was organizational. Representative Dyrland was elected as Chair.

AMENDMENTS FILED

H-5747	H.F. 2217	Harvey of Scott Woods of Polk Scheelhaase of Woodbury
H-5748	H.F. 2212	Middleswart of Warren Welden of Hardin
H-5749	S.F. 336	Horn of Linn
H-5750	S.F. 336	Horn of Linn
H-5751	H.F. 2227	Nielsen of Polk Byerly of Polk Woods of Polk Chiodo of Polk Smalley of Polk Krewson of Polk

H-5752	H.F. 2217	Thompson of Polk
H-5753	H.F. 2217	Welden of Hardin
H-5754	H.F. 2172	Krause of Kossuth
		Byerly of Polk

On motion by Fitzgerald of Webster, the House adjourned at 5:32 p.m., until 10:00 a.m., Thursday, March 23, 1978.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day—Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 23, 1978

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

Prayer was offered by the Reverend W. J. Stevens, pastor of the Church of the Living Word, Washington, Iowa.

The Journal of Wednesday, March 22, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roger Boulden, Lenox, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Davitt of Warren on request of Brunow of Appanoose; O'Halloran of Black Hawk for a portion of the morning session on request of Hullinger of Decatur; Harbor of Mills on request of Millen of Van Buren.

PRESENTATION OF VISITORS

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

Seventy-five members of the Jones County 4—H Club, accompanied by Varlyn Fink. By Newhard of Jones and Shimanek of Jones.

INTRODUCTION OF BILLS

House File 2362, by committee on commerce, a bill for an act to provide a maximum statute of limitations for actions for injuries arising out of improvements to real property.

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

House File 2363, by committee on commerce, a bill for an act requiring the Iowa state commerce commission to conduct a study of electric and natural gas rate designs.

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

House File 2364, by committee on commerce, a bill for an act providing that repairs to goods by a seller within prescribed limitations shall not be considered consumer fraud.

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

House File 2365, by committee on natural resources, a bill for an act relating to drainage and levee districts, providing a procedure for dissolution of certain districts and transfer of jurisdiction and control over the improvements of a district so dissolved to another overlying district without reclassification of the latter district, and changing the residence requirement relating to eligibility to serve on the board of trustees of a district managed under chapter four hundred sixty-two (462) of the Code.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2022, a bill for an act prohibiting smoking in certain public areas and providing a civil penalty.

STEVEN C. CROSS, Secretary

HOUSE RESOLUTION 126

By Griffiee

- 1 *Whereas*, the Nashua High School wrestling team
- 2 has won 3rd place in the Iowa State Wrestling Championship
- 3 Tournament, Class A; and
- 4 *Whereas*, the Nashua High School wrestling squad and
- 5 coaches have displayed the utmost in spirit, citizenship,
- 6 dedication and talent; *Now Therefore*,
- 7 *Be It Resolved by the House of Representatives*, That

8 the membership of the Sixty-seventh General Assembly
9 of the State of Iowa extends their heartiest congratula-
10 tions to the Nashua High School wrestling team and their
11 coaches for their excellence and sportsmanship and to
12 the cheerleaders, faculty and administration, families
13 and all the loyal fans who encouraged and supported the
14 team during the regular season and the tournament; and
15 *Be It Further Resolved*, That a copy of this resolution
16 be sent to Nashua High School in Nashua, Iowa.

Laid over under Rule 25:

HOUSE RESOLUTION 127

By Patchett

1 *Whereas*, the Lisbon High School wrestling team
2 has won the 1978 Iowa State Wrestling Championship—
3 Class A; and
4 *Whereas*, the Lisbon High School wrestling squad has
5 displayed the utmost in spirit, citizenship, dedication
6 and talent; *Now Therefore*,
7 *Be It Resolved by the House of Representatives*, That
8 the membership of the Sixty-seventh General Assembly
9 of the State of Iowa extends their heartiest congratula-
10 tions to the Lisbon High School wrestling team and their
11 coaches for their excellence and sportsmanship and to
12 the cheerleaders, faculty and administration, families
13 and all the loyal fans who encouraged and supported the
14 team during the regular season and the tournament; and
15 *Be It Further Resolved*, That a copy of this resolution
16 be sent to Lisbon High School in Lisbon, Iowa.

Laid over under Rule 25.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2356, a bill for an act relating to assessment procedures by providing duties for the department of revenue and owners of industrial property in valuing industrial property and creating a reassessment expense fund to provide loans to assessing jurisdictions for revaluing property and making an appropriation therefor, was taken up for consideration.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-eight members present, twenty-two absent.

Norland of Worth offered the following amendment H—5756 filed by him from the floor and moved its adoption:

H—5756

- 1 Amend House File 2356 as follows:
- 2 1, Page 4, line 20, by striking the word "first"
- 3 and inserting in lieu thereof the word "fifteenth".

Amendment H—5756 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2356)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Dieleman
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Loneragan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklloth	Shimanek	Small	Smalley
Spear	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Millen

Absent or not voting, 13:

Chiodo	Connors	Danker	Davitt
Den Herder	Garrison	Harbor	Jesse

O'Halloran
Wells

Patchett

Schroeder

Spencer

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

SENATE AMENDMENT CONSIDERED

Newhard of Jones called up for consideration **House File 616**, a bill for an act amending the criminal code revision to define "incendiary device", amended by the Senate amendment H-5405, as found on page 586 of the House Journal.

Nielsen of Polk offered the following amendment H-5755, to the Senate amendment H-5405, filed by Schroeder of Pottawatamie from the floor and moved its adoption:

H-5755

- 1 Amend the Senate amendment H-5405, to House File
- 2 616 as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 2 the follow-
- 4 ing:
- 5 "2. Page 1, by striking lines 8 through 11."

Amendment H-5755 was adopted.

On motion by Newhard of Jones, the House concurred in the Senate amendment H-5405, as amended.

Newhard of Jones moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 616)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Dieleman	Doyle
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon

Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 13:

Branstad	Brunow	Connors	Danker
Davitt	Den Herder	Duntun	Harbor
Hullinger	Jesse	O'Halloran	Patchett
Schroeder			

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

WAYS AND MEANS CALENDAR

The House resumed consideration of **Senate File 292**, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

Hargrave of Johnson called up for consideration the motion to reconsider amendment H-5175 filed by him on February 2, 1978 and moved to reconsider the vote by which amendment H-5175 was adopted by the House on February 2, 1978.

Roll call was requested by Byerly of Polk and Baker of Buena Vista.

Rule 70 was invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 47:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Cusack	Dieleman	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Hargrave
Hines	Hinkhouse	Howell	Jochum
Krause	Lageschulte	Lonergan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	Patchett	Pavich
Rinas	Scheelhaase	Shimanek	Small
Spear	Spencer	Stromer	Svoboda
Wells	West	Mr. Speaker	

The nays were, 45:

Baker	Bennett	Brockett	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Doyle	Evans
Gentleman	Halvorson	Hansen	Harvey
Hoffmann	Horn	Hullinger	Husak
Junker	Koogler	Krewson	Lind
Lindeen	Lipsky	Millen	Nielsen
Oxley	Pellett	Pelton	Perkins
Poncy	Schnekloth	Schroeder	Smalley
Stephens	Tauke	Thompson	Tofte
Varley	Walter	Welden	Woods
Wyckoff			

Absent or not voting, 8:

Connors	Daggett	Danker	Davitt
Den Herder	Harbor	Jesse	O'Halloran

The motion prevailed and the House reconsidered amendment H—5175, found on page 315 of the House Journal.

Small of Johnson in the chair at 11:13 a.m.

Nielsen of Polk moved the adoption of amendment H—5175.

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

On the question "Shall amendment H—5175 be adopted?"

The ayes were, 36:

Baker	Bennett	Brockett	Byerly
Clark, J.H.	Conlon	Crabb	Doyle

Gentleman	Griffie	Harvey	Hoffmann
Horn	Hullinger	Husak	Junker
Koogler	Lind	Lindeen	Lipsky
Millen	Nielsen	Oxley	Pellett
Pelton	Poncy	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Tauke
Tofte	Walter	Woods	Wyckoff

The nays were, 52:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Crawford	Dieleman	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Halvorson
Hansen	Hines	Hinkhouse	Howell
Jochum	Krause	Krewson	Lageschulte
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Patchett	Pavich	Perkins
Rinas	Scheelhaase	Spear	Spencer
Stromer	Svoboda	Thompson	Varley
Welden	Wells	West	Mr. Speaker (Small)

Absent or not voting, 12:

Branstad	Cochran	Connors	Cusack
Daggett	Danker	Davitt	Den Herder
Evans	Harbor	Hargrave	Jesse

Amendment H—5175 lost.

Perkins of Greene asked for unanimous consent to reconsider the vote by which amendment H—5197, to the committee amendment H—5058, failed to be adopted by the House on February 2, 1978.

Objection was raised.

Wyckoff of Benton moved that the rules be suspended to reconsider the vote by which the committee amendment H—5058, as amended, was adopted by the House on February 2, 1978.

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

Rules 69 and 70 were invoked.

On the question "Shall the suspension of rules and the motion to reconsider prevail?"

The ayes were, 45:

Avenson	Baker	Bennett	Bina
Brandt	Branstad	Brockett	Byerly
Chiodo	Clark, B.J.	Conlon	Crawford
Daggett	Evans	Gentleman	Gilson
Griffie	Harvey	Horn	Husak
Junker	Koogler	Lind	Millen
Miller, K.D.	Nielsen	O'Halloran	Oxley
Pavich	Pellet	Pelton	Perkins
Poncy	Schroeder	Shimanek	Smalley
Spear	Stephens	Tauke	Tofte
Varley	Walter	Welden	Woods
Wyckoff			

The nays were, 43:

Anderson	Arnould	Binneboese	Brunow
Clark, J.H.	Cusack	Dieleman	Doyle
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gettings	Gilloon	Halvorson
Hansen	Hargrave	Hines	Hoffmann
Howell	Jochum	Krewson	Lageschulte
Lindeen	Lipsky	Loneragan	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	Patchett	Scheelhaase	Schneklath
Spencer	Stromer	Svoboda	Thompson
Wells	West	Mr. Speaker (Small)	

Absent or not voting, 12:

Cochran	Connors	Crabb	Danker
Davitt	Den Herder	Harbor	Hinkhouse
Hullinger	Jesse	Krause	Rinas

The motion, having failed to receive a constitutional majority, lost.

(Senate File 292 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton for the afternoon session on request of Arnould of Scott.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 116

Pursuant to House Rule 26, House Concurrent Resolution 116, filed on March 1, 1978 and found on pages 732 and 733 of the House Journal, was adopted by unanimous consent.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. Rule 70 was invoked. The vote revealed eighty-six members present, fourteen absent.

BUSINESS PENDING

The House resumed consideration of **Senate File 292**, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

Baker of Buena Vista offered the following amendment H-5758 filed by him from the floor and moved its adoption:

H-5758

- 1 Amend Senate File 292, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, line 25, by striking the words "All
- 4 information" and inserting in lieu thereof the words
- 5 "The actual sales price".

Roll call was requested by Baker of Buena Vista and Woods of Polk.

Rule 70 was invoked.

On the question "Shall amendment H-5758 be adopted?"

The ayes were, 44:

Baker

Bennett

Bina

Branstad

Byerly	Chiodo	Clark, J.H.	Doyle
Dunton	Gentleman	Griffiee	Halvorson
Hargrave	Harvey	Horn	Hullinger
Husak	Junker	Koogler	Lageschulte
Lindeen	Menke	Millen	Miller, K.D.
Nielsen	O'Halloran	Oxley	Pavich
Pellett	Perkins	Poncy	Rinas
Schnekloth	Schroeder	Shimanek	Small
Smalley	Stephens	Tauke	Tofte
Walter	Welden	Woods	Wyckoff

The nays were, 45:

Anderson	Arnould	Avenson	Binneboese
Brandt	Brockett	Brunow	Clark, B.J.
Conlon	Crawford	Cusack	Daggett
Dieleman	Egenes	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Hansen	Hines	Hinkhouse	Hoffmann
Howell	Jochum	Krewson	Lind
Lipsky	Lonergan	Middleswart	Miller (Sergeant)
Newhard	Norland	Patchett	Pelton
Scheelhaase	Spear	Spencer	Stromer
Svoboda	Thompson	Varley	West
Mr. Speaker			

Absent or not voting, 11:

Connors	Crabb	Danker	Davitt
Den Herder	Dyrland	Harbor	Jesse
Krause	Monroe	Wells	

Amendment H — 5758 lost.

Miller of Buchanan offered the following amendment H — 5759 filed by him from the floor and moved its adoption:

H — 5759

- 1 Amend Senate File 292, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 17, by inserting after the word
- 4 "circumstances" the words "relating to the actual
- 5 sales price in real estate transfers".

Amendment H — 5759 was adopted.

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

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 58:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Chiodo	Clark, B.J.	Crawford	Cusack
Daggett	Dieleman	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Hansen	Hargrave
Hines	Hinkhouse	Horn	Howell
Husak	Jochum	Junker	Lageschulte
Lind	Lindeen	Lonergan	Menke
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Rinas	Scheelhaase
Small	Spear	Stromer	Svoboda
Thompson	Varley	Welden	Wells
West	Mr. Speaker		

The nays were, 34:

Baker	Bennett	Branstad	Byerly
Clark, J.H.	Conlon	Crabb	Doyle
Gentleman	Griffee	Halvorson	Harvey
Hoffmann	Hullinger	Koogler	Krewson
Lipsky	Millen	Miller, K.D.	Nielsen
Pellett	Pelton	Poncy	Schneklath
Schroeder	Shimanek	Smalley	Spencer
Stephens	Tauke	Tofte	Walter
Woods	Wyckoff		

Absent or not voting, 8:

Connors	Danker	Davitt	Den Herder
Dyrland	Harbor	Jesse	Krause

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

MOTION TO RECONSIDER LOST
(Senate File 292)

Norland of Worth moved to reconsider the vote by which Senate File 292 passed the House on March 23, 1978.

Roll call was requested by Conlon of Muscatine and Schneklath of Scott.

Rule 70 was invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 44:

Baker	Bennett	Branstad	Byerly
Clark, J.H.	Conlon	Crawford	Doyle
Egenes	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Horn	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Miller, K.D.	Nielsen	Oxley	Pellett
Pelton	Poncy	Schneklath	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Walter	Welden	Woods	Wyckoff

The nays were, 46:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Chiodo	Clark, B.J.	Cusack	Daggett
Dieleman	Dunton	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Howell	Hullinger	Husak	Jochum
Lonergan	Middleswart	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Perkins	Scheelhaase	Small
Spear	Spencer	Svoboda	Wells
West	Mr. Speaker		

Absent or not voting, 10:

Connors	Crabb	Danker	Davitt
Den Herder	Dyrland	Harbor	Jesse
Krause	Rinas		

The motion lost.

RULE 20 SUSPENDED

Perkins of Greene asked and received unanimous consent to suspend Rule 20 and that Mr. James Webb, Director of the Natural Resources Council, be permitted in the House chamber during consideration of House File 2218.

REGULAR CALENDAR

House File 2212, a bill for an act relating to the authority of the

Iowa natural resources council in regulating flood plains and providing a penalty, was taken up for consideration.

Baker of Buena Vista offered the following amendment H—5760 filed by him and Perkins of Greene from the floor and moved its adoption:

H—5760

1 Amend House File 2212 as follows:

2 1. Page 1, by inserting before line 1 the
3 following section:

4 "Section 1. Section four hundred fifty-five A point
5 twenty (455A.20), Code 1977, as amended by Acts of the
6 Sixty-seventh General Assembly, 1977 Session, chapter
7 one hundred twenty-three (123), section four (4) is
8 amended to read as follows:

9 If the water commissioner at the first hearing or
10 the council at the hearing on appeal shall determine
11 after due investigation that such diversion, storage or
12 withdrawal will not be detrimental to the public
13 interests, including drainage and levee districts, or
14 to the interests of property owners with prior or
15 superior rights who might be affected, the water
16 commissioner following the first hearing, or the council
17 following the hearing on appeal shall grant a permit for
18 such diversion, storage or withdrawal. Judicial review
19 of such action is available in accordance with the terms
20 of the Iowa administrative procedure Act and section
21 455A.37. Permits may be granted for any period of time
22 but not to exceed ten years except for the storage of
23 water which may be granted for the life of the structure
24 unless withdrawn for good cause. All existing storage
25 permits are hereby extended for the life of the structure
26 unless withdrawn for good cause. Permits may be granted
27 which provide for less diversion, storage, or withdrawal
28 of waters than set forth in the application. Permits
29 may be extended by the water commissioner for a period
30 of not more than ninety days during the pendency of an
31 application for renewal. Any permit granted shall remain
32 as an appurtenance of the land described therein through
33 the date specified in such permit and any extension there-
34 of or such earlier date as the permit or any extension
35 thereof is revoked or canceled under the provisions of
36 section 455A.28."

Amendment H—5760 was adopted.

Evans of Grundy offered the following amendment H—5728 filed by him and moved its adoption:

H-5728

- 1 Amend House File 2212 as follows:
2 1. Page 1, line 7, by striking the word "shall"
3 and inserting in lieu thereof the word "may".

Amendment H-5728 was adopted.

Evans of Grundy offered the following amendment H-5727 filed by him and moved its adoption:

H-5727

- 1 Amend House File 2212 as follows:
2 1. Page 1, line 28, by inserting after the word
3 "paragraphs" the word and figure "one (1)".
4 2. Page 1, by inserting after line 31 the following:
5
6 "It shall be unlawful to suffer or permit for any
7 person including a landowner, tenant, agent, contractor
8 or builder to erect, make, suffer, or permit any structure,
9 dam, obstruction, deposit or excavation to be
10 erected, used, or maintained in or on any floodway or
11 flood plains, which will adversely affect the efficiency
12 of or unduly restrict the capacity of the floodway,
13 adversely affect the control, development, protection,
14 allocation, or utilization of the water resources of
15 the state, or adversely affect or interfere with the
16 state comprehensive plan for water resources, or an ap-
17 proved local water resources plan, and the same are de-
18 clared to be and to constitute public nuisances, provided,
19 however, that this provision shall not apply to dams
20 constructed and operated under the authority of chapter
21 469 as amended."

Amendment H-5727 was adopted.

Wyckoff of Benton offered the following amendment H-5698 filed by him and moved its adoption:

H-5698

- 1 Amend House File 2212 as follows:
2 1. Page 2, line 24, by striking the word
3 "pemit" and inserting in lieu thereof the word
4 "permit".

Amendment H-5698 was adopted.

Middleswart of Warren offered the following amendment
H—5726 filed by him and Welden of Hardin:

H—5726

1 Amend House File 2212 as follows:

2 1. Page 2, by inserting after line 26 the
3 following:

4 "Sec. . Section four hundred fifty-five A point
5 thirty-nine (455A.39), Code 1977 Supplement, is amended
6 to read as follows:

7 455A.39 PENALTIES — CRIMINAL AND CIVIL.

8 1. Whoever is convicted of erecting, causing or
9 continuing a common or public nuisance, as provided
10 in this chapter, or whoever diverts or withdraws water
11 in violation of the provisions of this chapter, upon
12 conviction, shall be guilty of a simple misdemeanor
13 and each day that such violation continues after
14 conviction notice that a violation is being committed
15 shall be considered a separate offense.

16 2. a. Any person who withdraws water without
17 permit or in violation of a permit condition and who
18 does not take corrective measures as required by the
19 council or its designee after written notice delivered
20 by personal service or restricted mail that violation
21 is being committed, shall be subject to a civil penalty
22 of not more than one thousand dollars for the violation
23 and an additional penalty of not more than one hundred
24 dollars for each day that such violation continues
25 after notice of the offense is received.

26 b. Any person who constructs a levee or dam or
27 alters a stream channel without prior council approval
28 or in violation of a condition of a council approval
29 order and who fails to take corrective measures as
30 required by the council or its designee within the
31 time specified following a written notice to such
32 person by personal service or restricted mail of such
33 violation and needed corrective measures, shall be
34 subject to a civil penalty of not more than one
35 thousand dollars for the violation and an additional
36 penalty of not more than one hundred dollars for each
37 day that such violation continues after the expiration
38 of the time fixed by the council of its designee for
39 the completion of the corrective measures.

40 3. a. The attorney general shall bring an action
41 to recover criminal or civil penalties at the request
42 of the council or its designee. The action may be
43 settled by the attorney general with the approval
44 of the council or its designee after proceedings
45 are brought to recover the penalty and prior to entry
46 of judgment.

- 47 b. The civil penalties provided for in this sec-
 48 tion shall be an alternative to any criminal penalty
 49 for this section.”
 50 2. By renumbering the sections to conform with

Page 2

- 1 this amendment.
 2 3. Amend the title, line 2, by striking the words
 3 “in regulating flood plains”.

Middleswart of Warren offered the following amendment H—5748, to amendment H—5726, filed by him and Welden of Hardin:

H—5748

- 1 1. Amend amendment H—5726 to House File 2212 as
 2 follows:
 3 1. Page 1, line 16, by inserting after the word
 4 “who” the following:
 5 “is required by law to have a permit and who”.
 6 2. Page 1, line 26, by inserting after the word
 7 “who” the following:
 8 “is required to obtain prior council approval”.

By unanimous consent the following amendment H—5764, to amendment H—5748 (to amendment H—5726) filed by Middleswart of Warren from the floor, was adopted:

H—5764

- 1 Amend amendment H—5748, to amendment H—5726, to
 2 House File 2212, as follows:
 3 1. Page 1, line 8, by inserting after the word
 4 “approval” the words “and who”.

On motion by Middleswart of Warren, amendment H—5748, as amended, was adopted.

By unanimous consent the following amendment H—5763, to amendment H—5726, filed by Schroeder of Pottawattamie from the floor, was adopted:

H—5763

- 1 Amend amendment H—5726 to House File 2212 as
 2 follows:
 3 1. Page 1, line 41, by striking the word
 4 “recover” and inserting in lieu thereof the word

- 5 "impose".
 6 2. Page 1, line 45, by striking the word
 7 "recover" and inserting in lieu thereof the word
 8 "impose".

On motion by Middleswart of Warren, amendment H—5726, as amended, was adopted.

Schroeder of Pottawattamie asked for unanimous consent to defer action on House File 2212.

Objection was raised.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pellett
Pelton	Perkins	Poney	Rinas
Scheelhaase	Schneklath	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 1:

Schroeder

Absent or not voting, 10:

Connors	Danker	Davitt	Den Herder
Dyrland	Harbor	Husak	Jesse
Krause	Patchett		

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

CONFERENCE COMMITTEE APPOINTED (House File 463)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 463: Patchett of Johnson, Chair; Norland of Worth, Horn of Linn, Stromer of Hancock and Daggett of Adams.

WAYS AND MEANS CALENDAR

House File 2295, a bill for an act relating to the disabled veteran's tax credit, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2295)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Gentleman	Gettings
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth

Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Welden	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Connors	Danker	Davitt	Den Herder
Dyrland	Garrison	Gilloon	Harbor
Hines	Husak	Jesse	Krause
Walter	Wells	West	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for the remainder of the day on request of Dunton of Keokuk.

HOUSE FILE 559 DEFERRED

Fitzgerald of Webster asked and received unanimous consent to defer action on House File 559 and that the bill retain its place on the calendar.

House File 2330, a bill for an act redefining the term "governing body" as used in chapter five hundred nine A (509A) of the Code, relating to insurance plans for public employees, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2330)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brockett	Brunow	Byerly	Chiodo

Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Dieleman
Doyle	Dunton	Egenes	Fitzgerald
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleewart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schneklath
Shimanek	Small	Smalley	Spear
Spencer	Stevens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 2:

Evans	Schroeder
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Absent or not voting, 13:

Branstad	Connors	Danker	Davitt
Den Herder	Dyrland	Garrison	Harbor
Jesse	Krause	Scheelhaase	Walter
Wells			

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

House File 2217, a bill for an act to prohibit the practice of imposing a penalty for the early repayment of loans secured by mortgages on real property, was taken up for consideration.

Welden of Hardin offered the following amendment H-5752 filed by him and moved its adoption:

H-5752

- 1 Amend House File 2217 as follows:
- 2 1. Page 1, line 9, by adding after the word
- 3 "dwelling" the following:
- 4 "to be occupied by the borrower".

Amendment H-5752 was adopted.

Harvey of Scott offered the following amendment H—5747 filed by Harvey, et al. :

H—5747

- 1 Amend House File 2217 as follows:
- 2 1. Page 1, line 25, by striking the word
- 3 "ninety" and inserting in lieu thereof the word
- 4 "thirty".

Bina of Scott in the chair at 4:37 p.m.

Harvey of Scott moved the adoption of amendment H—5747.

Amendment H—5747 was adopted.

Chido of Polk offered the following amendment H—5753 filed by Krause of Kossuth and moved its adoption:

H—5753

- 1 Amend House File 2217 as follows:
- 2 1. Page 2, by striking lines 18 through 24 and
- 3 inserting in lieu thereof the following:
- 4 "Sec. Section five hundred thirty-four point
- 5 twenty-one (534.21), subsection ten (10), Code 1977,
- 6 as amended by Acts of the Sixty-seventh General
- 7 Assembly, 1977 Session, chapter one hundred thirty-
- 8 three (133), section seven (7), is amended to read
- 9 as follows:
- 10 10. ADVANCE INTEREST ON PREPAYMENTS. Real estate
- 11 loans on a single-family or a two-family dwelling
- 12 may be repaid in part or in full at any time, subject
- 13 to the provisions of section one (1) of this Act.
- 14 Real estate loans on one to three and four family
- 15 dwellings may be repaid in part or in full at any
- 16 time, excepting that the association may charge not
- 17 to exceed six months advance interest on that part
- 18 of the aggregate amount of all prepayments made on
- 19 such loan in any twelve-month period which exceeds
- 20 twenty percent of the original principal amount of
- 21 the loan; and may charge any negotiated rate on other
- 22 loans, except real estate loans on single-family and
- 23 two-family dwellings."
- 24 2. Renumber sections and correct internal
- 25 references as are necessary in accordance with this
- 26 amendment.

Amendment H—5753 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2217)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Branstad
Brockett	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Crabb
Crawford	Cusack	Daggett	Dieleman
Doyle	Egenes	Evans	Fitzgerald
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Halvorson	Hansen	Hargrave
Harvey	Hines	Horn	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Woods	Wyckoff	Mr. Speaker	
		(Bina)	

The nays were, 3:

Brunow	Hinkhouse	Howell
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Absent or not voting, 14:

Connors	Danker	Davitt	Den Herder
Dunton	Dyrland	Garrison	Harbor
Hoffmann	Jesse	Krause	Patchett
Walter	Wells		

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent that Senate File 376 be placed on the weekly debate calendar for the week of March 28, 1978.

HOUSE RESOLUTION 128
By Patchett, Small and Hargrave

- 1 *Whereas*, the wrestling teams at Iowa's three state
2 universities have given the State of Iowa an undisputed
3 national reputation for wrestling excellence; and
4 *Whereas*, the University of Iowa wrestling team won
5 the National Collegiate Athletic Association Champion-
6 ship— Division I; and
7 *Whereas*, the Iowa State University wrestling team
8 won second place in the National Collegiate Athletic
9 Association wrestling tournament; and
10 *Whereas*, the University of Northern Iowa wrestling
11 team captured first place in the National Collegiate
12 Athletic Association tournament— Division II; *Now*
13 *Therefore*,
14 *Be It Resolved By the House of Representatives*, That
15 the members of the Sixty-seventh General Assembly extend
16 their heartiest congratulations to the University of
17 Iowa wrestling team for their sportmanship and athletic
18 abilities which earned them the highest national honors
19 and to the coaches, faculty and administration, families
20 and loyal fans who encouraged and supported the team
21 during the regular season and the tournament; and
22 *Be It Further Resolved*, That the members of the
23 Sixty-seventh General Assembly commend the Iowa State
24 University wrestling team for their fine showing in
25 the national tournament; and
26 *Be It Further Resolved*, That the members of the
27 Sixty-seventh General Assembly commend the University
28 of Northern Iowa wrestling team for their Division II
29 championship in the national tournament; and
30 *Be It Further Resolved*, That copies of this resolution

Page 2

- 1 be sent to the University of Iowa, Iowa State University
2 and the University of Northern Iowa.

Laid over under Rule 25.

SUBCOMMITTEE ASSIGNMENTS

House File 2281

Commerce: Jochum, Chair; Anderson, Lonergan and Welden.

House File 2291

Commerce: Jochum, Chair; Anderson, Lonergan and Welden.

House File 2328

Commerce: Jochum, Chair; Anderson, Lonergan and Welden.

House File 2337

Commerce: Koogler, Chair; Bina, Brockett, Schroeder and West.

Senate File 44

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Senate File 99

Judiciary and Law Enforcement: Shimanek, Chair; Pelton and Patchett.

Senate File 380

County Government: Wyckoff, Chair; Hoffmann and Hinkhouse

Senate File 389

Agriculture: Davitt, Chair; Crabb and Krause.

Senate File 2032

Commerce: Jochum, Chair; Anderson, Lonergan and Welden.

Senate File 2039

Judiciary and Law Enforcement: Woods, Chair; Conlon and Connors.

Senate File 2096

Judiciary and Law Enforcement: Jesse, Chair; Nielsen, Newhard, Gentleman and Branstad.

Senate File 2103

Judiciary and Law Enforcement: Doyle, Chair; Garrison, Newhard, Clark of Cerro Gordo and Lipsky.

Senate File 2115

County Government: Gilson, Chair; Pellett and Byerly.

Senate File 2118

County Government: Byerly, Chair; Stromer and Baker.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 453**

County Government: Wyckoff, Chair; Wells, Junker, Oxley and Harvey.

Study Bill 456

Judiciary and Law Enforcement: Pelton, Chair; Patchett and Shimanek.

Study Bill 457

Budget: Koogler, Chair; Wells and Harvey.

EXPLANATION OF VOTE

I was, as Chair of the House Cities Committee, necessarily absent at the request of Governor Ray for part of the afternoon of March 21, 1978, to attend a meeting with City Mayors to discuss

House File 2255. Had I been present, I would have voted "aye" on House File 2298 and House File 2033.

BINA of Scott

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 22, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 415, an act relating to the deduction of debts and property taxes for inheritance tax purposes.

House File 547, an act relating to birth certificates for adopted persons not born in Iowa.

House File 2180, an act making an appropriation for the inmate employment program.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 459 Agriculture

Relating to grain grades.

S.B. 460 Budget

Relating to and appropriating funds for capital projects relating to educational agencies.

S.B. 461 Education

To provide for instruction in the basic laws of our society.

S.B. 462 Commerce

Relating to the definition of finance charge as used in the Iowa consumer credit code.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 21, 1978

Convened: 7:30 a.m.

Adjourned: 9:15 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Newhard.

Presentation on the situation of the appropriated funds in the institutions and the administration areas by Marvin Selden. Recommended appropriations for adult institutions at Ft. Madison, Anamosa, Rockwell City, Oakdale, Mt. Pleasant and Luster Heights; community-based corrections, parole, Newton, capitals, conjugal visits for inmates of penal and correctional institutions and civil legal assistance programs for inmates for child custody and bankruptcy.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 22, 1978

Convened: 7:35 a.m.

Adjourned: 8:30 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen, Miller (Sergeant) of Calhoun and Newhard.

Absent: Hines.

Discussion of rules for the committee.

AMENDMENTS FILED

H—5757	H.F. 2218	Schroeder of Pottawattamie
H—5762	S.F. 261	Howell of Floyd
		Doyle of Woodbury
H—5765	H.F. 2292	Pelton of Clinton

Pursuant to Senate Concurrent Resolution 114, duly adopted, and on motion by Fitzgerald of Webster, the House adjourned at 5:40 p.m., until 10:00 a.m., Tuesday, March 28, 1978.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day—Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 28, 1978

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

Prayer was offered by the Reverend Leslie Pritchard, pastor of the First Presbyterian Church, Clinton, Iowa.

The Journal of Thursday, March 23, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Rod Gottula, Resident, Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott on request of Cusack of Scott; Brockett of Marshall for March 28 and 29, 1978 on request of Evans of Grundy; Halvorson of Clayton for the morning session on request of Harbor of Mills; Tauke of Dubuque for a portion of the morning session on request of Shimanek of Jones; Lipsky of Linn for March 28 and 29, 1978 on request of Millen of Van Buren.

PRESENTATION OF VISITORS

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

Thirty-four Student Council members from Holmes Junior High School, Cedar Falls, Iowa, accompanied by Dave Andreasen. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Nineteen 4-H council members and their leaders from Henry and Des Moines counties. By Lindeen of Henry.

Forty members of the Junior class from Clarion High School, Clarion, Iowa, accompanied by Danell Determan. By Stromer of Hancock.

Seventy-two students from Maquoketa High School, Maquoketa, Iowa, accompanied by Mr. Disney and Mr. Sheridan. By Gilloon of Dubuque.

One hundred members of the government class from Boone High School, Boone, Iowa, accompanied by Gary Ackenbach. By Lonergan of Boone.

Forty-five students from Woodbine High School, Woodbine, Iowa, accompanied by Phil Hummel and Ivan Leonard. By Crabb of Crawford.

PETITION FILED

The following petition was received and placed on file:

By Horn of Linn from six hundred twenty-three citizens of Cedar Rapids in support of House File 2031, relating to the authorization of Laetrile in Iowa.

INTRODUCTION OF BILLS

House File 2366, by committee on education, a bill for an act to allow school boards to issue additional contracts to teachers for extra duties.

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

House File 2367, by committee on education, a bill for an act to provide an exception to the foreign language requirement for school districts.

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

House File 2368, by committee on education, a bill for an act to repeal the authority of the special education division of the department of public instruction to provide standards and certification for special education teachers.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1978, amended and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 105, a resolution urging Congress to establish a national park in the loess hills in Iowa.

Also: That the Senate has on March 22, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2136, a bill for an act relating to qualifications required for a school board secretary.

Also: That the Senate has on March 22, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2104, a bill for an act relating to the Iowa probate code.

Also: That the Senate has on March 22, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2190, a bill for an act creating in the department of social services the right of subrogation to recover payments made under the medical assistance program.

Also: That the Senate has on March 22, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2194, a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them.

STEVEN C. CROSS, Secretary

SENATE AMENDMENT TO
HOUSE CONCURRENT RESOLUTION 105

H-5772

- 1 Amend House Concurrent Resolution 105 as follows:
- 2 1. Page 1, line 10, by striking the word "; and"
- 3 and inserting in lieu thereof the words "; *Now There-*
- 4 *fore*."
- 5 2. Page 1, by striking lines 11 through 14.
- 6 3. Page 1, line 19, by striking the word "park"
- 7 and inserting in lieu thereof the words "natural
- 8 landmark".

CONSIDERATION OF BILLS
Regular Calendar

House File 2326, a bill for an act relating to furnishing prosthetic devices for injured workers, was taken up for consideration.

Evans of Grundy offered the following amendment H—5706 filed by him and moved its adoption:

H—5706

- 1 Amend House File 2326 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "appliance" the words ", whether or not previously furn-
- 4 ished by the employer,".
- 5 2. Page 1, line 22, by inserting after the word
- 6 "appliance" the words ", whether or not previously furn-
- 7 ished by the employer,".

Amendment H—5706 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2326)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Doyle	Dunton	Dyrland	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilson	Griffie	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Oxley	Pavich	Pellett
Pelton	Perkins	Poncy	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Arnould	Binneboese	Brockett	Chiodo
Den Herder	Egenes	Gilloon	Halvorson
Hines	Hullinger	Krause	Norland
O'Halloran	Patchett	Rinas	Scheelhaase
Tauke			

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

House File 2219, a bill for an act relating to the investment of police and fire retirement system funds, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2219)

The ayes were, 83:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffie
Hansen	Harbor	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Oxley	Pavich	Pellett
Pelton	Perkins	Poney	Schneklath
Schroeder	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Arnould	Brockett	Chiodo	Den Herder
Egenes	Halvorson	Harvey	Hines
Hullinger	Jesse	Krause	Norland
O'Halloran	Patchett	Rinas	Scheelhaase
Tauke			

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

House File 570, a bill for an act relating to inspections by insurance companies of any place of employment, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5415 filed by him and moved its adoption:

H—5415

- 1 Amend House File 570 as follows:
- 2 1. Page 1, line 11, by striking the numerals
- 3 "1978" and inserting in lieu thereof the numerals
- 4 "1979".

Amendment H—5415 was adopted.

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

On the question "Shall the bill pass?" (H.F. 570)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffiee	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lipsky	Loneragan	Menke

Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 4:

Jesse	Monroe	Nielsen	Poney
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Absent or not voting, 12:

Arnould	Brockett	Den Herder	Egenes
Halvorson	Hines	Hullinger	Krewson
Norland	Patchett	Rinas	Scheelhaase

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

House File 2335, a bill for an act relating to the administration of the temporary state land preservation policy commission, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2335)

The ayes were, 84:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Hansen	Harbor	Hargrave	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley

Pavich	Pellett	Pelton	Perkins
Poney	Schroeder	Shimanek	Small
Smalley	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 4:

Daggett	Harvey	Schnekloth	Spear
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Absent or not voting, 12:

Arnould	Brockett	Den Herder	Egenes
Halvorson	Hines	Horn	Krause
Norland	Patchett	Rinas	Scheelhaase

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

House File 2333, a bill for an act to clarify the notice of adoption hearing provisions, section six hundred point eleven (600.11) of the Code, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2333)

The ayes were, 89:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins

Poney	Rinas	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 11:

Arnould	Brockett	Den Herder	Egenes
Halvorson	Hines	Lindeen	Patchett
Scheelhaase	Stromer	West	

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

House File 2227, a bill for an act increasing the dollar limit of real estate projects for which a proposition need not be submitted to electors in the case of federal revenue sharing or matching funds and funds on hand in all counties except counties having a population of more than two hundred thousand, was taken up for consideration.

Nielsen of Polk offered the following amendment H—5751 filed by Nielsen, et al., and moved its adoption:

H—5751

- 1 Amend House File 2227 as follows:
- 2 1. Page 2, line 13, by inserting after the word
- 3 "government" the following:
- 4 ", or to expend federal revenue sharing funds for
- 5 courthouse remodeling when the courthouse is located
- 6 in a county having a population of more than two hun-
- 7 dred thousand, or a combination of federal revenue
- 8 sharing funds and federal funds other than federal
- 9 revenue sharing funds requiring less than fifteen per-
- 10 cent county matching funds are used for the project".
- 11 2. Amend the title by striking line 5 and insert-
- 12 ing in lieu thereof the following:
- 13 "population of more than two hundred thousand, and
- 14 permitting use of federal revenue sharing funds and
- 15 federal grants and county funds for the purpose of
- 16 courthouse remodeling in counties having a population
- 17 of more than two hundred thousand."

Amendment H—5751 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2227)

The ayes were, 79:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Griffee
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Pavich	Pellett	Poncy
Rinas	Schnekloth	Shimanek	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 11:

Bennett	Clark, J.H.	Danker	Evans
Gilson	Hargrave	Pelton	Perkins
Schroeder	Small	Spear	

Absent or not voting, 10:

Arnould	Brockett	Den Herder	Egenes
Halvorson	Hines	Lindeen	O'Halloran
Patchett	Scheelhaase		

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

House File 2354, a bill for an act relating to the implementation in Iowa of the initial regulatory program developed under the federal Surface Mining Control and Reclamation Act of 1977, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2354)

The ayes were, 91:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonerган	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Arnould	Brockett	Den Herder	Egenes
Halvorson	Hines	Patchett	Scheelhaase
Wells			

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

HOUSE FILE 2140 WITHDRAWN

Evans of Grundy asked and received unanimous consent to withdraw House File 2140 from further consideration by the House.

HOUSE FILE 2361 DEFERRED TEMPORARILY

The Speaker announced that action on House File 2361 was temporarily deferred.

House File 2325, a bill for an act relating to choice of care for a work related injury covered by workers' compensation, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H—5768 filed by him and Thompson of Polk from the floor and moved its adoption:

H—5768

- 1 Amend House File 2325 as follows:
- 2 1. Page 1, line 15 by inserting after the word
- 3 "care." the following:
- 4 "However, an employee electing to be treated by
- 5 a physician or at a medical facility other than that
- 6 provided by the employer shall pay the cost of such
- 7 other care. Upon direction of the employer the employee
- 8 shall also continue the care chosen by the employer."
- 9 2. Page 1, line 15 by adding after the word
- 10 "employer" the words "or employee".

Roll call was requested by Schroeder of Pottawattamie and Crabb of Crawford.

On the question "Shall amendment H—5768 be adopted?"

The ayes were, 31:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Evans	Gentleman	Hansen	Harbor
Harvey	Hoffmann	Krewson	Lind
Lindeen	Millen	Pelton	Schnekloth
Schroeder	Shimanek	Smalley	Stephens
Stromer	Thompson	Tofte	Varley
Welden	West	Wyckoff	

The nays were, 56:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Crawford	Davitt
Dieleman	Doyle	Dunton	Dyrland

Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Hargrave	Hines	Hinkhouse
Horn	Howell	Husak	Jesse
Jochum	Junker	Koogler	Krause
Lageschulte	Loneran	Menke	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Pony	Rinas	Small
Spear	Spencer	Svoboda	Tauke
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 13:

Arnould	Brockett	Cusack	Den Herder
Egenes	Griffie	Halvorson	Hullinger
Lipsky	Middleswart	Monroe	Pellett
Scheelhaase			

Amendment H—5768 lost.

Branstad of Winnebago offered the following amendment H—5769 filed by him and Stromer of Hancock from the floor and moved its adoption:

H—5769

- 1 Amend House File 2325 as follows:
- 2 1. Page 1, by inserting after line 22, the
- 3 following section:
- 4 "Sec. . . . The provisions of this Act shall
- 5 cease to be effective on January 1, 1980."

Roll call was requested by Garrison of Black Hawk and Dunton of Keokuk.

On the question "Shall amendment H—5769 be adopted?"

The ayes were, 37:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Evans	Gentleman	Hansen
Harbor	Harvey	Hoffmann	Junker
Krewson	Lageschulte	Lind	Menke
Middleswart	Millen	Miller (Sergeant)	Pelton
Schneklath	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	Wells	West
Wyckoff			

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Lindeen	Lonergan	Miller, K.D.	Monroe
Newhard	Nielsen	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Small	Spear	Spencer	Svoboda
Varley	Walter	Woods	Mr. Speaker

Absent or not voting, 11:

Arnould	Brockett	Den Herder	Egenes
Griffiee	Halvorson	Lipsky	Norland
O'Halloran	Pellett	Scheelhaase	

Amendment H—5769 lost.

(House File 2325 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2369, by Menke, a bill for an act to require that green lights on motor trucks and trailers shall be replaced by January 1, 1980.

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

House File 2370, by Gilson, a bill for an act relating to quarterly registration periods for motor trucks.

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

House File 2371, by Dieleman, a bill for an act relating to the definition of casual sales for sales tax purposes.

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

House File 2372, by Tauke, Shimanek and Tofte, a bill for an act relating to the construction of pipelines including construction under adverse weather conditions and within road rights of way.

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

House File 2373, by Bina, a bill for an act to require a three-year road construction program for cities.

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

House File 2374, by Lipsky, a bill for an act relating to school bus drivers.

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

SENATE MESSAGES CONSIDERED

Senate File 2104, a bill for an act relating to the Iowa probate code.

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

Senate File 2190, a bill for an act creating in the department of social services the right of subrogation to recover payments made under the medical assistance program.

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

Senate File 2194, a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them.

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

QUORUM CALL

Roll call was requested by Schroeder of Pottawattamie and Thompson of Polk to determine that a quorum was present. Rule 69 was invoked.

Present: 85

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Doyle	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krewson	Lageschulte
Lind	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Schroeder	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	Woods	Wyckoff
Mr. Speaker			

Absent: 15

Arnould	Bennett	Brockett	Danker
Den Herder	Dunton	Griffiee	Krause
Lipsky	Patchett	Pellett	Shimaneck
Small	Smalley	West	

BUSINESS PENDING

The House resumed consideration of **House File 2325**, a bill for an act relating to choice of care for a work related injury covered by workers' compensation.

West of Marshall offered the following amendment H-5778 filed by him from the floor and moved its adoption:

H-5778

1 Amend House File 2325 as follows:

2 1. Page 1, line 15 by inserting after the
3 word "care" the following: "provided by a person
4 licensed under chapters one hundred forty-eight
5 (148), one hundred fifty A (150A), and one hundred
6 fifty-three (153) of the Code, or the treatment and
7 procedures prescribed by a person so licensed".

Amendment H-5778 lost.

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

On the question "Shall the bill pass?" (H.F. 2325)

The ayes were, 62:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Hargrave	Harvey
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Lageschulte
Lindeen	Lonergan	Menke	Middleswart
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Perkins	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Tauke	Walter	Wells
Woods	Mr. Speaker		

The nays were, 31:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Gentleman	Halvorson	Hansen
Harbor	Hoffmann	Krewson	Lind
Millen	Miller (Sergeant)	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Stephens
Stromer	Thompson	Tofte	Varley
Welden	West	Wyckoff	

Absent or not voting, 7:

Arnould
Griffie

Brockett
Lipsky

Den Herder
Smalley

Evans

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

HOUSE FILE 509 WITHDRAWN

Jochum of Dubuque asked and received unanimous consent to withdraw House File 509 from further consideration by the House.

HOUSE FILE 250 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House File 250 from further consideration by the House.

REGULAR CALENDAR

House File 2359, a bill for an act relating to reorganization procedures for school districts, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-5779 filed by him from the floor. Division was requested as follows:

H-5779

1 Amend House File 2359 as follows:

H-5779A

2 1. Page 1, by inserting after line 20 the following
3 section:

4 "Sec. Section two hundred seventy-four point
5 thirteen (274.13), Code 1977, is amended by striking
6 the section and inserting in lieu thereof the
7 following:

8 274.13 ATTACHING TERRITORY TO ADJOINING DISTRICT.

9 Any portion of the landowners in a school district
10 may file a petition with the area education agency
11 administrator to include their land or a portion of
12 their land within the boundaries of an adjacent school
13 district. The area education agency administrator
14 shall transmit the petition to the board of directors
15 of the area education agency for review. If the board

16 approves the transfer, the area education agency
 17 administrator, following approval by the board of
 18 the affected adjacent district, shall by a written
 19 order attach the part thus affected to the adjoining
 20 school district. One copy of the order shall be
 21 transmitted to the secretary of each school district
 22 involved in the transfer who shall record the transfer
 23 and make the proper designation on the plat of the
 24 district. One copy of the order shall also be
 25 transmitted to the department of public instruction."

H-5779B

26 2. Page 9, by striking lines 22 through 35.
 27 3. Page 10, by striking lines 1 through 35.
 28 4. Page 11, by striking lines 1 through 14 and
 29 inserting in lieu thereof the following:
 30 "Sec. 15. Section two hundred seventy-five point
 31 twenty-five (275.25), Code 1977, is amended by striking
 32 the section and inserting in lieu thereof the
 33 following:
 34 275.25 ELECTION OF DIRECTORS. If the proposition
 35 to establish a new corporation carries under the
 36 method provided, the board of the reorganized district
 37 shall consist of the members of the boards of the
 38 districts involved in the reorganization who are
 39 residents of the reorganized district until the second
 40 regular school election held thereafter, except as
 41 otherwise provided in this section. Terms of office
 42 of such members shall be extended beyond their
 43 expiration to the organizational meeting after the
 44 second regular school election held thereafter.
 45 Vacancies occurring on the board during the period
 46 shall be filled by appointment of the remaining
 47 members.
 48 At the first election at which members will be
 49 elected, three members of the board shall remain in
 50 office, one for a one-year term, one for a two-year

Page 2

1 term, and one for a three-year term. The determination
 2 of the members to be retained shall be made by lot.
 3 At the election, one member shall be elected for a
 4 one-year term and one for a two-year term, except
 5 in districts which include all or part of a city of
 6 fifteen thousand or more population and in districts
 7 in which the proposition to establish a new corporation
 8 provides for seven directors, two directors shall
 9 be elected for a three-year term. Provided, however,
 10 that in all community school districts which include

11 a city of fifteen thousand or more population and
 12 which became effective prior to July 4, 1955, and
 13 in all community school districts containing a city
 14 which has attained a population of fifteen thousand
 15 or more as shown by the most recent decennial federal
 16 census, the board of directors shall consist of seven
 17 members. The county board of supervisors shall canvass
 18 the votes and the county commissioner of elections
 19 report the results to the area education agency
 20 administrator who shall notify the persons who are
 21 elected directors.

22 The board consisting of members of the former
 23 school districts shall organize within fifteen days
 24 following the effective date of the reorganization
 25 upon call of the administrator. The board of directors
 26 shall have complete control of the employment of all
 27 personnel for the newly-formed community school
 28 district for the ensuing school year. Following the
 29 organization of the board, the board shall establish
 30 policy, organize curriculum, enter into contracts
 31 and complete such other planning and take such action
 32 as is essential for the efficient management of the
 33 newly-formed community school district."

34 5. By numbering and renumbering sections as
 35 necessary.

Spear of Lee rose on a point of order that amendment H—5779A was not germane.

The Speaker ruled the point not well taken and amendment H—5779A germane.

Schroeder of Pottawattamie moved the adoption of amendment H—5779A.

Roll call was requested by Schroeder of Pottawattamie and Danker of Pottawattamie.

On the question "Shall amendment H—5779A be adopted?"

The ayes were, 14:

Clark, J.H.
 Halvorson
 Miller, K.D.
 Stephens

Conlon
 Harbor
 Schneklath
 Welden

Crabb
 Harvey
 Schroeder

Danker
 Lageschulte
 Spear

The nays were, 75:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Connors	Crawford	Cusack	Daggett
Davitt	Dieleman	Dunton	Egenes
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Hansen
Hargrave	Hines	Hinkhouse	Hoffmann
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lind	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Shimanek	Small	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 11:

Arnould	Brockett	Den Herder	Doyle
Dyrland	Evans	Horn	Hullinger
Lipsky	Norland	Smalley	

Amendment H—5779A lost.

Action on amendment H—5779B was temporarily deferred.

Bennett of Ida offered the following amendment H—5773 filed by him from the floor and moved its adoption:

H—5773

- 1 Amend House File 2359 as follows:
- 2 1. Page 2, line 8, by inserting after the word
- 3 "and" the word "all".
- 4 2. Page 2, line 19, by inserting after the word
- 5 "agency" the words "and all districts adjacent to the
- 6 area education agency".
- 7 3. Page 4, line 26, by inserting after the word
- 8 "section." the words "Studies and surveys relating to
- 9 the planning of joint districts shall be filed with the
- 10 area education agency in which one of the districts is
- 11 located which has the greatest taxable property base."

Amendment H—5773 was adopted.

The House resumed consideration of amendment H—5779B.

On motion by Schroeder of Pottawattamie, amendment H—5779B lost.

Stromer of Hancock offered the following amendment H—5781 filed by him from the floor and moved its adoption:

H—5781

- 1 Amend House File 2359 as follows:
- 2 1. By striking page 11, line 18 through page 12,
- 3 line 7 and inserting in lieu thereof the following:
- 4 "The terms of employment of superintendents,
- 5 principals, and teachers, for any current school year
- 6 shall not be affected by the formation of the new
- 7 district. However, if the board of a school district
- 8 has entered into a collective bargaining agreement
- 9 with its employees and prior to the date upon which
- 10 the agreement expires the school district is
- 11 reorganized under this chapter, the collective
- 12 bargaining agreement shall be terminated upon the
- 13 date the reorganized school district comes into
- 14 existence."

Roll call was requested by Anderson of Jasper and Miller of Buchanan.

On the question "Shall amendment H—5781 be adopted?"

The ayes were, 24:

Bennett	Branstad	Clark, B.J.	Conlon
Crabb	Daggett	Danker	Gentleman
Hansen	Hoffmann	Lindeen	Menke
Millen	Pellett	Pelton	Perkins
Schnekloth	Stephens	Stromer	Thompson
Tofte	Varley	Welden	Wyckoff

The nays were, 56:

Anderson	Avenson	Baker	Bina
Binneboese	Brunow	Byerly	Clark, J.H.
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Gettings	Giloon	Gilson
Griffie	Halvorson	Hargrave	Hines
Hinkhouse	Horn	Howell	Husak
Jesse	Junker	Koogler	Krause

Krewson	Lageschulte	Lind	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Newhard
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Shimanek	Small
Spear	Spencer	Svoboda	Tauke
Walter	Wells	Woods	Mr. Speaker

Absent or not voting, 20:

Arnould	Brandt	Brockett	Chiodo
Den Herder	Evans	Fitzgerald	Garrison
Harbor	Harvey	Hullinger	Jochum
Lipsky	Monroe	Nielsen	Norland
O'Halloran	Schroeder	Smalley	West

Amendment H — 5781 lost.

Egenes of Story offered the following amendment H — 5782 filed by her from the floor:

H — 5782

- 1 Amend House File 2359 as follows:
- 2 1. Page 14, by inserting after line 28 the
- 3 following sections:
- 4 "Sec. Section two hundred eighty-two point
- 5 three (282.3), subsection two (2), unnumbered
- 6 paragraphs three (3) and four (4), Code 1977, are
- 7 amended to read as follows:
- 8 No child shall be admitted to school work for the
- 9 year immediately preceding the first grade unless
- 10 he or she is five years of age on or before the
- 11 fifteenth of September of the current school year
- 12 or the child has been certified by the area education
- 13 agency administrator of the area in which the child
- 14 resides to have demonstrated the possession of
- 15 sufficient ability to profit from the school's
- 16 educational program on the basis of tests and other
- 17 means of evaluation approved by the department of
- 18 public instruction.
- 19 No child shall be admitted to the first grade
- 20 unless he or she is six years of age on or before the
- 21 fifteenth of September of the current school year;
- 22 except that a child under six years of age who has
- 23 been admitted to school work for the year immediately
- 24 preceding the first grade under conditions approved
- 25 by the department of public instruction, or who has
- 26 demonstrated the possession of sufficient ability
- 27 to profit by first-grade work on the basis of tests
- 28 or other means of evaluation recommended or approved

- 29 by the department of public instruction, may be
 30 admitted to the first grade at any time before December
 31 31.”
 32 2. Amend the title, line 2, by inserting after
 33 the word “reorganization” the words “and admission”.

Patchett of Johnson rose on a point of order that amendment H—5782 was not germane.

The Speaker ruled the point well taken and amendment H—5782 not germane.

Svoboda of Iowa moved that the rules governing germaneness be suspended for the consideration of amendment H—5782.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 40, nays 48.

The motion lost.

Baker of Buena Vista asked and received unanimous consent to withdraw amendment H—5780 filed by him from the floor.

Bennett of Ida offered the following amendment H—5784 filed by him from the floor:

H—5784

- 1 Amend House File 2359 as follows:
- 2 1. Page 12, by striking lines 8 through 35.
- 3 2. Page 13, by striking lines 1 through 35.
- 4 3. Page 14, by striking lines 1 through 17.
- 5 4. By renumbering sections as necessary.

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H—5784.

Menke of O'Brien offered the following amendment H—5774 filed by him from the floor and moved its adoption:

H—5774

- 1 Amend House File 2359 as follows:
- 2 1. Page 14, strike lines 29 through 35.
- 3 2. Page 15, strike lines 1 through 22.

A non-record roll call was requested.

The ayes were 29, nays 49.

Amendment H—5774 lost.

Svoboda of Iowa offered the following amendment H—5783 filed by her from the floor:

H—5783

1 Amend House File 2359 as follows:

2 1. Page 15, by inserting after line 22 the
3 following section:

4 "Sec. . . . LEGISLATIVE STUDY. The legislative
5 council is directed to appoint an interim study
6 committee to conduct a comprehensive study of the
7 following: The advisability of establishing adequate
8 performance on standardized minimal competency tests
9 as a criteria for graduation from high schools; the
10 advisability of requiring standardized tests at certain
11 critical points in a student's school career, as for
12 example, upon entrance to first, fifth, seventh, or
13 ninth grades; the feasibility and cost of offering
14 remedial programs shown to be needed by such periodic
15 testing; the general content of standardized tests;
16 the feasibility of using the results of standardized
17 tests as one indicator of the presence or absence
18 of equal educational opportunity; and any advantages
19 or disadvantages such tests would provide individual
20 school districts in judging the effectiveness of their
21 own programs. The study committee may request
22 assistance from the department of public instruction
23 and other educational agencies.

24 The interim study committee shall consist of the
25 following members: The chairpersons and minority
26 ranking members of the house and senate committees
27 on education, one member of the house committee on
28 education, one member of the senate committee on
29 education, one school administrator appointed by the
30 governing board of the Iowa association of school
31 administrators, one teacher appointed by the governing
32 board of the Iowa state education association, one
33 school board member appointed by the Iowa association
34 of school boards; three persons appointed by the
35 legislative council who are parents of public school
36 students, one of whom is a resident of a school
37 district of more than five thousand enrollment, one
38 of whom is a resident of a school district of from
39 five hundred to four thousand nine hundred ninety-

40 nine enrollment, and one of whom is a resident of
41 a school district of less than five hundred enrollment;
42 and one person who possesses expertise in the area
43 of educational testing and measurement who is appointed
44 by the legislative council.
45 The interim study committee shall make a report
46 of its recommendations accompanied by legislative
47 bill drafts to implement its recommendations, which
48 drafts the committee may recommend and which shall
49 be filed by the legislative members as study bills
50 with the appropriate standing committee."

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- 1 2. By numbering and renumbering sections as
- 2 necessary.

Koogler of Mahaska in the chair at 4:03 p.m.

Baker of Buena Vista rose on a point of order that amendment H-5783 was not germane.

The Speaker ruled the point well taken and amendment H-5783 not germane.

The House resumed consideration of amendment H-5784.

Bennett of Ida asked and received unanimous consent to withdraw amendment H-5784.

Svoboda of Iowa moved that the rules governing germaneness be suspended for the consideration of amendment H-5783.

A non-record roll call was requested.

The ayes were 32, nays 44.

The motion lost.

Baker of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2359)

The ayes were, 74:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Connors	Crawford	Cusack
Davitt	Dieleman	Doyle	Duntun
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffee	Halvorson	Hansen
Hargrave	Harvey	Hines	Horn
Howell	Jesse	Jochum	Krause
Krewson	Lageschulte	Lind	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schnekloth	Shimaneck	Small	Spear
Spencer	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Welden
Wells	Woods		

The nays were, 21:

Bennett	Conlon	Crabb	Daggett
Danker	Harbor	Hinkhouse	Hoffmann
Hullinger	Husak	Junker	Lindeen
Menke	Millen	Pellett	Schroeder
Stephens	Thompson	West	Wyckoff
Mr. Speaker (Koogler)			

Absent or not voting, 5:

Arnould	Brockett	Den Herder	Lipsky
Smalley			

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

MOTION TO RECONSIDER LOST
(House File 2359)

Baker of Buena Vista asked for unanimous consent that House File 2359 be immediately messaged to the Senate.

Objection was raised.

Patchett of Johnson moved to reconsider the vote by which House File 2359 passed the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 41, nays 43.

The motion lost.

REGULAR CALENDAR

The House resumed consideration of **House File 559**, a bill for an act requiring existing residential dwellings or portions of existing structures used therefore to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

Varley of Adair offered amendment H-5613 filed by the committee on energy on March 9, 1978 and found on pages 935 and 936 of the House Journal and requested division as follows:

H-5613A, lines 2 through 9, lines 34 through 37 and lines 40 through 44, all on page 1.

H-5613B, lines 20 through 33, page 1.

H-5613C, lines 38 and 39, and lines 45 through 48, page 1.

H-5613D, lines 49 and 50, page 1, and line 1, page 2.

H-5613E, lines 2 through 5, page 2.

Varley of Adair asked and received unanimous consent to withdraw amendment H-5613A.

On motion by Varley of Adair, amendment H-5613B was adopted.

Varley of Adair asked and received unanimous consent to reconsider the vote by which amendment H-5277B, as amended, was adopted by the House on February 20, 1978.

Varley of Adair asked for unanimous consent to defer action on amendment H-5277B, as amended

Objection was raised.

Varley of Adair moved to defer action on amendment H-5277B, as amended, which motion prevailed.

Danker of Pottawattamie asked and received unanimous consent to reconsider the vote by which amendment H-5344 was adopted by the House on February 20, 1978.

Danker of Pottawattamie moved that action on amendment H-5344 be deferred.

A non-record roll call was requested.

The ayes were 64, nays 2.

The motion prevailed and amendment H-5344 was deferred.

On motion by Varley of Adair, the committee amendment H-5613C was adopted, placing out of order the following amendments:

H-5344, filed by Danker, et al., and found on page 548 of the House Journal.

H-5277B, filed by the committee on energy and found on page 448 of the House Journal.

H-5364, filed by Hargrave of Johnson on February 20, 1978.

H-5360, as amended, filed by Hines of Story and found on page 548 of the House Journal.

On motion by Varley of Adair, the committee amendment H-5613D was adopted.

On motion by Varley of Adair, the committee amendment H-5613E was adopted.

Woods of Polk offered the following amendment H-5361 filed by him and moved its adoption:

H-5361

- 1 Amend House File 559 as follows:
- 2 1. Page 1, line 5 by inserting after the word
- 3 "dwelling" the words "commercial or industrial
- 4 property".

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

On the question "Shall amendment H—5361 be adopted?"

The ayes were, 34:

Baker	Bina	Binneboese	Byerly
Chiodo	Conlon	Connors	Cusack
Dieleman	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Harvey	Hines
Horn	Husak	Jochum	Krewson
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Pavich	Poncy	Rinas	Small
Smalley	Stephens	Walter	West
Woods	Wyckoff		

The nays were, 55:

Anderson	Avenson	Bennett	Brandt
Branstad	Clark, B.J.	Clark, J.H.	Crabb
Crawford	Daggett	Danker	Davitt
Doyle	Egenes	Evans	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Hoffmann	Howell
Hullinger	Junker	Lageschulte	Lind
Lindeen	Loneragan	Menke	Middleswart
Millen	Newhard	Norland	O'Halloran
Oxley	Patchett	Pellett	Pelton
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Welden	Wells	Mr. Speaker (Koogler)	

Absent or not voting, 11:

Arnould	Brockett	Brunow	Cochran
Den Herder	Dunton	Hinkhouse	Jesse
Krause	Lipsky	Perkins	

Amendment H—5361 lost.

Evans of Grundy offered the following amendment H—5362 filed by him and moved its adoption:

H—5362

- 1 Amend House File 559 as follows:
- 2 1. Page 3, line 21, by striking the word "may"
- 3 and inserting in lieu thereof the word "shall".

Amendment H—5362 was adopted.

Tauke of Dubuque offered the following amendment H—5789 filed by him from the floor and moved its adoption:

H—5789

- 1 Amend House File 559 as follows:
- 2 1. Page 4, line 17, by inserting after the word
- 3 "lender" the following: "; the loan shall not be
- 4 illegal; nor shall the debt, the mortgage or other
- 5 lien be void or voidable".

Amendment H—5789 was adopted.

(House File 559 pending at recess.)

PRESENTATION OF VISITOR

Rinas of Linn presented to the House the Honorable James D. Jordan, former member of the House representing Linn County.

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Danker of Pottawattamie for the evening session on request of Menke of O'Brien.

QUORUM CALL

Roll call was requested by Lageschulte of Bremer and Schroeder of Pottawattamie to determine that a quorum was present. Rule 69 was invoked.

Present: 87

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland

Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Pelton	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent: 13

Arnould	Baker	Branstad	Brockett
Chiodo	Cusack	Danker	Den Herder
Egenes	Jesse	Krause	Lipsky
Perkins			

BUSINESS PENDING

The House resumed consideration of **House File 559**, a bill for an act requiring existing residential dwellings or portions of existing structures used therefore to meet certain thermal efficiency standards upon the transfer of ownership or when the owner receives a home improvement loan.

Horn of Linn offered the following amendment H-5376 filed by him:

H-5376

- 1 Amend House File 559 as follows:
- 2 1. Page 4, by inserting after line 28 the following
- 3 section:
- 4 "Sec. . . Section four hundred twenty-seven point
- 5 one (427.1), Code 1977, is amended by adding the
- 6 following new subsection:
- 7 NEW SUBSECTION. Personal property or improvements to
- 8 real property used to conserve fuel or nonrenewable fuel
- 9 resources, not to exceed the actual value of the property
- 10 or improvements, shall be exempt from taxation for the
- 11 periods and to the extent provided in this subsection

12 upon compliance with the provisions of this subsection.
13 Property shall include but not be limited to heat pumps,
14 insulation, siding, storm windows, climate control units
15 and water heating units powered by the wind or the sun,
16 and reflective glass in windows of large buildings.
17 Improvements to real property may include conversion to
18 alternative systems of heating and cooling buildings
19 when conversion reduces consumption of nonrenewable fuel
20 resources or fuels which are in short supply.

21 This exemption shall apply to new installations of
22 the property in residential homes and, for a period of
23 ten years beginning on January first after the construc-
24 tion or installation of the property is completed, to
25 new installations of the property in commercial and
26 industrial buildings. The exemption under this subsec-
27 tion shall apply to property existing on the effective
28 date of this Act if its construction or installation was
29 completed after January 1, 1973, but in the case of
30 existing property in commercial and industrial buildings
31 the exemption shall apply for a period of ten years
32 beginning on January 1, 1979.

33 Application for this exemption shall be filed with the
34 assessing authority not later than the first of February
35 of the year in which the assessment is made, on forms
36 provided by the department of revenue. The application
37 shall describe and locate the specific property to be
38 exempt.

39 The first annual application for a specific exemption
40 shall be accompanied by a certificate of the director of
41 the energy policy council as established in chapter ninety-
42 three (93) of the Code stating that the energy policy
43 council certifies that the primary use of the property for
44 which exemption is requested is to conserve fuel or non-
45 renewable fuel resources. Judicial review of a determina-
46 tion of the energy policy council under this subsection
47 may be sought in accordance with the Iowa administrative
48 procedure act.

49 The energy policy council shall adopt rules relating to
50 certification under this subsection and information to

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1 be submitted for evaluating property for which a
2 certificate is requested. The revenue department
3 shall adopt any rules necessary to implement this
4 subsection, including rules on identification and
5 valuation of the property. All rules adopted shall
6 be subject to the provisions of chapter seventeen A
7 (17A) of the Code."

8 2. Amend the title, line 1, by inserting after the
9 word "Act" the words "relating to energy conservation
10 in buildings by".

- 11 3. Amend the title, line 4, by inserting after the
 12 word "loan" the words "and providing a limited property
 13 tax exemption for certain energy conserving property
 14 improvements."

O'Halloran of Black Hawk rose on a point of order that amendment H—5376 was not germane.

The Speaker ruled the point well taken and amendment H—5376 not germane.

Nielsen of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—5376.

Roll call was requested by Baker of Buena Vista and Byerly of Polk.

Rule 70 was invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 59:

Baker	Bennett	Bina	Binneboese
Brandt	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Daggett	Dieleman	Dunton
Garrison	Gentleman	Gettings	Gilloon
Halvorson	Hansen	Harvey	Hines
Horn	Jochum	Junker	Koogler
Krewson	Lind	Lindeen	Lonergan
Menke	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Oxley
Patchett	Pavich	Pellet	Poney
Rinas	Schneklath	Schroeder	Smalley
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Walter	Wells
West	Woods	Wyckoff	

The nays were, 28:

Anderson	Avenson	Brunow	Davitt
Doyle	Dyrland	Evans	Gilson
Griffiee	Harbor	Hargrave	Hoffmann
Howell	Hullinger	Husak	Lageschulte
Middleswart	Norland	O'Halloran	Pelton
Scheelhaase	Shimanek	Small	Spear
Tofte	Varley	Welden	Mr. Speaker

Absent or not voting, 13:

Arnould	Branstad	Brockett	Cusack
Danker	Den Herder	Egenes	Fitzgerald
Hinkhouse	Jesse	Krause	Lipsky
Perkins			

The motion prevailed and the rules were suspended to consider amendment H—5376.

By unanimous consent the following amendment H—5804, to amendment H—5376, filed by Junker of Woodbury from the floor was adopted:

H—5804

- 1 Amend amendment H—5376, to House File 559, as
- 2 follows:
- 3 1. Page 1, line 29, by striking the figures
- 4 "1973" and inserting in lieu thereof the figures
- 5 "1978".

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Small of Johnson offered the following amendment H—5805, to amendment H—5376, filed by him from the floor:

H—5805

- 1 Amend amendment H—5376, to House File 559, as
- 2 follows:
- 3 1. Page 1, by striking line 16 and inserting
- 4 in lieu thereof the following: ".".

Small of Johnson asked and received unanimous consent to amend amendment H—5376, by striking in line 15 the ",".

Small of Johnson moved the adoption of amendment H—5805, to amendment H—5376.

A non-record roll call was requested.

The ayes were 64, nays 19.

Amendment H—5805 was adopted.

Conlon of Muscatine offered the following amendment H—5806, to amendment H—5376, filed by him from the floor and moved its adoption:

H—5806

- 1 Amend amendment H—5376, to House File 559, as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the
- 4 words "windows," the word "and".

Amendment H—5806 was adopted.

Horn of Linn moved the adoption of amendment H—5376, as amended.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 50, nays 42.

Amendment H—5376, as amended, was adopted.

Scheelhaase of Woodbury rose on a point of order and invoked Rule 32.

The Speaker ruled the point well taken.

Fitzgerald of Webster asked for unanimous consent to suspend Rule 32.

Objection was raised.

Fitzgerald of Webster moved that Rule 32 be suspended.

Roll call was requested by Schnekloth of Scott and Conlon of Muscatine.

Rule 70 was invoked.

On the question "Shall the motion to suspend Rule 32 prevail?"

The ayes were, 42:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Davitt	Doyle
Dyrland	Fitzgerald	Gentleman	Gettings
Gilloon	Griffie	Hargrave	Hines
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Monroe	Newhard	Nielsen
O'Halloran	Patchett	Poncy	Rinas
Small	Spear	Svoboda	Walter
Wells	Mr. Speaker		

The nays were, 47:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Dieleman	Dunton	Egenes	Evans
Garrison	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Hullinger	Junker	Krewson	Lageschulte
Lind	Lindeen	Menke	Millen
Miller, K.D.	Pellett	Pelton	Scheelhaase
Schneklath	Schroeder	Shimanek	Smalley
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Welden
West	Woods	Wyckoff	

Absent or not voting, 11:

Arnould	Branstad	Brockett	Danker
Den Herder	Lipsky	Miller (Sergeant)	Norland
Oxley	Pavich	Perkins	

The motion lost and House File 559 was referred to the committee on ways and means.

House File 2361, a bill for an act relating to moneys available to school districts, providing for an additional enrichment amount, funds for unusual transportation problems and unique problems of school districts, changing the budget certification date for the site fund, altering the eligibility for one hundred twenty-five percent allowable growth, and prohibition of reduction of school budgets after their certification, was taken up for consideration.

Welden of Hardin offered the following amendment H—5770 filed by Welden, Millen and Stromer from the floor:

H—5770

1 Amend House File 2361 as follows:

2 1. Page 1, by inserting before line 1 the fol-
3 lowing sections:

4 "Section 1. Section two hundred fifty-seven
5 point twenty-five (257.25), subsection six (6), para-
6 graph b, Code 1977, as amended by Acts of the Sixty-
7 seventh General Assembly, 1977 Session, chapter
8 ninety-three (93), section three (3), is amended to
9 read as follows:

10 b. Four units of the social studies. American
11 history, American government, government and cultures
12 of other peoples and nations, and general consumer
13 education, family law, and economics, including com-
14 parative and consumer economics, shall be taught in
15 the units but need not be required as full units.
16 All students shall be required to take one unit of
17 American history, one-half unit of economics with em-
18 phasis on the comparative values of the free enter-
19 prise system and one-half unit of the governments of
20 Iowa and the United States, including instruction in
21 voting statutes and procedures, voter registration
22 requirements, the use of paper ballots and voting
23 machines in the election process, and the methods of
24 acquiring and casting an absentee ballot.

25 Sec. . The one-half unit course in economics
26 with emphasis on the comparative values of the free
27 enterprise system shall be made available in each
28 school district and nonpublic high school not later
29 than January 1, 1979. The successful completion of
30 such an economic course shall be required for gradua-
31 tion from high school by every student graduating
32 after January 1, 1980."

33 2. Amend the title, line 6, by adding after the
34 word "growth," the following:

35 "requiring one-half unit of economics for high
36 school graduation,".

Patchett of Johnson rose on a point of order that amendment H—5770 was not germane.

The Speaker ruled the point well taken and amendment H—5770 not germane.

Welden of Hardin moved that the rules governing germaneness be suspended for the consideration of amendment H—5770.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 45, nays 41.

The motion, having failed to receive a constitutional majority, lost.

Miller of Buchanan offered the following amendment H-5775 filed by him from the floor:

H-5775

- 1 Amend House File 2361 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. . Chapter two hundred eighty (280), Code
- 5 1977, is amended by adding the following new section:
- 6 NEW SECTION. Extracurricular activities sponsored
- 7 by a school or school district which do not take place
- 8 within the confines of a building or structure as
- 9 defined in section one hundred three A point three
- 10 (103A.3) of the Code, shall not be held during rain
- 11 or thunderstorms. The school employee in charge of
- 12 the extracurricular activity shall determine whether
- 13 the weather warrants postponement or cancellation
- 14 of the activity."
- 15 2. By numbering and renumbering sections as
- 16 necessary.

Patchett of Johnson rose on a point of order that amendment H-5775 was not germane.

The Speaker ruled the point well taken and amendment H-5775 not germane.

Miller of Buchanan rose on a point of order and invoked Rule 32 on House File 2361.

The Speaker ruled the point not well taken and Rule 32 not in order.

Lind of Black Hawk offered the following amendment H-5786 filed by him from the floor:

H-5786

- 1 Amend House File 2361 as follows:
- 2 1. Page 1, by inserting before line 1 the following

3 section:

4 "Section 1. Chapter two hundred sixty-five (265),
5 Code 1977, is amended by adding the following new
6 section:

7 NEW SECTION. REPORTS FILED. The authorities in
8 charge of a laboratory school shall file with the
9 department of public instruction such reports relating
10 to educational programs, teacher certification, and
11 school operation as are deemed necessary by the
12 department."

13 2. By numbering and renumbering sections as
14 necessary in accordance with this amendment.

Patchett of Johnson rose on a point of order that amendment
H—5786 was not germane.

The Speaker ruled the point well taken and amendment
H—5786 not germane.

Patchett of Johnson offered the following amendment H—5791
filed by him from the floor:

H—5791

1 Amend House File 2361 as follows:

2 1. Page 1, by striking lines 16 through 32 and
3 inserting in lieu thereof the following:

4 "a. If the state cost per pupil in the base year
5 minus the amount included in the state cost per pupil
6 in the base year to compensate for the cost of special
7 education support services exceeds the district cost
8 per pupil in the base year minus the amount included
9 in the district cost per pupil in the base year to
10 compensate for the cost of special education support
11 services, the basic allowable growth per pupil for
12 the budget year is modified to equal the lesser of
13 one hundred twenty-five percent of the basic allowable
14 growth product obtained by multiplying the state
15 percent of growth for the budget year times an amount
16 equal to the state cost per pupil for the base year
17 less the average amount for special education support
18 service costs per pupil for the budget base year or
19 an amount sufficient to equalize the district cost
20 per pupil in the budget year, excluding the district's
21 amount per pupil for special education support service
22 costs, with the state cost per pupil in the budget
23 year, excluding the average amount per pupil for
24 special education support service costs."

Stromer of Hancock rose on a point of order that amendment
H—5791 was not germane.

The Speaker ruled the point not well taken and amendment H—5791 germane.

On motion by Patchett of Johnson, amendment H—5791 was adopted.

Stromer of Hancock offered the following amendment H—5792 filed by him from the floor:

H—5792

1 Amend House File 2361 as follows:

2 1. Page 1, by inserting after line 32 the
3 following:

4 "Sec. . Section four hundred forty-two point
5 eight (442.8), Code 1977, is amended by adding the
6 following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. However, for the budget

8 year beginning July 1, 1979, the state cost per pupil

9 as otherwise computed under this section shall be

10 reduced by the average cost per pupil in weighted

11 enrollment in the state for school transportation

12 in the base year, based upon authorized transportation

13 costs approved by the department of public instruction.

14 Sec. . Section four hundred forty-two point

15 nine (442.9), subsection one (1), paragraph c, Code

16 1977, as amended by Acts of the Sixty-seventh General

17 Assembly, 1977 Session, chapter two (2), section one

18 (1), is amended to read as follows:

19 c. The amount to be raised by the additional

20 school district property tax levy is equal to the

21 district cost for the budget year, less the product

22 of the state or district foundation base and the

23 weighted enrollment and less any amount received in

24 state aid from the school transportation aid fund."

25 2. Page 5, by inserting after line 3 the following:

26 "Sec. . Chapter four hundred forty-two (442),

27 Code 1977, is amended by adding the following new

28 section:

29 NEW SECTION.

30 1. A school transportation aid fund is established.

31 There is appropriated to the school transportation

32 aid fund for each budget year an amount to be

33 determined by the state comptroller as follows:

34 a. Multiply the average cost per pupil in weighted

35 enrollment in the state for school transportation

36 in the base year, based upon authorized transportation

37 costs approved by the department of public instruction,

38 by the percentage of the state cost per pupil which

39 determines the state foundation base for the budget

40 year, as provided in section four hundred forty-two
41 point three (442.3) of the Code.
42 b. Multiply the product by the weighted enrollment
43 in the state for the budget year.
44 c. The final product is the amount appropriated.
45 2. The state comptroller shall allocate the amount
46 appropriated to the school transportation aid fund
47 for each budget year to each school district in the
48 state as follows:
49 a. Multiply each school district's cost per pupil
50 in weighted enrollment for school transportation in

Page 2

1 the district in the base year based upon authorized
2 transportation costs approved by the department of
3 public instruction, by the percentage of the state
4 cost per pupil which determines the state foundation
5 base for the budget year, as provided in section four
6 hundred forty-two point three (442.3) of the Code.
7 b. Multiply the product by the weighted enrollment
8 in the district for the budget year.
9 c. The final product is the amount allocated to
10 each district for school transportation aid.
11 3. A school district required by chapter two
12 hundred eighty-five (285) of the Code to provide
13 transportation to pupils is entitled to school
14 transportation aid as provided in this section.
15 However, no transportation aid shall be paid to school
16 districts to cover costs incurred in transporting
17 pupils from home to a bus route, or in transporting
18 pupils not entitled to free transportation but who
19 are transported at the expense of the home district
20 or the parents. The secretary of each district shall,
21 on or before the first day of July of each year,
22 report to the state department of public instruction
23 on blanks furnished by the department, the information
24 it requires for determining the amount of the
25 district's transportation cost per pupil in the base
26 year. The department may require further supporting
27 data and information, and shall certify the proper
28 amount for each district to the state comptroller.
29 The state comptroller shall draw warrants and deliver
30 them to the districts, as provided in section four
31 hundred forty-two point twenty-six (442.26) of the
32 Code."
33 3. Renumber and correct internal references as
34 necessary.

Patchett of Johnson rose on a point of order that amendment
H—5792 was not germane.

The Speaker ruled the point well taken and amendment H—5792 not germane.

Stromer of Hancock moved that the rules governing germaneness be suspended for the consideration of amendment H—5792.

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

Rule 70 was invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 42:

Baker	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Doyle	Dunton	Egenes	Evans
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Junker	Koogler	Lageschulte
Lind	Lindeen	Menke	Millen
Miller (Sergeant)	Oxley	Pellett	Pelton
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Spencer	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Welden	West		

The nays were, 45:

Anderson	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Connors
Davitt	Dieleman	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffee	Hargrave	Hines	Hinkhouse
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Lonergan	Middleswart	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Poncy	Spear
Svoboda	Walter	Wells	Wyckoff
Mr. Speaker			

Absent or not voting, 13:

Arnould	Avenson	Branstad	Brockett
Cusack	Danker	Den Hertder	Gilloon
Lipsky	Perkins	Rinas	Small
Woods			

The motion lost.

Davitt of Warren asked and received unanimous consent to temporarily defer action on amendment H—5771.

Norland of Worth offered the following amendment H—5785 filed by Norland, West, Byerly, Davitt, Daggett and Baker from the floor and moved its adoption:

H—5785

- 1 Amend House File 2361 as follows:
- 2 1. Page 3, line 31, by striking the words "two
- 3 and one-half" and inserting in lieu thereof the words
- 4 "~~two and one-half~~ five".
- 5 2. Page 4, line 3, by striking the word "ten"
- 6 and inserting in lieu thereof the word "twenty".

Amendment H—5785 was adopted.

Davitt of Warren offered the following amendment H—5771 filed by Davitt, Bennett, Wyckoff, Husak, Harbor, Middleswart and Hullinger from the floor and moved its adoption:

H—5771

- 1 Amend House File 2361, as follows:
- 2 1. Page 3, by striking lines 6 through 18 and
- 3 inserting in lieu thereof the following: "and shall
- 4 direct the county commissioner of elections to"
- 5 2. Page 4, by striking lines 7 and 8 and
- 6 inserting in lieu thereof the word "If".
- 7 3. Page 4 line 9, by striking the words "hearing or".

Roll call was requested by Davitt of Warren and Husak of Tama.

On the question "Shall amendment H—5771 be adopted?"

The ayes were, 55:

Avenson	Bennett	Binneboese	Brunow
Clark, B.J.	Conlon	Crabb	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Egenes	Evans	Garrison
Gentleman	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Hullinger
Husak	Junker	Koogler	Lageschulte
Lindeen	Lonerган	Menke	Middleswart

Millen	Miller, K.D.	Miller (Sergeant)	Norland
Oxley	Pellett	Pelton	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Smalley	Stephens	Stromer	Svoboda
Thompson	Tofte	Varley	Welden
West	Wyckoff	Mr. Speaker	

The nays were, 34:

Anderson	Baker	Bina	Brandt
Clark, J.H.	Connors	Crawford	Dyrland
Fitzgerald	Gettings	Gilloon	Gilson
Griffee	Horn	Howell	Jesse
Jochum	Krause	Krewson	Lind
Monroe	Newhard	Nielsen	O'Halloran
Patchett	Pavich	Perkins	Poncy
Small	Spear	Spencer	Tauke
Walter	Woods		

Absent or not voting, 11:

Arnould	Branstad	Brockett	Byerly
Chiodo	Danker	Den Herder	Hargrave
Hines	Lipsky	Wells	

Amendment H—5771 was adopted.

Husak of Tama asked and received unanimous consent to change his vote on amendment H—5771 from “nay” to “aye” and the vote was so recorded.

(House File 2361 pending at adjournment.)

MOTIONS TO RECONSIDER (House File 2212)

I move to reconsider the vote by which House File 2212 passed the House on March 23, 1978.

PERKINS of Greene

(House File 2330)

I move to reconsider the vote by which House File 2330 passed the House on March 23, 1978.

STROMER of Hancock

(House File 2354)

I move to reconsider the vote by which House File 2354 passed the House on March 28, 1978.

BRUNOW of Appanoose

SPONSOR ADDED
(House Resolution 128)

Crawford of Story requested to be added as a sponsor of House Resolution 128.

UNANIMOUS CONSENT CALENDAR
(House Resolution 125)

We hereby respectfully request that House Resolution 125, filed on March 22, 1978 and found on page 1145 of the House Journal, be placed on the unanimous consent calendar.

KREWSON of Polk
SMALLEY of Polk
GENTLEMAN of Polk

EXPLANATIONS OF VOTE

In voting on amendment H-5769, to House File 2325, I inadvertently pushed the wrong button to the voting machine. I fully intended to vote "nay" on this amendment.

WELLS of Linn

I was necessarily absent from the House chamber on Thursday, March 23, because I was in the Governor's office. Had I been present I would have voted "aye" on House Files 463, 2330 and 2356.

GARRISON of Black Hawk

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 463 Ways and Means

Providing for a credit against a renter's income tax liability for the rental of a homestead and providing penalties.

S.B. 464 Labor and Industrial Relations

Relating to persons employed on a commission basis as employees.

S.B. 465 Judiciary and Law Enforcement

Relating to insurance for motor vehicles and the responsibility of owners and operators of motor vehicles.

S.B. 466 Commerce

Permitting the establishment and use of common trust funds by banks having common ownership.

S.B. 467 Commerce

Creating an industrial loan corporation thrift certificate guaranty fund, and providing penalties.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., March 22, 1978

Convened: 1:10 p.m.

Adjourned: 2:00 p.m.

Present: Newhard, vice-chair; Arnould, Conlon, Doyle, Dyrland, Garrison, Lipsky, Nielsen, Pelton, Scheelhaase, Shimanek and Woods.

Absent: Branstad (arrived 1:34 p.m.), Clark of Cerro Gordo (arrived 1:26 p.m.), Connors, Gentleman (arrived 1:24 p.m.), Patchett (arrived 1:14 p.m.), Smalley and Spencer (arrived 1:15 p.m.).

Excused: Jesse.

House File 2310, a bill for an act relating to the legalization and validation of the Lost Island sanitary district and the procedures of the board of supervisors and the county auditor of Palo Alto county in connection with the creation and organization of the Lost Island sanitary district.

Recommended Do Pass.

Fiscal note is not required.

Aye: Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Doyle, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Jesse, Connors, Dyrland, Lipsky, Patchett and Smalley.

House File 2315, a bill for an act to legalize proceedings taken by the board of supervisors of Cerro Gordo county relating to the sale of certain properties.

Recommended Do Pass.

Fiscal note is not required.

Aye: Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Doyle, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Jesse, Connors, Dyrland, Lipsky, Patchett and Smalley.

Study Bill 404, a bill for an act to legalize proceedings taken by the Van Buren County board of supervisors relating to sale of certain real estate belonging to the Van Buren County conservation board subject to certain conditions and easements.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Jesse, Connors, Lipsky, Patchett and Smalley.

Study Bill 444, a bill for an act to legalize and validate the procedures whereby the Fremont-Mills Community School District in the Counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with the respective purchasers.

Recommended Do Pass.

Fiscal note is not required.

Aye: Newhard, Branstad, Arnould, Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Garrison, Gentleman; Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Jesse, Connors, Lipsky, Patchett and Smalley.

Committee Bill (Formerly House File 2031), a bill for an act to authorize the manufacture, distribution, sale, prescription, and use of amygdalin in this state.

Recommended Do Pass.

Fiscal note is required.

Aye: Newhard, Arnould, Conlon, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Scheelhaase, Shimanek and Woods.

Nay: Clark of Cerro Gordo, Lipsky and Pelton.

Absent or not voting: Jesse, Branstad, Connors, Patchett, Smalley and Spencer.

Senate File 376, a bill for an act relating to the protection of the rights of owners of enterprises, and providing penalties.

Recommended Amend and Do Pass.

H-5761

- 1 Amend Senate File 376, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 22, line 35, by striking the number "1978"
- 4 and inserting in lieu thereof the number "1979".

Fiscal note is not required.

Aye: Newhard, Arnould, Conlon, Doyle, Garrison, Lipsky, Nielsen, Pelton, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Jesse, Branstad, Clark of Cerro Gordo, Connors, Dyrland, Gentleman, Patchett, Scheelhaase and Smalley.

COMMITTEE ON COMMERCE

Scheduled: 9:00 a.m., March 23, 1978

Convened: 9:10 a.m.

Adjourned: 9:30 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Anderson, Bina, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Welden and West.

Absent: Brunow, Lonergan, Schroeder, Tauke and Walter.

Excused: Den Herder.

Study Bill 440, a bill for an act providing for the appearance by political subdivisions as intervenors in proceedings before the Iowa Commerce commission under section four hundred seventy-six point six (476.6) of the Code and providing for the payment of the costs of such intervention by the customers of the utilities involved in such proceedings.

Recommended **Do Pass**.

Fiscal note is not required.

Aye: Small, Chiodo, Brockett, Anderson, Bina, Dieleman, Evans, Jochum, Koogler and Krause.

Nay: Halvorson, Welden and West.

Absent or not voting: Brunow, Den Herder, Lonergan, Schroeder, Tauke and Walter.

AMENDMENTS FILED

H-5777	H.F. 2361	Welden of Hardin
H-5787	H.F. 559	Harvey of Scott
H-5793	H.F. 362	Nielsen of Polk
H-5794	H.F. 362	Nielsen of Polk
H-5795	S.F. 336	Bina of Scott
		Harvey of Scott
		Horn of Linn
		Cusack of Scott
H-5796	S.F. 336	Bina of Scott
H-5797	S.F. 336	Bina of Scott
H-5798	S.F. 336	Bina of Scott
		Horn of Linn
		Cusack of Scott
H-5799	S.F. 336	Bina of Scott
H-5800	S.F. 336	Menke of O'Brien
		Schnekloth of Scott
H-5801	S.F. 336	Harvey of Scott
H-5802	S.F. 336	Harbor of Mills
H-5803	S.F. 336	Harvey of Scott
		Schnekloth of Scott

H—5807	S.F. 336	Bennett of Ida
H—5808	H.F. 2361	Schroeder of Pottawattamie
H—5809	H.F. 2296	Jochum of Dubuque
H—5810	H.F. 2216	Schroeder of Pottawattamie
H—5812	H.F. 2361	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster, the House adjourned at 10:00 p.m., until 11:00 a.m., Wednesday, March 29, 1978.

JOURNAL OF THE HOUSE

Eightieth Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 29, 1978

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

Prayer was offered by the Reverend Raymond (Bud) Hearn, pastor of the First Presbyterian Church, Mt. Vernon, Iowa.

The Journal of Tuesday, March 28, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. V. L. Schlaser, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lonergan of Boone for the morning session on request of Crabb of Crawford.

PRESENTATION OF VISITORS

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

Thirty-nine members of the Iowa government class from Newell-Providence Community School, Newell, Iowa, accompanied by William Jones and Walt Spurbeck. By Baker of Buena Vista.

Thirty ninth grade students from Jack M. Logan Junior High School, Waterloo, Iowa. By Brandt of Black Hawk and Garrison of Black Hawk.

PETITION FILED

The following petition was received and placed on file:

By Brockett of Marshall from twenty-five Marshalltown

residents in favor of products liability legislation to preserve jobs and job opportunities in Iowa.

INTRODUCTION OF BILLS

House File 2375, by Avenson, a bill for an act relating to the construction of pipelines.

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

House File 2376, by Arnould, Dyrland, Hargrave, Crabb, Lonergan, Cusack, Miller of Buchanan, Horn, Oxley, Monroe, Binneboese, Brockett, Evans, Chiodo, Woods, Jochum, Bina, Walter, Poncy, Gentleman, Gettings, Lindeen, Stephens, West, Harvey, Perkins, Halvorson, Pavich, Koogler, Egenes, Junker, Baker, Varley, Harbor, Wyckoff, Hinkhouse and Avenson, a bill for an act prohibiting the use of automated telephone solicitation machines and providing a penalty.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1978, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 187, a bill for an act to regulate the sale and use of certain beverage containers.

Also: That the Senate has on March 23, 1978, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 384, a bill for an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of fifteen or more dwelling units.

KEVIN P. LIGHT, Acting Secretary

SENATE MESSAGES CONSIDERED

Senate File 2022, a bill for an act prohibiting smoking in certain public areas and providing a civil penalty.

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

ADOPTION OF HOUSE RESOLUTION 118

Pursuant to House Rule 26, the Speaker announced that House Resolution 118 filed on March 16, 1978 and found on pages 1046 and 1047 of the House Journal was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 119

Pursuant to House Rule 26, the Speaker announced that House Resolution 119 filed on March 16, 1978 and found on pages 1047 and 1048 of the House Journal was adopted by unanimous consent.

BUSINESS PENDING

The House resumed consideration of **House File 2361**, a bill for an act relating to moneys available to school districts, providing for an additional enrichment amount, funds for unusual transportation problems and unique problems of school districts, changing the budget certification date for the site fund, altering the eligibility for one hundred twenty-five percent allowable growth, and prohibition of reduction of school budgets after their certification.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendments H—5808 and H—5812 filed by him on March 28, 1978.

Welden of Hardin offered the following amendment H—5777 filed by him and moved its adoption:

H—5777

- 1 Amend House File 2361 as follows:
- 2 1. Page 4, by inserting after line 3 the following
- 3 subsection:
- 4 "5. Any additional enrichment amount of a school
- 5 district, not exceeding five percent of the state
- 6 cost per pupil, which was approved at a referendum
- 7 prior to July 1, 1978, shall remain in effect for
- 8 the period for which it was approved."

Amendment H—5777 was adopted.

Spear of Lee offered the following amendment H—5813 filed by him from the floor and moved its adoption:

H—5813

- 1 Amend House File 2361 as follows:
- 2 1. Page 3, line 3, by inserting after the word
- 3 "development," the words "programs for gifted and
- 4 talented children."

Roll call was requested by Garrison of Black Hawk and Schroeder of Pottawattamie.

On the question "Shall amendment H—5813 be adopted?"

The ayes were, 36:

Bina	Binneboese	Brandt	Byerly
Clark, J.H.	Conlon	Crawford	Danker
Dieleman	Doyle	Egenes	Garrison
Halvorson	Harvey	Hoffmann	Howell
Junker	Koogler	Lindeen	Menke
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Pelton	Perkins	Schroeder	Shimanek
Spear	Svoboda	Tauke	Thompson
Tofte	Varley	Wells	West

The nays were, 50:

Anderson	Avenson	Baker	Bennett
Branstad	Brunow	Chiodo	Clark, B.J.
Connors	Cusack	Daggett	Davitt
Dunton	Dyrland	Gentleman	Gettings
Gilloon	Gilson	Griffee	Hansen
Harbor	Hargrave	Hinkhouse	Horn
Hullinger	Husak	Jochum	Krause
Krewson	Lageschulte	Lind	Middleswart
Millen	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Poncy
Rinas	Schneklath	Spencer	Stephens
Stromer	Walter	Welden	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 14:

Arnould	Brockett	Crabb	Den Herder
Evans	Fitzgerald	Hines	Jesse
Lipsky	Lonergan	Nielsen	Scheelhaase
Small	Smalley		

Amendment H—5813 lost.

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

On the question "Shall the bill pass?" (H.F. 2361)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Scheelhaase
Schneklath	Shimanek	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Weiden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Schroeder

Absent or not voting, 9:

Brockett	Crabb	Den Herder	Evans
Lipsky	Lonergan	Rinas	Small
Smalley			

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

MOTION TO RECONSIDER LOST (House File 2361)

Patchett of Johnson moved to reconsider the vote by which House File 2361 passed the House on March 29, 1978.

A non-record roll call was requested.

The ayes were 37, nays 41.

The motion lost.

CONSIDERATION OF BILLS Regular Calendar

House File 2264, a bill for an act relating to the inspection of land and water craft registered with the Iowa state conservation commission, was taken up for consideration.

Newhard of Jones offered the following amendment H-5482 filed by him and Schroeder of Pottawattamie:

H-5482

- 1 Amend House File 2264 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "section" and inserting the word "sections".
- 4 2. Page 1, by inserting after line 28 the
- 5 following:
- 6 **NEW SECTION.** Section one hundred six point
- 7 five (106.5), Code 1977, notwithstanding, owners
- 8 of scow class sailboats may affix registration
- 9 numbers to the spar or boom.

By unanimous consent the following amendment H-5816, to amendment H-5482, filed by Gentleman of Polk from the floor was adopted:

H-5816

- 1 Amend amendment H-5482, to House File 2264, as
- 2 follows:
- 3 1. Page 1, line 8; by striking the words
- 4 "scow class".

On motion by Newhard of Jones, amendment H-5482, as amended, was adopted.

Middleswart of Warren offered the following amendment H-5815 filed by Middleswart, Clark of Cerro Gordo and Welden from the floor and moved its adoption:

H-5815

1 Amend House File 2264 as follows:

2 1. Page 1, line 7, by inserting after the word
3 "properly" the words "registered, numbered and".

4 2. Page 1, lines 9 and 10, by striking the words
5 "the performance of an equipment inspection" and
6 inserting in lieu thereof the words "determine
7 compliance with registration, numbering and equipment
8 requirements".

9 3. Page 1, line 11, by striking the word "equip-
10 ment".

11 4. Page 1, line 12, by inserting after the word
12 "properly" the words "registered, numbered or".

13 5. Page 1, line 15, by striking the words "safety
14 equipment".

15 6. Page 1, line 17, by inserting after the word
16 "vessel" the words "properly register or number the
17 vessel or".

18 7. Page 1, lines 19 and 20, by striking the words
19 "the equipment repair or replacement" and inserting
20 in lieu thereof the words "compliance with the
21 registration, numbering or equipment requirements".

22 8. Page 1, line 22, by striking the word
23 "equipment".

24 9. Page 1, line 25, by inserting after the word
25 "issued" the words "shall cease to be used as soon
26 as possible and".

27 10. Page 1, lines 27 and 28, by striking the words
28 "the requested equipment repairs or replacements have
29 been made" and inserting in lieu thereof the words
30 "the vessel is in compliance with the registration,
31 numbering, or equipment requirement for which the
32 order was issued".

33 11. Page 1, line 35, by inserting after the word
34 "properly" the words "registered, numbered or".

35 12. Page 2, line 2, by striking the words "the
36 performance of an equipment inspection" and inserting
37 in lieu thereof the words "determine compliance with
38 registration, numbering and equipment requirements".

39 13. Page 2, line 3, by striking the word "equip-
40 ment".

41 14. Page 2, line 4, by inserting after the word
42 "properly" the words "registered, numbered or".

43 15. Page 2, line 8, by striking the words "safety
44 equipment".

45 16. Page 2, line 10, by inserting after the word
46 "snowmobile" the words "properly register or number
47 the snowmobile or".

48 17. Page 2, line 12, by striking the words "the
49 equipment repair or replacement" and inserting in
50 lieu thereof the words "compliance with the

Page 2

- 1 registration, numbering or equipment requirements".
- 2 18. Page 2, line 15, by striking the word
- 3 "equipment".
- 4 19. Page 2, line 17, by inserting after the word
- 5 "issued" the words "shall cease to be used as soon
- 6 as possible and".
- 7 20. Page 2, lines 18 and 19, by striking the words
- 8 "the requested equipment repairs or replacement have
- 9 been made" and inserting in lieu thereof the words
- 10 "the snowmobile is in compliance with the registration,
- 11 numbering or equipment requirement for which the order
- 12 was issued".
- 13 21. Page 2, line 21, by striking the word "an"
- 14 and inserting in lieu thereof the words "a snowmobile".

Amendment H—5815 was adopted.

Schroeder of Pottawattamie offered amendment H—5493 filed by him. Division was requested as follows:

H—5493

- 1 Amend House File 2264 as follows:

H—5493A

- 2 1. Page 1, line 25, by striking the word "operated"
- 3 and inserting in lieu thereof the word "launched".

H—5493B

- 4 2. Page 1, line 27, by inserting after the word
- 5 "commission" the words "commencing fourteen days after
- 6 the issuance of an inspection deficiency order".

H—5493A

- 7 3. Page 1, line 28, by inserting after the word
- 8 "made." the words "However, if the inspection
- 9 deficiency order cites a failure to observe the
- 10 requirements of section one hundred six point nine
- 11 (106.9), subsection six (6), of the Code, the vessel
- 12 shall not be launched upon the waters of this state
- 13 under the jurisdiction of the state conservation
- 14 commission effective immediately upon receipt of the
- 15 order by the owner or operator and until the requested
- 16 equipment repairs or replacements have been made."

H—5493B

17 4. Page 2, line 18, by inserting after the word
18 "state" the words "commencing fourteen days after
19 the issuance of the order and".

Schroeder of Pottawattamie moved the adoption of amendment H—5493A, which motion prevailed.

Schroeder of Pottawattamie moved the adoption of amendment H—5493B.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 34, nays 45.

Amendment H—5493B lost.

(House File 2264 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills for the afternoon session on request of Wyckoff of Benton.

INTRODUCTION OF BILLS

House File 2377, by committee on judiciary and law enforcement, a bill for an act to legalize proceedings taken by the Van Buren county board of supervisors relating to sale of certain real estate belonging to the Van Buren county conservation board subject to certain conditions and easements.

Read first time and placed on the calendar.

House File 2378, by committee on judiciary and law enforcement, a bill for an act relating to investigation of arson.

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

House File 2379, by committee on transportation, a bill for an act relating to the use of outside mirrors on van or van type motor vehicles.

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

House File 2380, by committee on labor and industrial relations, a bill for an act relating to the use of polygraph examinations as a condition of employment.

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

House File 2381, by committee on commerce, a bill for an act providing for the appearance by political subdivisions as intervenors in proceedings before the Iowa commerce commission under section four hundred seventy-six point six (476.6) of the Code and providing for the payment of the costs of such intervention by the customers of the utilities involved in such proceedings.

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

House File 2382, by committee on judiciary and law enforcement, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty.

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

MOTION TO RECONSIDER WITHDRAWN
(House File 2329)

Wyckoff of Benton asked and received unanimous consent to withdraw the motion to reconsider House File 2329 filed by him on March 21, 1978.

BUSINESS PENDING

The House resumed consideration of **House File 2264**, a bill for an act relating to the inspection of land and water craft registered with the Iowa state conservation commission.

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

On the question "Shall the bill pass?" (H.F. 2264)

The ayes were, 60:

Anderson	Avenson	Baker	Bennett
Bina	Brandt	Branstad	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crawford
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gilloon	Halvorson	Hansen	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Jesse	Jochum	Krause
Krewson	Lindeen	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Rinas
Shimanek	Smalley	Spear	Stromer
Tauke	Varley	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

The nays were, 28:

Binneboese	Chiodo	Conlon	Daggett
Danker	Doyle	Gentleman	Gettings
Gilson	Hargrave	Harvey	Husak
Junker	Koogler	Lageschulte	Lind
Lonergan	Pellett	Poncy	Scheelhaase
Schnekloth	Schroeder	Small	Spencer
Stephens	Thompson	Tofte	Woods

Absent or not voting, 12:

Arnould	Brockett	Brunow	Crabb
Cusack	Den Herder	Griffee	Harbor
Lipsky	Monroe	Norland	Svoboda

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

CONSIDERATION OF BILLS

Regular Calendar

House File 2010, a bill for an act removing the limit on fees certain cities may establish for inspection of multiple dwellings, with

report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered amendment H—5190 filed by the committee on cities on February 2, 1978 and found on page 326 of the House Journal. Division was requested as follows: Lines 2 through 4, amendment H—5190A; lines 5 through 8, amendment H—5190B.

On motion by Pavich of Pottawattamie, the committee amendment H—5190A was adopted.

On motion by Pavich of Pottawattamie, the committee amendment H—5190B was adopted.

Schroeder of Pottawattamie offered the following amendment H—5814 filed by him from the floor and moved its adoption:

H—5814

- 1 Amend House File 2010 as follows:
- 2 1. Page 1, line 18, by adding after the period
- 3 the following:
- 4 "The annual inspection fee shall not exceed
- 5 fifteen dollars for the first unit and shall not
- 6 exceed two dollars for each additional unit."

A non-record roll call was requested.

The ayes were 31, nays 42.

Amendment H—5814 lost.

Hargrave of Johnson offered the following amendment H—5820 filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—5820

- 1 Amend House File 2010 as follows:
- 2 1. Page 1, by striking lines 10 through 14 and
- 3 inserting in lieu thereof the following: "The health
- 4 officer or such other official so designated is also
- 5 hereby empowered to make similar inspections of all
- 6 dwellings as frequently as may be necessary; and shall may
- 7 make inspection at any reasonable time on complaint

- 8 of the owner, or tenant, or other person concerned.
 9 Cities of twenty-five thousand".

A non-record roll call was requested.

The ayes were 33, nays 46.

Amendment H—5820 lost.

By unanimous consent the following amendment H—5823, filed by Schroeder of Pottawattamie from the floor, was adopted:

H—5823

- 1 Amend House File 2010 as follows:
 2 1. Page 1, line 13, by inserting after the
 3 word "any" the word "reasonable".

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

On the question "Shall the bill pass?" (H.F. 2010)

The ayes were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Chiodo	Clark, B.J.
Crawford	Cusack	Davitt	Dieleman
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Halvorson
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Howell	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Menke
Middleswart	Miller, K.D.	Monroe	Newhard
Nielsen	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Shimanek	Small	Spear
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Woods	Wyckoff	Mr. Speaker	

The nays were, 23:

Bennett	Clark, J.H.	Conlon	Crabb
Daggett	Danker	Doyle	Dunton
Gentleman	Gilson	Harvey	Horn

Jesse
Scheelhaase
Spencer

Lonergan
Schnepkloth
Welden

Millen
Schroeder
West

Miller (Sergeant)
Smalley

Absent or not voting, 10:

Brockett
Harbor
Pellett

Connors
Hullinger
Wells

Den Herder
Lipsky

Griffie
Norland

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

HOUSE FILE 2048 WITHDRAWN

Patchett of Johnson asked and received unanimous consent to withdraw House File 2048 from further consideration by the House.

House File 2216, a bill for an act relating to railroad laws providing for schedule penalties for violations of railroad laws, for the authority for the state department of transportation to evaluate railroad trackage, for new procedures for changing railroad agency service, for reduced rail rates for transportation of certain goods, for operation requirements for lights on track power cars, for utilization of the grade crossing safety fund for the installation of flasher lights or gate arm signals, and for the repeal of certain obsolete or preempted sections of the railroad law, was taken up for consideration.

Schroeder of Pottawattamie offered the following amendment H-5810 filed by him and moved its adoption:

H-5810

- 1 Amend House File 2216 as follows:
- 2 1. Page 10, lines 23 and 24, by striking the
- 3 following: "three hundred twenty-seven D point one
- 4 hundred eighty-nine (327D.189)."

Amendment H-5810 was adopted.

Schroeder of Pottawattamie asked for unanimous consent to temporarily defer action on House File 2216.

Objection was raised.

Schroeder of Pottawattamie moved that action on House File 2216 be temporarily deferred, which motion prevailed.

BUDGET CALENDAR

Senate File 2128, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion, with report of committee recommending amendment and passage was taken up for consideration.

Wyckoff of Benton offered amendment H-5664 filed by the committee on budget on March 15, 1978 and found on page 1021 of the House Journal and moved its adoption.

A non-record roll call was requested.

The ayes were 54, nays 34.

Amendment H-5664 was adopted.

Schroeder of Pottawattamie offered the following amendment H-5817 filed by him and Dunton of Keokuk from the floor:

H-5817

- 1 Amend Senate File 2128 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 27, by striking the words "and
- 4 b" and inserting in lieu thereof the words ", b, and
- 5 d".
- 6 2. Page 2, by inserting after line 4 the following:
- 7 "c. For completion of the
- 8 Terrace Hill governor's mansion.....\$600,000
- 9 d. The capitol painting personnel may be used
- 10 for painting or the supervising of painting of the
- 11 Terrace Hill governor's mansion."

Action on Senate File 2128 and amendment H-5817 was temporarily deferred.

The House resumed consideration of **House File 2216**, a bill for an act relating to railroad laws providing for schedule penalties for violations of railroad laws, for the authority for the state department of transportation to evaluate railroad trackage, for new pro-

cedures for changing railroad agency service, for reduced rail rates for transportation of certain goods, for operation requirements for lights on track power cars, for utilization of the grade crossing safety fund for the installation of flasher lights or gate arm signals, and for the repeal of certain obsolete or preempted sections of the railroad law.

Bennett of Ida offered the following amendment H—5824 filed by him and Krause of Kossuth from the floor and moved its adoption:

H—5824

- 1 Amend House File 2216 as follows:
- 2 1. Page 1, line 34, by inserting after the period
- 3 the following: "Notwithstanding the provisions of
- 4 chapter twenty-five A (25A) of the Code, the state
- 5 shall not be held liable for damages for any act or
- 6 failure to act under the provisions of this section."

Amendment H—5824 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2216)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Giloon	Gilson
Halvorson	Hansen	Hargrave	Harvey
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middlewart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	O'Halloran	Oxley	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder

Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 2:

Danker	Welden
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Absent or not voting, 8:

Brockett	Brunow	Den Herder	Griffie
Harbor	Hines	Nielsen	Patchett

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

IMMEDIATE MESSAGE (House File 2216)

Krause of Kossuth asked and received unanimous consent that House File 2216 be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson for the remainder of the day on request of Arnould of Scott; Griffie of Chickasaw for the afternoon session and March 30, 1978 on request of Howell of Floyd; Brunow of Appanoose for the remainder of the day on request of Davitt of Warren.

UNANIMOUS CONSENT FOR RECONSIDERATION (House File 2329)

Fitzgerald of Webster asked and received unanimous consent to suspend the rules and take up for consideration **House File 2329**, and to reconsider the vote by which House File 2329, a bill for an act creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing interactive decision evaluation system encompassing state and local finance and budgeting procedures, passed the House on March 20, 1978.

Fitzgerald of Webster asked and received unanimous consent to reconsider the vote by which House File 2329 was placed on its last reading.

Norland of Worth offered the following amendment H—5825 filed by Norland, West, Small, Cusack, Hansen, Miller of Buchanan, Welden, Dunton, Millen, Hargrave, Perkins, Fitzgerald, Varley, Wyckoff, Husak, Tauke, Brandt, Stromer, Doyle, Krause, Anderson, Avenson and Byerly from the floor and moved its adoption:

H—5825

- 1 Amend House File 2329 as follows:
- 2 1. Page 1, by striking lines 10 and 11 and
- 3 inserting in lieu thereof the words and figures "in
- 4 this section, section two (2) and subsection two (2)
- 5 of section three (3) of this Act."
- 6 2. Page 1, by inserting after line 11 the follow-
- 7 ing:
- 8 "Sec. 2. From funds appropriated in section one
- 9 (1) of this Act, the sum of one hundred seventy-five
- 10 thousand one hundred ninety-six dollars and twenty-
- 11 nine cents (\$175,196.29) shall be paid to the
- 12 consulting firm of Coopers & Lybrand for services
- 13 which Coopers & Lybrand has heretofore rendered for
- 14 the purpose of this appropriation. The Coopers &
- 15 Lybrand firm may be hereafter employed from the
- 16 remainder of the funds appropriated in section one
- 17 (1) of this Act, for the purposes specified therein,
- 18 without competitive bid."
- 19 3. Page 1, line 12, by striking the word and
- 20 figure "Sec. 2." and inserting in lieu thereof the
- 21 word and figure "Sec. 3."

Amendment H—5825 was adopted.

Byerly of Polk offered the following amendment H—5826 filed by him and Norland of Worth from the floor and moved its adoption:

H—5826

- 1 Amend House File 2329 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "governments" the words "including the feasibility
- 4 of collecting and computerizing individual property
- 5 tax assessment data".

Amendment H—5826 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2329)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crawford	Cusack
Daggett	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Halvorson	Hansen	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Lageschulte
Lind	Lindeen	Lonergan	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Shimaneck
Small	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 12:

Conlon	Crabb	Danker	Gentleman
Krewson	Lipsky	Menke	Pellett
Schnekloth	Schroeder	Smalley	Stephens

Absent or not voting, 8:

Brockett	Brunow	Den Herder	Griffiee
Harbor	Hines	Krause	Patchett

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

MOTION TO RECONSIDER LOST
(House File 2329)

Norland of Worth moved to reconsider the vote by which House File 2329 passed the House on March 29, 1978.

A non-record roll call was requested.

The ayes were 32, nays 45.

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the remainder of the day on request of Rinas of Linn.

The House resumed consideration of **Senate File 2128**, a bill for an act making an appropriation to the office of governor including funds for the administration and management of the Terrace Hill governor's mansion, and amendment H—5817.

Schroeder of Pottawattamie moved the adoption of amendment H—5817.

Roll call was requested by Koogler of Mahaska and Miller of Buchanan.

On the question "Shall amendment H—5817 be adopted?"

The ayes were, 30:

Bennett	Clark, J.H.	Crabb	Crawford
Daggett	Danker	Dunton	Egenes
Evans	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Lind	Lindeen
Menke	Millen	Pellett	Schnekloth
Schroeder	Shimanek	Small	Stephens
Stromer	Tauke	Tofte	Varley
Welden	West		

The nays were, 52:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Byerly	Chiodo
Conlon	Connors	Cusack	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Hinkhouse	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krewson	Lageschulte	Lonergan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Pavich
Pelton	Poncy	Rinas	Scheelhaase
Smalley	Spear	Spencer	Walter
Wells	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 18:

Arnould	Branstad	Brockett	Brunow
Clark, B.J.	Den Herder	Griffiee	Harbor
Hargrave	Hines	Hullinger	Krause
Lipsky	Newhard	Patchett	Perkins
Svoboda	Thompson		

Amendment H—5817 lost.

Byerly of Polk offered the following amendment H—5827 filed by him from the floor and moved its adoption:

H—5827

1 Amend Senate File 2128 as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by striking lines 15 through 35, and
 4 inserting in lieu thereof the following:
 5 "3. For the governor's housing
 6 allowance computed at eight hundred
 7 (800) dollars per month.....\$9,600
 8 4. For cooking and catering
 9 expenses of the governor.....\$6,000"
 10 2. Page 2, by striking lines 1 through 4 and
 11 inserting in lieu thereof the following:
 12 "Sec. 2. The governor shall take such action as may
 13 be required to have Terrace Hill established as a
 14 national historic site."
 15 3. Renumber sections as required by this
 16 amendment.

Roll call was requested by Gilloon of Dubuque and Junker of Woodbury.

Under the provisions of Rule 71, O'Halloran of Black Hawk refrained from voting.

On the question "Shall amendment H—5827 be adopted?"

The ayes were, 18:

Anderson	Arnould	Baker	Byerly
Dieleman	Dyrland	Gettings	Gilloon
Hargrave	Horn	Howell	Jochum
Koogler	Miller, K.D.	Monroe	Nielsen
Poncy	Woods		

The nays were, 67:

Avenson	Bennett	Bina	Binneboese
Brandt	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Doyle	Dunton
Egenes	Evans	Garrison	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harvey	Hinkhouse	Hoffmann	Husak
Jesse	Junker	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
Newhard	Norland	O'Halloran	Oxley
Pavich	Pellet	Pelton	Perkins
Scheelhaase	Schnekloth	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

Absent or not voting, 15:

Branstad	Brockett	Brunow	Chiodo
Connors	Den Herder	Fitzgerald	Griffee
Hines	Hullinger	Krause	Patchett
Rinas	Schroeder	Small	

Amendment H—5827 lost.

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

On the question "Shall the bill pass?" (S.F. 2128)

The ayes were, 68:

Anderson	Avenson	Bennett	Bina
Binneboese	Brandt	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Doyle	Dunton	Dyrland	Egenes
Evans	Garrison	Gentleman	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Jochum	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Monroe	Newhard	O'Halloran
Oxley	Pellet	Pelton	Scheelhaase

Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Wells	Wyckoff	Mr. Speaker

The nays were, 19:

Arnould	Baker	Byerly	Dieleman
Gettings	Gilloon	Howell	Jesse
Koogler	Miller, K.D.	Miller (Sergeant)	Nielsen
Pavich	Perkins	Poncy	Spencer
Walter	Welden	Woods	

Absent or not voting, 13:

Branstad	Brockett	Brunow	Chiodo
Den Herder	Fitzgerald	Griffee	Hines
Krause	Norland	Patchett	Rinas
West			

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

MOTION TO RECONSIDER WITHDRAWN (House File 2169)

O'Halloran of Black Hawk asked and received unanimous consent to withdraw the motion to reconsider House File 2169 filed by her on February 22, 1978.

Senate File 376, a bill for an act relating to the protection of the rights of owners of enterprises, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

(Senate File 376 pending at adjournment.)

MOTION TO RECONSIDER (Senate File 2128)

I move to reconsider the vote by which Senate File 2128 passed the House on March 29, 1978.

MONROE of Des Moines

PRESENTATION OF VISITORS

Evans of Grundy presented to the House former House Page, Mike Ralston. Mike is a student at the University of Northern Iowa and Mayor of Grundy Center.

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

Seventeen confirmation class students from Wesley United Methodist Church, Mason City, Iowa. By Clark of Cerro Gordo.

COMMUNICATION FROM SECRETARY OF STATE

March 28, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 411, was published in The Spirit Lake Beacon, Spirit Lake, Iowa on March 23, 1978, and in The Clinton Herald, Clinton, Iowa on March 22, 1978.

I further certify that Senate File 2124, was published in The Nevada Evening Journal, Nevada, Iowa on March 16, 1978, and in The Sioux City Journal, Sioux City, Iowa on March 20, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

Position	Name	Grade and Step	Class of Appointment	Eff. Date
Clerk II	Roberta L. Cline	13-1 to 15-1	I-FT	3/17/78
Clerk II	Mary Jo Eveleth	13-2 to 15-2	I-FT	3/17/78

WELLS of Linn, Chair

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 468 Agriculture**

Relating to the certification of pesticide applicators.

S.B. 469 Budget

Relating to the accrual and costs of sick leave.

S.B. 470 Judiciary and Law Enforcement

Relating to any person who flees or remains absent from the State of Iowa to avoid prosecution for a public offense which is a felony, aggravated or serious misdemeanor shall be guilty of a Class D felony.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 23, 1978

Convened: 7:40 a.m.

Adjourned: 9:20 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Hines, Lindeen, Miller of Calhoun and Newhard.

Discussed and proposed an amendment for Senate File 2163.

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:30 a.m., March 23, 1978

Convened: 8:50 a.m.

Adjourned: 9:55 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; Bennett, Bina, Branstad, Clark of Lee, Conlon, Dieleman, Dunton, Gilloon, Harvey, Howell, Husak, Jochum, Junker, Lind, Menke, Oxley, Pavich, Schneklath, Thompson, Wells and Wyckoff.

Absent: West, ranking member, (arrived 8:55 a.m.); Anderson (arrived 8:53 a.m.), Brandt (arrived 9:18 a.m.), Cusack, Daggett (arrived 9:28 a.m.), Davitt, Egenes, Harbor, Hines, Horn (arrived 9:00 a.m.), O'Halloran, Rinas (arrived 9:20 a.m.), Spencer, Svoboda and Varley.

Excused: Den Herder

Senate File 2137, a bill for an act relating to the imposition of a tax on generation skipping transfers and making the Act retroactive.

Recommended Do Pass.

Fiscal note is required.

Aye: Norland, Miller, West, Anderson, Bennett, Bina, Branstad, Clark of Lee, Conlon, Dieleman, Gilloon, Harvey, Howell, Husak, Jochum, Junker, Lind, Menke, Pavich, Schneklath, Thompson, Wells and Wyckoff.

Nay: Dunton, Horn and Oxley.

Absent or not voting: Brandt, Cusack, Daggett, Davitt, Den Herder, Egenes, Harbor, Hines, O'Halloran, Rinas, Spencer, Svoboda and Varley.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: 1:00 p.m., March 29, 1978

Convened: 1:07 p.m.

Adjourned: 1:57 p.m.

Present: Jesse, chair; Newhard, vice-chair; Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Scheelhaase, Shimanek, Spencer and Woods.

Absent: Branstad, ranking member; Clark of Cerro Gordo, Lipsky, Pelton (arrived 1:19 p.m.) and Smalley.

Excused: Patchett.

Committee Bill (Formerly House File 148), a bill for an act relating to the employment of state inmate labor in public works projects for the state and political subdivisions.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Committee Bill (Formerly Study Bill 470), a bill for an act relating to flight from the state to avoid prosecution and providing a penalty.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Garrison, Gentleman, Nielsen, Scheelhaase, Shimanek, Spencer and Woods.

Nay: Dyrland.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett, Pelton and Smalley.

Study Bill 383, a bill for an act providing for court-appointed private process servers.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Scheelhaase, Shimanek, Spencer and Woods.

Nay: Pelton.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Study Bill 419, a bill for an act relating to liquor and beer control, repealing the prerequisite for Sunday sales of beer and liquor, that fifty percent or more of the gross receipts of the licensed premises be from the sale of goods and services other than alcoholic liquor or beer, and extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday and Monday.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Pelton, Shimanek and Woods.

Nay: Scheelhaase and Spencer.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Senate File 275, a bill for an act relating to the disclosure to governmental agencies, of financial information in the possession of financial institutions, and providing penalties.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Senate File 2042, a bill for an act removing a sheriff's authorization to chain a disorderly prisoner in a jail and a sheriff's authorization to feed a prisoner only bread and water.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Senate File 2119, a bill for an act amending the criminal code revision to provide that the county responsible for the cost of trial shall pay the cost of temporarily confining and transporting a person who is committed to the director of the division of adult corrections.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: Nielsen.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Senate File 2120, a bill for an act providing for the reimbursement of counties for the expense of temporarily confining alleged work release or parole violators.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Arnould, Conlon, Connors, Doyle, Dyrland, Garrison, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Clark of Cerro Gordo, Lipsky, Patchett and Smalley.

Assignment of bills to subcommittee.

AMENDMENTS FILED

H-5818	H.F. 630	Jesse of Polk
		Hargrave of Johnson
H-5819	S.F. 2127	Wyckoff of Benton
		Junker of Woodbury
H-5821	S.F. 376	Jesse of Polk
H-5822	H.F. 2296	Jochum of Dubuque
H-5828	S.F. 376	Jesse of Polk
H-5829	H.F. 2107	Patchett of Johnson
H-5830	S.F. 336	Bina of Scott
H-5831	S.F. 2133	Jesse of Polk
		Newhard of Jones

On motion by Avenson of Fayette, the House adjourned at 5:25 p.m., until 2:00 p.m., Thursday, March 30, 1978.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 30, 1978

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

Prayer was offered by the Reverend Robert Kenneth Kinney, pastor of the First Baptist Church, Eldora, Iowa.

The Journal of Wednesday, March 29, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Bodgt, Ackley, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for March 30 and March 31, 1978 on request of West of Marshall; Patchett of Johnson for a portion of the afternoon on request of Dyrland of Clayton; Junker of Woodbury on request of Crabb of Crawford.

PRESENTATION OF VISITORS

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

Seven ninth grade members of the Williams Junior High School student council from Davenport Community School, Davenport, Iowa, accompanied by Mrs. Madelynn J. Buis. By Bina of Scott.

Thirty-three eighth grade students from Schleswig Elementary School, Schleswig, Iowa. By Bennett of Ida.

Thirty-five students from Bennett Community School, Bennett, Iowa, accompanied by Bill Huckstadt and Craig Wilford. By Hinkhouse of Cedar.

INTRODUCTION OF BILLS

House File 2383, by committee on judiciary and law enforcement, a bill for an act to legalize and validate the procedures whereby the Fremont-Mills Community School District in the Counties of Fremont and Mills contracted for the sale of tracts of real estate and the contracts entered into with the respective purchasers.

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

House File 2384, by committee on judiciary and law enforcement, a bill for an act relating to the authorization to manufacture, distribute, sell, prescribe and use amygdalin in this state and providing a penalty.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 28, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2283, a bill for an act relating to railroad spur tracks.

Also: That the Senate has on March 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2198, a bill for an act repealing the prohibition against allowing minors in a billiard hall where beer is sold.

Also: That the Senate has on March 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2199, a bill for an act providing that a right of appeal exists in a civil case tried by a district associate judge or "full-time" magistrate where the amount in controversy is over one thousand dollars but under three thousand dollars.

Also: That the Senate has on March 28, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2200, a bill for an act making technical changes of a corrective nature to the new criminal code.

ADOPTION OF HOUSE RESOLUTION 110

Pursuant to House Rule 26, the Speaker announced that House Resolution 110 filed on February 27, 1978 and found on pages 645 and 646 of the House Journal was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 111

Pursuant to House Rule 26, the Speaker announced that House Resolution 111 filed on February 27, 1978 and found on page 646 of the House Journal was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 120

Pursuant to House Rule 26, the Speaker announced that House Resolution 120 filed on March 16, 1978 and found on page 1048 of the House Journal was adopted by unanimous consent.

HOUSE RESOLUTION 129

By Krause

1 *Whereas*, the Emmetsburg High School football team
2 has won the 1977 Class 3—A state football championship;
3 and
4 *Whereas*, the school's wrestling squad has won the
5 1978 class 2—A state wrestling championship; and
6 *Whereas*, the E—Hawks also took third place in the
7 Class 2—A boys' basketball tournament; and
8 *Whereas*, in the pursuit of their accomplishments,
9 the E—Hawk teams displayed the utmost in spirit, citi-
10 zenship, dedication and athletic talent; *Now Therefore*,
11 *Be It Resolved By The House of Representatives*, That
12 the membership of the Sixty-seventh General Assembly of
13 the state of Iowa extends their heartiest congratulations
14 to Emmetsburg High School, its teams and its coaches,
15 Duane Twait, Bob Roethler, Randy Hough and their assistant
16 coaches, for their excellence and sportsmanship, and to
17 the cheerleaders, faculty and administration, families
18 and all loyal fans who encouraged and supported the
19 teams through their regular seasons and tournaments, and
20 *Be It Further Resolved*, That a copy of this resolution be
21 sent to Emmetsburg High School in Emmetsburg, Iowa.

Laid over under Rule 25.

BUSINESS PENDING

The House resumed consideration of **Senate File 376**, a bill for an act relating to the protection of the rights of owners of enterprises, and providing penalties.

Jesse of Polk asked and received unanimous consent to withdraw amendments H-4160 and H-4305 filed on May 12, 1977 and May 19, 1977 respectively by former Representative Tom Higgins of Scott County. The amendments are found on pages 3041 and 3127 of the 1977 House Journal. The withdrawal of amendment H-4160 places out of order amendment H-4267, to amendment H-4160, filed by Lipsky of Linn and former Representative Higgins on May 18, 1977 and found on page 3106 of the 1977 House Journal.

RULE 20 SUSPENDED

Lipsky of Linn asked and received unanimous consent to suspend Rule 20 and that Mr. Jamie Wade and Mr. Paul Neuhauser be permitted in the House chamber during consideration of Senate File 376.

Lipsky of Linn asked and received unanimous consent to withdraw amendment H-4266 filed by her and former Representative Higgins on May 18, 1977 and found on page 3106 of the 1977 House Journal.

Lipsky of Linn offered amendment H-5761 filed by the committee on judiciary and law enforcement on March 28, 1978 and found on page 1227 of the House Journal and moved its adoption.

Amendment H-5761 was adopted.

Jesse of Polk offered the following amendment H-5821 filed by him:

H-5821

- 1 Amend Senate File 376 as follows:
- 2 1. Page 1, by striking lines 33 through 35.
- 3 2. Page 2, by striking lines 1 through 7.
- 4 3. Page 2, by striking lines 21 through 35.
- 5 4. Page 3, by striking lines 1 through 7.

- 6 5. By renumbering the remaining sections as
- 7 necessary.

Jesse of Polk offered the following amendment H—5828, to amendment H—5821, filed by him and moved its adoption:

H—5828

- 1 Amend amendment H—5821, to Senate File 376 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 6 and 7 and insert-
- 4 ing in lieu thereof the following:
- 5 "5. Page 3, by striking lines 18 through 20."

Amendment H—5828 was adopted.

On motion by Jesse of Polk, amendment H—5821, as amended, was adopted, placing out of order amendment H—4260 filed by Junker of Woodbury and Lipsky of Linn on May 18, 1977 and found on page 3105 of the 1977 House Journal.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—4255 filed by him on May 18, 1977 and found on page 3104 of the 1977 House Journal.

Stromer of Hancock offered the following amendment H—5835 filed by him from the floor and moved its adoption:

H—5835

- 1 Amend Senate File 376, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 8, by inserting after the word
- 4 "business" the words "or has more than one half of
- 5 its tangible assets".

A non-record roll call was requested.

The ayes were 29, nays 48.

Amendment H—5835 lost.

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

On the question "Shall the bill pass?" (S.F. 376)

The ayes were, 92:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonerger	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Perkins	Poncy	Rinas	Schneklath
Schroeder	Shimaneck	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 1:

Scheelhaase

Absent or not voting, 7:

Brockett	Connors	Den Herder	Gilloon
Griffee	Junker	Patchett	

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

MOTION TO RECONSIDER LOST
(Senate File 376)

Jesse of Polk asked for unanimous consent to immediately message Senate File 376 to the Senate.

Objection was raised.

Jesse of Polk moved to reconsider the vote by which Senate File 376 passed the House on March 30, 1978.

A non-record roll call was requested.

The ayes were 32, nays 49.

The motion lost.

SENATE AMENDMENT CONSIDERED

Dyrland of Clayton called up for consideration **House Joint Resolution 12**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that equality of rights of men and women under the law shall not be denied or restricted by the state or by any of its political subdivisions, amended by the Senate amendment H—5736 filed on March 22, 1978 and found on page 1119 of the House Journal.

Miller of Buchanan offered the following amendment H—5832, to the Senate amendment H—5736, filed by him from the floor and moved its adoption:

H—5832

1 Amend the Senate amendment H—5736, to House Joint
2 Resolution 12, as passed by the House and reprinted,
3 as follows:
4 1. Page 1, line 4, by striking the word "section"
5 and inserting in lieu thereof the words "sections".
6 2. Page 1, by inserting after line 4 the follow-
7 ing:
8 "Sec. . . . If the proposed amendment embodied
9 within this resolution is approved by the Sixty-seventh
10 General Assembly and the Sixty-eighth General Assembly,
11 but is not approved by a majority of the electors
12 qualified to vote for members of the general assembly
13 as required by section one (1) of article ten (X) of
14 the Constitution of Iowa, such disapproval shall operate
15 as a rescission of the action of the second session of
16 the Sixty-fourth General Assembly in approving Senate
17 Joint Resolution one thousand eight (1008) which pro-
18 posed an amendment to the Constitution of the United
19 States relative to equal rights for men and women."

Roll call was requested by Spencer of Clay and Miller of Buchanan.

On the question "Shall amendment H—5832 be adopted?"

The ayes were, 19:

Bennett	Conlon	Crabb	Daggett
Danker	Dunton	Gilson	Hansen
Harbor	Hinkhouse	Hullinger	Menke
Miller, K.D.	Pellett	Schneklath	Spencer
Stephens	Woods	Wyckoff	

The nays were, 67:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Clark, B.J.	Clark, J.H.
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Halvorson	Hargrave
Hines	Hoffmann	Horn	Howell
Husak	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Millen	Miller (Sergeant)
Newhard	O'Halloran	Oxley	Pavich
Pelton	Perkins	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 14:

Brockett	Chiodo	Den Herder	Griffee
Harvey	Jesse	Junker	Middleswart
Monroe	Nielsen	Norland	Patchett
Poncy	Welden		

Amendment H—5832 lost.

On motion by Dyrland of Clayton, the House concurred in the Senate amendment H—5736.

Dyrland of Clayton moved that the joint resolution, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that

equality of rights of men and women under the law shall not be denied or restricted by the State or by any of its political subdivisions.

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 one (1) of Article one (I) of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

NEW SECTION. Rights of Persons. Section 1. All men and women are, by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness. Neither the State nor any of its political subdivisions shall, on the basis of gender, deny or restrict the equality of rights under the law.

Sec. 2. It is declared to be the intent of the general assembly in agreeing to the foregoing proposed amendment to the Constitution of the State of Iowa that a classification on the basis of gender shall not be held to deny or restrict equality of rights if it can be established that such classification is necessary to accomplish a compelling state interest.

Sec. 3. 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.

Rule 70 was invoked.

On the question "Shall the joint resolution be adopted and agreed to?" (HJR 12)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.

Clark, J.H.	Connors	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Halvorson
Hargrave	Harvey	Hines	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonerган	Menke	Middlewart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Mr. Speaker		

The nays were, 16:

Branstad	Conlon	Crabb	Daggett
Danker	Doyle	Gilson	Hansen
Harbor	Hinkhouse	Spencer	Stephens
Stromer	Welden	Woods	Wyckoff

Absent or not voting, 6:

Brockett	Den Herder	Griffie	Junker
Patchett	Perkins		

The joint resolution, having received a constitutional majority, was declared to have been adopted and agreed to by the House.

HOUSE INSISTS (House File 187)

O'Halloran of Black Hawk called up for consideration **House File 187**, a bill for an act to regulate the sale and use of certain beverage containers and relating to the control of litter, authorizing the department of environmental quality to establish and maintain a comprehensive antilitter program, imposing a tax levy on products, and providing penalties, and moved that the House insist on its amendment to the Senate amendment.

The motion prevailed and the House insists on its amendment to the Senate amendment.

CONFERENCE COMMITTEE APPOINTED
(House File 187)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 187: O'Halloran of Black Hawk, Chair; Avenson of Fayette, Middleswart of Warren, Millen of Van Buren and Krewson of Polk.

CONSIDERATION OF BILLS
Budget Calendar

House File 2218, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor, was taken up for consideration.

Woods of Polk asked and received unanimous consent to withdraw amendment H-5455 filed by Woods, et al., on February 27, 1978.

Lageschulte of Bremer offered the following amendment H-5834 filed by Lageschulte, Wyckoff and Dieleman from the floor and moved its adoption:

H-5834

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, by striking line 5 and inserting in
- 3 lieu thereof the following:
- 4 "1. Permit fees, ~~ten dollars per year.~~
- 5 a. One through ten rides, or devices or con-
- 6 cessions, ten dollars.
- 7 b. Eleven or more rides, or devices or con-
- 8 cessions, twenty dollars.

Amendment H-5834 was adopted.

Schroeder of Pottawattamie offered the following amendment H-5757 filed by him and moved its adoption:

H-5757

- 1 Amend House File 2218 as follows:
- 2 1. Page 1, by striking line 18 and inserting

3 in lieu thereof the following:

4 "amusement devices fees, fifteen dollars each."

Roll call was requested by Danker of Pottawattamie and Schroeder of Pottawattamie.

Rule 70 was invoked.

On the question "Shall amendment H—5757 be adopted?"

The ayes were, 43:

Bennett	Binneboese	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Davitt	Doyle
Evans	Gentleman	Gilson	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Howell	Husak	Lageschulte	Lind
Lindeen	Menke	Millen	Oxley
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Stephens	Stromer	Tauke	Thompson
Tofte	Welden	West	

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Dieleman
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gettings	Gilloon	Hargrave
Hines	Hinkhouse	Horn	Hullinger
Jochum	Koogler	Krewson	Loneragan
Middleswart	Miller, K.D.	Miller (Sergeant)	Nielsen
Norland	O'Halloran	Patchett	Pavich
Poncy	Rinas	Small	Spencer
Svoboda	Varley	Walter	Wells
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 10:

Brockett	Den Herder	Griffie	Jesse
Junker	Krause	Lipsky	Monroe
Newhard	Scheelhaase		

Amendment H—5757 lost.

Schroeder of Pottawattamie rose on a point of order and invoked Joint Rule 16.

The Speaker ruled the point not well taken and Joint Rule 16 not in order.

Schroeder of Pottawattamie rose on a point of order and invoked House Rule 32.

The Speaker ruled the point not well taken and Rule 32 not in order.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2218)

The ayes were, 45:

Anderson	Avenson	Bina	Brandt
Brunow	Byerly	Chiodo	Connors
Cusack	Dieleman	Dunton	Dyrland
Fitzgerald	Garrison	Gilloon	Hargrave
Hines	Horn	Howell	Jesse
Jochum	Koogler	Krause	Krewson
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Small	Svoboda	Varley
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

The nays were, 48:

Baker	Bennett	Binneboese	Branstad
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Davitt
Doyle	Egenes	Evans	Gentleman
Gettings	Gilson	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Hullinger	Husak	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Perkins	Scheelhaase
Schneklath	Schroeder	Shimaneck	Smalley
Spear	Spencer	Stephens	Stromer
Thompson	Tofte	Welden	West

Absent or not voting, 7:

Arnould
Junker

Brockett
Newhard

Den Herder
Tauke

Griffiee

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

MOTION TO RECONSIDER
(House File 2218)

I move to reconsider the vote by which House File 2218 failed to pass the House on March 30, 1978.

HARBOR of Mills

PROOF OF PUBLICATION

Published copy of House File 2377 and verified proof of publication of said bill in the Van Buren County Register on January 26, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

COMMUNICATION FROM CITIZENS' AIDE OMBUDSMAN

There is on file in the office of the Chief Clerk a copy of the Citizens' Aide/Ombudsman report for the period from January 1, 1977 through December 31, 1977, submitted pursuant to Section 601G.18, Iowa Code 1977.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 471 Agriculture

Relating to pipelines by establishing construction standards for pipelines to protect soil conservation and drainage structures and practices, listing requirements for acquiring and canceling easements, providing for a rebuttable presumption of negligence for injury to person or property and altering the time period between the filing of a petition for pipeline construction and the hearing on it.

S.B. 472 Energy

Creating within the Iowa development commission a grain alcohol

motor fuel program, a committee to administer the program and prescribing the duties of the committee.

S.B. 473 Cities

To authorize a city or county to designate certain blighted areas for eligibility for certain property tax benefits to encourage revitalization of the blighted area.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 8:00 a.m., March 29, 1978

Convened: 8:08 a.m.

Adjourned: 9:15 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hargrave and Newhard.

The committee made recommendations for correctional institutions and River-view release center at Newton and inmate employment program.

COMMITTEE ON BUDGET

Scheduled: 9:00 a.m., March 29, 1978

Convened: 9:15 a.m.

Recessed: 11:00 a.m.

Reconvened: 12:45 p.m.

Adjourned: 2:15 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Harvey, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Absent: Jesse (arrived 10:00 a.m.).

Excused: Den Herder.

Discussed Senate File 2163.

COMMITTEE ON TRANSPORTATION

Scheduled: 9:30 a.m., March 29, 1978

Convened: 9:35 a.m.

Adjourned: 10:55 a.m.

Present: Krause, chair; Davitt, vice-chair; Schroeder, ranking member; Binneboese, Clark of Cerro Gordo, Doyle, Egenes, Gettings, Harbor, Hoffmann, Hullinger, Lageschulte, Rinas and Schnekloth.

Absent: Brunow, Lipsky, Monroe and Oxley.

Excused: Dunton and Woods.

Study Bill 438, a bill for an act to create easements on railroad rights-of-way under certain circumstances, providing a mechanism for those easements to be purchased by the state or affected political subdivisions for future transportation use, and providing a mechanism to extinguish the easements so created.

Recommended Amend and Do Pass.

Aye: Krause, Schroeder, Binneboese, Clark of Cerro Gordo, Egenes, Gettings, Harbor, Hullinger, Lageschulte, Rinas, Schnekloth and Woods.

Nay: Davitt and Doyle.

Absent or not voting: Brunow, Dunton, Hoffmann, Lipsky, Monroe and Oxley.

Study Bill 455, a bill for an act relating to the liability of an aircraft operator.

Recommended Amend and Do Pass.

Aye: Krause, Davitt, Schroeder, Binneboese, Clark of Cerro Gordo, Egenes, Gettings, Harbor, Hullinger, Lageschulte, Rinas, Schnekloth and Woods.

Nay: Doyle.

Absent or not voting: Brunow, Dunton, Hoffmann, Lipsky, Monroe and Oxley.

COMMITTEE ON CITIES

Scheduled: 10:00 a.m., March 29, 1978

Convened: 10:14 a.m.

Adjourned: 11:01 a.m.

Present: Bina, chair; Hines, vice-chair; Clark of Lee, ranking member; Connors, Gentleman, Hargrave, Hoffmann, Lind, Nielsen, Pavich, Spear and Stephens.

Absent: Newhard, Perkins (arrived 10:52 a.m.), Schnekloth (arrived 10:52 a.m.) and Smalley.

Excused: Dunton, Koogler, Krewson, Rinas and Tofte.

House File 2041, a bill for an act to authorize cities to utilize chapter four hundred nineteen (419) of the Code in providing housing for the elderly or handicapped or for low or moderate income families.

Recommended Do Pass.

Aye: Bina, Hines, Clark of Lee, Connors, Gentleman, Hargrave, Hoffmann, Lind, Nielsen, Pavich, Spear and Stephens.

Nay: None.

Absent or not voting: Dunton, Koogler, Krewson, Newhard, Perkins, Rinas, Schnekloth, Smalley and Tofte.

Discussed the revised copy of Study Bill 392.

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 10:00 a.m., March 29, 1978

Convened: 10:15 a.m.

Adjourned: 10:55 a.m.

Present: Husak, chair; Bennett, ranking member; Crawford, Gilloon, Krewson, Miller of Buchanan, Monroe, Thompson and Tofte.

Absent: Garrison and Spear.

Excused: Lonergan.

Discussion of proposed substance abuse bill.

AMENDMENTS FILED

H—5833

H.F. 2212

Perkins of Greene
Middleswart of Warren

H-5836	S.F. 2127	Brunow of Appanoose Brockett of Marshall
H-5838	H.F. 2349	Conlon of Muscatine
H-5839	H.F. 2296	Bennett of Ida
H-5840	H.F. 2377	Jesse of Polk
H-5841	S.F. 275	Nielsen of Polk

On motion by Fitzgerald of Webster, the House adjourned at 4:42 p.m., until 10:00 a.m., Friday, March 31, 1978.

JOURNAL OF THE HOUSE

Eighty-second Calendar Day—Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 31, 1978

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

Prayer was offered by the Reverend Richard Larson, pastor of the Highland Park Lutheran Church, Des Moines, Iowa.

The Journal of Thursday, March 30, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Wendy Buresh, Resident, Iowa Lutheran Hospital, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harvey of Scott on request of Millen of Van Buren; Gentleman of Polk for the morning session on request of Lipsky of Linn; Griffee of Chickasaw on request of Howell of Floyd.

PRESENTATION OF VISITORS

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

Forty-five sixth grade students from Seymour Community School, Seymour, Iowa. By Brunow of Appanoose.

Forty eighth grade students from Mar-Mac Community School, McGregor, Iowa. By Halvorson of Clayton.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, providing for the approval and confirmation of the citizens' aide and an acting citizens' aide by a majority of the members of the house and senate.

KEVIN P. LIGHT, Acting Secretary

SENATE MESSAGES CONSIDERED

Senate Concurrent Resolution 117, a resolution providing approval and confirmation of the citizens' aide and acting citizens' aide.

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

Senate File 2198, a bill for an act repealing the prohibition against allowing minors in a billiard hall where beer is sold.

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

Senate File 2199, a bill for an act providing that a right of appeals exists in a civil case tried by a district associate judge or "full-time" magistrate where the amount in controversy is over one thousand dollars but under three thousand dollars.

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

Senate File 2200, a bill for an act making technical changes of a corrective nature to the new criminal code.

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to take up for consideration the following: House File 2212, Senate Concurrent Resolution 117 and House File 2382.

MOTION TO RECONSIDER PREVAILS
(House File 2212)

Perkins of Greene called up for consideration the motion to reconsider **House File 2212**, filed on March 28, 1978, and moved to reconsider the vote by which House File 2212, a bill for an act relating to the authority of the Iowa natural resources council in regulating flood plains and providing a penalty, passed the House on March 23, 1978.

A non-record roll call was requested.

The ayes were 84, nays 0.

The motion prevailed and the House reconsidered House File 2212.

Perkins of Greene moved to reconsider the vote by which House File 2212 was placed on its last reading, which motion prevailed.

Perkins of Greene offered the following amendment H — 5833 filed by him and Middleswart of Warren and moved its adoption:

H — 5833

1 Amend House File 2212 as follows:
2 1. Page 2, by inserting after line 26 the
3 following sections:
4 "Sec. . . Acts of the Sixty-seventh General
5 Assembly, 1977 Session, chapter one hundred twenty-
6 three (123), section eight (8), is amended to read as
7 follows:
8 Sec. 8. APPLICATION FOR SPECIAL PERMITS. Applica-
9 tion and payment of the fee for special permits shall
10 be in accordance with the provisions of sections four
11 hundred fifty-five A point nineteen (455A.19), subsection
12 one (1), and four hundred fifty-five A point nineteen
13 (455A.19), subsection five (5) of the Code, respectively.
14 Upon receipt of the application and fee, the commissioner
15 shall cause notice of the application to be published
16 in a newspaper of general circulation in the county
17 where the permit is sought. The special permit shall
18 be issued by the commissioner two weeks from the date
19 of publication, unless written objection to the appli-
20 cation is filed with the commissioner before that
21 date, in which case the hearing procedures of section
22 four hundred fifty-five A point nineteen (455A.19) of

23 the Code, shall be followed. Special permits shall
 24 be issued for a period not to exceed one year.
 25 Special permits issued after the effective date of
 26 this Act shall terminate on July 1, 1980. The
 27 termination date of all existing special permits is
 28 hereby extended to July 1, 1980.

29 Sec. Acts of the Sixty-seventh General
 30 Assembly, 1977 Session, chapter one hundred twenty-
 31 three (123), section nine (9), is amended to read as
 32 follows:

33 Sec. 9. Section four hundred fifty-five A point
 34 twenty (455A.20), Code 1977, is amended by adding the
 35 following new unnumbered paragraphs:

36 NEW UNNUMBERED PARAGRAPH. Until the council
 37 adopts a statewide water plan, all new water permits
 38 issued for irrigation purposes, except special permits,
 39 shall not exceed one year and all renewals thereof
 40 shall also be limited to one year. The preceding
 41 limitation shall not apply to the renewal or extension
 42 of any valid water permit granted prior to the effective
 43 date of this Act. If it is determined, through
 44 monitoring of the permitted withdrawal, that it will
 45 endanger the present or future availability of ground-
 46 water said permits may be modified or canceled under
 47 the provisions of section four hundred fifty-five A
 48 point twenty-eight (455A.28) of the Code.

49 NEW UNNUMBERED PARAGRAPH. When permits are
 50 modified or canceled, priority for permits shall be

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1 given to applicants or permit holders who utilize
 2 such water for agriculture research. Nothing in this
 3 paragraph shall give priority to such applicants or
 4 permit holders in preference to those classes granted
 5 priority under section four hundred fifty-five A
 6 point twenty-one (455A.21) of the Code."

Amendment H—5833 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2212)

The ayes were, 86:

Anderson
 Bennett

Arnould
 Bina

Avenson
 Binneboese

Baker
 Brandt

Branstad	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilson	Halvorson	Hansen	Harbor
Hargrave	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Schnekloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 3:

Danker	Doyle	Scheelhaase
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Absent or not voting, 11:

Brockett	Chiodo	Den Herder	Gentleman
Gilloon	Griffee	Harvey	Hines
Millen	Patchett	Varley	

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

MOTION TO RECONSIDER LOST (House File 2212)

Perkins of Greene moved to reconsider the vote by which House File 2212 passed the House on March 31, 1978.

A non-record roll call was requested.

The ayes were 32, nays 45.

The motion lost.

ADOPTION OF SENATE CONCURRENT RESOLUTION 117

Fitzgerald of Webster called up for consideration **Senate Concurrent Resolution 117** as follows and moved its adoption:

SENATE CONCURRENT RESOLUTION 117
By Committee on Rules and Administration

- 1 A concurrent resolution providing for the approval
2 and confirmation of the citizens' aide and an
3 acting citizens' aide by a majority of the members
4 of the house and the senate.
5 *Whereas*, chapter six hundred one G (601G) of the
6 Code provides that the citizens' aide shall be
7 appointed by the legislative council with the approval
8 and confirmation of a constitutional majority of the
9 senate and with the approval and constitutional
10 majority of the house of representatives; and
11 *Whereas*, chapter six hundred one G (601G) of the
12 Code provides that a vacancy in the office of citizens'
13 aide shall be filled in the same manner as an original
14 appointment; and
15 *Whereas*, the legislative council has reviewed
16 applications and interviewed many applicants for the
17 position of citizens' aide and after investigation
18 has appointed Mr. William P. Angrick II as citizens'
19 aide and acting citizens' aide and is submitting his
20 name for approval and confirmation of a constitutional
21 majority of the senate and house; *Now Therefore*,
22 *Be It Resolved by the Senate, the House Concurring*,
23 That Mr. William P. Angrick II is approved and
24 confirmed as citizens' aide for a four-year term
25 commencing July 1, 1978 as provided in sections six
26 hundred one G point three (601G.3) and six hundred
27 one G point five (601G.5) of the Code; and
28 *Be It Further Resolved*, That Mr. William P. Angrick
29 II is approved and confirmed as acting citizens' aide
30 as provided in section six hundred one G point three

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- 1 (601G.3) of the Code upon commencement of duties
2 following approval of this resolution and until taking
3 office as citizens' aide.

Roll call was requested by Cusack of Scott and Harbor of Mills.

On the question "Shall the resolution be adopted?"

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Doyle	Dunton	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilson	Halvorson	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 5:

Crabb	Danker	Dyrland	Thompson
Welden			

Absent or not voting, 8:

Brockett	Den Herder	Gentleman	Gilloon
Griffie	Harvey	Scheelhaase	Shimanek

The resolution, having received a constitutional majority, was adopted.

ADOPTION OF HOUSE RESOLUTION 122

Pursuant to House Rule 26, the Speaker announced that House Resolution 122 filed on March 21, 1978 and found on pages 1089 and 1090 of the House Journal was adopted by unanimous consent.

CONSIDERATION OF BILLS

Regular Calendar

House File 2382, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty, was taken up for consideration.

Jesse of Polk offered the following amendment H—5842 filed by him and Conlon of Muscatine from the floor and moved its adoption:

H—5842

- 1 Amend House File 2382 as follows:
- 2 1. Page 1, by striking line 6 and inserting in
- 3 lieu thereof the words "is a felony or aggravated
- 4 misdemeanor".

Amendment H—5842 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2382)

The ayes were, 93:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gettings	Gilson	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Pony	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Brockett	Brunow	Den Herder	Gentleman
Gilloon	Griffee	Harvey	

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

IMMEDIATE MESSAGE
(House File 2382)

Jesse of Polk asked and received unanimous consent that House File 2382 be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Jesse of Polk called up for consideration **House File 630**, a bill for an act to appropriate funds to the department of health to be used to discharge the responsibilities of the department under House File three hundred fifty-four (354), Acts of the Sixty-seventh General Assembly, 1977 Session, and to establish the salaries of members of the state health facilities council established by that Act, amended by the Senate amendment H - 5568, filed on March 7, 1978 and found on page 838 of the House Journal.

Jesse of Polk offered the following amendment H - 5818, to the Senate amendment H - 5568, filed by him and Hargrave of Johnson:

H - 5818

- 1 Amend H - 5568, the Senate amendment to House File 630
- 2 as follows:
- 3 1. Page 1, line 22, by inserting after the word "both."
- 4 the words "Such contract shall be subject to the approval
- 5 of the executive council and shall provide for an equitable
- 6 representation of health care providers, third party payers,
- 7 and health care consumers in the determination of criterion
- 8 for rate review. No third party payer shall be excluded
- 9 from positive financial incentives based upon volume of
- 10 gross patient revenues."

Bina of Scott in the chair at 11:32 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koogler of Mahaska for the remainder of the day on request of Baker of Buena Vista.

Jesse of Polk moved the adoption of amendment H—5818, to the Senate amendment H—5568.

Amendment H—5818 was adopted.

(House File 630 and Senate amendment H—5568, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:10 p.m.

AFTERNOON SESSION

The House reconvened, Speaker pro tempore Nielsen of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Scheelhaase of Woodbury for the remainder of the day on request of Doyle of Woodbury; Cusack of Scott for the remainder of the day on request of Arnould of Scott.

INTRODUCTION OF BILLS

House File 2385, by Halvorson and Scheelhaase, a bill for an act relating to the establishment of a force of reserve peace officers for a city, county, or the state.

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

House File 2386, by committee on transportation, a bill for an act relating to railroad right-of-way retention for future rail transportation purposes.

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

QUORUM CALL

Roll call was requested by Garrison of Black Hawk and Dunton of Keokuk to determine that a quorum was present.

Present: 72

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Branstad
Clark, B.J.	Cochran	Conlon	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gilson	Halvorson	Hansen	Harbor
Hines	Hinkhouse	Howell	Hullinger
Husak	Jochum	Junker	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Schneklath	Schroeder
Shimaneck	Smalley	Spear	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

Absent: 28

Binneboese	Brockett	Brunow	Byerly
Chiodo	Clark, J.H.	Cusack	Den Herder
Egenes	Gentleman	Gettings	Gilloon
Griffiee	Hargrave	Harvey	Hoffmann
Horn	Jesse	Koogler	Krause
Krewson	Millen	Oxley	Rinas
Scheelhaase	Small	Spencer	Varley

BUSINESS PENDING

The House resumed consideration of **House File 630**, a bill for an act to appropriate funds to the department of health to be used to discharge the responsibilities of the department under House File three hundred fifty-four (354), Acts of the Sixty-seventh General Assembly, 1977 Session, and to establish the salaries of members of the state health facilities council established by that Act, and amendment H—5568, as amended.

Conlon of Muscatine asked for unanimous consent to amend line 7 of amendment H—5818, by striking the word "criterion" and inserting in lieu thereof the word "criteria".

Objection was raised.

On motion by Husak of Tama, the House concurred in the Senate amendment H—5568, as amended.

Husak of Tama moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time,

On the question "Shall the bill pass?" (H.F. 630)

The ayes were, 69:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Clark, B.J.	Cochran
Connors	Crabb	Crawford	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Fitzgerald	Garrison
Gettings	Gilson	Halvorson	Harbor
Hargrave	Hines	Horn	Howell
Hullinger	Husak	Jochum	Junker
Krewson	Lind	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
Patchett	Pavich	Pellett	Perkins
Poncy	Rinas	Schroeder	Shimanek
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Tofte	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 14:

Conlon	Egenes	Evans	Hansen
Hinkhouse	Hoffmann	Jesse	Lageschulte
Lindeen	Pelton	Schneklath	Stephens
Thompson	Welden		

Absent or not voting, 17:

Brockett	Byerly	Chiodo	Clark, J.H.
Cusack	Den Herder	Gentleman	Gilloon
Griffee	Harvey	Koogler	Krause
O'Halloran	Oxley	Scheelhaase	Small
Varley			

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

MOTION TO RECONSIDER LOST
(House File 630)

Husak of Tama asked for unanimous consent that House File 630 be immediately messaged to the Senate.

Objection was raised.

Husak of Tama moved to reconsider the vote by which House File 630 passed the House on March 31, 1978.

A non-record roll call was requested.

The ayes were 30, nays 39.

The motion lost.

House File 2349, a bill for an act requiring that each judicial district department of correctional services in the state develop and maintain a community-based correctional program for juveniles, and providing for the content, administration and financial support of those programs, was taken up for consideration.

RULE 20 SUSPENDED

Lipsky of Linn asked and received unanimous consent to suspend Rule 20 and that Mr. George Kiser from the Department of Social Services be permitted in the House chamber during consideration of House File 2349.

Conlon of Muscatine offered the following amendment H-5838 filed by him and moved its adoption:

H-5838

- 1 Amend House File 2349 as follows:
- 2 1. Page 8, by inserting after line 16 the follow-
- 3 ing new section:
- 4 "Sec.
- 5 1. Notwithstanding any of the provisions of this
- 6 Act, sections two hundred thirty-one point eight
- 7 (231.8), two hundred thirty-one point nine (231.9),
- 8 two hundred thirty-one point ten (231.10), two hundred
- 9 thirty-one point twelve (231.12) and two hundred
- 10 thirty-one point thirteen (231.13), as those sections

11 appear in the Code of 1977, shall continue to govern
12 the terms of employment and the responsibilities of
13 the juvenile court probation officer or officers as
14 if those sections were in full force and effect, and
15 sections one (1) through ten (10) of this Act shall
16 be of no force or effect, in any county where one
17 or more juvenile court probation officers are employed
18 on the effective date of this Act, under the following
19 conditions:

20 a. If the judge designated as judge of the juvenile
21 court in that county, or where there is more than
22 one such judge in the county, such judges acting
23 jointly issue an order to that effect prior to the
24 effective date of this Act; and

25 b. For so long as the judge or judges do not
26 revoke such order, and any juvenile court probation
27 officer employed in that county on the effective date
28 of this Act remains in that position.

29 2. This section shall not be construed to authorize
30 the employment of any new juvenile court probation
31 officers under the provisions of section two hundred
32 thirty-one point eight (231.8) as that section appears
33 in the Code of 1977, except as may be necessary to
34 fill vacancies created by the resignation, retirement
35 or death of a tenured juvenile court probation officer
36 during the period prior to the resignation, retirement
37 or death of the last juvenile court probation offi-
38 cer in the county who is tenured under subsection
39 one (1), paragraph b, of this section. An appointee
40 chosen to fill a vacancy, as authorized by this
41 subsection, shall not be tenured under subsection
42 one (1), paragraph b, of this section.

43 3. The juvenile court judge or judges of any
44 county, having once issued an order as authorized
45 by subsection one (1), paragraph a, of this section,
46 may thereafter revoke the order at any time, except
47 that the judge or judges shall give the department
48 of corrections in that judicial district at least
49 one year's notice. The district department may at
50 its option accept a shorter period of notice or waive

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1 such notice entirely."

Roll call was requested by Conlon of Muscatine and Thompson of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—5838 be adopted?"

The ayes were, 47:

Baker	Bennett	Binneboese	Branstad
Conlon	Crabb	Daggett	Danker
Davitt	Doyle	Dunton	Evans
Garrison	Gilson	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Howell
Hullinger	Husak	Junker	Krause
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Oxley	Pellett	Pelton	Perkins
Schnekloth	Smallley	Spencer	Stephens
Stromer	Tofte	Welden	West
Woods	Wyckoff	Mr. Speaker (Nielsen)	

The nays were, 41:

Anderson	Arnould	Avenson	Bina
Brandt	Brunow	Clark, B.J.	Clark, J.H.
Connors	Crawford	Dieleman	Dyrland
Egenes	Fitzgerald	Gentleman	Gettings
Gilloon	Hines	Horn	Jesse
Jochum	Krewson	Lipsky	Lonergan
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Poncy	Rinas
Schroeder	Shimanek	Small	Spear
Svoboda	Tauke	Thompson	Walter
Wells			

Absent or not voting, 12:

Brockett	Byerly	Chiodo	Cochran
Cusack	Den Herder	Griffee	Hargrave
Harvey	Koogler	Scheelhaase	Varley

Amendment H—5838 was adopted.

Garrison of Black Hawk offered the following amendment H—5855 filed by him from the floor and moved its adoption:

H—5855

- 1 Amend House File 2349 as follows:
- 2 1. Page 1, by striking lines 15 through 18 and
- 3 inserting in lieu thereof the following:
- 4 "3. "Director" means the director of a judicial
- 5 district department of correctional services."
- 6 2. Page 1, by striking line 19 and inserting in
- 7 lieu thereof the following:
- 8 "a. "Adult supervisor" is a reference to the

9 supervisor employed".

10 3. Page 1, by striking line 22 and inserting in
11 lieu thereof the following:

12 "b. "Juvenile supervisor" is a reference to the
13 supervisor".

14 4. Page 2, by striking lines 7 through 10 and
15 inserting in lieu thereof the words "in section three
16 (3) of this Act chapter, and shall be administered
17 by a director employed by the board."

18 5. Page 2, line 14, by striking the words "a
19 director separate directors" and inserting in lieu
20 thereof the words "a director".

21 6. Page 2, line 20, by striking the words "the
22 each" and inserting in lieu thereof the word "the".

23 7. Page 2, line 31, by striking the word "adult".

24 8. Page 2, line 33, by striking the word "adult".

25 9. Page 2, by striking lines 34 and 35.

26 10. Page 3, line 1, by striking the word "programs"
27 and inserting in lieu thereof the word "programs".

28 11. Page 3, by striking lines 2 and 3 and inserting
29 in lieu thereof the following:

30 "2. The director shall, with approval of the
31 district board, employ a qualified adult supervisor
32 and a qualified juvenile supervisor and, with their
33 assistance, shall:".

34 12. Page 3, lines 19 and 20, by striking the words
35 "when so directed by the board, and in that capacity".

36 13. Page 7, lines 19 and 20, by striking the words
37 "program for juveniles".

Amendment H—5855 was adopted.

Garrison of Black Hawk moved to reconsider the vote by which amendment H—5838 was adopted by the House.

Roll call was requested by Lipsky of Linn and Schnekloth of Scott.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 51:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Connors
Crawford	Dieleman	Doyle	Dyrland
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Hargrave	Howell	Jesse
Jochum	Krause	Krewson	Lageschulte

Lipsky	Lonergan	Millen	Miller, K.D.
Monroe	Newhard	Norland	O'Halloran
Patchett	Pavich	Poney	Rinas
Shimaneck	Small	Spear	Stromer
Svoboda	Tauke	Thompson	Tofte
Walter	Wells	Mr. Speaker (Nielsen)	

The nays were, 36:

Baker	Bennett	Branstad	Conlon
Crabb	Daggett	Danker	Davitt
Dunton	Egenes	Evans	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Horn	Husak	Junker
Lind	Lindeen	Menke	Miller (Sergeant)
Pellett	Pelton	Perkins	Schneklath
Schroeder	Smalley	Spencer	Stephens
Varley	Welden	West	Wyckoff

Absent or not voting, 13:

Brockett	Byerly	Cusack	Den Herder
Griffiee	Harvey	Hines	Hullinger
Koogler	Middleswart	Oxley	Scheelhaase
Woods			

The motion prevailed and the House reconsidered amendment H—5838.

Conlon of Muscatine moved the adoption of amendment H—5838.

Roll call was requested by Garrison of Black Hawk and Spencer of Clay.

Rule 70 was invoked.

On the question "Shall amendment H—5838 be adopted?"

The ayes were, 37:

Baker	Bennett	Branstad	Conlon
Crabb	Daggett	Danker	Davitt
Doyle	Dunton	Evans	Gilson
Halvorson	Hansen	Harbor	Hinkhouse
Hoffmann	Horn	Junker	Lageschulte
Lind	Lindeen	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Pellett	Pelton

Perkins	Schnekloth	Schroeder	Smalley
Spencer	Stephens	Tofte	Welden
Wyckoff			

The nays were, 52:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Clark, B.J.
Clark, J.H.	Cochran	Connors	Crawford
Dieleman	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Hargrave	Hines	Howell	Jesse
Jochum	Krause	Krewson	Lipsky
Lonergan	Millen	Monroe	Newhard
Norland	O'Halloran	Oxley	Patchett
Pavich	Poney	Rinas	Shimanek
Small	Spear	Stromer	Svoboda
Tauke	Thompson	Varley	Walter
Wells	West	Woods	Mr. Speaker (Nielsen)

Absent or not voting, 11:

Brockett	Byerly	Chiodo	Cusack
Den Herder	Griffiee	Harvey	Hullinger
Husak	Koogler	Scheelhaase	

Amendment H — 5838 lost.

Harbor of Mills offered the following amendment H — 5854 filed by him from the floor:

H — 5854

- 1 Amend House File 2349 as follows:
- 2 1. Page 2, line 20, by inserting after the word
- 3 "staff" the words "except that the juvenile director
- 4 shall not fix the compensation of juvenile probation
- 5 officers appointed pursuant to section two hundred
- 6 thirty-one point eight (231.8) of the Code".
- 7 2. Page 3, by striking lines 11 and 12 and
- 8 inserting in lieu thereof the following:
- 9 "3. Employ, with approval of the district board,
- 10 and supervise
- 11 c. Supervise the employees necessary to carry
- 12 out the adult and".
- 13 3. Page 3, by inserting after line 14 the
- 14 following:
- 15 "(1) The adult director shall employ, with approval
- 16 of the district board, the employees necessary to

- 17 carry out the district department's adult program.
18 (2) The district department's juvenile program
19 personnel shall be employed as provided by section
20 two hundred thirty-one point eight (231.8) of the
21 Code."
22 4. Page 6, line 30, by inserting after the word
23 "departments" the words "and juvenile court judges".
24 5. Page 7, by striking lines 18, 19 and 20 and
25 inserting in lieu thereof the words "officers, in
26 the discharge of their duties as such, shall".
27 6. By striking page 7, line 30 through page 8,
28 line 16.

Speaker Cochran in the chair at 2:44 p.m.

Harbor of Mills moved the adoption of amendment H—5854.

A non-record roll call was requested.

Rule 69 was invoked.

The ayes were 38, nays 44.

Amendment H—5854 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bina of Scott on request of Walter of Pottawattamie; Menke of O'Brien on request of Danker of Pottawattamie; Poncy of Wapello on request of Anderson of Jasper; Hansen of O'Brien on request of Miller (Sergeant) of Calhoun, all for the remainder of the day.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—5854 failed to be adopted by the House on March 31, 1978.

Roll call was requested by Junker of Woodbury and Harbor of Mills.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 36:

Baker
Conlon

Bennett
Daggett

Branstad
Danker

Clark, J.H.
Dunton

Evans	Gilson	Halvorson	Harbor
Hinkhouse	Hoffmann	Horn	Hullinger
Husak	Junker	Lageschulte	Lind
Lindeen	Middleswart	Miller, K.D.	Pellett
Pelton	Perkins	Schnekloth	Schroeder
Smalley	Spencer	Stephens	Stromer
Welden	West	Woods	Wyckoff

The nays were, 43:

Anderson	Arnould	Avenson	Binneboese
Brandt	Brunow	Clark, B.J.	Connors
Crawford	Davitt	Doyle	Dyrland
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Hargrave	Hines	Howell
Jesse	Jochum	Krause	Krewson
Lipsky	Lonergan	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Shimanek	Small	Spear
Svoboda	Tauke	Thompson	Varley
Walter	Wells	Mr. Speaker	

Absent or not voting, 21:

Bina	Brockett	Byerly	Chiodo
Crabb	Cusack	Den Herder	Dieleman
Egenes	Griffie	Hansen	Harvey
Koogler	Menke	Millen	Nielsen
Oxley	Poncy	Rinas	Scheelhaase
Tofte			

The motion lost.

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

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2349)

The ayes were, 37:

Arnould	Avenson	Binneboese	Brandt
Clark, B.J.	Connors	Crawford	Doyle
Dyrland	Fitzgerald	Gentleman	Gettings
Gilloon	Hargrave	Hines	Jesse
Jochum	Krause	Krewson	Lipsky
Lonergan	Monroe	Newhard	Norland

O'Halloran	Patchett	Pavich	Shimanek
Small	Spear	Svoboda	Tauke
Thompson	Varley	Walter	Wells
Mr. Speaker			

The nays were, 45:

Anderson	Baker	Bennett	Branstad
Brunow	Chiodo	Clark, J.H.	Conlon
Daggett	Danker	Davitt	Dieleman
Dunton	Evans	Garrison	Gilson
Halvorson	Harbor	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Junker	Lageschulte	Lind	Lindeen
Middleswart	Miller, K.D.	Miller (Sergeant)	Oxley
Pellett	Pelton	Perkins	Schnekloth
Schroeder	Smalley	Spencer	Stephens
Stromer	Welden	West	Woods
Wyckoff			

Absent or not voting, 18:

Bina	Brockett	Byerly	Crabb
Cusack	Den Herder	Egenes	Griffee
Hansen	Harvey	Koogler	Menke
Millen	Nielsen	Poncy	Rinas
Scheelhaase	Tofte		

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

MOTIONS TO RECONSIDER (House File 2349)

I move to reconsider the vote by which House File 2349 failed to pass the House on March 31, 1978.

SCHROEDER of Pottawattamie

(House File 2349)

I move to reconsider the vote by which House File 2349 failed to pass the House on March 31, 1978.

BRUNOW of Appanoose

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31, 1978, he approved and transmitted to the Secretary of State the following bills:

Senate File 2125, an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

Senate File 2170, an act relating to the latest date when political party precinct caucuses may be held in general election years.

**UNANIMOUS CONSENT CALENDAR
(House Resolution 127)**

We hereby respectfully request that House Resolution 127, filed on March 23, 1978 and found on page 1153 of the House Journal, be placed on the unanimous consent calendar.

PATCHETT of Johnson
GRIFFEE of Chickasaw
GETTINGS of Wapello

(House Resolution 128)

We hereby respectfully request that House Resolution 128, filed on March 23, 1978 and found on page 1174 of the House Journal, be placed on the unanimous consent calendar.

PATCHETT of Johnson
GRIFFEE of Chickasaw
GETTINGS of Wapello

(House Resolution 129)

We hereby respectfully request that House Resolution 129, filed on March 30, 1978 and found on page 1261 of the House Journal, be placed on the unanimous consent calendar.

KRAUSE of Kossuth
BAKER of Buena Vista
SPENCER of Clay

PROOF OF PUBLICATION

Published copy of House File 2383 and verified proof of publication of said bill in The Fremont-Mills Beacon-Enterprise, on February 1, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

EXPLANATION OF VOTE

Because I was attending a meeting on March 29th of the Governor's Task Force on the Care and Support of Dependent Adults (of which I am a member) regarding a project in Scott County, I did not vote on House File 2264. Had I been present, I would have voted "aye" on House File 2264.

Cusack of Scott

REQUEST TO BE REMOVED AS SPONSOR (Amendment H—5608)

I request to be removed as a sponsor of amendment H—5608 to House File 2296.

CLARK of Cerro Gordo

SUBCOMMITTEE ASSIGNMENTS

House File 2336

Labor and Industrial Relations: Horn, Chair; Gilloon, Chiodo, Egenes and Branstad.

House File 2339

Agriculture: Howell, Chair; Hinkhouse and Danker.

House File 2351

Human Resources: Lonergan, Chair; Clark of Lee, Krewson, Anderson and Garrison.

Senate File 2158

Human Resources: Cusack, Chair; Dyrlund, Krewson, Tofte and Brunow.

Senate File 2176

Agriculture: Byerly, Chair; Pellett and Scheelhaase.

Senate File 2181

Judiciary and Law Enforcement: Nielsen, Chair; Shimanek and Connors.

Senate File 2185

Judiciary and Law Enforcement: Nielsen, Chair; Connors and Shimanek.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 434

Human Resources: Lipsky, Chair; Clark of Cerro Gordo, Gentleman, Newhard, Anderson and Crawford.

Study Bill 435

Human Resources: Lipsky, Chair; Clark of Cerro Gordo, Gentleman, Newhard, Anderson and Crawford.

Study Bill 438

Transportation: Krause, Chair; Egenes, Monroe, Rinas and Clark of Cerro Gordo.

Study Bill 454

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

Study Bill 455

Transportation: Dunton, Chair; Schneklath, Monroe, Hullinger and Oxley.

Study Bill 459

Agriculture: Byerly, Chair; Pellett and Scheelhaase.

Study Bill 464

Labor and Industrial Relations: Pavich, Chair; Poncy and Halvorson.

Study Bill 465

Judiciary and Law Enforcement: Jesse, Chair; Newhard and Nielsen.

Study Bill 468

Agriculture: Scheelhaase, Chair; Lindeen and Husak.

Study Bill 470

Judiciary and Law Enforcement: Jesse, Chair; Newhard, Nielsen, Gentleman and Branstad.

Study Bill 471

Agriculture: Howell, Chair; Hinkhouse and Danker.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 7:30 a.m., March 30, 1978

Convened: 7:35 a.m.

Adjourned: 8:55 a.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Daggett, Doyle, Gentleman, Gilson, Hargrave, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Hines and Newhard.

Corrections were discussed and recommendations made.

COMMITTEE ON AGRICULTURE

Scheduled: 8:00 a.m., March 30, 1978

Convened: 8:12 a.m.

Adjourned: 9:07 a.m.

Present: Scheelhaase, chair; Hinkhouse, vice chair; Pellett, ranking member; Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gettings, Howell, Husak, Lageschulte, Menke and Svoboda.

Absent: Krause and Lindeen.

Excused: Den Herder, Gilson and Miller (Sergeant) of Calhoun.

House File 2071, a bill for an act relating to the ownership of land by nonresident foreign aliens.

Recommended Amend and Do Pass.

H-5848

1 Amend House File 2071 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Chapter five hundred sixty-seven
5 (567), Code 1977, is repealed and sections two (2)
6 through nine (9) of this Act are substituted in lieu
7 thereof:

8 Sec. 2. **NEW SECTION. DEFINITIONS.**

9 1. "Agricultural land" means land suitable for
10 use in farming.

11 2. "Nonresident alien" means an individual who
12 is not a citizen of the United States and who has
13 not been classified as a resident alien by the United

14 States immigration and naturalization service.

15 3. "Farming" means the cultivation of land for
16 the production of agricultural crops, the raising
17 of poultry, the production of eggs, the production
18 of milk, the production of fruit or other horticultural
19 crops, grazing or the production of livestock. Farming
20 shall not include the production of timber, forest
21 products, nursery products, or sod and farming shall
22 not include a contract where a processor or distributor
23 of farm products or supplies provides spraying,
24 harvesting or other farm services.

25 4. "Foreign business" means a corporation
26 incorporated under the laws of any foreign country,
27 or a business entity whether or not incorporated in
28 which a majority interest is owned directly or
29 indirectly by nonresident aliens. Legal entities,
30 including but not limited to trusts, holding companies,
31 multiple corporations and other business arrangements,
32 shall be disregarded when determining ownership or
33 control of a foreign business.

34 5. "Foreign government" means a government other
35 than the government of the United States, its states
36 or its territories and possessions.

37 Sec. 3. NEW SECTION. ALIEN RIGHTS. A nonresident
38 alien, foreign business or foreign government may
39 acquire, by grant, purchase, devise or descent, real
40 property, except agricultural land or any interest
41 therein in this state, and may own, hold, devise or
42 alienate such real property, and shall incur the same
43 duties and liabilities in relation thereto as citizens
44 and residents of the United States.

45 Sec. 4. NEW SECTION. RESTRICTION ON AGRICULTURAL
46 LAND HOLDINGS.

47 1. A nonresident alien, foreign business or foreign
48 government shall not purchase or otherwise acquire
49 agricultural land in this state. A nonresident alien,
50 foreign business or foreign government which owns

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1 or holds agricultural land in this state on the
2 effective date of this Act may continue to own or
3 hold such land, but shall not purchase or otherwise
4 acquire additional agricultural land in this state.

5 2. A person who acquires agricultural land in
6 violation of this Act remains in violation of this
7 Act for as long as the person holds an interest in
8 the land.

9 3. The restrictions set forth in this section
10 shall not apply to agricultural land or any interest
11 therein acquired by a nonresident alien, foreign
12 business or foreign government by devise or descent

13 or for immediate or potential use in nonfarming
 14 purposes. However, pending the development of
 15 agricultural land for nonfarm purposes, such land
 16 shall not be used for farming except under lease to
 17 an individual, trust, corporation, partnership or
 18 other business entity not subject to the restriction
 19 on the increase in agricultural land holdings imposed
 20 by section one hundred seventy-two C point four
 21 (172C.4) of the Code, as amended by Acts of the Sixty-
 22 seventh General Assembly, 1977 Session, chapter eighty-
 23 two (82), section three (3).

24 Sec. 5. NEW SECTION. LAND ACQUIRED BY DEVISE
 25 OR DESCENT. A nonresident alien, foreign business
 26 or foreign government which acquires agricultural
 27 land by devise or descent shall have two years from
 28 the date of acquiring title to divest of all right,
 29 title and interest in such lands or to convert such
 30 lands to nonfarming uses.

31 Sec. 6. NEW SECTION. REGISTRATION. A nonresident
 32 alien, foreign business or foreign government which
 33 owns any interest in agricultural lands within this
 34 state on or after the effective date of this Act shall
 35 register the agricultural land with the secretary
 36 of state. Such registration shall be made within
 37 sixty days after the effective date of this Act or
 38 after acquiring such real property, whichever time
 39 is the later, in the form and manner prescribed by
 40 the secretary and shall contain the name of the owner
 41 and the location and number of acres of the
 42 agricultural land by township and county. If the
 43 owner of the land or interest therein is a corporation,
 44 the registration shall also include the name of any
 45 principal for which that land, or interest therein,
 46 was purchased.

47 Sec. 7. NEW SECTION. ENFORCEMENT.

48 1. If the secretary finds that a nonresident
 49 alien, foreign business, foreign government or an
 50 agent, trustee, or other fiduciary thereof has acquired

Page 3

1 or holds title to or interest in agricultural land
 2 in this state in violation of this Act or has failed
 3 to timely register as required under section six (6)
 4 of this Act, the secretary shall report the violation
 5 to the attorney general.

6 2. The attorney general shall initiate an action
 7 in the district court of any county in which the land
 8 owned by the nonresident alien, foreign business,
 9 foreign government, agent, trustee or other fiduciary,
 10 alleged to have violated this Act, is located.

11 3. The attorney general shall file a notice of

12 the pendency of the action with the recorder of deeds
 13 of each county in which any such lands are located.
 14 If the court finds that the lands in question have
 15 been acquired or are held in violation of this Act
 16 or the required registration has not been timely
 17 filed, it shall enter an order so declaring and shall
 18 file a copy of the order with the recorder of deeds
 19 of each county in which any portion of the lands are
 20 located.

21 Sec. 8. NEW SECTION. ESCHEAT. If the court finds
 22 that the lands in question have been acquired in
 23 violation of this Act, the court shall declare the
 24 land escheated to the state. When escheat is decreed
 25 by the court, the clerk of court shall notify the
 26 governor that the title to the real estate is vested
 27 in the state by decree of the court. Any real estate,
 28 the title to which shall be acquired by the state
 29 under the provisions of this Act, shall be sold in
 30 the manner provided by law for the foreclosure of
 31 a mortgage on real estate for default of payment,
 32 and the proceeds of such sales shall become a part
 33 of the county general fund.

34 Sec. 9. NEW SECTION. PENALTY — FAILURE TO TIMELY
 35 FILE. A nonresident alien, foreign business or foreign
 36 government, or an agent, trustee or other fiduciary
 37 therefore, which fails to timely file the required
 38 registration under this Act shall be punished by a
 39 fine of not more than two thousand dollars.

40 Sec. 10. Sections four hundred ninety-one point
 41 sixty-seven (491.67) and five hundred eighty-nine
 42 point seven (589.7), Code 1977, are repealed.

43 Sec. 11. This Act is effective January 1, 1979.”

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb,
 Danker, Davitt, Gettings, Howell, Husak, Lageschulte, Menke and Svoboda.

Nay: None.

Absent or not voting: Den Herder, Gilson, Krause, Lindeen and Miller (Sergeant)
 of Calhoun.

Senate File 321, a bill for an act relating to bonded agricultural warehouses.

Recommended Amend and Do Pass.

H—5847

- 1 Amend Senate File 321 as passed by the Senate as
- 2 follows:
- 3 1. Page 4, lines 28 and 29, by striking the words
- 4 “— SALE OF STORED COMMODITIES”.

5 2. Page 5, by striking lines 8 through 23 and
 6 inserting in lieu thereof the following: "twenty
 7 ten days from the date of service. If the commission
 8 determines that the public good requires it, it may
 9 upon the filing of the information or the complaint
 10 and without hearing, temporarily suspend a license
 11 pending the determination by it of the complaint.
 12 Judicial review of the actions of the commission may
 13 be sought in accordance with the terms of the Iowa
 14 administrative procedure Act.

15 If upon the filing of the information or complaint
 16 the commission finds that the licensee has failed
 17 to meet the warehouseman's obligation or otherwise
 18 has violated or failed to comply with the provisions
 19 of this chapter or any rule promulgated under this
 20 chapter, and if the commission finds that the public
 21 health, safety or welfare imperatively requires
 22 emergency action, then the commission without hearing
 23 may order a summary suspension of the license in the
 24 manner provided in section seventeen A point eighteen
 25 (17A.18) of the Code. When so ordered, a copy of
 26 the order of suspension shall be served upon the
 27 licensee at the time the information or complaint
 28 is served as provided in this section.

29 Judicial review of the actions of the commission
 30 may be sought in accordance with the terms of the
 31 Iowa administrative procedure Act."

32 3. Page 7, by striking lines 26 and 27 and insert-
 33 ing in lieu thereof the following: "published once
 34 each week for two consecutive weeks in a newspaper
 35 of general circulation in each of the counties in
 36 which the licensee maintains a business location and
 37 in a newspaper of general circulation within the
 38 state. The notice".

39 4. Page 7, line 34, by inserting after the period
 40 the following: "The provisions of this paragraph
 41 shall not apply if a receiver is appointed as provided
 42 in this chapter pursuant to a petition which is filed
 43 by the commission prior to the expiration of one
 44 hundred twenty days after revocation, termination
 45 or cancellation of the license."

46 5. Page 9, line 22, by striking the words "shall
 47 not be deemed as" and inserting in lieu thereof the
 48 words "shall not be deemed as to be".

49 6. Page 11, by inserting after line 30 the
 50 following:

Page 2

1 "Sec. 13. Chapter five hundred forty-three (543),
 2 Code 1977, is amended by adding the following new
 3 sections:

4 NEW SECTION. APPOINTMENT OF COMMISSION AS RECEIVER.

5 1. The commission in its discretion may, follow-
6 ing summary suspension of a license under section
7 five hundred forty-three point ten (543.10) of the
8 Code, or following a suspension or revocation of a
9 license as otherwise provided in section five hundred
10 forty-three point ten (543.10) or five hundred forty-
11 three point eleven (543.11) of the Code, file a
12 verified petition in the district court requesting
13 that the commission be appointed as a receiver to
14 take custody of commodities stored in the licensee's
15 warehouse and to provide for the disposition of those
16 assets in the manner provided in this chapter and
17 under the supervision of the court. The petition
18 shall be filed in the county in which the warehouse
19 is located. The district court shall appoint the
20 commission as receiver. Upon the filing of the
21 petition the court shall issue ex parte such temporary
22 orders as may be necessary to preserve or protect
23 the assets in receivership, or the value thereof,
24 and the rights of depositors, until a plan of
25 disposition is approved.

26 2. A petition filed by the commission under sub-
27 section one (1) of this section shall be accompanied
28 by the commission's plan for disposition of stored
29 commodities. The plan may provide for the pro rata
30 delivery of part or all of the stored commodities
31 to depositors holding warehouse receipts or unpriced
32 scale weight tickets, or may provide for the sale
33 under the supervision of the commission of part or
34 all of the stored commodities for the benefit of those
35 depositors, or may provide for any combination thereof,
36 as the commission in its discretion determines to
37 be necessary to minimize losses.

38 3. When a petition is filed by the commission
39 under subsection one (1) of this section the clerk
40 of court shall set a date for hearing on the com-
41 mission's proposed plan of disposition at a time not
42 less than ten nor more than fifteen days after the
43 date the petition is filed. Copies of the petition,
44 the notice of hearing, and the commission's plan of
45 disposition shall be served upon the licensee and
46 upon the surety company issuing the licensee's bond
47 in the manner required for service of an original
48 notice. A delay in effecting service upon the licensee
49 or surety shall not be cause for denying the
50 appointment of a receiver and shall not be grounds

Page 3

1 for invalidating any action or proceeding in connection
2 therewith.

3 4. The commission shall cause a copy of each of
4 the documents served upon the licensee under subsection
5 three (3) of this section to be mailed by ordinary
6 mail to every person holding a warehouse receipt or
7 unpriced scale weight ticket issued by the licensee,
8 as determined by the records of the licensee or the
9 records of the commission. The failure of any person
10 referred to in this subsection to receive the required
11 notification shall not invalidate the proceedings
12 on the petition for the appointment of a receiver
13 or any portion thereof. Persons referred to in this
14 subsection are not parties to the action unless
15 admitted by the court upon application therefor.

16 5. When appointed as a receiver under this chapter,
17 the commission shall cause notification of the
18 appointment to be published once each week for two
19 consecutive weeks in a newspaper of general circulation
20 in each of the counties in which the licensee maintains
21 a business location, and in a newspaper of general
22 circulation in this state.

23 6. The commission may designate an employee of
24 the commission to appear on behalf of the commission
25 in any proceedings before the court with respect to
26 the receivership, and to exercise the functions of
27 the commission as receiver under this section and
28 section fourteen (14) of this Act, except that the
29 commission shall determine whether or not to petition
30 for appointment as receiver, shall approve the proposed
31 plan for disposition of stored commodities, shall
32 approve the proposed plan for distribution of any
33 cash proceeds, and shall approve the proposed final
34 report.

35 7. The actions of the commission in connection
36 with petitioning for appointment as a receiver, and
37 all actions pursuant to such appointment shall not
38 be subject to the provisions of the administrative
39 procedure Act.

40 Sec. 14. Chapter five hundred forty-three (543),
41 Code 1977, is amended by adding the following new
42 section:

43 **NEW SECTION. POWERS AND DUTIES OF RECEIVER.**

44 1. When the commission is appointed as a receiver
45 under this chapter the surety on the bond of the
46 licensee shall be joined as a party defendant by the
47 commission. If required by the court, the surety
48 shall pay the bond proceeds or so much thereof as
49 the court finds necessary into the court, and when
50 so paid the surety shall be absolutely discharged

2 extent of the payment.

3 2. When appointed as receiver under this chapter
4 the commission is authorized to give notice in the
5 manner specified by the court to persons holding
6 warehouse receipts or other evidence of deposit issued
7 by the licensee to file their claims within one hundred
8 twenty days after the date of appointment. Failure
9 to timely file a claim shall defeat the claim with
10 respect to the surety bond and any commodities or
11 proceeds from the sale of commodities, except to the
12 extent of any excess remaining after all timely filed
13 claims are paid in full.

14 3. When the court approves the sale of commodi-
15 ties, the commission shall employ a merchandiser to
16 effect the sale of those commodities. A person
17 employed as a merchandiser must meet the following
18 requirements:

19 a. The person shall be experienced or knowledge-
20 able in the operation of warehouses licensed under
21 this chapter; and if the person has ever held a license
22 issued under this chapter, the person shall never
23 have had that license suspended or revoked.

24 b. The person shall be experienced or knowledge-
25 able in the marketing of agricultural products.

26 c. The person shall not be the holder of a ware-
27 house receipt or scale weight ticket issued by the
28 licensee, and shall not have a claim against the
29 licensee whether as a secured or unsecured creditor,
30 and otherwise shall not have any pecuniary interest
31 in the licensee or the licensee's business. The
32 merchandiser shall be entitled to reasonable
33 compensation as determined by the commission, payable
34 out of funds appropriated for operating expenses of
35 the commission. A sale of commodities shall be made
36 in a commercially reasonable manner and under the
37 supervision of the warehouse division of the
38 commission. The commission shall provide for the
39 payment out of appropriations to the commission of
40 all expenses incurred in handling and disposing of
41 commodities. The commission shall have authority
42 to sell the commodities, any provision of chapter
43 five hundred fifty-four (554) of the Code to the
44 contrary notwithstanding, and any commodities so sold
45 shall be free of all liens and other encumbrances.

46 4. The plan of disposition, as approved by the
47 court, shall provide for the distribution of the
48 stored commodities, or the proceeds from the sale
49 of commodities, or the proceeds from any insurance
50 policy or surety bond, or any combination thereof,

Page 5.

1 less expenses incurred by the commission in connection
2 with the receivership, to depositors on a pro rata
3 basis as their interests are determined. Distribution
4 shall be without regard to any setoff, counterclaim,
5 or storage lien or charge.

6 5. The commission may, with the approval of the
7 court, continue the operation of all or any part of
8 the business of the licensee on a temporary basis
9 and take any other course of action or procedure which
10 will serve the interests of the depositors.

11 6. The commission shall be entitled to reimburse-
12 ment out of commodities or proceeds held in
13 receivership for all expenses incurred as court costs
14 or in handling and disposing of stored commodities,
15 and for all other costs directly attributable to the
16 receivership. The right of reimbursement of the
17 commission shall be prior to any claims against the
18 commodities or proceeds of sales thereof, and shall
19 constitute a claim against the surety bond of the
20 licensee.

21 7. In the event the approved plan of disposition
22 requires the sale of commodities, or the distribution
23 of proceeds from the surety bond, or both, the
24 commission shall submit to the court a proposed plan
25 of distribution of those proceeds. Upon such notice
26 and hearing as may be required by the court, the court
27 shall accept or modify the proposed plan. When the
28 plan is approved by the court and executed by the
29 commission, the commission shall be discharged and
30 the receivership terminated.

31 8. At the termination of the receivership the
32 commission shall file a final report containing the
33 details of its actions, together with such additional
34 information as the court may require."

Aye: Scheelhaase, Hinkhouse, Pellett, Bennett, Binneboese, Byerly, Crabb, Danker, Davitt, Gilson, Gettings, Howell, Husak, Lageschulte, Menke and Svoboda.

Nay: None.

Absent or not voting: Den Herder, Krause, Lindeen and Miller (Sergeant) of Calhoun.

Assigned bills to subcommittees.

COMMITTEE ON ENERGY

Scheduled: 9:00 a.m., March 30, 1978

Convened: 9:10 a.m.

Adjourned: 10:30 a.m.

Present: O'Halloran, chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Pellett and Pelton.

Absent: Howell (arrived 9:20 a.m.), Griffiee, Middleswart (arrived 10:10 a.m.), Norland, Perkins (arrived 9:15 a.m.), Svoboda (arrived 9:15 a.m.) and Varley (arrived 9:45 a.m.).

Study Bill 472, a bill for an act creating within the Iowa development commission a grain alcohol motor fuel program, a committee to administer the program and prescribing the duties of the committee.

Recommended **Amend and Do Pass**.

Aye: O'Halloran, Howell, Welden, Binneboese, Daggett, Danker, Doyle, Evans, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Perkins, Svoboda and Varley.

Nay: None.

Absent or not voting: Griffiee and Norland.

Adopted Resolution on "Sun Day" as amended.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 9:00 a.m., March 30, 1978

Convened: 9:15 a.m.

Adjourned: 10:40 a.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Griffiee and Patchett.

Study Bill 352, a bill for an act amending the Iowa civil rights law.

Recommended **Amend and Do Pass**.

Aye: Monroe, Woods, Harvey, Arnould, Brandt, Crawford, Jesse, Junker, Middleswart, Poncy, Shimanek, Tauke and Walter.

Nay: Stromer and West.

Absent or not voting: Avenson, Dieleman, Griffiee, Hansen and Patchett.

House File 191, relating to pari-mutuel betting failed to pass.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 10:30 a.m., March 30, 1978

Convened: 10:48 a.m.

Adjourned: 12:10 p.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Arnould, Baker, Clark of Cerro Gordo, Cusack, Dyrland, Garrison, Gentleman, Hansen, Krewson, Lipsky, Newhard and Schroeder.

Absent: Brunow, Hargrave (arrived 11:00 a.m.) and Tofte (arrived 11:40 a.m.).

Excused: Anderson and Miller of Buchanan.

Committee Bill (Formerly House File 2301), a bill for an act relating to child abuse.

Recommended **Amend and Do Pass**.

Aye: Walter, Lonergan, Crawford, Arnould, Baker, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hargrave, Krewson, Lipsky, Schroeder and Tofte.

Nay: None.

Absent or not voting: Anderson, Brunow, Cusack, Hansen, Miller of Buchanan and Newhard.

COMMITTEE ON WAYS AND MEANS

Scheduled: 10:30 a.m., March 30, 1978

Convened: 10:40 a.m.

Adjourned: 12:10 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Branstad, Conlon, Davitt, Dunton, Harbor, Horn, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schneklath, Thompson, Wells and Wyckoff.

Absent: Brandt (arrived 10:50 a.m.), Clark of Lee, Cusack, Daggett (arrived 10:45 a.m.), Dieleman (arrived 10:45 a.m.), Egenes (arrived 10:59 a.m.), Gilloon (arrived 11:20 a.m.), Harvey (arrived 10:52 a.m.), Hines (arrived 11:07 a.m.), Junker, Spencer (arrived 10:55 a.m.), Svoboda (arrived 10:47 a.m.) and Varley (arrived 11:15 a.m.).

Excused: Den Herder.

Senate File 2056, a bill for an act providing for the business and nonbusiness distinction in allocating and apportioning corporate net income for tax purposes and making the Act retroactive.

Recommended Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Conlon, Daggett, Davitt, Dieleman, Egenes, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Branstad, Clark of Lee, Cusack, Den Herder, Dunton, Hines, Junker and Pavich.

Study Bill 421, a bill for an act relating to the imposition of an excise tax on the use of aviation fuel and providing penalties.

Recommended Do pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Conlon, Davitt, Dieleman, Dunton, Egenes, Gilloon, Howell, Jochum, Menke, Rinas, Schnekloth, Spencer, Svoboda, Varley, Wells and Wyckoff.

Nay: Brandt, Daggett, Harbor, Harvey, Horn, Husak, Lind, O'Halloran, Oxley and Thompson.

Absent or not voting: Branstad, Clark of Lee, Cusack, Den Herder, Hines, Junker and Pavich.

COMMITTEE ON BUDGET

Scheduled: 4:30 p.m., March 30, 1978

Convened: 4:55 p.m.

Adjourned: 6:13 p.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Harvey, Koogler, O'Halloran, Stromer, Varley, Welden and Wells.

Absent: Jesse (arrived 5:07 p.m.) and Norland (arrived 5:00 p.m.).

Excused: Den Herder.

Discussed Senate File 2163.

AMENDMENTS FILED

H-5843

H.F. 2109

Doyle of Woodbury

H-5844

H.F. 2218

Spear of Lee

H-5845	H.F. 362	Byerly of Polk Schroeder of Pottawattamie
H-5846	H.F. 362	West of Marshall Monroe of Des Moines
H-5856	S.F. 2163	Lind of Black Hawk Wyckoff of Benton
H-5857	S.F. 2163	Lind of Black Hawk
H-5858	S.F. 2163	Lind of Black Hawk
H-5859	H.F. 2380	Evans of Grundy
H-5860	H.F. 362	Nielsen of Polk
H-5861	H.F. 2296	Schnekloth of Scott
H-5862	H.F. 2045	Lind of Black Hawk
H-5863	S.F. 2022	Brandt of Black Hawk

On motion by Fitzgerald of Webster, the House adjourned at 3:50 p.m., until 10:00 a.m., Monday, April 3, 1978.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day—Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 3, 1978

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

Prayer was offered by Monsignor Joe Tolan, pastor of St. Joseph's Catholic Church, Wall Lake, Iowa.

The Journal of Friday, March 31, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. M. E. Chandler, Anamosa, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk on request of Evans of Grundy; Chiodo of Polk on request of Woods of Polk; Walter of Pottawattamie for the morning session on request of Pavich of Pottawattamie; Rinas of Linn on request of Krewson of Polk; Egenes of Story, for the morning session, on request of Stephens of Plymouth; Perkins of Greene on request of Baker of Buena Vista; Brockett of Marshall on request of West of Marshall.

PRESENTATION OF VISITORS

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

Fourteen Girl Scouts from Preston, Iowa. By Gilloon of Dubuque.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2196, a bill for an act providing that energy conservation shall be one of the objectives of city and county zoning regulations.

KEVIN P. LIGHT, Acting Secretary

ADOPTION OF HOUSE RESOLUTION 125

Pursuant to House Rule 26, the Speaker announced that House Resolution 125 filed on March 22, 1978 and found on page 1145 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS Regular Calendar

House File 2297, a bill for an act relating to the meeting dates of the state conservation commission, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2297)

The ayes were, 73:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Hargrave	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
O'Halloran	Oxley	Pavich	Pellett
Pelton	Poncy	Scheelhaase	Schnekloth
Shimanek	Small	Stephens	Stromer
Svoboda	Tauke	Tofte	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 8:

Brunow	Hullinger	Lipsky	Lonergan
Schroeder	Spear	Spencer	Thompson

Absent or not voting, 19:

Branstad	Brockett	Chiodo	Den Herder
Doyle	Egenes	Harbor	Harvey
Hines	Monroe	Newhard	Nielsen
Norland	Patchett	Perkins	Rinas
Smalley	Varley	Walter	

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

HOUSE FILE 2378 TEMPORARILY DEFERRED

House File 2378, a bill for an act relating to the investigation of arson, was taken up for consideration.

(Action on House File 2378 was temporarily deferred.)

Fitzgerald of Webster asked for and received unanimous consent for the immediate consideration of **Senate File 2042**, a bill for an act removing a sheriff's authorization to chain a disorderly prisoner in a jail and sheriff's authorization to feed a prisoner only bread and water, with report of committee recommending passage.

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

On the question "Shall the bill pass?" (S.F. 2042)

The ayes were, 64:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Byerly	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crawford	Cusack
Daggett	Davitt	Dieleman	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gilloon	Gilson	Griffie
Hansen	Hargrave	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Krause	Krewson
Lind	Lindeen	Lipsky	Lonergan
Middleswart	Miller (Sergeant)	O'Halloran	Oxley
Pavich	Pelton	Scheelhaase	Schneklouth
Schroeder	Shimanek	Small	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	West	Woods	Mr. Speaker

The nays were, 15:

Crabb	Danker	Gettings	Junker
Koogler	Lageschulte	Menke	Millen
Pellett	Poncy	Stephens	Tofte
Welden	Wells	Wyckoff	

Absent or not voting, 21:

Brockett	Brunow	Chiodo	Den Herder
Doyle	Egenes	Halvorson	Harbor
Harvey	Hines	Miller, K.D.	Monroe
Newhard	Nielsen	Norland	Patchett
Perkins	Rinas	Smalley	Varley
Walter			

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

Senate File 404, a bill for an act relating to payment of travel expenses of county officers and employees, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered amendment H—5533 filed by the committee on county government on March 6, 1978 and found on pages 814 and 815 of the House Journal and moved its adoption.

Amendment H—5533 was adopted.

Hullinger of Decatur offered the following amendment H—5864 filed by him from the floor and moved its adoption:

H—5864

- 1 Amend Senate File 404 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by inserting after line 14 the follow-
- 4 ing:
- 5 "Sec. . . Section three hundred thirty-one point
- 6 twenty-two (331.22), Code 1977, is amended to read
- 7 as follows:
- 8 331.22 COMPENSATION OF SUPERVISORS. The board
- 9 of supervisors shall receive an annual salary or per
- 10 diem compensation as provided in section 340A.6.
- 11 The annual salary or per diem shall be in full payment
- 12 for all services rendered to the county except that
- 13 each member of the board is entitled to reimbursement

14 for mileage expense incurred while engaged in the
 15 performance of official duties at the same rate as
 16 provided by law for state employees. The total mileage
 17 expense for a member of the board of supervisors shall
 18 not exceed one thousand five hundred dollars per year
 19 unless the board of supervisors by resolution adjusts
 20 the maximum amounts payable to each of the members,
 21 but in any event the aggregate amount of mileage
 22 expense for all members shall not exceed the product
 23 of one thousand five hundred dollars multiplied by
 24 the total number of members of the board of
 25 supervisors."

Amendment H—5864 was adopted.

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

On the question "Shall the bill pass?" (S.F. 404)

The ayes were, 72:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Byerly	Ciark, B.J.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffee	Halvorson	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Loneragan	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Nielsen	O'Halloran
Oxley	Pavich	Pellett	Pelton
Poncy	Scheelhaase	Schnekloth	Shimanek
Small	Spear	Stromer	Svoboda
Tauke	Thompson	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 10:

Clark, J.H.	Danker	Gentleman	Hansen
Krewson	Lipsky	Menke	Schroeder
Spencer	Tofte		

Absent or not voting, 18:

Brockett
Egenes
Monroe
Perkins
Varley

Chiodo
Harbor
Newhard
Rinas
Walter

Den Herder
Harvey
Norland
Smalley

Doyle
Hines
Patchett
Stephens

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

HOUSE FILES 2290 AND 2323 DEFERRED

Fitzgerald of Webster asked and received unanimous consent to defer action on House Files 2290 and 2323 and that the bills retain their place on the calendar.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to place on the April 3 Daily Debate Calendar for consideration, Senate File 2137 and House File 2134.

REGULAR CALENDAR

House File 362, a bill for an act relating to the use of diagnostic pharmaceutical agents by optometrists, with report of committee recommending amendment and passage was taken up for consideration.

Middleswart of Warren offered amendment H-5409 filed by the committee on state government on February 22, 1978 and found on pages 612 and 613 of the House Journal.

Nielsen of Polk offered the following amendment H-5793 to the committee amendment H-5409, filed by him and moved its adoption:

H-5793

- 1 Amend H-5409 to House File 362 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "course" the words "of not fewer than one hundred con-
- 4 tact hours".
- 5 2. Page 1, line 27, by inserting after the word
- 6 "course" the words "of not fewer than one hundred
- 7 contact hours".

Amendment H—5793 was adopted.

Nielsen of Polk offered the following amendment H—5860, to the committee amendment H—5409, filed by him and moved its adoption:

H—5860

- 1 Amend amendment H—5409 to House File 362 as fol-
- 2 lows:
- 3 1. Page 1, line 29, by striking the word "depart-
- 4 ment" and inserting in lieu thereof the word "division".

Amendment H—5860 was adopted.

West of Marshall offered the following amendment H—5846, to the committee amendment H—5409, filed by him and Monroe of Des Moines:

H—5846

- 1 Amend amendment H—5409 to House File 362 as
- 2 follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "Iowa." the following:
- 5 "In addition to the examination required by
- 6 section one hundred fifty-four point three (154.3),
- 7 subsection three (3), of the Code, a licensed optome-
- 8 trist to be certified shall also pass an examination
- 9 prescribed by the optometry examiners in the subjects
- 10 of physiology and pathology appropriate to the use
- 11 of diagnostic pharmaceutical agents and diagnosis of
- 12 conditions of the vision system, and pharmacology
- 13 including systemic effects of ophthalmic diagnostic
- 14 pharmaceutical agents authorized for use by optome-
- 15 trists by section one hundred fifty-four point one
- 16 (154.1), subsection one (1), of the Code."

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hinkhouse of Cedar for the remainder of the morning on request of Husak of Tama.

Cusack of Scott in the chair at 11:12 a.m.

West of Marshall moved the adoption of amendment H—5846, to the committee amendment H—5409.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 32, nays 45.

Amendment H—5846 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Millen of Van Buren.

Jesse of Polk offered the following amendment H—5867, to the committee amendment H—5409, filed by Jesse, Hargrave, Walter and Smalley from the floor and moved its adoption:

H—5867

- 1 Amend amendment H—5409 to House File 362 as follows:
- 2 1. Page 1, line 30, by inserting after the word
- 3 "Iowa." the following:
- 4 "A certified licensed optometrist employing
- 5 diagnostic pharmaceutical agents as authorized by
- 6 this Act shall be held to the same standard of care
- 7 in the use of such agents and in making diagnoses
- 8 as is common to physicians specializing in the vision
- 9 system."

A non-record roll call was requested.

The ayes were 30, nays 44.

Amendment H—5867 lost.

Miller of Buchanan offered the following amendment H—5870, to the committee amendment H—5409, filed by him from the floor and moved its adoption:

H—5870

- 1 Amend amendment H—5409, to House File 362, as
- 2 follows:
- 3 1. Page 1, line 30, by inserting after the word

4 "Iowa." the following: "A certified licensed
5 optometrist shall be provided with a document ack-
6 nowledging such certification by the board which
7 certificate shall be displayed for viewing by the
8 patients of such optometrists."

Amendment H—5870 was adopted.

(House File 362, and the committee amendment H—5409, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Thirty-nine junior high students from Lisbon Community School, Lisbon, Iowa, accompanied by George Karam and Jim Brecht. By Patchett of Johnson.

Ten members of L.I.F.T., Big Brother-Big Sister program, from Muscatine Community School, Muscatine, Iowa, accompanied by Mary Wallace and Ken Foor. By Hoffmann of Muscatine.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the members of the conference committee on House File 187, a bill for an act to regulate the sale and use of certain beverage containers, on the part of the Senate, appointed April 3, 1978, are: The Senator from Pocahontas, Senator Scott, Chair; the Senator from Black Hawk, Senator Gallagher; the Senator from Montgomery, Senator Hultman; the Senator from Polk, Senator Kinley; and the Senator from Clarke, Senator Ramsey.

KEVIN P. LIGHT, Acting Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury on request of Junker of Woodbury.

BUSINESS PENDING

The House resumed consideration of **House File 362**, a bill for an act relating to the use of diagnostic pharmaceutical agents by optometrists, and the committee amendment H-5409, as amended.

The House took up for consideration the motion, filed by Schroeder of Pottawattamie from the floor, to reconsider the vote by which amendment H-5846, to the committee amendment H-5409, failed to be adopted by the House on April 3, 1978.

Schroeder of Pottawattamie asked for unanimous consent to defer action on the motion to reconsider amendment H-5846.

Objection was raised.

Small of Johnson in the chair at 2:44 p.m.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H-5846, to the committee amendment H-5409, failed to be adopted by the House.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 46, nays 36.

The motion prevailed and the House reconsidered amendment H-5846.

West of Marshall moved the adoption of amendment H-5846, to the committee amendment H-5409.

Roll call was requested by Byerly of Polk and Scheelhaase of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—5846 be adopted?"

The ayes were, 48:

Avenson	Bennett	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Connors	Crabb	Crawford
Cusack	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Gilson
Griffee	Halvorson	Hargrave	Husak
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Miller, K.D.	Monroe
Norland	O'Halloran	Pavich	Pelton
Schroeder	Spear	Stephens	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Wyckoff	Mr. Speaker (Small)

The nays were, 41:

Anderson	Arnould	Baker	Bina
Byerly	Conlon	Daggett	Danker
Davitt	Dieleman	Dunton	Dyrland
Gettings	Hansen	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Jochum
Koogler	Krause	Lonergan	Menke
Middleswart	Millen	Miller (Sergeant)	Newhard
Nielsen	Oxley	Patchett	Pellett
Poncy	Scheelhaase	Schnekloth	Shimanek
Spencer	Stromer	Svoboda	Welden
Woods			

Absent or not voting, 11:

Brockett	Cochran	Den Herder	Doyle
Harbor	Harvey	Hines	Jesse
Perkins	Rinas	Smalley	

Amendment H—5846 was adopted.

Hargrave of Johnson moved to reconsider the vote by which amendment H—5867, to the committee amendment H—5409, failed to be adopted by the House on April 3, 1978.

A non-record roll call was requested.

The ayes were 19, nays 55.

The motion lost.

Middleswart of Warren moved the adoption of the committee amendment H—5409, as amended, which motion prevailed, and the committee amendment H—5409, as amended, was adopted.

Byerly of Polk offered the following amendment H—5845 filed by him and Schroeder of Pottawattamie:

H—5845

- 1 Amend House File 362 as follows:
- 2 1. Page 1, by inserting before line 1 the fol-
- 3 lowing:
- 4 "Sec. . . Section one hundred forty-seven point
- 5 fourteen (147.14), subsection six (6), of the Code is
- 6 amended to read as follows:
- 7 6. For optometry examiners, five members licensed
- 8 to practice optometry at least two of whom shall be
- 9 certified to use diagnostic pharmaceutical agents
- 10 pursuant to provisions of this act and two members
- 11 who are not licensed to practice optometry and who
- 12 shall represent the general public. A majority of
- 13 the members of the board shall constitute a quorum."
- 14 2. Renumber sections as necessary.

Nielsen of Polk rose on a point of order that amendment H—5845 was not germane.

The Speaker ruled the point well taken and amendment H—5845 not germane.

Byerly of Polk asked for unanimous consent to suspend the rules to consider amendment H—5845.

Objection was raised.

Byerly of Polk moved that the rules governing germaneness be suspended for the consideration of amendment H—5845.

A non-record roll call was requested.

The ayes were 18, nays 49.

The motion lost.

Nielsen of Polk offered the following amendment H—5794 filed by him and moved its adoption:

H—5794

- 1 Amend House File 362 as follows:
- 2 1. Page 1, by striking line 5 and inserting in
- 3 lieu thereof the following:
- 4 "drugs; except the following diagnostic agents
- 5 topically applied:"

Amendment H—5794 was adopted.

Middleswart of Warren asked for unanimous consent to withdraw amendment H—3922 filed by Middleswart, et al., on May 2, 1977.

Objection was raised.

Middleswart of Warren moved to withdraw amendment H—3922 filed by Middleswart, et al., on May 2, 1977 and found on page 2944 of the 1977 House Journal.

A non-record roll call was requested.

The ayes were 60, nays 7.

The motion prevailed and amendment H—3922 was withdrawn.

Monroe of Des Moines offered the following amendment H—5875 filed by him and West of Marshall from the floor and moved its adoption:

H—5875

- 1 Amend House File 362 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following section:
- 4 "Sec. . . The specific drugs and the strength
- 5 thereof to be used by certified licensed optometrists
- 6 pursuant to this Act shall be approved as provided
- 7 in chapter two hundred three A (203A) of the Code."

Speaker Cochran in the chair at 3:46 p.m.

Roll call was requested by Schroeder of Pottawattamie and Tofte of Winneshiek.

On the question "Shall amendment H—5875 be adopted?"

The ayes were, 33:

Avenson	Brandt	Clark, B.J.	Clark, J.H.
Crawford	Cusack	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffiee
Hargrave	Harvey	Jesse	Lageschulte
Lind	Lindeen	Miller, K.D.	Monroe
Pavich	Pelton	Poncy	Schroeder
Small	Spear	Spencer	Stephens
Thompson	Tofte	Walter	West
Wyckoff			

The nays were, 51:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Branstad	Byerly
Conlon	Crabb	Daggett	Danker
Dieleman	Dunton	Dyrland	Gettings
Gilson	Hansen	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pellett	Scheelhaase	Schnekloth
Shimanek	Stromer	Tauke	Welden
Wells	Woods	Mr. Speaker	

Absent or not voting, 16:

Brockett	Brunow	Chiodo	Connors
Davitt	Den Herder	Doyle	Egenes
Halvorson	Harbor	Norland	Perkins
Rinas	Smalley	Svoboda	Varley

Amendment H—5875 lost.

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

On the question "Shall the bill pass?" (H.F. 362)

The ayes were, 75:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Branstad	Brunow

Clark, B.J.	Clark, J.H.	Conlon	Crabb
Cusack	Daggett	Danker	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Scheelhaase	Schnekloth	Schroeder
Shimanek	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Tofte
Varley	Weiden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 13:

Brandt	Byerly	Connors	Crawford
Gentleman	Hargrave	Jesse	Lind
Monroe	Poncy	Small	Thompson
Walter			

Absent or not voting, 12:

Avenson	Brockett	Chiodo	Davitt
Den Herder	Doyle	Harbor	Newhard
Norland	Perkins	Rinas	Smalley

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

IMMEDIATE MESSAGE (House File 362)

Nielsen of Polk asked and received unanimous consent that House File 362 be immediately messaged to the Senate.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to change his vote from "nay" to "aye" on amendment H-5846 to House File 362 and the vote was so recorded.

REREFERRED TO COMMITTEE ON TRANSPORTATION
(House File 2145)

The Speaker announced that **House File 2145**, previously referred to the committee on **natural resources**, was rereferred to the committee on **transportation**.

(House File 2346)

The Speaker announced that **House File 2346**, previously referred to the committee on **natural resources**, was rereferred to the committee on **transportation**.

COMMUNICATION FROM THE STATE OF COLORADO

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

A copy of the State of Colorado's Senate Joint Memorial 1, relating to calling a constitutional convention pursuant to article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the federal constitution prohibiting deficit spending except under conditions specified in such amendment.

UNANIMOUS CONSENT CALENDAR
(House Resolution 117)

We hereby respectfully request that House Resolution 117, filed on March 14, 1978 and found on page 972 of the House Journal, be placed on the unanimous consent calendar.

WOODS of Polk
BYERLY of Polk
NIELSEN of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday afternoon, March 31, 1978. Had I been present I would have voted "nay" on House File 2349.

HANSEN of O'Brien

Due to my teaching responsibilities at Palmer Junior College, Davenport, Iowa, I was necessarily absent when the votes to reconsider amendment H-5854 to House File 2349 and House File 2349 were taken. Had I been present, I would have voted "nay" on the motion to reconsider amendment H-5854 and "aye" on final passage of House File 2349.

BINA of Scott

I was necessarily absent from the House chamber on Friday morning, March 31. Had I been present I would have voted "aye" on House File 2382 and Senate Concurrent Resolution 117.

GENTLEMAN of Polk

Because of pending legislative business in my district, I was absent the afternoon of Friday, March 31, 1978. Had I been present and voting, I would have voted "aye" on House File 630, the motion to reconsider amendment H-5838 and on House File 2349; "nay" on amendment H-5838 and on the motion to reconsider amendment H-5854.

CUSACK of Scott

I was necessarily absent from the House chamber on March 31, 1978. Had I been present I would have voted "aye" on the motion to reconsider amendment H-5854 to House File 2349 and "nay" on House File 2349.

TOFTE of Winneshiek

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 474 Human Resources

Relating to adoption of recommendations from the mental health study.

S.B. 475 Cities

Providing that money used to pay for hospital, nursing, and medical attention for members of a city police or fire department who are injured in the line of duty may be paid out of an appropriation for that purpose in the trust and agency fund.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 8:00 a.m., March 31, 1978

Convened: 8:20 a.m.

Adjourned: 10:00 a.m.

Present: Cusack, chair; Dunton, vice-chair; Koogler, O'Halloran, Varley, Welden and Wells.

Absent: Avenson (arrived 8:25 a.m.) and Jesse (arrived 8:30 a.m.).

Excused: Den Herder, Norland (arrived 8:35 a.m.), Stromer (arrived 8:30 a.m.) and Harvey.

Discussed Senate File 2163.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 12:30 p.m., March 31, 1978

Convened: 12:40 p.m.

Adjourned: 1:10 p.m.

Present: Monroe, chair; Woods, vice-chair; Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Junker, Middleswart, Patchett, Poncy, Shimanek, Stromer, Walter and West.

Absent: Harvey, Jesse and Tauke.

Excused: Griffée.

Discussed Interim IPERS Pension Report.

COMMITTEE ON BUDGET

Scheduled: 3:30 p.m., April 3, 1978

Convened: 4:10 p.m.

Adjourned: 6:15 p.m.

Present: Cusack, chair; Avenson, Harvey, Koogler, O'Halloran, Varley, Welden and Wells.

Absent: Jesse (arrived 4:23 p.m.), Norland (arrived 4:14 p.m.) and Stromer (arrived 4:30 p.m.).

Excused: Den Herder, ranking member, and Dunton, vice-chair.

Senate File 2163, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Cusack, Avenson, Jesse, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: Harvey and Koogler.

Absent or not voting: Dunton and Den Herder.

AMENDMENTS FILED

H—5865	H.F. 2378	Gentleman of Polk
H—5866	H.F. 2378	Gilson of Guthrie
H—5868	H.F. 2378	Halvorson of Clayton
H—5869	H.F. 82	Horn of Linn
H—5871	H.F. 2331	Clark of Cerro Gordo
H—5872	H.F. 2292	Clark of Cerro Gordo
H—5873	H.F. 2040	Thompson of Polk
H—5874	H.F. 2351	Clark of Cerro Gordo
H—5876	H.F. 2384	Jochum of Dubuque
H—5877	H.F. 2384	Jochum of Dubuque
H—5878	H.F. 2384	Jochum of Dubuque
H—5879	S.F. 2200	Spear of Lee
H—5880	H.F. 2172	Evans of Grundy

On motion by Fitzgerald of Webster, the House adjourned at 4:03 p.m., until 11:00 a.m., Tuesday, April 4, 1978.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day—Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 4, 1978

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

Prayer was offered by the Reverend Clyde King, pastor of the First United Methodist Church, Toledo, Iowa.

The Journal of Monday, April 3, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Ronald Shirk, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Millen of Van Buren; Connors of Polk for the morning session on request of Krause of Kossuth.

PRESENTATION OF VISITORS

Dunton of Keokuk presented to the House the Honorable Floyd Edgington, former member of the House of Representatives representing Franklin County.

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

Twenty-five seventh and eighth grade students from Ocheyedan-Sibley Christian School, Ocheyedan, Iowa, accompanied by Mr. Al Schut and Mr. Larry Klien. By Hansen of O'Brien.

INTRODUCTION OF BILLS

House File 2387, by Brunow, a bill for an act relating to using the September enrollment in the base year for computation of the basic enrollment for the budget year.

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

House File 2388, by committee on judiciary and law enforcement, a bill for an act relating to liquor and beer control, repealing the prerequisite for Sunday sales of beer and liquor, that fifty percent or more of the gross receipts of the licensed premises be from the sale of goods and services other than alcoholic liquor or beer, and extending the hours for the sale or dispensing of alcoholic liquor and beer on Sunday and Monday.

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

House File 2389, by committee on ways and means, a bill for an act relating to the imposition of an excise tax on the use of aviation fuel and providing penalties.

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

House File 2390, by committee on state government, a bill for an act amending the Iowa civil rights law.

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

HOUSE RESOLUTION 130

By Dyrland

- 1 *Whereas*, a fire in Elkader, Iowa on April 1, 1978
- 2 destroyed a large building containing three businesses
- 3 and two apartments; and
- 4 *Whereas*, through the joint and cooperative efforts
- 5 of the volunteer fire departments of Garnavillo, St.
- 6 Olaf, Littleport, Farmersburg, Strawberry Point, Elgin,
- 7 Edgewood, and Elkader the fire was contained and no
- 8 injuries resulted; and
- 9 *Whereas*, the citizens of Elkader and the surrounding
- 10 communities cooperated to save a large amount of the
- 11 material contained in the building by providing pickup
- 12 trucks and farm trucks and by using citizen band
- 13 radios, and many persons provided food for the people
- 14 aiding in containing the fire and saving material from
- 15 the fire; and
- 16 *Whereas*, churches in Elkader and surrounding com-
- 17 munities cooperated by allowing for the storage of
- 18 rescued material in the churches; *Now Therefore*,
- 19 *Be It Resolved By The House of Representatives*, That
- 20 the citizens and volunteer fire departments from Elkader,
- 21 Garnavillo, St. Olaf, Littleport, Farmersburg, Strawberry

22 Point, Elgin, and Edgewood and other surrounding areas and
 23 communities be congratulated for the manner in which they
 24 cooperated to prevent great destruction and injury through
 25 their all-night efforts; and
 26 *Be It Further Resolved*, That copies of this resolution
 27 be forwarded to the mayors of those communities which
 28 cooperated in preventing the spreading of the fire and
 29 the destruction of life and property that may have
 30 resulted except for the efforts of the citizens involved.

Laid over under Rule 25.

HOUSE RESOLUTION 131
 By Miller (Sergeant) of Calhoun
 and Bennett

1 *Whereas*, the Lake View-Auburn High School Girls'
 2 Basketball team has won second place in the Girls' State
 3 Basketball tournament; and
 4 *Whereas*, this is the fourth straight year that the
 5 Lake View-Auburn Hawkettes have represented their school
 6 in this annual tournament, taking the championship two
 7 of those four years; and
 8 *Whereas*, The Hawkettes of Lake View-Auburn were
 9 also the recipients of the 1978 Girls' Basketball
 10 Sportsmanship Trophy; and
 11 *Whereas*, in the pursuit of these accomplishments
 12 the Hawkettes displayed the utmost in spirit, citizenship,
 13 dedication and athletic talent, *Now Therefore*,
 14 *Be It Resolved By The House of Representatives*, That
 15 the members of the Sixty-seventh General Assembly of the
 16 state of Iowa extends their heartiest congratulations to
 17 the Lake View-Auburn Hawkettes, their head coach, Bud
 18 McCrea, and his assistant for their excellence and
 19 sportsmanship, and to the cheerleaders, faculty and
 20 administration, families and all loyal fans who encouraged
 21 and supported these exciting teams;
 22 *Be It Further Resolved*, That copies of this resolution
 23 be sent to Superintendent Charles Ferguson and Coach Bud
 24 McCrea of Lake View-Auburn High School, Lake View, Iowa.

Laid over under Rule 25.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2098, a bill for an act appropriating to various trust funds for various operations and grants and aids to various departments.

Also: That the Senate has on April 3, 1978, amended the House amendment to, concurred in the House amendment as amended and passed the following bill in which the concurrence of the Senate was asked:

Senate File 244, a bill for an act relating to the office of Code editor and publication of the Code of Iowa and the Iowa administrative code.

Also: That the Senate has on April 3, 1978, amended the House amendment to, concurred in the House amendment as amended and passed the following bill in which the concurrence of the Senate was asked:

Senate File 365, a bill for an act relating to food service establishments, food establishments, food beverage vending machines, and hotels.

Also: That the Senate has on April 3, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2031, a bill for an act to provide that foster children and foster parents stand in the same relationship as children and their natural parents for certain limited purposes.

Also: That the Senate has on March 30, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act requiring public officials and candidates to publicly disclose financial interests, prohibiting receipt of certain gifts, requiring a report of receipt of certain gifts, relating to conflicts of interest, and providing penalties.

Also: That the Senate has on April 3, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2205, a bill for an act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts.

Also: That the Senate has on April 3, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2206, a bill for an act requiring a small claims hearing to be reported by electronic recordings or by a certified court reporter.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2098

H-5884

1 Amend House File 2098 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 3, by inserting after line 2 the following
4 new subsection:

5 " . Funds appropriated for the general
6 administration of the department under subsection
7 one (1) of this section shall be used by the department
8 for the salary and support of a livestock reporter
9 who shall provide daily livestock quotations at least
10 twice weekly from the central livestock commission
11 company in Webster City, Iowa."

12 2. Page 3, by inserting after line 2 the following
13 new section:

14 "Sec. . There is appropriated from the general
15 fund of the state to the department of agriculture
16 for the fiscal year beginning July 1, 1978 and ending
17 June 30, 1979, the sum of twenty-five thousand (25,000)
18 dollars, or so much thereof as may be necessary, to
19 make grants to counties to pay the indemnity and the
20 expenses of the inspection and testing of animals as
21 provided in chapters one hundred sixty-three A (163A)
22 and one hundred sixty-four (164) of the Code. The
23 secretary of agriculture shall not approve a grant
24 under this section to a county unless the board of
25 supervisors has levied the maximum levy for the county
26 brucellosis eradication fund under section one hundred
27 sixty-four point twenty-three (164.23) of the Code
28 for the fiscal year beginning July 1, 1978 and ending
29 June 30, 1979 and all funds in the county brucellosis
30 eradication fund including all unobligated funds
31 transferred from the county tuberculosis eradication
32 fund, have been expended. However, no individual
33 claimant, in a single county, shall receive more than
34 five thousand dollars (\$5,000) in a single fiscal
35 year."

36 3. Page 5, by inserting after line 35 the following
37 new section:

38 "Sec. . There is appropriated from the general
39 fund of the state for the fiscal year beginning July
40 1, 1978 and ending June 30, 1979 to the energy policy
41 council for salaries and support of not
42 more than seven full-time permanent positions,
43 maintenance and miscellaneous purposes the amount
44 of two hundred fourteen thousand one hundred ten
45 (214,110) dollars, or so much thereof as is necessary.

46 Notwithstanding the provisions of section ninety-
47 three point three (93.3) of the Code, the director
48 may, with federal funds employ additional personnel
49 necessary to carry out duties assigned to the director.
50 This personnel shall be employed pursuant to chapter

Page 2

1 nineteen A (19A) of the Code.

2 Persons employed by the energy policy council under
3 the provisions of chapter twenty-eight D (28D) of
4 the Code shall not be subject to the twenty-four month
5 time limitation specified in subsection two (2) of
6 section twenty-eight D point three (28D.3)."

7 4. Page 8, by inserting after line 7 the following
8 new section:

9 "Sec. . The state conservation commission shall
10 pay out of funds available to it the assessment of
11 the city of Ventura, Iowa for a water line and the
12 limitation for the payment of assessments provided
13 for in section three hundred seven A point five
14 (307A.5) of the Code shall not apply to this
15 assessment."

16 5. Page 11, line 23, by striking the word "fifty"
17 and inserting in lieu thereof the word "seventy-five".

18 6. Page 12, line 14, by striking the words
19 "legislative council" and inserting in lieu thereof
20 the words "temporary land preservation policy
21 commission".

22 7. Page 12, line 18, by inserting after the word
23 "commission" the following new paragraph:

24 "Full-time permanent positions authorized in this
25 section are abolished upon dissolution of the temporary
26 land preservation policy commission pursuant to Chapter
27 fifty-three (53), section four (4), subsection ten
28 (10) of the laws of the sixty-seventh General Assembly,
29 1977 Session."

30 8. Page 12, line 30, by striking the words "eighty-
31 hour" and inserting in lieu thereof the word "eighty-
32 four".

33 9. Page 12, by striking line 33 through page 13,
34 line 3, and inserting in lieu thereof the following
35 new paragraph:

36 "During the fiscal year for which funds are
37 appropriated by this section the Iowa department of
38 environmental quality shall not enforce any state
39 standard or regulation controlling the emission of
40 dust or other particulate matter from facilities for
41 the storage of grain which exceeds the applicable
42 federal standards or regulations."

43 10. Page 13, lines 11 through 15, by striking
44 the words and figures "seventy-five percent grants
45 under the federal Water Pollution Act amendments of
46 1972, eighty-six (86) Stat. eight hundred sixteen
47 (816)," and inserting in lieu thereof the words "grants
48 under section 202 of the federal Water Pollution
49 Control Act as amended by the federal Clean Water
50 Act of 1977,".

Page 3

- 1 11. Page 14, line 33, by striking the word
 2 "division" and inserting in lieu thereof the word
 3 "Act".
 4 12. Renumber sections and references as may be
 5 necessary by this amendment.

SENATE AMENDMENT TO
 HOUSE AMENDMENT TO
 SENATE FILE 244

H-5886

- 1 Amend the House amendment S-5406 to Senate File
 2 244 as follows:
 3 1. Page 1, by striking lines 29 through 32 and
 4 inserting in lieu thereof the following:
 5 "NEW SECTION. OFFICE OF ADMINISTRATIVE RULES
 6 COORDINATOR. The governor shall establish the office
 7 of the administrative rules coordinator, and appoint
 8 its staff, which shall be a part of the governor's
 9 office. The administrative rules coordinator shall".
 10 2. Page 1, line 40, by inserting after the word
 11 "form." the following: "The office of the
 12 administrative rules coordinator shall be funded
 13 pursuant to the provisions of section fourteen point
 14 twenty-two (14.22) of the Code."
 15 3. Page 5, line 42, by striking the words "Code
 16 editor" and inserting in lieu thereof the words
 17 "administrative rules coordinator".
 18 4. Page 6, line 1, by striking the words "Code
 19 editor" and inserting in lieu thereof the words
 20 "administrative rules coordinator".
 21 5. Page 6, line 14, by inserting after the word
 22 "session." the words "The committee shall refer a
 23 rule whose effective date has been delayed to the
 24 speaker of the house and the president of the senate
 25 at the next regular session of the general assembly.
 26 The speaker and the president shall refer such a rule
 27 to the appropriate standing committee of the general
 28 assembly."
 29 6. Page 6, line 14, by striking the words "If
 30 at the".
 31 7. Page 6, by striking lines 15 through 19.

SENATE AMENDMENT TO
 HOUSE AMENDMENT TO
 SENATE FILE 365

H-5885

- 1 Amend the House amendment, S-5165, to Senate File

- 2 365 as follows:
 3 1. Page 1, by striking lines 16 through 20 and
 4 inserting in lieu thereof the following:
 5 "6. Page 3, by striking lines 2 through 7."
 6 2. Page 3, by inserting after line 9 the follow-
 7 ing item:
 8 " . Page 17, line 1, by striking the word "shall"
 9 and inserting in lieu thereof the word "may"."
 10 3. By renumbering items to conform with this
 11 amendment.

SENATE MESSAGES CONSIDERED

Senate File 2196, a bill for an act providing that energy conservation shall be one of the objectives of city and county zoning regulations.

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

CONSIDERATION OF BILLS

(Senate File 2054 Substituted for House File 2134)

Davitt of Warren asked and received unanimous consent to substitute Senate File 2054 for House File 2134.

Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys, with report of committee recommending amendment and passage was taken up for consideration.

Davitt of Warren offered amendment H—5501 filed by the committee on ways and means on March 2, 1978 and found on pages 788 and 789 of the House Journal and moved its adoption.

Amendment H—5501 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2054)

The ayes were, 84:

Anderson
 Bina
 Byerly
 Crawford

Arnould
 Binneboese
 Clark, B.J.
 Cusack

Baker
 Brandt
 Conlon
 Daggett

Bennett
 Brunow
 Crabb
 Danker

Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gettings	Gilson	Griffiee	Halvorson
Hansen	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonerger
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Pavich
Pellett	Perkins	Poncy	Rinas
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Avenson	Branstad	Brockett	Chiodo
Clark, J.H.	Connors	Den Herder	Doyle
Garrison	Gilloon	Harbor	Hines
Patchett	Pelton	Varley	Woods

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

MOTION TO RECONSIDER LOST (House File 2330)

Small of Johnson called up for consideration the motion to reconsider **House File 2330**, filed on March 28, 1978.

Stromer of Hancock moved to reconsider the vote by which House File 2330, a bill for an act redefining the term "governing body" as used in chapter five hundred nine A (509A) of the Code, relating to insurance plans for public employees, passed the House on March 23, 1978.

Roll call was requested by Small of Johnson and Anderson of Jasper.

Rule 70 was invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 43:

Baker	Bennett	Byerly	Clark, B.J.
Conlon	Crabb	Daggett	Danker
Dunton	Egenes	Gentleman	Gilson
Griffie	Halvorson	Hansen	Harvey
Hinkhouse	Hoffmann	Horn	Husak
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Millen
Pellett	Pelton	Perkins	Schneklotch
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Welden	West	Wyckoff	

The nays were, 44:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Crawford	Cusack	Davitt	Dieleman
Dyrland	Fitzgerald	Gettings	Hargrave
Hines	Howell	Hullinger	Jesse
Jochum	Koogler	Krause	Lonerган
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Poncy	Rinas
Scheelhaase	Small	Spear	Spencer
Svoboda	Walter	Wells	Mr. Speaker

Absent or not voting, 13:

Branstad	Brockett	Clark, J.H.	Connors
Den Herder	Doyle	Evans	Garrison
Gilloon	Harbor	Patchett	Varley
Woods			

The motion lost.

HOUSE FILE 2134 WITHDRAWN

Davitt of Warren asked and received unanimous consent to withdraw House File 2134 from further consideration by the House.

REGULAR CALENDAR

House File 2331, a bill for an act relating to authority of soil conservation district commissioners and their authorized agents or employees to enter upon public or private property, was taken up for consideration.

Clark of Cerro Gordo offered the following amendment H-5871 filed by her and moved its adoption:

H-5871

- 1 Amend House File 2331 as follows:
- 2 1. Page 1, line 12, by striking the word
- 3 "commissions" and inserting in lieu thereof the
- 4 word "commissioners".

Amendment H-5871 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2331)

The ayes were, 76:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Davitt	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilson	Griffee
Halvorson	Hansen	Hargrave	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Lageschulte	Lind	Lindeen
Lipsky	Loneran	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	O'Halloran	Oxley
Pavich	Pellett	Pelton	Perkins
Poncy	Scheelhaase	Small	Spear
Spencer	Stephens	Stromer	Svøboda
Thompson	Tofte	Walter	Welden
Wells	West	Wyckoff	Mr. Speaker

The nays were, 9:

Danker	Gettings	Harvey	Monroe
Schnekloth	Schroeder	Shimanek	Smalley
Tauke			

Absent or not voting, 15:

Branstad	Brockett	Connors	Daggett
Den Herder	Doyle	Gilloon	Harbor

Hines
Rinas

Krause
Varley

Krewson
Woods

Patchett

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

SENATE AMENDMENT CONSIDERED

O'Halloran of Black Hawk called up for consideration **House File 82**, a bill for an act placing with the department of health the authority for regulating the design, installation and use of radiation emitting equipment and providing a penalty, amended by the Senate amendment H-5666, found on page 1002 of the House Journal.

O'Halloran of Black Hawk offered amendment H-5720, to the Senate amendment H-5666, filed by Doyle, et al., and requested division as follows:

H-5720

- 1 Amend the Senate amendment H-5666, to House File
- 2 82, as passed by the House and reprinted, as follows:

H-5720A

- 3 1. Page 1, by inserting after line 2 the following:
- 4 " . Page 1, by inserting after line 5 the
- 5 following:
- 6 " . "Materials" means substances other than
- 7 equipment which are capable of emitting radiation but
- 8 does not include drugs as defined in chapter two hundred
- 9 three A (203A) of the Code." "

H-5720B

- 10 2. Page 1, by striking lines 5 and 6.

On motion by O'Halloran of Black Hawk, amendment H-5720A was adopted.

O'Halloran of Black Hawk asked and received unanimous consent to withdraw amendment H-5720B.

Horn of Linn offered the following amendment H-5869, to the Senate amendment H-5666, filed by him:

H-5869

1 Amend the Senate amendment, H-5666, to House File
2 82 as amended, passed and reprinted by the House as
3 follows:

4 1. Page 1, by inserting after line 2 the follow-
5 ing:

6 " . Page 1, by inserting after line 10 the
7 following:

8 " "Records" means X-rays retained in a file
9 that are developed by a professional for use by the
10 professional in providing services to a client and
11 any documents relating to the X-rays.

12 "Professional" means a person licensed in
13 this state as defined in section one hundred forty-
14 seven point one (147.1) of the Code or a licensed
15 health care facility.

16 "Client" means a patient of a professional
17 who engages the professional by an implied or express
18 agreement to perform professional services for com-
19 pensation on the client's behalf.

20 "Representative" means the spouse, parent,
21 guardian, conservator, guardian ad litem, attorney,
22 or other legally-designated representative of a
23 client." "

24 2. Page 1, by inserting after line 6 the following:

25 " . Page 2, by inserting after line 33 the
26 following:

27 "Sec. 4. NEW SECTION. OWNERSHIP OF RECORDS.

28 Subject only to a possessory lien by the professional
29 for any reasonable compensation which has not been
30 duly paid by the client, the client owns all records
31 with right of possession upon demand. The lien
32 attaches only to records which are directly related
33 to the unpaid compensation.

34 "Sec. 5. NEW SECTION. DESTRUCTION OF RECORDS.

35 1. A professional shall not destroy possessed
36 records until:

37 a. Five years have passed since the records were
38 developed; and

39 b. The professional has offered writing to the
40 client or representative to deliver possession of
41 the records; and,

42 c. The client or representative has consented
43 in writing to destruction.

44 2. If a professional destroys records under
45 paragraph b or c of subsection one (1) of this section,
46 the professional shall maintain either:

47 a. A verified affidavit that:

48 (1) Was executed within thirty days of the day
49 the written offer to deliver possession was mailed;
50 and,

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1 (2) Shows a copy of this written offer and that
 2 it was mailed by restricted certified mail within
 3 twenty-eight days before the records were destroyed;
 4 and,

5 (3) Includes the certified mail receipt signed
 6 by the client or representative or refused; and,

7 (4) Swears that either no answer or unpaid
 8 compensation was received; or,

9 b. A written consent to destroy signed by the
 10 client or representative.

11 **Sec. 6. NEW SECTION. REASONABLE COMPENSATION.**

12 A professional may include in any reasonable
 13 compensation charged a charge for delivery of records
 14 to a client. However, this charge shall inhere in
 15 the initial billing or statement for all services
 16 rendered by the professional, whether or not this
 17 billing or statement contains any language to the
 18 contrary. A receipt showing actual delivery of
 19 specified records which is signed by the client or
 20 a legally designated representative shall absolve
 21 the professional from any other or further
 22 responsibility for these records.

23 **Sec. 7. NEW SECTION. COPIES OF RECORDS.** The
 24 provisions of sections four (4) through seven (7)
 25 of this Act shall not be construed to prohibit a
 26 professional from making and keeping copies of records.
 27 Copies made for the client may be at the client's
 28 expense and copies kept by the professional shall
 29 be at the professional's expense. A charge for the
 30 client's copies shall not include a charge for other
 31 service or advise." "

32 3. Page 1, by inserting after line 8 the follow-
 33 ing:

34 . Page 3, line 7, by inserting before the
 35 word "this" the words and figures "sections one (1)
 36 through three (3) of".

37 . Page 3, line 8, by inserting after the word
 38 "to" the words and figures "sections one (1) through
 39 three (3) of".

40 . Page 3, line 9, by inserting before the word
 41 "this" the words and figures "sections one (1) through
 42 three (3) of".

43 . Page 3, by inserting after line 9 the words
 44 and figures "A professional who willfully refuses
 45 to deliver or destroys material in violation of the
 46 provisions of sections four (4) through seven (7)
 47 of this Act is, upon conviction, guilty of an
 48 aggravated misdemeanor."

49 . Page 3, by striking lines 11 and 12 and
 50 inserting in lieu thereof the words and figures "by

Page 3

- 1 the commissioner that the provisions of sections one
- 2 (1) through three (3) of this Act or any rule adopted
- 3 pursuant to the provisions of sections one (1) through
- 4 three (3) of this Act has been or is being violated,
- 5 the commissioner".

O'Halloran of Black Hawk rose on a point of order that amendment H—5869 was not germane.

The Speaker ruled the point well taken and amendment H—5869 not germane.

Husak of Tama rose on a point of order and invoked Rule 32.

The Speaker ruled the point not well taken and Rule 32 not in order.

On motion by O'Halloran of Black Hawk, the House concurred in the Senate amendment H—5666, as amended.

O'Halloran of Black Hawk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 82)

The ayes were, 75:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Cusack	Danker
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Griffee	Halvorson
Hargrave	Harvey	Hinkhouse	Hoffmann
Howell	Hullinger	Jochum	Junker
Koogler	Krause	Krewson	Lind
Lindeen	Lipsky	Loneragan	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stromer	Svoboda

Tauke Welden	Tofte Wells	Varley Mr. Speaker	Walter
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The nays were, 13:

Bennett Horn Pellett Wyckoff	Daggett Husak Schnekloth	Gilson Lageschulte Stephens	Hansen Menke West
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Absent or not voting, 12:

Binneboese Den Herder Hines	Branstad Doyle Jesse	Brockett Gilloon Thompson	Connors Harbor Woods
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doyle of Woodbury for April 4 and 5, 1978 on request of Hullinger of Decatur; Brockett of Marshall for April 4 and 5, 1978 on request of Evans of Grundy.

PRESENTATION OF VISITORS

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

Forty-five members of the government class from North High School, Sioux City, Iowa, accompanied by Larry Twait. By Binneboese of Plymouth, Doyle of Woodbury and Junker of Woodbury.

Twenty-three students from the Church of Living Water Academy, Muscatine, Iowa. By Conlon of Muscatine and Hoffmann of Muscatine.

Twenty eighth grade students from Trinity Lutheran School, Davenport, Iowa, accompanied by Walter Paul. By Harvey of Scott.

HOUSE RESOLUTION 132
By Committee on Energy

1 *Whereas*, the realization and the promise of solar
2 energy will be observed and celebrated throughout the
3 nation on May 3, 1978 by a resolution passed by the
4 United States Congress; and

5 *Whereas*, the development of solar technologies
6 could provide an abundant, economical, safe, and
7 environmentally compatible energy supply; and

8 *Whereas*, a day devoted to a celebration of all
9 solar technologies should help inform the general
10 public, industry and labor, and demonstrate the
11 potential of the sun in meeting the nation's energy
12 needs; and

13 *Whereas*, federal, state and local governments
14 should foster and encourage the further development,
15 refinement, and utilization of solar energy tech-
16 nologies; *Now Therefore*,

17 *Be It Resolved By The House of Representatives*,
18 That the House of Representatives proclaims May 3,
19 1978 as "Sun Day", and

20 1. Asks all appropriate state agencies to cooperate
21 with, and participate in, the celebration of "Sun Day",
22 and

23 2. Calls upon all mayors, city councils, county
24 boards of supervisors and school boards to cooperate with,
25 and participate in, the celebration of "Sun Day", and

26 3. Urges all citizens of the state of Iowa to avail
27 themselves of information concerning the development of
28 solar technologies and the potential benefits to the
29 state of the diffusion and increased use of solar
30 technologies.

Laid over under Rule 25.

SENATE MESSAGES CONSIDERED

Senate File 2031, a bill for an act to provide that foster children and foster parents stand in the same relationship as children and their natural parents for certain limited purposes.

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

Senate File 2201, a bill for an act requiring public officials and candidates to publicly disclose financial interests, prohibiting receipt of certain gifts, requiring a report of receipt of certain gifts, relating to conflicts of interest, and providing penalties.

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

Senate File 2205, a bill for an act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty.

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

Senate File 2206, a bill for an act requiring a small claims hearing to be reported by electronic recordings or by a certified court reporter.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-three members present, twenty-seven absent.

UNFINISHED BUSINESS

The House resumed consideration of **House File 2290**, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Wyckoff of Benton offered the following amendment H-5616 filed by Wyckoff, et al. :

H-5616

- 1 Amend House File 2290 as follows:
- 2 1. Page 6, by striking lines 13 through 18.

Brunow of Appanoose in the chair at 3:43 p.m.

Wyckoff of Benton moved the adoption of amendment H—5616.

Roll call was requested by Crabb of Crawford and Wyckoff of Benton.

Rule 69 was invoked.

On the question "Shall amendment H—5616 be adopted?"

The ayes were, 30:

Baker	Bennett	Branstad	Clark, B.J.
Crabb	Daggett	Danker	Davitt
Dunton	Garrison	Gettings	Gilson
Hansen	Harvey	Hinkhouse	Horn
Husak	Koogler	Lindeen	Lonergan
Menke	Middleswart	Miller, K.D.	Newhard
Scheelhaase	Schneklath	Stephens	Stromer
West	Wyckoff		

The nays were, 60:

Anderson	Avenson	Bina	Binneboese
Brandt	Byerly	Chiodo	Clark, J.H.
Cochran	Conlon	Connors	Crawford
Cusack	Dieleman	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Griffie
Halvorson	Hargrave	Hines	Hoffmann
Howell	Jesse	Jochum	Junker
Krause	Krewson	Lageschulte	Lind
Lipsky	Millen	Miller (Sergeant)	Monroe
Nielsen	O'Halloran	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Wells	Woods	Mr. Speaker (Brunow)

Absent or not voting, 10:

Arnould	Brockett	Den Herder	Doyle
Gilloon	Harbor	Hullinger	Norland
Oxley	Welden		

Amendment H—5616 lost.

Rinas of Linn offered the following amendment H—5622 filed by Rinas, et al. Division was requested as follows:

H-5622

1 Amend House File 2290 as follows:

H-5622A

2 1. Page 6, line 18, by striking the figure
3 "200,000" and inserting in lieu thereof the figure
4 "100,000".

H-5622B

5 2. Page 6, by inserting after line 18 the following
6 sections:
7 "Sec. 7. Section three hundred eight point four
8 (308.4), Code 1977, is amended by adding the following
9 new subsection:
10 NEW SUBSECTION. There is appropriated from the
11 general fund of the state to the state department
12 of transportation the sum of one hundred thousand
13 (100,000) dollars for each fiscal year beginning July
14 1, 1978, and ending June 30, 1988. Said money is
15 to be utilized for the acquisition and construction
16 of highway-associated project components for the great
17 river road. Each annual appropriation shall first
18 be used to reimburse the great river road fund
19 established in section three hundred twelve point
20 two (312.2) of the Code, with remaining funds being
21 available for a period of one fiscal year following
22 the year of appropriation. The state department of
23 transportation, in cooperation with the state
24 conservation commission and the Mississippi river
25 parkway commission, shall administer the provisions
26 of this subsection and shall issue rules for such
27 administration in accordance with chapter seventeen
28 A (17A) of the Code. A report shall be submitted
29 listing the expenditures for the previous year and
30 cumulative expenditures of all funds appropriated
31 by this section and the report shall be incorporated
32 in the annual report required by section seventeen
33 point nine (17.9) of the Code.

34 Sec. 8. Section three hundred twelve point two
35 (312.2), Code 1977, is amended by adding the following
36 new subsection:

37 NEW SUBSECTION. The treasurer of state shall
38 establish a great river road fund and at the request
39 of the state department of transportation, shall
40 credit monthly before making the allotments provided
41 for in this section, sufficient funds to cover the
42 anticipated costs, as identified by the state
43 department of transportation, for the acquisition and
44 construction of eligible highway-associated project

45 components. Reimbursement to this fund shall be made
46 as necessary from the funds appropriated in section
47 three hundred eight point four (308.4) of the Code.
48 In no case shall the unreimbursed allotment to the
49 great river road fund exceed one million dollars less
50 the cumulative sum as annually appropriated in section

Page 2

1 three hundred eight point four (308.4) of the Code.
2 Reimbursed funds shall be reallocated in accordance
3 with the provisions of section three hundred twelve
4 point two (312.2) of the Code."

5 3. Page 11, by inserting after line 24 the
6 following sections:

7 "Sec. 17. Section three hundred twelve point two
8 (312.2), Code 1977, is amended by adding the following
9 new subsection:

10 NEW SUBSECTION. The treasurer of state shall
11 establish a revolving fund for use by affected
12 jurisdictions for great river road projects. Funds
13 shall be advanced at the request of the state depart-
14 ment of transportation to affected jurisdictions as
15 noninterest loans and shall be utilized for the
16 construction of eligible great river road highway
17 projects. Funds may be advanced from either the
18 primary road fund or the farm-to-market road fund.
19 The amount advanced and not reimbursed shall not
20 exceed five million dollars at any one time from
21 either the primary road fund or the farm-to-market
22 road fund, nor shall the amount advanced and not
23 reimbursed at any one time from all funds combined
24 exceed seven million five hundred thousand dollars.

25 Sec. 18. Funds advanced as provided by section
26 seventeen (17) of this Act shall be administered by
27 the state department of transportation. The department
28 may require payment of the advanced funds within
29 ten years. The treasurer of state shall, upon the
30 request of the state department of transportation,
31 transfer a portion of the affected local jurisdiction's
32 allocation sufficient to meet repayment requirements
33 if the terms of the individual agreements are not
34 complied with."

35 4. Renumber sections and internal references to
36 comply with this amendment.

By unanimous consent, the following amendment H-5896, to amendment H-5622, filed by Rinas of Linn from the floor was adopted:

H-5896

- 1 Amend amendment H-5622 to House File 2290 as
- 2 follows:
- 3 1. Page 2, line 28, by striking the word "may"
- 4 and inserting in lieu thereof the word "shall".

Perkins of Greene asked for unanimous consent to temporarily defer action on amendment H-5622A.

Objection was raised.

On motion by Rinas of Linn, amendment H-5622A was adopted.

Rinas of Linn moved the adoption of amendment H-5622B, as amended.

Roll call was requested by Junker of Woodbury and Koogler of Mahaska.

On the question "Shall amendment H-5622B, as amended, be adopted?"

The ayes were, 56:

Anderson	Arnould	Avenson	Bina
Branstad	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Cusack
Davitt	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gettings	Griffee
Halvorson	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Jesse
Jochum	Krewson	Lind	Lindeen
Lipsky	Middleswart	Millen	Monroe
Nielsen	Patchett	Pelton	Perkins
Rinas	Schnekloth	Schroeder	Shimanek
Small	Spear	Stromer	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Mr. Speaker (Brunow)

The nays were, 33:

Baker	Bennett	Binneboese	Brandt
Crawford	Daggett	Danker	Dieleman
Garrison	Gilson	Hansen	Hargrave
Hullinger	Husak	Junker	Koogler
Krause	Lageschulte	Loneragan	Menke

Miller, K.D.	Miller (Sergeant)	O'Halloran	Oxley
Pavich	Pellett	Poncy	Scheelhaase
Smalley	Spencer	Stephens	Svoboda
Wyckoff			

Absent or not voting, 11:

Brockett	Connors	Crabb	Den Herder
Doyle	Dunton	Gilloon	Harbor
Newhard	Norland	Varley	

Amendment H—5622B, as amended, was adopted.

Welden of Hardin asked and received unanimous consent to withdraw amendment H—5553 (to page 6) filed by him and Millen of Van Buren on March 6, 1978.

Action on amendment H—5635 was temporarily deferred.

Speaker Cochran in the chair at 4:53 p.m.

Welden of Hardin offered the following amendment H—5620 filed by him and Millen of Van Buren and moved its adoption:

H—5620

- 1 Amend House File 2290 as follows:
- 2 1. Page 9, by inserting after line 27 the fol-
- 3 lowing section:
- 4 "Sec. . . . Section three hundred seven point
- 5 twenty-eight (307.28), Code 1977, is amended by add-
- 6 ing the following new unnumbered paragraphs:
- 7 NEW UNNUMBERED PARAGRAPH. For the purpose of
- 8 prorating the portion of the funding for the several
- 9 divisions which is to be appropriated from the road
- 10 use/tax fund, the planning, development, adminis-
- 11 tration or operation of any transit system or other
- 12 program for use of the public highways shall not be
- 13 construed as supervision of public highways.
- 14 NEW UNNUMBERED PARAGRAPH. Road use tax funds
- 15 allocated to any division partially funded by gen-
- 16 eral fund appropriations shall not be expended in
- 17 a percentage of the total expenditures of that divis-
- 18 ion greater than that determined by the director
- 19 under the provisions of this section."
- 20 2. Paragraph one (1) of this amendment shall
- 21 become effective July 1, 1979.

A non-record roll call was requested.

The ayes were 37, nays 41.

Amendment H — 5620 lost.

(House File 2290 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Halloran of Black for the evening session and April 5, 1978 on request of Hullinger of Decatur; Varley of Adair for the evening session on request of Halvorson of Clayton.

QUORUM CALL

Roll call was requested by Middleswart of Warren and Schroeder of Pottawattamie to determine that a quorum was present. Rules 69 and 70 were invoked.

Present: 65

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brunow
Chiodo	Conlon	Crabb	Crawford
Daggett	Davitt	Dieleman	Dunton
Evans	Fitzgerald	Garrison	Gettings
Gilson	Griffee	Halvorson	Hansen
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Junker	Koogler	Lageschulte	Lindeen
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Small	Smalley	Spear
Tauke	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent: 35

Brandt	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Connors	Cusack
Danker	Den Herder	Doyle	Dyrland
Egenes	Gentleman	Gilloon	Harbor
Harvey	Jesse	Jochum	Krause
Krewson	Lind	Lipsky	Loneragan
Millen	O'Halloran	Oxley	Patchett
Shimanek	Spencer	Stephens	Stromer
Svoboda	Thompson	Varley	

BUSINESS PENDING

The House resumed consideration of **House File 2290**, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Horn of Linn offered the following amendment H—5635 filed by him and moved its adoption:

H—5635

- 1 Amend House File 2290 as follows:
- 2 1. Page 9, by inserting after line 16 the
- 3 following:
- 4 "Sec. There is appropriated from the primary
- 5 road fund to the department of transportation for
- 6 the fiscal year beginning July 1, 1978 and ending
- 7 June 30, 1979 the sum of one hundred thousand (100,000)
- 8 dollars or so much thereof as necessary for the purpose
- 9 of conducting a study into the effect of chemical
- 10 road deicing programs. The study shall review the
- 11 alternatives to using salt or other chemicals for
- 12 road deicing purposes. The study shall assess the
- 13 impact and estimate costs to the road, vehicles and
- 14 the environment that result from the chemical road
- 15 deicing programs. The department shall report the
- 16 findings of the study to the general assembly prior
- 17 to January 1, 1980, together with recommendations
- 18 to minimize the damage caused by chemical road deicing
- 19 programs together with appropriate bill drafts
- 20 necessary to implement the findings."
- 21 2. Renumber as necessary in conformance with this
- 22 amendment.

Amendment H—5635 was adopted.

Horn of Linn offered the following amendment H—5634 filed by him:

H—5634

1 Amend House File 2290 as follows:

2 1. Page 9, by inserting after line 27 the following
3 new section:

4 "Sec. . Section sixty-eight A point seven
5 (68A.7), Code 1977, is amended by adding the following
6 new subsection:

7 NEW SUBSECTION. 12. Any reports, informations,
8 citations or warnings issued for traffic violations
9 for exceeding the posted speed limit by ten miles
10 per hour or less and any court reports of convictions
11 of a traffic violation for exceeding the posted speed
12 limit by ten miles per hour or less."

13 2. Page 10, by inserting after line 11 the
14 following new sections:

15 "Sec. . Section three hundred twenty-one point
16 two hundred seven (321.207), Code 1977, is amended
17 to read as follows:

18 321.207 RECORD FORWARDED. Every court having
19 jurisdiction over offenses committed under this
20 chapter, or any other law of this state or any city
21 traffic ordinances, other than parking regulations,
22 regulating the operation of motor vehicles on highways,
23 shall forward to the department a record of the
24 conviction of any person in said court for a violation
25 of any said laws except violations of the posted speed
26 limit by ten miles per hour or less, and may recommend
27 the suspension of the operator's or chauffeur's license
28 of the person so convicted, and the department shall
29 thereupon consider and act upon such recommendation
30 in such manner as may seem to it best.

31 Sec. . Section three hundred twenty-one point
32 two hundred ten (321.210), unnumbered paragraph two
33 (2), Code 1977, is amended to read as follows:

34 For the purpose of determining when to suspend
35 a license under this section the director may, in
36 accordance with the provisions of chapter 17A,
37 promulgate a point system for the purpose of weighing
38 traffic convictions, or offenses by their seriousness
39 and may change such weighted scale from time to time
40 as experience or the accident frequency in the state
41 makes necessary or desirable. However, points shall
42 not be awarded for violations of the posted speed
43 limits by ten miles per hour or less."

44 3. Page 10, by inserting after line 22 the follow-
45 ing new section:

46 "Sec. . Section eight hundred five point eight

47 (805.8), subsection two (2), paragraph f, unnumbered
 48 paragraph one (1), Code 1977 Supplement, is amended
 49 to read as follows:
 50 For excessive speed violations when not more than

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1 ten miles per hour in excess of the limit under
 2 sections 111.36, 321.236, subsections 5 and 11,
 3 321.285, 321.286 and 321.287, the scheduled fine is
 4 ten twenty dollars."
 5 4. Renumber sections and correct internal refer-
 6 ences as are necessary in accordance with this
 7 amendment.
 8 5. Amend the title, line 3, by inserting after
 9 the word "defense" the words "and the administration
 10 of traffic offenses".

Rinas of Linn rose on a point of order that amendment H-5634 was not germane.

The Speaker ruled the point well taken and amendment H-5634 not germane.

Junker of Woodbury moved that the rules governing germaneness be suspended for the consideration of amendment H-5634.

A non-record roll call was requested.

The ayes were 28, nays 46.

The motion lost.

Rinas of Linn offered the following amendment H-5595 filed by him and moved its adoption:

H-5595

1 Amend House File 2290 as follows:
 2 1. Page 10, line 26, by striking the words "primary
 3 road" and inserting in lieu thereof the words "road
 4 use tax".
 5 2. Page 10, lines 32, 33, and 34, by striking
 6 the words "from the road use tax fund for the fiscal
 7 year beginning July 1, 1978 and ending June 30, 1979".
 8 3. Page 11, line 10, by striking the word "fifty-
 9 thousand" and inserting in lieu thereof the words
 10 "fifty-five thousand".

Amendment H—5595 was adopted.

Rinas of Linn offered the following amendment H—5619 filed by him and moved its adoption:

H—5619

- 1 Amend House File 2290 as follows:
- 2 1. Page 11, by striking lines 10 through 12
- 3 and inserting in lieu thereof the words "fifty-five
- 4 thousand (55,000) dollars as payment of one-half of
- 5 the loan from the road use".
- 6 2. Page 11, by striking lines 20 through 22
- 7 and inserting in lieu thereof the words "is necessary,
- 8 to be credited to the road use tax fund as the final
- 9 payment of".

Amendment H—5619 was adopted.

Lipsky of Linn offered the following amendment H—5623 filed by her and moved its adoption:

H—5623

- 1 Amend House File 2290 as follows:
- 2 1. Page 11, by adding after line 28 the following:
- 3 "Sec. Funds appropriated by this Act shall
- 4 not be used to pay travel and other necessary expenses
- 5 of any person who attends a conference, seminar, con-
- 6 vention, or other similar meeting in a state which has
- 7 not approved the proposed federal equal rights amend-
- 8 ment. The state comptroller shall not approve any
- 9 claim submitted requesting reimbursement which violates
- 10 this section."

Amendment H—5623 lost.

Woods of Polk offered the following amendment H—5630 filed by him and moved its adoption:

H—5630

- 1 Amend House File 2290 as follows:
- 2 1. Page 11, by adding after line 28 the follow-
- 3 ing:
- 4 "Sec. No Department of Transportation em-
- 5 ployees or commission members shall travel outside
- 6 the state of Iowa until the Department of Transport-
- 7 ation legalizes sixty-five foot trucks."

Roll call was requested by Koogler of Mahaska and Byerly of Polk.

Rule 69 was invoked.

On the question "Shall amendment H—5630 be adopted?"

The ayes were, 28:

Baker	Bennett	Byerly	Danker
Dunton	Evans	Gilson	Hansen
Harvey	Hinkhouse	Horn	Hullinger
Husak	Koogler	Krause	Lonergan
Miller, K.D.	Miller (Sergeant)	Nielsen	Pellett
Perkins	Scheelhaase	Stephens	Tofte
Welden	West	Woods	Wyckoff

The nays were, 59:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Branstad	Brunow
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Griffee	Halvorson
Hargrave	Hines	Hoffmann	Howell
Jesse	Jochum	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Monroe
Newhard	Norland	Patchett	Pavich
Pelton	Poney	Rinas	Schneklath
Schroeder	Shimanek	Small	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Walter	Mr. Speaker	

Absent or not voting, 13:

Brockett	Chiodo	Connors	Den Herder
Doyle	Dyrland	Gilloon	Harbor
O'Halloran	Oxley	Smalley	Varley
Wells			

Amendment H—5630 lost.

Husak of Tama asked for unanimous consent to amend House File 2290 by inserting the word "rail" before the word "transportation" on page 6, line 15.

Objection was raised.

Gilson of Guthrie called up for consideration the motion to reconsider amendment H—5617A filed by Doyle of Woodbury on March 13, 1978, and moved to reconsider the vote by which amendment H—5617A failed to be adopted by the House on March 13, 1978.

Roll call was requested by Gilson of Guthrie and Harvey of Scott.

Rule 70 was invoked.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 43:

Avenson	Baker	Branstad	Byerly
Clark, B.J.	Conlon	Connors	Crabb
Dunton	Evans	Fitzgerald	Garrison
Gilson	Griffee	Halvorson	Hansen
Hargrave	Harvey	Horn	Hullinger
Husak	Krause	Lageschulte	Lindeen
Monroe	Nielsen	Norland	Oxley
Pavich	Perkins	Poncy	Scheelhaase
Shimanek	Spear	Spencer	Stephens
Stromer	Svoboda	Thompson	Welden
West	Woods	Mr. Speaker	

The nays were, 45:

Anderson	Bennett	Bina	Binneboese
Brandt	Brunow	Clark, J.H.	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dyrland	Egenes	Gentleman
Gettings	Hines	Hinkhouse	Hoffmann
Howell	Jesse	Jochum	Junker
Koogler	Krewson	Lind	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	Patchett
Pellett	Pelton	Rinas	Schnekloth
Schroeder	Tauke	Tofte	Walter
Wyckoff			

Absent or not voting, 12:

Arnould	Brockett	Chiodo	Den Herder
Doyle	Gilloon	Harbor	O'Halloran
Small	Smalley	Varley	Wells

The motion lost.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—5622B was adopted by the House on April 4, 1978.

Roll call was requested by Koogler of Mahaska and Dyrland of Clayton.

On the question "Shall the motion to reconsider prevail?"

The ayes were, 30:

Baker	Bennett	Binneboese	Brandt
Crabb	Daggett	Danker	Dieleman
Dunton	Garrison	Gilson	Hansen
Hargrave	Hullinger	Juncker	Koogler
Menke	Miller, K.D.	Oxley	Pavich
Pellett	Poncy	Scheelhaase	Schroeder
Spencer	Stephens	Stromer	Svoboda
Woods	Wyckoff		

The nays were, 59:

Anderson	Arnould	Avenson	Bina
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Davitt	Dyrland	Egenes
Evans	Fitzgerald	Gentleman	Gettings
Griffie	Halvorson	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Jesse	Jochum	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Middleswart	Millen	Monroe
Newhard	Nielsen	Norland	Patchett
Pelton	Perkins	Rinas	Schnekloth
Shimanek	Small	Smalley	Spear
Tauke	Thompson	Tofte	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 11:

Branstad	Brockett	Den Herder	Doyle
Gilloon	Harbor	Husak	Miller (Sergeant)
O'Halloran	Varley	Welden	

The motion lost.

Brunow of Appanoose asked for unanimous consent to suspend the rules on the previous question to consider an amendment and an amendment to the amendment.

Objection was raised.

Brunow of Appanoose moved that the rules on the previous question be suspended to consider an amendment and an amendment to the amendment.

Roll call was requested by Schneklath of Scott and Brunow of Appanoose.

Rule 70 was invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 39:

Arnould	Baker	Bina	Brandt
Brunow	Byerly	Chiodo	Connors
Cusack	Davitt	Dieleman	Dyrland
Egenes	Evans	Gentleman	Gettings
Griffie	Hinkhouse	Horn	Howell
Jesse	Jochum	Krause	Krewson
Menke	Miller, K.D.	Monroe	Patchett
Pelton	Poney	Scheelhaase	Shimanek
Small	Spear	Svoboda	Tauke
Walter	Wells	Woods	

The nays were, 51:

Anderson	Avenson	Bennett	Binneboese
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Dunton
Fitzgerald	Garrison	Gilson	Halvorson
Hansen	Hargrave	Harvey	Hines
Hoffmann	Husak	Junker	Koogler
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Middleswart	Millen	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
Pavich	Pellett	Perkins	Rinas
Schneklath	Schroeder	Spencer	Stephens
Stromer	Thompson	Tofte	Welden
West	Wyckoff	Mr. Speaker	

Absent or not voting, 10:

Branstad	Brockett	Den Herder	Doyle
Gilloon	Harbor	Hullinger	O'Halloran
Smalley	Varley		

The motion lost.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Brunow of Appanoose moved that the rules on the previous question be suspended to consider an amendment.

A non-record roll call was requested.

The ayes were 55, nays 20.

The motion prevailed and the rules were suspended for the consideration of the following amendment H—5852 filed by Brunow, Rinas, Krause, Tauke and Krewson from the floor:

H—5852

1 Amend House File 2290 as follows:

2 1. Page 6, by inserting after line 3 the follow-
3 ing:

4 "Of the funds appropriated by this subsection, not
5 more than sixty-five thousand dollars shall be used for
6 development and implementation of a mass transit project
7 for state employees. Such project shall subsidize the
8 cost of mass transportation for state employees if the
9 participating state employees agree to abstain from
10 parking their motor vehicles on state property."

Koogler of Mahaska moved that House File 2290 be rereferred to the committee on budget.

Roll call was requested by Gilson of Guthrie and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall the motion to rerefer prevail?"

The ayes were, 43:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Halvorson	Hansen	Harvey	Hoffmann
Hullinger	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky

Menke	Millen	Oxley	Pellett
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	Shimaneck	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Welden	West	Wyckoff	

The nays were, 49:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Connors	Cusack	Davitt
Dieleman	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Krause	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Patchett	Pavich	Poney
Rinas	Small	Spear	Spencer
Svoboda	Walter	Wells	Woods
Mr. Speaker			

Absent or not voting, 8:

Brockett	Byerly	Den Herder	Doyle
Giloon	Harbor	O'Halloran	Varley

The motion lost.

Brunow of Appanoose moved the adoption of amendment H—5852.

Roll call was requested by Scheelhaase of Woodbury and Wyckoff of Benton.

Rule 70 was invoked.

On the question "Shall amendment H—5852 be adopted?"

The ayes were, 50:

Arnould	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crawford
Cusack	Danker	Davitt	Dieleman
Dyrland	Egenes	Gentleman	Gilson
Hines	Hinkhouse	Horn	Jesse
Jochum	Krause	Krewson	Lipsky
Menke	Middleswart	Miller, K.D.	Miller (Sergeant)

Norland	Patchett	Pelton	Poney
Rinas	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stromer
Svoboda	Tauke	Thompson	Walter
Wells	Woods		

The nays were, 42:

Anderson	Avenson	Baker	Bennett
Crabb	Daggett	Dunton	Evans
Fitzgerald	Garrison	Gettings	Griffie
Halvorson	Hansen	Hargrave	Harvey
Hoffmann	Howell	Hullinger	Husak
Junker	Koogler	Lageschulte	Lind
Lindeen	Lonergan	Millen	Monroe
Newhard	Nielsen	Oxley	Pavich
Pellett	Perkins	Scheelhaase	Schneklath
Stephens	Tofte	Welden	West
Wyckoff	Mr. Speaker		

Absent or not voting, 8:

Brockett	Byerly	Den Herder	Doyle
Gilloon	Harbor	O'Halloran	Varley

Amendment H—5852 was adopted.

(House File 2290 pending at adjournment and placed under unfinished business.)

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 476 Commerce

Prohibiting the acquisition by electric utilities incorporated or based in this state of interests in certain projects located outside of this state.

S.B. 477 Government

Relating to the administration, benefits and contributions of public retirement systems in this state and to make an appropriation.

S.B. 478 Energy

Relating to responsibility for hazardous wastes when the disposal of the wastes causes an imminent and serious threat to human health.

S.B. 479 Transportation

Relating to weight limitations of self-propelled machinery used exclusively for the application of plant food materials, agricultural limestone or agricultural chemicals.

S.B. 480 Education

Providing for a guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., April 3, 1978

Convened: 9:15 a.m.

Adjourned: 9:55 a.m.

Present: Husak, chair; Gilloon, Krewson, Lonergan, Miller of Buchanan, Spear, Thompson and Tofte.

Absent: Garrison and Monroe.

Excused: Crawford.

Discussion of proposed substance abuse funding.

BUDGET SUBCOMMITTEE ON SOCIAL SERVICES

Scheduled: 12:30 p.m., April 3, 1978

Convened: 12:40 p.m.

Adjourned: 2:35 p.m.

Present: Brunow, chair; Hansen, ranking member; Clark of Cerro Gordo, Gentleman, Gilson, Hargrave, Hines, Lindeen and Miller (Sergeant) of Calhoun.

Absent: Doyle and Newhard.

Excused: Daggett.

Committee discussed and made recommendations for corrections and capital requests.

AMENDMENTS FILED

H-5882	H.F. 2041	Evans of Grundy
H-5883	H.F. 2041	Evans of Grundy
H-5890	H.F. 2384	Scheelhaase of Woodbury
		Dyrland of Clayton
		Walter of Pottawattamie
H-5891	S.F. 2206	Monroe of Des Moines
H-5892	S.F. 2163	Hansen of O'Brien
		Brunow of Appanoose
H-5893	H.F. 2071	Gettings of Wapello
H-5895	S.F. 2066	Scheelhaase of Woodbury
H-5897	S.F. 2163	Committee on Budget
H-5899	H.F. 2041	Evans of Grundy
H-5901	H.F. 2041	Hines of Story
H-5902	H.F. 2041	Small of Johnson
H-5905	H.F. 2349	Hansen of O'Brien
		Schroeder of Pottawattamie
H-5906	H.F. 2098	Scheelhaase of Woodbury
		Hullinger of Decatur
H-5907	H.F. 2384	Monroe of Des Moines
H-5908	H.F. 2384	Monroe of Des Moines
H-5909	H.F. 2349	Schroeder of Pottawattamie
		Hansen of O'Brien
		Miller of Buchanan
H-5910	S.F. 2163	Dieleman of Marion
		Koogler of Mahaska
H-5911	S.F. 2163	Dieleman of Marion
		Koogler of Mahaska
H-5912	S.F. 2163	Dieleman of Marion
		Koogler of Mahaska

On motion by Fitzgerald of Webster, the House adjourned at 10:12 p.m., until 10:00 a.m., Wednesday, April 5, 1978.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 5, 1978

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

Prayer was offered by the Honorable William Griffee, State Representative from Chickasaw County.

The Journal of Tuesday, April 4, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Murphy, Boone, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Millen of Van Buren.

PRESENTATION OF VISITORS

Gentleman of Polk presented to the House Seppo Sarlund, Editor-in-Chief of Suomenmaa newspaper, Helsinki, Finland.

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

Thirty-five members of the government class from Clarinda High School, Clarinda, Iowa, accompanied by Pat Cassat. By Daggett of Adams.

Thirty-five sixth grade students from United Community School, Boone, Iowa, accompanied by Hans Wahl. By Lonergan of Boone.

Thirty-three members of the senior government class from Highland High School, Riverside, Iowa, accompanied by Chris Samuelson and Gary Curtis. By Dunton of Keokuk.

Twenty members of the senior American government class from Bondurant-Farrar, Bondurant, Iowa, accompanied by Maynard Stenrud and Dave Beane. By Nielsen of Polk.

Fifty-five sixth, seventh and eighth grade members of the social science class from Des Moines Christian School, Des Moines, Iowa, accompanied by Harry Stickle. By Krewson of Polk.

Fifty-five freshmen from Princeton High School, Princeton, Missouri, accompanied by Mr. Adams. By Brunow of Appanoose and Hullinger of Decatur.

PETITION FILED

The following petition was received and placed on file:

By Anderson of Jasper from one hundred forty-nine constituents asking that hunting and farm working dogs be considered "under control" while in the field if they are collared with the owner's name, address and phone number attached.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 7, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2074, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO HOUSE FILE 2074

H-5914

- 1 Amend House File 2074 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 34, by striking the words
- 4 "ministerial, social or informational" and inserting
- 5 in lieu thereof the word "social".
- 6 2. Page 1, by striking line 35 through page 2,
- 7 line 1, and inserting in lieu thereof the following:
- 8 "no discussion of policy or no intent to avoid the

9 purposes of this Act.”

10 3. Page 2, line 3, by striking the word
11 “interested” and inserting in lieu thereof the word
12 “all”.

13 4. Page 2, by striking lines 4 and 5.

14 5. Page 2, by striking lines 6 and 7.

15 6. Page 2, by striking lines 12 through 15 and
16 inserting in lieu thereof the following: “permitted
17 by law. Except as provided in section six (6) of
18 this Act, all actions and discussions at meetings
19 of governmental bodies, whether formal or informal,
20 shall be conducted and executed in open session.”

21 7. Page 2, line 23, by inserting after the word
22 “body” the following: “, except township trustees,”.

23 8. Page 2, lines 26 through 28, by striking the
24 words “The tentative agenda shall include any proposed
25 ratification of ministerial matters conducted by
26 mail.”

27 9. Page 2, line 28, by striking the words
28 “communicating with” and inserting in lieu thereof
29 the word “advising”.

30 10. Page 2, line 29, by inserting after the word
31 “media” the words “who have filed a request for notice
32 with the governmental body”.

33 11. Page 3, by striking lines 8 and 9.

34 12. Page 3, by inserting after line 23 the
35 following:

36 “4. If another section of the Code requires a
37 manner of giving specific notice of a meeting, hearing
38 or an intent to to take action by a governmental body,
39 compliance with that section shall constitute
40 compliance with the notice requirements of this
41 section.”

42 13. Page 3, line 27, by inserting after the word
43 “present” the words “at meeting”.

44 14. Page 3, line 30, by inserting after the word
45 “required” the words “or authorized”.

46 15. Page 3, lines 31 and 32, by striking the words
47 “or exempted from any disclosure requirements of the
48 Code”.

49 16. Page 3, line 33, by striking the word “the”
50 and inserting in lieu thereof the word “that”.

Page 2

1 17. Page 4, line 1, by striking the words “with
2 counsel”.

3 18. Page 4, line 9, by inserting before the word
4 “conduct” the words “discuss whether to conduct a
5 hearing or to”.

6 19. Page 4, line 15, by inserting after the word
7 “of” the word “specific”.

- 8 20. Page 4, line 19, by inserting after the word
9 "of" the word "specific".
- 10 21. Page 4, by striking line 23 and inserting
11 in lieu thereof the following:
12 "i. To consider the evaluaton."
- 13 22. Page 5, by striking lines 3 and 4 and inserting
14 in lieu thereof the following: "business during a
15 closed session which does not directly relate to the
16 specific reason announced as justification for the
17 closed session."
- 18 23. Page 5, line 5, by inserting after the word
19 "action" the words "by any governmental body".
- 20 24. Page 5, line 25, by striking the words "of
21 those" and inserting in lieu thereof the words "and
22 use of all or".
- 23 25. Page 6, by striking lines 19 through 22 and
24 inserting in lieu thereof the words "more than five
25 hundred dollars nor less than one hundred dollars.
26 These".
- 27 26. Page 7, lines 11 through 13, by striking the
28 words", except with respect to the issuance of bonds
29 under paragraph d of this subsection".
- 30 27. Page 7, line 14, by striking the words "ninety
31 days" and inserting in lieu thereof the words "six
32 months".
- 33 28. Page 7, line 18, by inserting after the word
34 "session." the words "This paragraph shall not apply
35 to an action taken regarding the issuance of bonds
36 or other evidence of indebtedness of a governmental
37 body if a public hearing, election or public sale
38 has been held regarding the bonds or evidence of
39 indebtedness."
- 40 29. Page 7, by striking lines 19 through 27.
- 41 30. Page 8, by inserting before line 11 the
42 following: "The public may use cameras or recording
43 devices at any open session."
- 44 31. Page 8, line 16, by striking the word
45 "governing" and inserting in lieu thereof the word
46 "governmental".
- 47 32. Page 8, line 18, by striking the word
48 "governing" and inserting in lieu thereof the word
49 "governmental".
- 50 33. Page 8, line 20, by striking the word

Page 3

- 1 "governing" and inserting in lieu thereof the word
2 "governmental".
- 3 34. Page 8, by inserting after line 35 the follow-
4 in new section:
5 "Sec. . Section twenty point seventeen (20.17),

6 Code 1977, is amended by striking subsection three
 7 (3) and inserting in lieu thereof the following:
 8 3. Negotiating sessions, mediation, hearings con-
 9 ducted by arbitrators and fact finders, and the
 10 deliberative process of arbitrators shall be conducted
 11 in compliance with chapter twenty-eight A (28A) of
 12 the Code. Strategy sessions conducted by public
 13 employers or employee organizations shall be exempt
 14 from the provisions of chapter twenty-eight A (28A)
 15 of the Code."
 16 35. By renumbering sections and subsections as
 17 necessary to conform with this amendment.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 105

Svoboda of Iowa offered the following House Memorial Resolu-
 tion 105 and moved its adoption:

HOUSE MEMORIAL RESOLUTION 105

Whereas, The Honorable Fred R. Blythe of
 Iowa County, who was a member of the Forty-first,
 Forty-second, and Forty-second Extra sessions
 of the General Assembly, passed away on August 27,
 1977; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such com-
 mittee Svoboda of Iowa, Dunton of Keokuk and Husak of Tama.

HOUSE FILES 599 AND 2087 WITHDRAWN

Hullinger of Decatur asked and received unanimous consent to
 withdraw House Files 599 and 2087 from further consideration by
 the House.

SENATE AMENDMENT CONSIDERED House Refuses to Concur

Dieleman of Marion called up for consideration **Senate File 141**,
 a bill for an act relating to the definition of withholding agent for in-
 come tax purposes and making the Act retroactive, amended by the
 House, further amended by the Senate and moved that the House

concur in the following Senate amendment to the House amendment:

H-5322

- 1 Amend the House amendment, S-5025, to Senate File
- 2 141 as follows:
- 3 1. Page 1, by striking lines 5 through 28.
- 4 2. Page 1, by striking lines 31 through 32.

The motion lost and the House refused to concur in the Senate amendment H-5322.

CONSIDERATION OF BILLS Regular Calendar

House File 149, a bill for an act providing a penalty for withholding or diverting any portion of an employer's gratuities and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Small of Johnson offered amendment H-5112 filed by the committee on labor and industrial relations on January 24, 1978 and found on page 204 of the House Journal and moved its adoption.

Amendment H-5112 was adopted, placing out of order the following amendments:

H-3042 filed by Junker of Woodbury on February 10, 1977 and found on page 2711 of the 1977 House Journal.

H-3720 filed by the committee on labor and industrial relations on April 22, 1977 and found on page 1582 of the 1977 House Journal.

Horn of Linn offered the following amendment H-5291 filed by him:

H-5291

- 1 Amend House File 149 as follows:
- 2 1. Page 1, by striking lines 1 through 9 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section ninety-one A point five
- 5 (91A.5), Code 1977, is amended by adding the following
- 6 new subsection:
- 7 **NEW SUBSECTION.** An employer shall not apply any
- 8 tips or gratuities received by the employee as a

9 credit towards the payment of any wages unless the
 10 employee signs written authorization for such credits.
 11 An employer shall not terminate employment of or
 12 refuse employment to any person who refuses to sign
 13 such written authorization for application of
 14 gratuities provided for in this subsection. An
 15 employer violating the provisions of this subsection
 16 shall be guilty of a simple misdemeanor.

17 Sec. 2. Section ninety-one A point five (91A.5),
 18 subsection one (1), paragraph a, Code 1977, is amended
 19 to read as follows:

20 a. The employer is required ~~or permitted~~ to do
 21 so by state or federal law or by order of a court
 22 of competent jurisdiction; or

23 Sec. 3. The provisions of this Act shall become
 24 effective January 1, 1979."

By unanimous consent, the following amendment H—5913, to amendment H—5291, filed by Horn of Linn from the floor was adopted:

H—5913

- 1 Amend amendment H—5291, to House File 149, as
- 2 follows:
- 3 1. Page 1, line 2, by striking the figure "9"
- 4 and inserting in lieu thereof the figure "8"
- 5 2. Page 1, by striking lines 23 and 24.

Horn of Linn moved the adoption of amendment H—5291, as amended.

Amendment H—5291, as amended, was adopted.

Husak of Tama offered the following amendment H—5915 filed by him and Wells of Linn from the floor:

H—5915

- 1 Amend House File 149 as follows:
- 2 1. Page 1, by inserting after line 8 the following
- 3 section:
- 4 "Sec. Chapter one hundred seventy (170), Code
- 5 1977, is amended by adding the following new section:
- 6 NEW SECTION.
- 7 1. The adding of any gratuity of any type to the
- 8 receipt, bill or guest check of an invitee of a hotel
- 9 or restaurant or food establishment is prohibited.

- 10 2. Any person who violates the provisions of this
11 section shall upon conviction be imprisoned in the
12 county jail for not to exceed thirty days or be fined
13 not to exceed one hundred dollars or be subject to both
14 such fine and imprisonment.
15 2. Amend the title, line 1, by inserting after the
16 word "for" the words "adding a gratuity to any receipt
17 of guest of a food establishment."

By unanimous consent the following amendment H—5918, to amendment H—5915, filed by Connors of Polk from the floor, was adopted:

H—5918

- 1 Amend amendment H—5915, to House File 149, as
2 follows:
3 1. Page 1, line 7, by inserting after the word
4 "type" the words ", by the establishment without the
5 consent of the invitee,".

(House File 149 and amendment H—5915, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:45 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

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

Twenty-three seventh grade students from West Bend Community School, West Bend, Iowa, accompanied by David W. Myers. By Krause of Kossuth.

Sixty seniors from Gehlen Catholic High School, Le Mars, Iowa, accompanied by Mr. Dick Seivert and Father Tom Geelan. By Stephens of Plymouth.

Twelve advanced accounting students from Burlington High School, Burlington, Iowa, accompanied by Dick Wagner and Lyle Ebner. By Monroe of Des Moines.

INTRODUCTION OF BILLS

House File 2391, by committee on transportation, a bill for an act to provide a guest statute to protect the operator of an aircraft.

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

House File 2392, by committee on energy, a bill for an act creating within the Iowa development commission a grain alcohol motor fuel program, a committee to administer the program and prescribing the duties of the committee.

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

House File 2393, by committee on judiciary and law enforcement, a bill for an act to establish fees for private process servers.

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

QUORUM CALL

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

BUSINESS PENDING

The House resumed consideration of **House File 149**, a bill for an act providing for a penalty for withholding or diverting any portion of an employer's gratuities and providing penalties, and amendment H-5915, as amended.

Conlon of Muscatine offered the following amendment H-5917, to amendment H-5915, filed by him from the floor and moved its adoption:

H-5917

- 1 Amend H-5915 to House File 149 as follows:
- 2 1. Page 1, by striking lines 11 through 14 and
- 3 by inserting in lieu thereof the words "section commits
- 4 a simple misdemeanor."

Amendment H-5917 lost.

Husak of Tama moved the adoption of amendment H—5915, as amended.

Roll call was requested by Gentleman of Polk and Lipsky of Linn.

Rule 70 was invoked.

On the question "Shall amendment H—5915, as amended, be adopted?"

The ayes were, 55:

Avenson	Baker	Bina	Binneboese
Brandt	Chiodo	Connors	Cusack
Daggett	Davitt	Dieleman	Dunton
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Griffiee	Halvorson	Hansen
Hargrave	Hines	Horn	Howell
Hullinger	Husak	Jesse	Junker
Koogler	Krause	Lageschulte	Lindeen
Lonergan	Menke	Miller, K.D.	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Small	Spencer	Stephens
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 31:

Bennett	Branstad	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Danker
Dyrland	Gentleman	Gilson	Hinkhouse
Hoffmann	Joehum	Lind	Lipsky
Middleswart	Millen	Miller (Sergeant)	Pellett
Schnekloth	Schroeder	Shimanek	Smalley
Spear	Stromer	Svoboda	Tauke
Thompson	Tofte	Welden	

Absent or not voting, 14:

Anderson	Arnould	Brockett	Brunow
Byerly	Den Herder	Doyle	Egenes
Harbor	Harvey	Krewson	Nielsen
O'Halloran	Scheelhaase		

Amendment H—5915, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 149)

The ayes were, 68:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Chiodo	Clark, B.J.
Connors	Crawford	Cusack	Daggett
Davitt	Dieleman	Dunton	Dyrland
Fitzgerald	Garrison	Gettings	Gilloon
Griffee	Halvorson	Hansen	Hargrave
Hines	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Miller, K.D.	Monroe	Newhard	Norland
Oxley	Patchett	Pavich	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schroeder	Small	Smalley	Spencer
Stephens	Stromer	Svoboda	Tauke
Tofte	Varley	Walter	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 21:

Bennett	Branstad	Clark, J.H.	Conlon
Crabb	Danker	Evans	Gentleman
Gilson	Harvey	Hinkhouse	Hoffmann
Lipsky	Millen	Miller (Sergeant)	Pellett
Schnekloth	Shimanek	Spear	Thompson
Welden			

Absent or not voting, 11:

Anderson	Brockett	Brunow	Byerly
Den Herder	Doyle	Egenes	Harbor
Krewson	Nielsen	O'Halloran	

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

MOTION TO RECONSIDER WITHDRAWN
(House File 149)

Junker of Woodbury asked for unanimous consent that House File 149 be immediately messaged to the Senate.

Objection was raised.

Junker of Woodbury moved to reconsider the vote by which House File 149 passed the House on April 5, 1978.

Junker of Woodbury asked and received unanimous consent to withdraw the motion to reconsider.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MOTIONS TO RECONSIDER
(House File 149)

I move to reconsider the vote by which House File 149 passed the House on April 5, 1978.

JUNKER of Woodbury

(House File 149)

I move to reconsider the vote by which House File 149 passed the House on April 5, 1978.

DYRLAND of Clayton

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 481 Education

Relating to the employment and payment by the state board of regents of attorneys and counselors as its authorized bargaining representatives for purposes of collective bargaining.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

SUPPLEMENTAL REPORT FOR COMMITTEE ON WAYS AND MEANS

Scheduled: 10:30 a.m., March 30, 1978

Senate File 2194 (Substituted for House File 2250), a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them.

Recommended Amend and Do Pass.

H-5919

1 Amend Senate File 2194, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 31 and
4 inserting in lieu thereof the following:

5 "Section 1. Section four hundred twenty-five point
6 two (425.2), unnumbered paragraph one (1), Code 1977,
7 is amended to read as follows:

8 Any person applying for homestead tax credit shall
9 each year on or before July 1 first deliver to the
10 assessor, on forms furnished by the assessor, a
11 verified statement and designation of homestead as
12 claimed. The assessor shall return said statement
13 and designation on July 2 second of each year to the
14 county auditor with a recommendation for allowance
15 or disallowance endorsed thereon. In case the owner
16 of the homestead is in active service in the armed
17 forces of this state or of the United States, or is
18 sixty-five years of age or older, or is disabled,
19 such statement and designation may be signed and
20 delivered by any member of the owner's family. In
21 all cases where the owner of the homestead is married,
22 the spouse may sign and deliver the statement and
23 designation. The commissioner of social services or
24 his the commissioner's designee may make application
25 for the benefits of this chapter as the agent for
26 and on behalf of persons receiving assistance under
27 chapter 249.

28 Sec. 2. Section four hundred twenty-five point
29 two (425.2), unnumbered paragraph two (2), Code 1977,
30 is amended to read as follows:

31 Any person sixty-five years of age or older or
32 any person who is disabled may request, in writing,
33 from the appropriate assessor forms for filing for
34 homestead tax credit. Any person sixty-five years
35 of age or older or who is disabled may complete the
36 form, which shall include a statement of homestead,
37 and mail or return it to the appropriate assessor,
38 by ordinary mail. The signature of the claimant on
39 the statement shall be considered the claimant's
40 acknowledgement that all statements and facts entered

41 on the form are correct to the best of the claimant's
42 knowledge.

43 Sec. 3. Section four hundred twenty-five point
44 two (425.2), Code 1977, is amended by adding the
45 following new unnumbered paragraph:

46 NEW UNNUMBERED PARAGRAPH. Upon adoption of a
47 resolution by the county board of supervisors, any
48 person may request, in writing, from the appropriate
49 assessor forms for the filing for homestead tax credit.
50 The person may complete the form, which shall include

Page 2

1 a statement of homestead, and mail or return it to
2 the appropriate assessor. The signature of the
3 claimant on the statement of homestead shall be
4 considered the claimant's acknowledgment that all
5 statements and facts entered on the form are correct
6 to the best of the claimant's knowledge."

7 2. Page 3, by inserting after line 33 the follow-
8 ing new sections:

9 "Sec. 5. Section four hundred twenty-seven point
10 six (427.6), Code 1977, is amended by adding the
11 following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. Upon adoption of a reso-
13 lution by the county board of supervisors, any person
14 may request, in writing, from the appropriate assessor
15 forms for the filing for a military service tax
16 exemption. The person may complete the form, which
17 shall include a statement claiming the military service
18 tax exemption and designating the property upon which
19 the tax exemption is claimed, and mail or return it
20 to the appropriate assessor. The signature of the
21 claimant on the claim shall be considered the
22 claimant's acknowledgment that all statements and
23 facts entered on the form are correct to the best
24 of the claimant's knowledge.

25 Sec. 6. The provisions of sections two (2), three
26 (3), and five (5) of this Act shall be effective
27 January 1, 1979.

28 Sec. 7. The provisions of this Act, except sections
29 two (2), three (3), and five (5) of this Act, are
30 retroactive to January 1, 1978 for claims filed on
31 or after January 1, 1978 for a homestead tax credit
32 and a military service tax exemption and to this
33 extent the provisions of this Act are retroactive."

34 3. Page 3, lines 34 and 35, by striking the words
35 "except for unnumbered paragraph two (2) of section
36 one (1) which shall take effect January 1,".

37 4. Page 4, line 1, by striking the figure "1979".

38 5. Renumber sections and correct internal refer-

39 ences as are necessary in accordance with this
40 amendment.
41 6. Amend the title, line 3, by inserting after
42 the word "them" the words "and making certain
43 provisions of the Act retroactive".

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Jochum, Lind, Menke, O'Halloran, Oxley, Pavich, Rinas, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Clark of Lee, Cusack, Den Herder, Hines and Junker.

COMMITTEE ON CITIES

Scheduled: 1:00 p.m., April 4, 1978

Convened: 1:04 p.m.

Adjourned: 2:01 p.m.

Present: Bina, chair; Clark of Lee, ranking member; Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Lind, Pavich, Schnekloth, Smalley, Spear, Stephens and Tofte.

Absent: Connors (arrived 1:08 p.m.), Krewson (arrived 1:10 p.m.), Newhard, Nielsen (arrived 1:11 p.m.), Perkins (arrived 1:20 p.m.) and Rinas (arrived 1:07 p.m.).

Excused: Hines.

House File 2128, a bill for an act relating to the publication requirements for an additional public hearing required under local budget law.

Recommended Do Pass.

Aye: Bina, Clark of Lee, Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Lind, Pavich, Schnekloth, Smalley, Spear, Stephens and Tofte.

Nay: None.

Absent or not voting: Hines, Connors, Krewson, Newhard, Nielsen, Perkins and Rinas.

Assigned bill to subcommittee and continued discussion of Study Bill 392.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., April 4, 1978

Convened: 1:10 p.m.

Adjourned: 2:00 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Junker, Middleswart, Poncy, Shimanek, Walter and West.

Absent: Jesse, Patchett, Stromer and Tauke.

House File 2162, a bill for an act relating to the hours during which alcoholic beverages and beer may be sold on December 31, 1978 and January 1, 1979 by liquor control licensees and beer permittees.

Recommended Amend and Do Pass.

H-5923

1 Amend House File 2162 as follows:

- 2 1. Page 1, by striking lines 10 through 13 and
3 inserting in lieu thereof the words "between the hours
4 of noon on Sunday and two a.m. on Monday when that
5 Monday is New Year's Day and beer for consumption
6 off the premises between the hours of noon Sunday
7 and ten p.m. Sunday when that Sunday is the day before
8 New Year's Day. The liquor control license fee or
9 beer".
- 10 2. Page 1, by striking lines 15 and 16 and
11 inserting in lieu thereof the words "dispense such
12 liquor or beer on a Sunday when that Sunday is the
13 day before New Year's Day shall not be increased
14 because of this privilege."
- 15 3. Page 1, line 18, by striking the words "date
16 specified" and inserting in lieu thereof the words
17 "specified times provided".
- 18 4. Page 1, by striking lines 20 and 21.
- 19 5. Amend the title, lines 2 and 3, by striking
20 the words and figures "December 31, 1978 and January
21 1, 1979" and inserting in lieu thereof the words "a
22 Sunday when the following Monday is New Year's Day".

Fiscal note is required.

Aye: Monroe, Woods, Harvey, Arnould, Avenson, Brandt, Crawford, Junker, Poncy, Shimanek and Walter.

Nay: Dieleman, Griffee, Hansen, Middleswart and West.

Absent or not voting: Jesse, Patchett, Stromer and Tauke.

House File 2175, a bill for an act relating to the state military code.

Recommended Amend and Do Pass.

H-5922

- 1 Amend House File 2175 as follows:
 2 1. Page 1, by striking line 31 through page 2,
 3 line 15.
 4 2. Page 2, by striking line 18 and inserting in
 5 lieu thereof the following:
 6 "Sec. Section two (2) of this Act is effec-
 7 tive January 1, 1980."
 8 3. By renumbering the sections to conform with
 9 this amendment.

Fiscal note is required.

Aye: Monroe, Woods, Harvey, Arnould, Brandt, Crawford, Dieleman, Griffiee, Hansen, Junker, Middleswart, Poncy, Shimanek, Walter and West.

Nay: None.

Absent or not voting: Avenson, Jesse, Patchett, Stromer and Tauke.

Discussed House File 2187.

PRESENTATION OF VISITORS

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

Thirty fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mrs. Oglesby. By Brunow of Appanoose.

AMENDMENTS FILED

H-5916	S.F. 2118	Brunow of Appanoose
H-5920	H.F. 2381	Small of Johnson
H-5921	H.F. 2384	Scheelhaase of Woodbury
		Dyrland of Clayton
		Walter of Pottawattamie
H-5924	H.F. 2041	Small of Johnson
H-5925	S.F. 2163	Lipsky of Linn
H-5926	H.F. 2098	Scheelhaase of Woodbury

On motion by Fitzgerald of Webster, the House adjourned at 5:18 p.m., until 9:30 a.m., Thursday, April 6, 1978.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day—Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 6, 1978

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

Prayer was offered by the Reverend Dennis Jingst, pastor of the First Baptist Church, Creston, Iowa.

The Journal of Wednesday, April 5, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Stan Haugland, Des Moines, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Howell of Floyd for the morning session on request of Dieleman of Marion; Brockett of Marshall on request of Evans of Grundy.

PRESENTATION OF VISITORS

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

Forty eighth grade students from Glidden-Rolston Community School, Glidden, Iowa, accompanied by Marvin Wood and Merle McCray. By Perkins of Greene.

Fifty-five students from McCombs Junior High School, Des Moines, Iowa, accompanied by Mrs. Cherry and Jan Watson. By Woods of Polk.

Seventy seniors from Stuart-Menlo Community School, Stuart, Iowa, accompanied by Dan Fox. By Varley of Adair.

Thirty-two students from New Hampton Community School, New Hampton, Iowa, accompanied by Irwin H. Matt. By Griffiee of Chickasaw.

Sixty fifth grade students from McKinley School, Muscatine, Iowa, accompanied by Mrs. Antidel, Mrs. Schabilion and Mrs. Lick. By Hoffmann of Muscatine.

INTRODUCTION OF BILLS

House Joint Resolution 2006, by Brunow, a joint resolution proposing an amendment to the Constitution of the State of Iowa respecting the maximum consecutive period of time for which the same person may hold certain elective offices.

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

House File 2394, by Brunow, a bill for an act relating to the use of general funds of a city to pay the principal and interest of revenue bonds or pledge orders when the net revenues are insufficient.

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

House File 2395, by Brunow, a bill for an act to fix a limit on the maximum consecutive period of time for which the same person may hold certain elective offices.

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

House File 2396, by Small, a bill for an act imposing a temporary tax on alcoholic beverage containers to construct a warehouse and administrative office building for the Iowa beer and liquor control department, creating a temporary building fund in the state treasury, and making an appropriation.

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

House File 2397, by Brockett and Shimanek, a bill for an act requiring liability insurance coverage for motor vehicles and providing penalties.

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

House File 2398, by Rinas, a bill for an act relating to the manner in which names of independent candidates are placed on the ballot.

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

House File 2399, by Menke, Harbor, Halvorson, Junker, Pelton, Crawford, Hansen, Tofte, Lageschulte, West and Egenes, a bill for an act providing for a state guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation.

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

House File 2400, by Rinas, a bill for an act increasing the state tax on cigarettes and little cigars.

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

House File 2401, by Gentleman, a bill for an act allowing a homestead credit to individuals who own a life estate in the homestead with the reversion interest held by a nonprofit corporation.

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

House File 2402, by Rinas, a bill for an act relating to the amount a disabled peace officer can earn before having his or her disability pension reduced.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 4, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 32, a bill for an act relating to the membership, terms of office, and organization of the capitol planning commission.

Also: That the Senate has on April 4, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 433, a bill for an act relating to the termination of a life estate in agricultural land which has been leased.

Also: That the Senate has on April 4, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 606, a bill for an act relating to the standards for protective clothing and equipment used by fire fighters.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2022, a bill for an act relating to changes allowed for keeping estrays and trespassing animals.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2176, a bill for an act relating to the claims appeal board of the Iowa department of job service.

Also: That the Senate has on April 4, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2246, a bill for an act extending liability and errors and omissions insurance to appointed county officers.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2107, a bill for an act relating to contract and bidding procedures for the repair or constructing of county buildings.

Also: That the Senate has on April 5, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2189, a bill for an act relating to the excise tax on egg sales.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2202, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2208, a bill for an act relating to the composition of the Iowa crime commission.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2210, a bill for an act relating to the method of deducting net operating losses in computing the income tax liability of individuals and corporations.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to property improvement loans made by savings and loan associations.

Also: That the Senate has on April 4, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act relating to motor vehicle transportation regulation.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 433

H-5929

1 Amend House File 433 as amended and passed by the
2 House as follows:

3 1. By striking all after the enacting clause and
4 inserting in lieu thereof the following:

5 "Section 1. Chapter five hundred sixty-two (562),
6 Code 1977, is amended by adding the following new
7 section:

8 **NEW SECTION. TERMINATION OF LIFE ESTATE -- FARM**
9 **TENANCY.** Upon the termination of a life estate, a
10 farm tenancy granted by the life tenant shall continue
11 until the following March first except that if the
12 life estate terminates between September first and
13 the following March first inclusively, then the farm
14 tenancy shall continue for that year as provided by
15 section five hundred sixty-two point six (562.6) of
16 the Code and continue until notice of termination
17 is given by the holder of the successor interest in
18 the manner provided by section five hundred sixty-
19 two point seven (562.7) of the Code. However, if
20 the lease is binding upon the holder of the successor
21 interest by the provision of a trust or by specific
22 commitment of the holder of the successor interest,
23 the lease shall terminate as provided by that provision
24 or commitment. This section shall not be construed
25 to abrogate the common law doctrine of emblements.

26 Sec. 2. Chapter five hundred sixty-two (562),
27 Code 1977, is amended by adding the following new
28 section:

29 **NEW SECTION. TERMINATION OF LIFE ESTATE -- NONFARM**
30 **TENANCY.** Upon the termination of a life estate, a
31 tenancy granted by the life tenant which is not a
32 farm tenancy shall continue until one of the following
33 first occurs:

34 1. The date previously agreed upon for termination
35 of the tenancy without notice.

36 2. If the tenant is a tenant at will, upon the

37 expiration of the period provided by section five
38 hundred sixty-two point four (562.4) of the Code.

39 3. If the tenancy is for less than one year, sixty
40 days after the end of the month in which the life
41 estate terminated.

42 4. If the tenancy is for a year or more, one year
43 after the end of the month in which the life estate
44 terminated.

45 However, if the lease is binding upon the holder of
46 the successor interest by the provision of a trust
47 or by specific commitment of the holder of the
48 successor interest, the lease shall terminate as
49 provided by that provision or commitment.

50 Sec. 3. Chapter five hundred sixty-two (562),

Page 2

1 Code 1977, is amended by adding the following new
2 section:

3 NEW SECTION. RENTAL VALUE. The holder of the
4 interest succeeding a life estate who is required
5 by sections one (1) or two (2) of this Act to continue
6 a tenancy shall be entitled to a rental amount equal
7 to the prevailing fair market rental amount in the
8 area. If the parties cannot agree on a rental amount,
9 either party may petition the district court for a
10 declaratory judgment setting the rental amount. The
11 costs of the action shall be divided equally between
12 the parties.

13 Sec. 4. This Act is effective January 1, 1979."

14 2. Amend the title, line 2, by striking the words
15 "agricultural land" and inserting in lieu thereof
16 the words "real property".

SENATE AMENDMENT TO
HOUSE FILE 606

H-5928

1 Amend House File 606 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 18, by striking the word
4 "fighters" and inserting in lieu thereof the word
5 "departments".

SENATE AMENDMENT TO
HOUSE FILE 2246

H-5927

1 Amend House File 2246, as passed by the House,
2 as follows:

- 3 1. Page 1, line 7, by inserting after the word
4 "officer" the words "any township trustee".
5 2. Page 1, line 8, by inserting after the word
6 "county" the words "or the township".
7 3. Page 1, line 16, by inserting after the word
8 "officer" the words "any township trustee".
9 4. Page 1, line 17, by inserting after the word
10 "county" the words "or the township".
11 5. Page 1, line 28, by inserting after the word
12 "officer" the words "any township trustee".
13 6. Page 1, line 29, by inserting after the word
14 "county" the words "or the township".
15 7. Amend the title, line 2, by inserting after
16 the word "officers" the words "township trustees,
17 and employees of the township".

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

CONSIDERATION OF BILLS Unfinished Business

The House resumed consideration of **House File 2290**, a bill for an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, and public defense.

Byerly of Polk asked and received unanimous consent to suspend the rules under the previous question to offer the following amendment H-5900, to amendment H-5617B, filed by him from the floor and to reconsider the vote by which amendment H-5617B, as amended, was adopted by the House on March 13, 1978:

H-5900

- 1 Amend the amendment, H-5617 to House File 2290
2 as follows:
3 1. Page 2, by striking line 41 and inserting in
4 lieu thereof the following: "was created, shall receive".
5 2. Page 2, by inserting after line 43 the following:
6 Arson investigators who have contributed to this system
7 prior to the effective date of this act shall receive
8 credit for such service in determining retirement and
9 disability benefits.

Byerly of Polk moved the adoption of amendment H-5900, to amendment H-5617B.

Amendment H—5900 was adopted.

On motion by Rinas of Linn, amendment H—5617B, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2290)

The ayes were, 73:

Arnould	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brunow
Byerly	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Daggett	Davitt
Dieleman	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Griffee	Halvorson	Harbor
Hargrave	Hines	Hoffmann	Horn
Husak	Jesse	Jochum	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Loneragan	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Schnekloth	Schroeder	Shimanek
Small	Smalley	Spear	Stromer
Svoboda	Tauke	Thompson	Varley
Walter	Wells	West	Woods
Mr. Speaker			

The nays were, 20:

Bennett	Crabb	Danker	Doyle
Dunton	Gilson	Hansen	Harvey
Hinkhouse	Hullinger	Junker	Menke
Monroe	Pellett	Scheelhåase	Spencer
Stephens	Tofte	Welden	Wyckoff

Absent or not voting, 7:

Anderson	Brockett	Chiodo	Clark, B.J.
Den Herder	Howell	Krause	

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

REGULAR CALENDAR

House File 2296, a bill for an act relating to the payment for the operation and maintenance of freeway lighting systems in cities, was taken up for consideration.

Jochum of Dubuque offered the following amendment H—5608 filed by Jochum, et al. :

H—5608

1 Amend House File 2296 as follows:
2 1. Page 1, by striking lines 4 through 7 and
3 inserting in lieu thereof the following:
4 "NEW SUBSECTION. Such fund is also appropriated
5 and shall be used to reimburse annually any city,
6 upon application, for the actual cost of operation
7 and maintenance of a freeway lighting system within
8 the corporate boundaries of the city. The actual
9 costs of serving freeway lighting for each utility
10 providing the service shall be determined by the
11 Iowa commerce commission, and rates for such service
12 shall be no higher than necessary to recover these
13 costs. In determining such costs the Iowa commerce
14 commission shall give full recognition to freeway
15 lighting's usage, or lack thereof, during the time
16 of peak demand on each such utility. Funds received
17 under the provisions of this Act shall be used solely
18 for the operation and maintenance of a freeway light-
19 ing system."

Jochum of Dubuque offered the following amendment H—5822, to amendment H—5608, filed by him and moved its adoption:

H—5822

1 Amend amendment H—5608, to House File 2296, as
2 follows:
3 1. Page 1, by striking lines 2 through 8 and
4 inserting in lieu thereof the following:
5 "1. Page 1, by inserting after line 7 the follow-
6 ing:
7 "The"."

Amendment H—5822 was adopted.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H—5809, to amendment H—5608, filed by him on March 28, 1978.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—5839, to amendment H—5608, filed by him on March 30, 1978.

Schnekloth of Scott offered the following amendment H—5861, to amendment H—5608, filed by him and moved its adoption:

H—5861

- 1 Amend amendment H—5608 to House File 2296 as
- 2 follows:
- 3 1. Page 1, line 19, by inserting after the period
- 4 the following: "For the purposes of maintaining safe
- 5 freeway intersections in areas of greater freeway
- 6 use, the state department of transportation shall
- 7 erect and maintain adequate freeway intersection
- 8 lighting systems for all freeway intersections within
- 9 incorporated city limits, as defined in chapter three
- 10 hundred sixty-two (362) of the Code."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 48, nays 41.

Amendment H—5861 was adopted.

(House File 2296 and amendment H—5608, as amended, pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Byerly of Polk for the remainder of the day on request of Baker of Buena Vista.

PRESENTATION OF VISITORS

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

Thirty-nine members of the Sioux County 4-H Club, accompanied by Mr. Lindsay, Mr. Brummer and Cheryl Heronemus. By Den Herder of Sioux and Stephens of Plymouth.

Forty Campfire girls from Garfield and Erskine Elementary Schools, Cedar Rapids, Iowa. By Lipsky of Linn.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2187, a bill for an act relating to transportation providing for licensing authorized vehicle recyclers and various other motor vehicle provisions.

KEVIN P. LIGHT, Acting Secretary

CONSIDERATION OF BILLS

Business Pending

The House resumed consideration of **House File 2296**, a bill for an act relating to the payment for the operation and maintenance of freeway lighting systems in cities, and amendment H-5608, as amended.

Hullinger of Decatur in the chair at 2:32 p.m.

Jochum of Dubuque moved the adoption of amendment H-5608, as amended.

Roll call was requested by Garrison of Black Hawk and Oxley of Linn.

On the question "Shall amendment H-5608, as amended, be adopted?"

The ayes were, 51:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Clark, J.H.
Cochran	Connors	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gettings
Gilloon	Hines	Hinkhouse	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lind
Lonergan	Miller, K.D.	Monroe	Newhard
O'Halloran	Oxley	Patchett	Pavich
Poney	Rinas	Schneklath	Shimanek
Small	Spear	Svoboda	Tauke
Wells	Wyckoff	Mr. Speaker (Hullinger)	

The nays were, 42:

Bennett	Binneboese	Branstad	Chiodo
Clark, B.J.	Conlon	Crabb	Daggett
Danker	Doyle	Evans	Gentleman
Gilson	Halvorson	Hansen	Harvey
Hoffmann	Junker	Lageschulte	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller (Sergeant)	Nielsen	Pellett	Pelton
Perkins	Scheelhaase	Schroeder	Smalley
Spencer	Stephens	Stromer	Thompson
Tofte	Varley	Walter	Welden
West	Woods		

Absent or not voting, 7:

Brockett	Byerly	Den Herder	Griffee
Harbor	Hargrave	Norland	

Amendment H—5608, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2296)

The ayes were, 65:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Chiodo
Clark, J.H.	Cochran	Conlon	Connors
Crawford	Davitt	Dieleman	Doyle

Dyrland	Egenes	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Griffie
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Husak	Jesse
Jochum	Junker	Koogler	Krause
Krewson	Lind	Lipsky	Lonergan
Miller, K.D.	Monroe	Newhard	Nielsen
O'Halloran	Oxley	Patchett	Pavich
Pelton	Rinas	Scheelhaase	Schneklath
Schroeder	Shimanek	Small	Smalley
Spear	Svoboda	Tauke	Thompson
Varley	Walter	Wells	Woods
Mr. Speaker (Hullinger)			

The nays were, 30:

Baker	Bennett	Branstad	Clark, B.J.
Crabb	Daggett	Danker	Dunton
Evans	Gilson	Halvorson	Hansen
Harbor	Howell	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller (Sergeant)
Pellett	Perkins	Poncy	Spencer
Stephens	Stromer	Tofte	Welden
West	Wyckoff		

Absent or not voting, 5:

Brockett	Byerly	Cusack	Den Herder
Norland			

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

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of the conference committee report on House File 187.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the remainder of the day on request of Crabb of Crawford.

Small of Johnson in the chair at 3:48 p.m.

ADOPTION OF CONFERENCE COMMITTEE REPORT
(House File 187)

O'Halloran of Black Hawk offered the following report of the conference committee on House File 187 and moved the adoption of the report and the amendments contained therein:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 187

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 187, a bill for an act to regulate the sale and use of certain beverage containers and providing penalties, respectfully submit the following recommendations:

1. That the House recede from its amendment to the Senate amendment.
2. That the Senate amendment to House File 187, received from the Senate on February 16, 1978, be amended as follows:
 - a. Page 1, line 24, by inserting after the word "dealer" the words "in this state".
 - b. Page 1, line 42, by inserting after the word "dealer" the words "for consumption off the premises".
 - c. Page 1, line 43, by inserting after the word "container" the words "upon which a refund value has been paid".
 - d. Page 1, line 49, by striking the word "A" and inserting in lieu thereof the words "In addition to the refund value provided in subsection one (1) of this section, a".
 - e. Page 2, lines 2 and 3, by striking the words "at least".
 - f. Page 2, line 17, by striking the word "determined" and inserting in lieu thereof the word "provided".
 - g. Page 2, by striking lines 19 through 24 and inserting in lieu thereof the following:

"2. A distributor shall accept and pick up from a dealer served by the distributor or a redemption center for a dealer served by the distributor any empty beverage container of the kind, size and brand sold by the distributor, and shall pay to the dealer or person operating a redemption center the refund value of a beverage container and the reimbursement as provided under section two (2) of this Act. This subsection shall not apply to a distributor selling alcoholic liquor to the Iowa beer and liquor control department."
 - h. Page 2, line 26, by striking the word "A" and inserting in lieu thereof the words "Except as provided in section five (5), subsection two (2), of this Act, a".

i. Page 2, line 29, by striking the word "determined" and inserting in lieu thereof the word "provided".

j. Page 2, lines 31 and 32, by striking the words "or a person operating a redemption center".

k. Page 2, lines 34 and 35, by striking the words "or of the person operating a redemption center".

l. Page 2, line 49, by inserting after the word "to" the word "refillable".

m. Page 2, line 50, by striking the words "it which," and inserting in lieu thereof the words "them which".

n. Page 3, line 1, by striking the words "on the effective date of this Act, has" and inserting in lieu thereof the word "have".

o. Page 3, line 2, by inserting after the word "cents" the words "or a refillable beverage container which has a five cent deposit on it and which may be exempted by the director in accordance with rules adopted by the commission".

p. Page 3, by inserting after line 41 the following:

"5. All approved redemption centers shall meet applicable health standards."

q. Page 4, by inserting after line 15 the following section:

"Sec. NEW SECTION. ANNUAL APPROPRIATION. For the fiscal year commencing July 1, 1979, and each fiscal year thereafter, there is appropriated from the beer and liquor control fund to the Iowa department of substance abuse the sum of one hundred thousand (100,000) dollars, or so much thereof as may be available, which appropriation shall be made only from the difference between the funds collected from the deposit required on beverage containers containing alcoholic liquor and the funds dispersed in the payment of the refund value on such beverage containers. The Iowa department of substance abuse shall use the appropriated funds only for the care, maintenance and treatment of alcoholics under chapter one hundred twenty-five (125) of the Code."

r. Page 4, by striking line 23 and inserting in lieu thereof the following section:
"Sec. EFFECTIVE DATES.

1. This Act shall be effective May 1, 1979 for beverage containers purchased from state liquor stores in this state.

2. This Act shall be effective July 1, 1979 for all beverage containers sold in this state except as provided in subsection one (1) of this section."

s. Page 4, by striking lines 24 through 26 and inserting in lieu thereof the following:

"2. Amend the title by striking lines 1 through 6 and inserting in lieu thereof the

words "An act relating to the control of litter, by regulating the sale and use of certain beverage containers; striking a provision relating to the responsibility for discarding litter from a motor vehicle; and providing a penalty for violations." "

t. By renumbering sections to conform to this amendment.

ON THE PART OF THE SENATE

JOHN R. SCOTT, Chair
 JAMES V. GALLAGHER
 GEORGE R. KINLEY
 CALVIN O. HULTMAN
 RICHARD R. RAMSEY

ON THE PART OF THE HOUSE

MARY O'HALLORAN, Chair
 DONALD AVENSON
 JAMES I. MIDDLESWART
 FLOYD H. MILLEN
 LYLE R. KREWSON

The motion prevailed and the conference committee report was adopted.

O'Halloran of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 187)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Crabb	Crawford
Cusack	Daggett	Davitt	Dieleman
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Mr. Speaker	
		(Small)	

The nays were, 12:

Conlon	Connors	Danker	Doyle
Horn	Hullinger	Lind	Pavich
Poney	Schnekloth	Woods	Wyckoff

Absent or not voting, 5:

Brockett	Byerly	Den Herder	Hines
Tauke			

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

REGULAR CALENDAR

House File 2345, a bill for an act relating to the office of a magistrate who devotes his or her entire time to official duties, including the office of district associate judge, was taken up for consideration.

Nielsen of Polk offered the following amendment H—5932 filed by him from the floor:

H—5932

1 Amend House File 2345 as follows:
 2 1. Page 12, by inserting after line 26 the follow-
 3 ing new section:
 4 Sec. Section six hundred five point twenty-
 5 five (605.25), Code 1977, is amended to read as fol-
 6 lows:
 7 605.25 TEMPORARY SERVICE BY RETIRED JUDGES JUDICIAL
 8 OFFICERS. Judges of the supreme court, court of appeals
 9 and district court, district associate judges, and
 10 judicial magistrates appointed pursuant to section six
 11 hundred two point fifty-one (602.51) of the Code, who
 12 are hereafter retired by reason of age, or who are
 13 drawing benefits under section 605A.6, may with their
 14 consent be assigned by the supreme court to temporary
 15 judicial duties on a court in this state. However, a
 16 retired judge judicial officer shall not be assigned to
 17 temporary judicial duties on any court superior to the
 18 highest court to which that judge he or she had been
 19 appointed prior to retirement, and a judge judicial
 20 officer may not be assigned for temporary duties with
 21 the supreme court or the court of appeals except in the
 22 case of a temporary absence of a member of one of those

23 courts. Temporary assignment of a retired judge of the
 24 supreme court, court of appeals or district court may
 25 be made only by the supreme court. Temporary assign-
 26 ment of a retired district associate judge or judicial
 27 magistrate may be made either by the supreme court or
 28 by the chief judge of a judicial district. A retired
 29 judge judicial officer shall not engage in the prac-
 30 tice of law unless he or she shall file with the clerk
 31 of the supreme court an election to practice law, in
 32 which event he or she shall thereafter be ineligible
 33 for assignment to temporary judicial duties at any
 34 time. While serving under temporary assignment as
 35 herein provided, a retired judge judicial officer
 36 shall receive the compensation and actual expense pro-
 37 vided by law for judges judicial officers on the court
 38 to which he or she is assigned, but shall not receive
 39 any annuity payments to which he or she may be en-
 40 titled under the judicial retirement system. He The
 41 judicial officer may be authorized in the order of
 42 assignment to appoint a temporary reporter, who shall
 43 receive the compensation and actual expense provided
 44 by law for a regular reporter in the court to which
 45 the judge judicial officer is assigned. The order of
 46 assignment shall be filed in the offices of the clerks
 47 of court at the places where the judge judicial
 48 officer is to serve.
 49 2. By renumbering the remaining sections.

Nielsen of Polk offered the following amendment H—5933, to amendment H—5932, filed by him and Pelton of Clinton from the floor and moved its adoption:

H—5933

- 1 Amend amendment H—5932 to House File 2345 as fol-
- 2 lows:
- 3 1. Page 1, by striking lines 9, 10, and 11 and in-
- 4 serting in lieu thereof the following:
- 5 "and district court, and district associate judges,
- 6 who".
- 7 2. Page 1, lines 26 and 27 by striking the words
- 8 "or judicial magistrate".

Amendment H—5933 was adopted.

On motion by Nielsen of Polk, amendment H—5932, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2345)

The ayes were, 90:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Spencer	Stephens	Stromer	Svoboda
Thompson	Tofte	Varley	Walter
Weiden	Wells	West	Woods
Wyckoff	Mr. Speaker (Small)		

The nays were, 1:

Spear

Absent or not voting, 9:

Brockett	Byerly	Den Herder	Garrison
Harbor	Hines	Lindeen	Smalley
Tauke			

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

MOTIONS TO RECONSIDER WITHDRAWN
(House File 149)

Dyrland of Clayton asked and received unanimous consent to

withdraw the motion to reconsider House File 149 filed by him on April 5, 1978.

Junker of Woodbury asked and received unanimous consent to withdraw the motion to reconsider House File 149 filed by him on April 5, 1978.

House File 2284, a bill for an act relating to the trapping of fur-bearing animals including the checking of traps and stamping of pelts, was taken up for consideration.

Millen of Van Buren offered the following amendment H-5646 filed by him and moved its adoption:

H-5646

- 1 Amend House File 2284 as follows:
- 2 1. Page 1, line 15, strike the word "forty-
- 3 eight" and insert in lieu thereof the word "twenty-
- 4 four".

A non-record roll call was requested.

The ayes were 57, nays 22.

Amendment H-5646 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills on request of Millen of Van Buren; Garrison of Black Hawk on request of Dunton of Keokuk, both for the remainder of the day.

Scheelhaase of Woodbury offered the following amendment H-5564 filed by him and moved its adoption:

H-5564

- 1 Amend House File 2284 as follows:
- 2 1. Page 1, lines 17 and 18 by striking the
- 3 words "or checked".

A non-record roll call was requested.

The ayes were 23, nays 48.

Amendment H—5564 lost.

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

On the question "Shall the bill pass?" (H.F. 2284)

The ayes were, 69:

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connors	Crabb	Crawford	Cusack
Dieleman	Doyle	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Harvey	Hoffmann
Howell	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lind
Lipsky	Lonergan	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Rinas	Schnekloth
Shimanek	Spear	Spencer	Stephens
Svoboda	Thompson	Varley	Walter
Welden	Wells	West	Wyckoff
Mr. Speaker (Small)			

The nays were, 19:

Avenson	Conlon	Daggett	Danker
Davitt	Gettings	Hinkhouse	Horn
Husak	Lageschulte	Menke	Pellett
Perkins	Poncy	Scheelhaase	Schroeder
Smalley	Stromer	Tofte	

Absent or not voting, 12:

Brockett	Brunow	Byerly	Den Herder
Garrison	Harbor	Hines	Hullinger
Lindeen	Newhard	Tauke	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 2323, a bill for an act relating to retention from payment on public contracts and escrow agreements, was taken up for consideration.

Chiodo of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2323)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, B.J.
Clark, J.H.	Cochran	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harvey	Hinkhouse	Hoffmann	Horn
Howell	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Perkins	Poney
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Small)			

The nays were, none.

Absent or not voting, 11:

Brockett	Byerly	Den Herder	Garrison
Harbor	Hargrave	Hines	Hullinger
Lindeen	Pelton	Tauke	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 2137, a bill for an act relating to the imposition of a tax on generation skipping transfers and making the Act retroactive, with report of committee recommending passage was taken up for consideration.

Conlon of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2137)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Husak
Jesse	Jochum	Junker	Krause
Krewson	Lageschulte	Lind	Lipsky
Loneragan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Perkins
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Small)			

The nays were, none.

Absent or not voting, 15:

Brockett	Byerly	Clark, B.J.	Den Herder
Garrison	Gilloon	Harbor	Hargrave
Hines	Hullinger	Koogler	Lindeen
Pelton	Svoboda	Tauke	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2229 WITHDRAWN

Brunow of Appanoose asked and received unanimous consent to withdraw House File 2229 from further consideration by the House.

HOUSE FILE 2292 DEFERRED

House File 2292, a bill for an act changing the penalties provided by section one hundred ten point fourteen (110.14) of the Code and section eight hundred five point eight (805.8) of the Code Supplement for violations of the fish and game laws, was taken up for consideration.

Avenson of Fayette asked and received unanimous consent that action on House File 2292 be deferred and that the bill retain its place on the calendar.

HOUSE FILE 2067 WITHDRAWN

Miller of Buchanan asked and received unanimous consent to withdraw House File 2067 from further consideration by the House.

**MOTIONS TO RECONSIDER
(House File 2290)**

I move to reconsider the vote by which House File 2290 passed the House on April 6, 1978.

RINAS of Linn

I move to reconsider the vote by which House File 2290 passed the House on April 6, 1978.

MILLER of Buchanan

**REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 463**

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 463, a bill for an Act relating to the operation of area education agencies and to make an appropriation, respectfully make the following report:

1. That the Senate amendment (H-5521) to House File 463, as amended, passed, and reprinted by the House, be amended as follows:

1. Page 1, by inserting after line 21 the following:

"____. Page 1, by striking line 25 and inserting in lieu thereof the words and figures "(273.2), subsections three (3) and five (5), Code 1977, are amended to read".

____. Page 1, by inserting after line 26 the following:

"3. Research, demonstration projects and models, and educational planning for children under five years of age through grade twelve and children requiring special education as defined in section 281.2 as approved by the department state board of public instruction."

____. Page 1, line 31, by striking the word "department" and inserting in lieu thereof the words "department state board".

____. Page 1, by striking line 33 and inserting in lieu thereof the words and figures "(273.3), subsections three (3), five (5), eight (8), nine (9), ten (10), twelve (12), and".

____. Page 1, by inserting after line 34 the following:

"3. Provide data and prepare reports as directed by the superintendent of public instruction and the state board."

____. Page 2, line 1, by striking the word "department" and inserting in lieu thereof the words "department state board".

____. Page 2, line 14, by striking the word "department" and inserting in lieu thereof the words "department state board".

____. Page 2, by inserting after line 18 the following:

"8. Be authorized, subject to the approval of the department state board of public instruction, to enter into agreements for the joint use of personnel, buildings, facilities, supplies and equipment with school corporations as deemed necessary to provide authorized programs and services.

9. Be authorized to make application for, accept, and expend state and federal funds that are available for programs of educational benefit approved by the department state board of public instruction, and co-operate with the department and the state board in the manner provided in federal-state plans or department rules in the effectuation and administration of programs approved by the department, or approved by other educational agencies, which agencies have been approved as a state educational authority." "

2. Page 1, by striking lines 31 through 40 and inserting in lieu thereof the following:

"____. Page 2, line 32, by striking the word "superintendent's" and inserting in lieu thereof the word "superintendent's"."

3. Page 1, by striking lines 45 through 48 and inserting in lieu thereof the following:

"____. Page 3, by striking lines 3 through 9 and inserting in lieu thereof the following: "five hundred dollars per annum, including established by the board based

upon the previous experience and education of the administrator, subject to the salary limitations provided in this subsection. For the school year beginning July 1, 1978, the annual salary of an administrator shall not exceed twenty-nine thousand dollars if the area education agency has an approved budget for that year of less than seven million dollars and shall not exceed thirty thousand dollars if the area education agency has an approved budget for that year of seven million dollars or more. For each school year thereafter, the annual salary established for an administrator shall not exceed one hundred percent, plus a percent equal to one-half of the state percent of growth established in section four hundred forty-two point seven (442.7) of the Code for the budget year, times the salary granted by the board for the preceding year for the administrator of that area education agency. The salary shall".

4. Page 1, by striking lines 49 and 50.

5. Page 2, by striking lines 1 through 24 and inserting in lieu thereof the following:

" . Page 3, line 30, by inserting after the word "approval." the following: "The state board shall forward copies of the budgets of the area education agencies to the state comptroller. The state board and the state comptroller shall establish a maximum statewide amount for approved budgets for the area education agencies. If the state board and the state comptroller cannot agree upon a maximum statewide amount, that amount shall be established by the school budget review committee."

. Page 3, line 31, by inserting after the word "budget" the words "of each area education agency with consideration given to the maximum statewide amount established pursuant to this subsection,".

6. Page 2, by inserting before line 25 the following:

" . Page 3, by inserting after line 35 the following section:

"Sec. . Section two hundred seventy-three point three (273.3), Code 1977, is amended by striking subsection eighteen (18)."

7. Page 2, line 27, by striking the word "section" and inserting in lieu thereof the word "sections".

8. Page 2, by inserting after line 27 the following:

"Sec. . Section two hundred seventy-three point four (273.4), subsection three (3), Code 1977, is amended to read as follows:

3. Submit program plans each year to the department of public instruction, for approval by the state board of public instruction, to reflect the needs of the area education agency for media services as provided in section 273.6.

Sec. . Section two hundred seventy-three point six (273.6), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Program plans submitted by the area education agency to the department of public instruction for approval by the state board of media centers under this subsection shall include all of the following:

Sec. . Section two hundred seventy-three point eight (273.8), subsection one (1), Code 1977, is amended to read as follows:

1. **BOARD OF DIRECTORS.** The board of directors of an area education agency shall consist of the same number of directors as are authorized to serve on the board of the merged area under the provisions of chapter 280A, within the area being served by the area education agency. The members of the area education agency board shall be elected from director districts in the manner provided in this section. Each director shall serve a three-year term which expires on the first Monday in October, except that directors elected at the initial election to take office on October 7, 1974, shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday of October of each succeeding year.

Commencing with the director district conventions held in 1981, the board of directors of an area education agency shall consist of nine members."

9. Page 3, by striking lines 19 through 50.

10. Page 4, by striking lines 1 through 15.

11. Page 4, by inserting before line 16 the following:

" . Page 4, by striking line 13 and inserting in lieu thereof the words and figures "(273.9), subsections three (3), four (4), and five (5), Code 1977, are amended to read".

. Page 4, by inserting after line 14 the following:

"3. The costs of special education support services provided through the area education agency shall be funded by an increase in the allowable growth of each school district, determined as provided in section 442.7. Special education support services shall not be funded until the program plans submitted by the special education directors of each area education agency as required by section 273.5 are modified as necessary and approved by the department state board of public instruction according to the criteria and limitations of chapter 281 and section 442.7.

4. The costs of media services provided through the area education agency shall be funded as provided in section 442.27. Media services shall not be funded until the program plans submitted by the administrators of each area education agency as required by section 273.4 are modified as necessary and approved by the department state board of public instruction according to the criteria and limitations of section 273.6 and of section 442.27."

. Page 4, line 17, by striking the word "department" and inserting in lieu thereof the words "department state board"."

12. Page 4, by striking lines 17 through 28.

13. Page 4, by inserting before line 29 the following:

" ____ . Page 5, line 5, by striking the word "superintendent" and inserting in lieu thereof the words "state board".

____ . Page 5, by inserting after line 23 the following:

"Sec. NEW SECTION. DIRECTOR DISTRICTS. The commission established in chapter two hundred eighty A (280A) of the Code to redraw boundary lines following each federal decennial census shall establish nine director districts for the area education agency, which are coterminous with the director districts for the board of directors of the merged area board, based upon census information obtained from the census of 1980 for use at the regular director district conventions held in 1981. If an area education agency board had five members in 1980, two additional members of the board shall be elected for two-year terms and two additional members of the board shall be elected for three-year terms. If an area education agency board had seven members in 1980, one additional member shall be elected for a two-year term and one additional member shall be elected for a three-year term. The terms of office of the additional members shall be determined by lot. Changes in the boundary lines of director districts shall not be construed as having the effect of lengthening or diminishing the term of office of any member of the board as a result of the changes in the boundary lines of director districts."

14. Page 4, by inserting after line 29 the following:

" ____ . Page 5, by inserting after line 35 the following:

"Sec. . Section two hundred eighty A point five (280A.5), subsection thirteen (13), Code 1977, is amended to read as follows:

13. The boundaries of director districts which shall number not less than five or more than nine if such districts have been agreed upon. Director districts shall be of approximately equal population.

Sec. . Section two hundred eighty A point twelve (280A.12), Code 1977, is amended to read as follows:

280A.12 GOVERNING BOARD. The governing board of a merged area shall be a board of directors composed of one member elected from each director district in the area by the electors of the respective district. Members of the board shall be residents of the district from which elected. Successors shall be chosen at the annual school elections for members whose terms expire on the first Monday in October following such elections. Terms of members of the board of directors shall be three years except that members of the initial board of directors elected at the special election shall determine their respective terms by lot so that the terms of one-third of the members, as nearly as may be, shall expire on the first Monday in October of each succeeding year. Vacancies on the board which occur more than ninety days prior to the next regular school election may be filled at the next regular meeting of the board by appointment by the remaining members of the board. A member so chosen shall be a resident of the district in which the vacancy occurred and shall serve until a member shall be elected pursuant to section 69.12 to fill the vacancy for the balance of the unexpired term. A vacancy shall be defined as in section 277.29. No member shall serve on the board of directors who is a member of a board of directors of a local school district or a member of an area education agency board.

Commencing with the regular school election in 1981, the governing board of a merged area shall consist of nine members."

15. Page 4, line 44, by striking the word "section" and inserting in lieu thereof the word "sections".

16. Page 5, line 20, by inserting after the word "with" the words "the boundary lines of school districts and".

17. Page 5, by inserting after line 25 the following:

"Sec. . **NEW SECTION. REDRAWING DIRECTOR DISTRICTS.** The commission established in this chapter to redraw boundary lines following each federal decennial census shall establish nine director districts for its merged area based upon census information obtained from the census of 1980 for use at the regular school election in 1981. If a merged area board had five members in 1980, two additional members of the board shall be elected for two-year terms and two additional members of the board shall be elected for three-year terms. If a merged area board had seven members in 1980, one additional member shall be elected for a two-year term and one additional member shall be elected for a three-year term. The terms of office of the additional members shall be determined by lot. Changes in the boundary lines of director districts shall not be construed as having the effect of lengthening or diminishing the term of office of any member of the board as the result of the changes of the boundary lines of director districts.

Sec. . Section two hundred eighty-one point two (281.2), subsection two (2), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

"Special education" means classroom, home, hospital, institutional, or other instruction designed to meet the needs of children requiring special education as defined in subsection 1; transportation and corrective and supporting services required to assist children requiring special education, as defined in subsection 1, in taking advantage of, or responding to, educational programs and opportunities, as defined by rules of the department state board of public instruction.

Sec. . Section two hundred eighty-one point four (281.4), unnumbered paragraphs one (1), two (2), and three (3), Code 1977, are amended to read as follows:

The board of directors of any school district or area education agency, with the approval of the state department board of public instruction, may provide special education programs and services as defined in this chapter. If services are provided by the area education agency, with the approval of the department state board of public instruction, the board of directors of the area education agency with the co-operation of the local school districts within its jurisdiction may:

The board of directors of the local district or the area education agency shall employ qualified teachers certified by the authority provided by law as teachers for children requiring such special education. The maximum number of pupils per teacher shall be determined by the board of directors of the local district or the area education agency board in accordance with the rules and regulations of the state department board of public instruction.

The board of directors of the local district or the area education agency may establish and operate one or more special education centers to provide diagnostic, therapeutic, corrective, and other services, on a more comprehensive, expert, economic and efficient basis than can be reasonably provided by a single school district. Such services, if offered by the area education agency board, may be provided in the regular schools using personnel and equipment of the area education agency or, whenever it is impractical or inefficient to provide them on the premises of a regular school, the area education agency may provide services in its own facilities. To the maximum extent feasible, such centers shall be established at and in conjunction with, or in close proximity to one or more elementary and secondary schools. Local districts or the area education agencies may accept diagnostic and evaluation studies conducted by other individuals, hospitals, or centers, if determined to be competent. Children requiring special education services may be identified in any way that the department of public instruction, as approved by the state board of public instruction, determines to be reliable. Centers established pursuant to this section may contain classrooms and other educational facilities and equipment to supplement instruction and other services to handicapped children in the regular schools, and to provide separate instruction to children whose degree or type of educational handicap makes it impractical or inappropriate for them to participate in classes with normal children.

Sec. . Section two hundred eighty-one point seven (281.7), Code 1977, is amended to read as follows:

281.7 EXAMINATIONS OF CHILDREN. In order to render proper instruction to each child requiring special education, the school districts shall certify children requiring special education for special instruction in accordance with the requirements set up by the division of special education and shall provide examinations for children preliminary to making certification. The examinations necessary for the certification of children requiring special education shall be prescribed by the state division of special education. Final decision in case of disagreement or appeal shall be the responsibility of the state superintendent board of public instruction, who which may secure the advice of competent medical and educational authorities including the state department of health, the university hospitals, the state department of social welfare, the superintendent of the state school for the deaf, the superintendent of the Iowa braille and sight-saving school, and the superintendent of the state tuberculosis sanatorium.

Sec. . Section two hundred eighty-one point nine (281.9), subsection four (4), Code 1977, is amended to read as follows:

4. On December 1, 1975, and no later than December 1 first every two years thereafter, for the school year commencing the following July 1 first, the superintendent of public instruction shall report to the school budget review committee the average costs of providing instruction for children requiring special education in the categories of the weighting plan established under this section, and the state board of public instruction shall make recommendations to the school budget review committee for needed alterations to make the weighting plan suitable for subsequent school years. The school budget review committee shall establish the weighting plan for each school year after the school year commencing July 1, 1975, and shall report the plan to the superintendent of public instruction. The school budget review committee shall not alter the weighting assigned to pupils in a regular curriculum, but it may increase or decrease the weighting assigned to each category of children requiring special

education by not more than two-tenths of the weighting assigned to pupils in a regular curriculum. The ~~department~~ state board of public instruction shall promulgate rules under chapter 17A, to implement the weighting plan for each year and to assist in identification and proper indexing of each child in the state who requires special education."

18. Page 5, by striking lines 26 and 27 and inserting in lieu thereof the following:

"____. Page 6, line 21, by inserting before the period the words and figures "and for each school year subsequent to the school year beginning July 1, 1977 the inclusion of such costs shall be subject to the approval of the state board of public instruction".

____. Page 6, by striking line 23 and inserting in lieu thereof the words and figures "1, 1975 and for the school year beginning July 1, 1976 shall not be expended for such purposes unless approved by the department based upon applications received by the department prior to January 1, 1978 and approved prior to April 1, 1978."

____. Page 6, line 35, by inserting after the figure "1975" the words and figures "and for the school year beginning July 1, 1976".

____. Page 7, line 6, by inserting after the period the words and figures "Unencumbered funds generated for special education instructional programs for the school years beginning July 1, 1975 and July 1, 1976, shall not be expended for such purpose unless approved by the department of public instruction based upon applications received by the department prior to January 1, 1978 and approved prior to April 1, 1978." "

19. Page 5, by inserting before line 28 the following:

"____. Page 7, by inserting after line 6 the following:

"Sec. ____ Section two hundred eighty-one point eleven (281.11), Code 1977, is amended to read as follows:

281.11 PROGRAM PLANS. Program plans submitted to the department of public instruction pursuant to section 273.5 for approval by the state board of public instruction shall establish all of the following:

1. That there are sufficient children requiring special education within the area.
2. That the service or program will be provided by the most appropriate educational agency.
3. That the educational agency providing the service or program has employed qualified special educational personnel.
4. That the instruction is a natural and normal progression of a planned course of instruction.
5. That all revenue raised for support of special education instruction and services is expended for actual delivery of special education instruction or services.

6. Other factors as the department state board may require."

____. Page 7, line 24, by striking the word "superintendent" and inserting in lieu thereof the words "state board".

____. Page 8, line 26, by striking the word "department" and inserting in lieu thereof the words "state board".

____. Page 9, line 7, by striking the word "superintendent" and inserting in lieu thereof the words "state board"."

20. Page 5, by inserting after line 32 the following:

"____. Page 10, line 31, by inserting after the word "services," the words "as determined by the state board of public instruction. The state board shall instruct the state comptroller to reduce".

____. Page 10, line 32, by striking the words "shall be reduced"."

21. Page 5, by inserting after line 39 the following:

"____. Page 11, line 13, by inserting after the word "schools" the words "as determined by the state board of public instruction"."

22. Page 5, by striking lines 40 and 41 and inserting in lieu thereof the following:

"____. Page 11, by striking line 15 and inserting in lieu thereof the words and figures "(442.7), subsection seven (7), paragraphs d and e, Code 1977, are".

____. Page 11, by striking lines 21 and 22 and inserting in lieu thereof the words "The For the school years beginning July 1, 1978 and July 1, 1979 only, the total amount for each area shall be based".

____. Page 11, line 32, by inserting after the word "growth." the following: "In addition to the amount provided in this paragraph to each area for the school years beginning July 1, 1978 and July 1, 1979 to compensate for the additional costs of special education support services, each area may be granted by the state board an additional amount to serve children newly-identified as requiring the services pursuant to plans submitted by the special education director of the area education agency as required by section two hundred seventy-three point five (273.5) of the Code. The total of additional amounts granted throughout the state by the state board for the school year beginning July 1, 1978 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1977 times four and eighty-seven hundredths percent, and for the school year beginning July 1, 1979 shall not exceed the total amount approved for special education support services for the school year beginning July 1, 1978 times three percent. For the school year beginning July 1, 1980 and each school year thereafter the total amount for the state for special education support services shall not exceed the total amount approved for special education support services for the base year times one hundred percent plus the state percent of growth, and the total amount for each area shall be determined by the state board of public instruction pursuant to plans submitted by the special education direc-

tor of the area education agency as required by section two hundred seventy-three point five (273.5) of the Code, which shall be modified as necessary and approved by the state board of public instruction according to the criteria and limitations of section two hundred seventy-three point five (273.5) and chapter two hundred eighty-one (281) of the Code and within the total amount for the state provided in this paragraph."

____. Page 12, by inserting after line 1 the following:

"e. For the additional allowable growth computed under paragraphs "c" or and "d" of this subsection, the department state board of public instruction, in cooperation with the appropriate personnel of the area education agency, shall determine the amounts for each area education agency, as required and the state comptroller shall calculate the amounts of additional allowable growth for each district necessary to fund the total special education support services costs as increased for the budget year under paragraph "d" of this subsection, and shall calculate the amounts due from each district to its area education agency by multiplying the additional allowable growth per pupil necessary to fund the total special education support services costs as increased for the budget year under paragraph "d" of this subsection by the weighted enrollment in the district for the budget year. The state comptroller shall deduct the amounts so calculated for each school district from the state aid due to the district pursuant to this chapter and shall pay the amounts to the area education agencies on a quarterly basis during each school year. The state comptroller shall notify each school district of the amount of state aid deducted for this purpose and the balance of state aid will be paid to the district. If a district does not qualify for state aid under this chapter in an amount sufficient to cover its amount due to the area education agency as calculated by the state comptroller, the school district shall pay the deficiency to the area education agency from other moneys received by the district, on a quarterly basis during each school year." "

23. Page 7, by striking lines 4, 5, and 6 and inserting in lieu thereof the following:

"____. Page 16, by striking lines 3 through 6 and inserting in lieu thereof the words "plus the state percent of growth. Part of the amount funded for other services may be used by the area education agencies for nonrecurring media costs for the school year beginning July 1, 1975."

____. Page 16, line 18, by striking the word "department" and inserting in lieu thereof the words "department state board".

____. Page 17, line 13, by inserting after the word "instruction" the words "as approved by the state board".

24. Page 7, lines 26 and 27, by striking the words and figures "for programs commenced prior to February 1, 1978".

25. Page 8, by inserting after line 36 the following:

"Sec. . Notwithstanding the provisions of chapters two hundred seventy-three (273), two hundred eighty-one (281), and four hundred forty-two (442) of the Code, relating to the allocation of the special education support services costs to the school districts for the school year beginning July 1, 1978, and ending June 30, 1979, the state comptroller shall reduce the amount to be allocated among the school districts in each

area education agency by the following balances. The following amounts shall be used by the area education agency to fund the reduction in special education support services costs allocated to the school districts in each area. The amount of the special education support services cost to be reduced for each area shall be equal to:

Area 1	\$ 702,897
Area 2	\$ 138,774
Area 3	\$ 151,271
Area 4	\$ 143,285
Area 6	\$ 552,907
Area 7	\$ 590,770
Area 9	\$ 168,557
Area 10	\$ 3,117
Area 11	\$ 919,888
Area 12	\$ 202,677
Area 13	\$ 121,120
Area 14	\$ 45,291
Area 15	\$ 204,561

The state comptroller shall reduce the state cost per pupil for the school year beginning July 1, 1978 and ending June 30, 1979, by the average special education support services cost reduction per pupil in weighted enrollment computed by dividing the sum of the special education support services cost reductions provided in this section by the weighted enrollment in the state. The state comptroller shall reduce the foundation base for only the school year beginning July 1, 1978 and ending June 30, 1979, computed under section four hundred forty-two point three (442.3) of the Code, prior to reductions in special education support services costs under this section, by the amount per pupil in weighted enrollment that the state cost per pupil in weighted enrollment is reduced under this section. The state comptroller shall reduce each school district cost per pupil by the amount of the special education support services cost reduction per pupil in weighted enrollment in the area computed by dividing the reduction in the area of the special education support services cost by the weighted enrollment in the area."

2. Amend the title, line 1, by striking the words "operation of area education agencies" and inserting in lieu thereof the words "education by revising the board membership of area schools and area education agencies, and by revising the financing and operation of area education agencies and special education programs."

ON THE PART OF THE SENATE

EARL M. WILLITS, Chair
WILLARD R. HANSEN
EDGAR H. HOLDEN
JOAN ORR
TOM SLATER

ON THE PART OF THE HOUSE

JOHN PATCHETT, Chair
HORACE C. DAGGETT
LOWELL E. NORLAND
DELWYN STROMER

SUBCOMMITTEE ASSIGNMENTS

Senate File 2022

State Government: Avenson, Chair; Harvey and Jesse

Senate File 2067

State Government: Monroe, Chair; Arnould and Harvey.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 475

Cities: Connors, Chair; Hines and Stephens.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 482 Agriculture

Relating to the maximum weight of trucks used upon the highways of the state which are hauling agricultural products.

**COMMUNICATION FROM
DEPARTMENT OF TRANSPORTATION**

The following communication was received and placed on file in the office of the Chief Clerk.

A copy of the State Aircraft Pool Annual Report for 1977, submitted in accordance with section 328.56 of the Code.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 10:00 a.m., April 4, 1978

Convened: 10:07 a.m.

Adjourned: 10:50 a.m.

Present: Connors, chair; Joçhum, vice-chair; Egenes, ranking member; Branstad, Chiodo, Crabb, Halvorson, Lageschulte, Pavich, Poncy, Small, Smalley and Wells.

Absent: Brockett, Gilloon, Hines, Horn (arrived 10:15 a.m.), and Thompson (arrived 10:12 a.m.).

House File 419, a bill for an act relating to age discrimination in employment.

Recommended **Amend and Do Pass**.

H-5937

- 1 Amend House File 419 as follows:
- 2 1. Page 1, line 24, by striking the word "An"
- 3 and inserting in lieu thereof the words "Except as
- 4 provided in section three (3) of this Act, an".
- 5 2. Page 1, by striking lines 27 through 35.
- 6 3. Page 2, by striking lines 1 through 20 and
- 7 inserting in lieu thereof the following:
- 8 "Sec. 2. Section ninety-seven B point forty-six
- 9 (97B.46), Code 1977, is amended to read as follows:
- 10 **97B.46 SERVICE ACTIVE EMPLOYMENT AFTER AGE SIXTY-**
- 11 **FIVE. A member ~~may, on the request of the employer,~~**
- 12 **as defined in this section shall remain in the active**
- 13 **employ of the employer beyond the date ~~he the member~~**
- 14 **attains the age of sixty-five for such period or**
- 15 **periods as the employer from time to time shall**
- 16 **approve, provided, however, that credit for such**
- 17 **service shall cease when contributions cease as**
- 18 **provided in section 97B.11. The member shall retire**
- 19 **from the employment of the employer at the end of**
- 20 **the last approved period, on the first day of the**
- 21 **month next following or coinciding with such date.**
- 22 **A member remaining in service past his the seventieth**
- 23 **birthday shall be entitled to receive a retirement**
- 24 **allowance under section 97B.49 as applicable commencing**
- 25 **with payment for the calendar month within which the**
- 26 **written notice is submitted to the department, except**
- 27 **that if ~~he the member~~ fails to submit the notice on**
- 28 **a timely basis, retroactive payments shall be made**
- 29 **for no more than six months immediately preceding**
- 30 **the month in which the written notice is submitted.**
- 31 **The employer shall base approval for continuation**

32 of active employment of a member who has attained
33 the age of sixty-five upon the member's ability to
34 perform the job and age shall not be considered as
35 a factor.

36 As used in this section "member" means a person
37 who is an employee of the state.

38 Sec. 3. Chapter ninety-seven B (97B), Code 1977,
39 is amended by adding the following new section:

40 **NEW SECTION. MANDATORY RETIREMENT—EXTENSION.**

41 An employer which is a county, municipality, or public
42 school district, may adopt a policy prescribing
43 retirement at an age not less than sixty-five years
44 of age. However, a member as defined in this section
45 may, on the request of the employer, remain in the
46 active employ of the employer beyond the date the
47 member attains the age of sixty-five for such period
48 or periods as the employer from time to time shall
49 approve, provided, however, that credit for such
50 service shall cease when contributions cease as

Page 2

1 provided in section ninety-seven B point eleven
2 (97B.11) of the Code. The member shall retire from
3 the employment of the employer at the end of the last
4 approved period, on the first day of the month next
5 following or coinciding with such date. A member
6 remaining in service past the member's seventieth
7 birthday shall be entitled to receive a retirement
8 allowance under section ninety-seven B point forty-
9 nine (97B.49) of the Code as applicable commencing
10 with payment for the calendar month within which the
11 written notice is submitted to the department, except
12 that if the member fails to submit the notice on a
13 timely basis, retroactive payments shall be made for
14 no more than six months immediately preceding the
15 month in which the written notice is submitted.

16 As used in this section "member" means a person
17 who is an employee of a county, municipality, or
18 public school district.

19 Sec. 4. Chapter ninety-seven B (97B), Code 1977,
20 is amended by adding the following new section:

21 **NEW SECTION. TENURED EMPLOYEE—RETIREMENT AT AGE**

22 **SIXTY-FIVE OR LATER.** Section ninety-seven B point
23 forty-six (97B.46) of the Code shall not be construed
24 to prohibit compulsory retirement of any employee
25 who has attained sixty-five years of age but not
26 seventy years of age, and who is serving under a
27 contract of unlimited tenure or similar arrangement
28 providing for unlimited tenure at an institution of
29 higher education as defined in the federal Higher

30 Education Act of 1965 as amended to January 1, 1978.

31 This section is repealed effective July 1, 1982."

32 4. Page 2, line 31, by inserting after the word
33 "judge" the words ", except supreme court judges who
34 shall not serve after attaining age eighty".

35 5. Page 6, by inserting after line 15 the follow-
36 ing:

37 "Sec. . This Act shall not be construed to
38 effect the provisions of paragraph b of subsection
39 one (1) of section ninety-seven A point six (97A.6)
40 of the Code."

41 6. Page 6, line 16, by striking the word "January"
42 and inserting in lieu thereof the word "July".

43 7. By renumbering sections as required by this
44 amendment.

Aye: Connors, Jochum, Egenes, Branstad, Chiodo, Crabb, Halvorson, Lageschulte, Small, Smalley, Wells, Thompson, Pavich and Poncy.

Nay: None.

Absent or not voting: Brockett, Gilloon, Hines and Horn.

Study Bill 464 failed to pass.

COMMITTEE ON COMMERCE

Scheduled: 12:30 p.m., April 5, 1978

Convened: 12:45 p.m.

Adjourned: 1:45 p.m.

Present: Small, chair; Chiodo, vice-chair; Anderson, Bina, Brunow, Dieleman, Evans, Halvorson, Jochum, Koogler, Krause, Lonergan, Schroeder, Tauke, Walter, Welden and West.

Absent: Brockett, ranking member.

Excused: Den Herder.

Committee Bill (Formerly House File 218), a bill for an act relating to fairness in lending in real estate mortgages and prohibiting the practice of red-lining by banks, savings and loan associations and other financial institutions operating in the state.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Small, Chiodo, Anderson, Bina, Brunow, Dieleman, Jochum, Koogler, Krause, Lonergan and Walter.

Nay: Evans, Halvorson, Schroeder, Tauke, Welden and West.

Absent or not voting: Brockett and Den Herder.

Study Bill 428, a bill for an act relating to the reserve requirements and non-forfeiture provisions for policies of insurance subject to chapter five hundred eight (508) of the Code.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Small, Chiodo, Bina, Halvorson, Jochum, Koogler, Krause, Lonergan, Tauke and Walter.

Nay: Schroeder.

Absent or not voting: Brockett, Anderson, Brunow, Den Herder, Dieleman, Evans, Welden and West.

Discussed Study Bill 427.

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:30 a.m., April 5, 1978

Convened: 8:42 a.m.

Adjourned: 10:04 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Bina, Brandt, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Harvey, Howell, Husak, Junker, Lind, Menke, Oxley, Pavich, Schnekloth, Thompson and Wyckoff.

Absent: Branstad, Cusack (arrived 8:46 a.m.), Egenes (arrived 9:05 a.m.), Gilloon, Hines (arrived 9:29 a.m.), Horn (arrived 9:00 a.m.), Jochum (arrived 8:58 a.m.), Rinas (arrived 9:50 a.m.), Spencer, Svoboda (arrived 9:01 a.m.), Varley, and Wells (arrived 9:03 a.m.).

Excused: Den Herder, Harbor and O'Halloran.

Committee Bill (Formerly House File 518) a bill for an act relating to the franchise tax by providing for its imposition for the privilege of doing business in the state and by disallowing a deduction for franchise taxes paid.

Recommended Failed to Pass.

Aye: Norland, Miller of Buchanan, Anderson, Brandt, Cusack, Davitt, Dieleman, Dunton, Hines, Horn, Howell, Jochum, Pavich, Rinas, Svoboda, and Wells.

Nay: West, Bennett, Bina, Clark of Lee, Conlon, Daggett, Harvey, Husak, Junker, Lind, Menke, Oxley, Schnekloth, Thompson and Wyckoff.

Absent or not voting: Branstad, Den Herder, Gilloon, Harbor, Egenes, O'Halloran, Spencer and Varley.

Committee Bill (Formerly House File 2338) a bill for an act authorizing memorial hospitals to issue tax anticipatory warrants.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Egenes, Harvey, Horn, Howell, Husak, Jochum, Junker, Lind, Menke, Oxley, Pavich, Schnekloth, Svoboda, Thompson, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Branstad, Den Herder, Gilloon, Harbor, Hines, O'Halloran, Rinas, Spencer and Varley.

AMENDMENTS FILED

H-5930	H.F. 2041	Miller of Buchanan Evans of Grundy Bina of Scott
H-5931	H.F. 2041	Miller of Buchanan
H-5934	H.F. 2381	West of Marshall
H-5935	H.F. 2349	Branstad of Winnebago
H-5936	H.F. 2349	Wyckoff of Benton
H-5938	H.F. 2381	Evans of Grundy
H-5939	S.F. 2163	Clark of Cerro Gordo Arnould of Scott
H-5940	H.F. 2367	Horn of Linn
H-5941	S.F. 2200	Doyle of Woodbury Husak of Tama
H-5942	H.F. 2349	Branstad of Winnebago
H-5943	S.F. 182	O'Halloran of Black Hawk
		Welden of Hardin
		Daggett of Adams
		Doyle of Woodbury
		Griffie of Chickasaw
		Hullinger of Decatur
		Middleswart of Warren
		Pelton of Clinton
		Svoboda of Iowa
		Hoffmann of Muscatine
		Howell of Floyd
		Binneboese of Plymouth
		Danker of Pottawattamie
		Evans of Grundy
		Hinkhouse of Cedar
		Lindeen of Henry
		Norland of Worth
		Perkins of Greene
		Varley of Adair

H - 5944	S.F. 2194	West of Marshall Norland of Worth Anderson of Jasper
H - 5945	H.F. 2336	Egenes of Story
H - 5946	S.F. 2163	Varley of Adair Stromer of Hancock Harvey of Scott
H - 5947	H.F. 304	Lipsky of Linn

On motion by Fitzgerald of Webster, the House adjourned at 5:44 p.m., until 10:00 a.m., Monday, April 10, 1978.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day – Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 10, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Daniel LeLaCheur, pastor of the First Church of the Open Bible, Des Moines, Iowa.

The Journal of Thursday, April 6, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. J. Scott Tidball, Resident, Iowa City, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn on request of Millen of Van Buren; Koogler of Mahaska for the morning session on request of Poncy of Wapello.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-six juniors from Sheffield-Chapin High School, Sheffield, Iowa, accompanied by Steve Spurr. By Welden of Hardin.

Twenty freshman students from Ringsted High School, Ringsted, Iowa, accompanied by Larry Oberloh. By Branstad of Winnebago.

The government class from Walnut Ridge Baptist Academy, Waterloo, Iowa, accompanied by Mr. Gary Carmen. By Lind of Black Hawk.

Sixty-eight students from St. Joseph's School, Bode, Iowa, accompanied by Father David Hogan, Sister Therese Lansing, Mrs. Kathy Kohlhaas, and Mr. Jeff Inlekofer. By Krause of Kossuth.

Ten international students from Marshalltown Community College, Marshalltown, Iowa. By Brockett of Marshall and West of Marshall.

ADOPTION OF HOUSE RESOLUTIONS 117, 127, 128 and 129

Pursuant to House Rule 26, the Speaker announced that House Resolution 117, filed on March 14, 1978 and found on pages 972 and 973 of the House Journal, was adopted by unanimous consent.

Pursuant to House Rule 26, the Speaker announced that House Resolution 127, filed on March 23, 1978 and found on page 1153 of the House Journal, was adopted by unanimous consent.

Pursuant to House Rule 26, the Speaker announced that House Resolution 128, filed on March 23, 1978 and found on page 1174 of the House Journal, was adopted by unanimous consent.

Pursuant to House Rule 26, the Speaker announced that House Resolution 129, filed on March 30, 1978 and found on page 1261 of the House Journal, was adopted by unanimous consent.

CONSIDERATION OF BILLS Regular Calendar

House File 79, a bill for an act relating to the withdrawal of a city from a county library district, with report of committee recommending amendment and passage was taken up for consideration.

Hullinger of Decatur offered the following amendment H—3584 filed by the committee on county government and moved its adoption:

H—3584

1 Amend House File 79 as follows:

2 1. Page 1, line 6, by striking the words "at the
3 request of" and inserting in lieu thereof the words
4 "on a motion by".

5 2. Page 1, line 7, by inserting after the word
6 "council." the words "The election shall be held
7 simultaneously with a general or city election."

8 3. Page 1, by striking line 13.

Amendment H—3584 was adopted, placing out of order amendment H—5176 filed by Bina of Scott on January 30, 1978.

Harvey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 79)

The ayes were, 79:

Avenson	Baker	Bina	Binneboese
Brandt	Branstad	Brockett	Brunow
Byerly	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Cusack	Daggett
Danker	Davitt	Dieleman	Doyle
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilson
Griffee	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Junker	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Norland
Oxley	Satchett	Pavich	Pellett
Pelton	Scheelhaase	Schneklloth	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stephens	Stromer	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 3:

Bennett	Menke	Poncy
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Absent or not voting, 18:

Anderson	Arnould	Clark, J.H.	Crawford
Den Herder	Egenes	Giloon	Hines
Jesse	Jochum	Koogler	Krause
Lipsky	Newhard	Nielsen	O'Halloran
Perkins	Rinas		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 304 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 304 be deferred and that the bill retain its place on the calendar.

REGULAR CALENDAR

House File 2128, a bill for an act relating to the publication requirements for an additional public hearing required under local budget law, with report of committee recommending passage was taken up for consideration.

Hargrave of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2128)

The ayes were, 81:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Conlon	Connors	Crabb
Cusack	Daggett	Danker	Davitt
Dieleman	Doyle	Dunton	Dyrland
Evans	Fitzgerald	Gentleman	Gettings
Gilson	Griffee	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Junker	Krewson	Lageschulte
Lind	Lindeen	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	Oxley	Patchett
Pavich	Pellett	Pelton	Poney
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Smalley	Spear	Spencer
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 1:

Garrison

Absent or not voting, 18:

Arnould	Clark, J.H.	Crawford	Den Herder
Egenes	Gilloon	Hines	Jesse
Jochum	Koogler	Krause	Lipsky
Newhard	Nielsen	O'Halloran	Perkins
Rinas	Stephens		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Woods of Polk called up for consideration **Senate File 365**, a bill for an act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties, amended by the House, further amended by the Senate amendment H—5885 found on pages 1339 and 1340 of the House Journal and moved that the House concur in the Senate amendment to the House amendment.

The motion prevailed and the House concurred in the Senate amendment H—5885, to the House amendment.

Woods of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 365)

The ayes were, 65:

Anderson	Avenson	Baker	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Connors	Crabb	Cusack	Daggett
Danker	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Horn	Howell	Hullinger
Husak	Junker	Krewson	Lindeen
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Oxley	Patchett
Pavich	Pelton	Scheelhaase	Schroeder
Shimanek	Small	Spear	Svoboda
Tauke	Thompson	Varley	Welden

Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 13:

Bennett	Conlon	Davitt	Hoffmann
Lageschulte	Lind	Millen	Pellett
Poncy	Schneklath	Stephens	Stromer
Tofte			

Absent or not voting, 22:

Arnould	Clark, J.H.	Crawford	Den Herder
Egenes	Gilloon	Hines	Hinkhouse
Jesse	Jochum	Koogler	Krause
Lipsky	Newhard	Nielsen	Norland
O'Halloran	Perkins	Rinas	Smalley
Spencer	Walter		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

ADOPTION OF CONFERENCE COMMITTEE REPORT (House File 463)

Patchett of Johnson called up for consideration the Report of the Conference Committee on House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation.

Scheelhaase of Woodbury in the chair at 10:54 a.m.

Speaker Cochran in the chair at 12:07 p.m.

Patchett of Johnson moved the adoption of the conference committee report and the amendments contained therein, found on pages 1410 through 1421 of the House Journal.

Roll call was requested by Garrison of Black Hawk and Dunton of Keokuk.

Rule 70 was invoked.

On the question "Shall the conference committee report be adopted?"

The ayes were, 65:

Anderson	Avenson	Baker	Bina
Brandt	Branstad	Brockett	Brunow
Byerly	Clark, B.J.	Connors	Crawford
Cusack	Daggett	Davitt	Dieleman
Dunton	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffie
Hansen	Hargrave	Hines	Hinkhouse
Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Poncy	Schroeder
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Thompson	Varley
Walter	Welden	Woods	Wyckoff
Mr. Speaker			

The nays were, 25:

Bennett	Binneboese	Conlon	Crabb
Danker	Doyle	Dyrland	Halvorson
Harbor	Harvey	Hoffmann	Horn
Hullinger	Junker	Menke	Middleswart
Pellett	Pelton	Scheelhaase	Schneklath
Shimanek	Tauke	Tofte	Wells
West			

Absent or not voting, 10:

Arnould	Chiodo	Clark, J.H.	Den Herder
Egenes	Gilloon	Lipsky	Perkins
Rinas	Smalley		

The motion prevailed and the report was adopted.

Patchett of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 463)

The ayes were, 62:

Anderson	Baker	Bina	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Connors	Crawford	Cusack
Daggett	Davitt	Dieleman	Dunton

Evans	Fitzgerald	Garrison	Gentleman
Gettings	Gilson	Griffiee	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Howell	Husak	Jesse
Jochum	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lonergan
Menke	Millen	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Patchett
Pavich	Poncy	Schroeder	Small
Spear	Spencer	Stromer	Svoboda
Thompson	Varley	Walter	Woods
Wyckoff	Mr. Speaker		

The nays were, 25:

Avenson	Bennett	Binneboese	Conlon
Crabb	Danker	Doyle	Dyrland
Halvorson	Hoffmann	Horn	Hullinger
Junker	Middleswart	Pellet	Pelton
Scheelhaase	Schnekloth	Shimanek	Stephens
Tauke	Tofte	Welden	Wells
West			

Absent or not voting, 13:

Arnould	Chiodo	Clark, J.H.	Den Herder
Egenes	Gilloon	Lipsky	Miller, K.D.
Nielsen	Oxley	Perkins	Rinas
Smalley			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty-three juniors from Cardinal Community School, Eldon, Iowa, accompanied by Greg Wieman and Jim Crotty. By Gettings of Wapello and Poncy of Wapello.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2403, by Hinkhouse, Schnekloth, Pelton and Newhard, a bill for an act to legalize proceedings taken by the county board of supervisors of Clinton county relating to the remodeling, expansion and repair of the Clinton county care facility and to authorize payments for additional costs incurred if the payments can be accomplished without a levy of additional taxes.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2404, by committee on human resources, a bill for an act relating to child abuse.

Read first time and **placed on the calendar**.

House File 2405, by committee on judiciary and law enforcement, a bill for an act relating to the employment of state inmate labor in public works projects for the state and political subdivisions.

Read first time and **placed on the calendar**.

House File 2406, by committee on cities, a bill for an act providing that money used to pay for hospital, nursing, and medical attention for members of a city police or fire department who are injured in the line of duty may be paid out of an appropriation for that purpose in the trust and agency fund.

Read first time and **placed on the calendar**.

House File 2407, by committee on ways and means, a bill for an act authorizing memorial hospitals established pursuant to chapter thirty-seven (37) of the Code to issue tax anticipatory warrants.

Read first time and **placed on the ways and means calendar**.

House File 2408, by Rinas, a bill for an act exempting the gross receipts from the sale of admissions or tickets to a municipally funded swimming pool from the state sales, service and use tax.

Read first time and referred to committee on **ways and means**.

House File 2409, by Pelton, a bill for an act relating to motor vehicle operating privileges for elderly and handicapped people.

Read first time and referred to committee on **transportation**.

House File 2410, by Harvey, a bill for an act amending the Iowa civil rights law.

Read first time and referred to committee on **state government**.

SENATE MESSAGES CONSIDERED

Senate File 2107, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Read first time and referred to committee on **county government**.

Senate File 2187, a bill for an act relating to transportation providing for licensing authorized vehicle recyclers, modification of temporary drivers permit provisions, the issuance of restricted certificate of title, junking certificate and salvage certificate of title, the inspections of vehicles and component parts, requirements for perfecting state liens on motor vehicles, elimination of the listing of "occupation" on motor vehicle licenses, the prohibition of eluding or attempting to elude a marked police vehicle, appropriations for notice of suspensions and revocations, the elimination of inspection requirements for pollution control equipment and for vehicles for which the certificate of title must be surrendered, definitions for illuminated signals on official traffic control signals and the duties for stopping before yield signs, stop signs and railroad crossings, the reporting of property damage accidents, the placement of stop signs on highways, the promulgation of motor vehicle noise and exhaust requirements, the prohibitions of removing certain motor vehicle identification numbers, elimination of certain financial responsibility requirements, the movement of oversized loads of hay, straw or stover, a ten dollar fee for car lots, providing for penalties and repeal of certain sections.

Read first time and referred to committee on **transportation**.

Senate File 2189, a bill for an act relating to the excise tax on egg sales.

Read first time and referred to committee on **agriculture**.

Senate File 2202, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2208, a bill for an act relating to the composition of the Iowa crime commission.

Read first time and referred to committee on **state government**.

Senate File 2210, a bill for an act relating to the method of deducting net operating losses in computing the income tax liability of individuals and corporations.

Read first time and referred to committee on **ways and means**.

Senate File 2212, a bill for an act relating to property improvement loans made by savings and loan associations.

Read first time and referred to committee on **commerce**.

Senate File 2215, a bill for an act relating to motor vehicle transportation regulation.

Read first time and **passed on file**.

MOTION TO RECONSIDER LOST
(House File 463)

Patchett of Johnson asked for unanimous consent that House File 463 be immediately messaged to the Senate.

Objection was raised.

Patchett of Johnson moved to reconsider the vote by which House File 463 passed the House on April 10, 1978.

A non-record roll call was requested.

The ayes were 38, nays 43.

The motion lost.

SENATE AMENDMENT CONSIDERED House Refuses to Concur

Monroe of Des Moines called up for consideration **Senate File 244**, a bill for an act relating to the office of Code editor and the publication of the Code of Iowa and the Iowa administrative code, amended by the House, further amended by the Senate amendment H-5886 found on page 1339 of the House Journal and moved that the House concur in the Senate amendment to the House amendment.

The motion lost and the House refused to concur in the Senate amendment H-5886, to the House amendment.

BUDGET CALENDAR

Senate File 2163, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

Fitzgerald of Webster asked and received unanimous consent to temporarily defer action on Senate File 2163.

ADOPTION OF HOUSE RESOLUTION 132

O'Halloran of Black Hawk called up for consideration House Resolution 132 filed on April 4, 1978 and found on page 1349 of the House Journal, and moved its adoption.

The motion prevailed and the resolution was adopted.

BUDGET CALENDAR

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

Jesse of Polk in the chair at 4:22 p.m.

Brunow of Appanoose offered amendment H—5897 filed by the committee on budget and requested division as follows:

H—5897

- 1 Amend Senate File 2163 as amended, passed and
- 2 reprinted by the Senate, as follows:

H—5897A

- 3 1. Page 1, by striking lines 1 and 2.

H—5897B

- 4 2. Page 1, line 14, by striking the figure
- 5 "17,000,000" and inserting in lieu thereof the figure
- 6 "17,300,000".

H—5897C

- 7 3. Page 2, by striking lines 5 through 13 and
- 8 inserting in lieu thereof the words "the general
- 9 assembly that any such employee of the department
- 10 of social services who has been employed and classified
- 11 as an intermittent employee after August 1, 1975 for
- 12 twelve consecutive months or longer shall be given
- 13 full merit status under the Code and shall be given
- 14 credit for all benefits which would have accrued if
- 15 the intermittent position had been a permanent
- 16 position."

H—5897D

- 17 4. Page 2, by inserting after line 28 the follow-
- 18 ing new section:
- 19 "Sec. . Acts of the Sixty-seventh General
- 20 Assembly, 1977 Session, chapter thirty-seven (37),
- 21 section twenty-one (21), subsection two (2), is amended
- 22 by adding the following new unnumbered paragraph:
- 23 Notwithstanding section eight point thirty-three
- 24 (8.33) of the Code, unencumbered and unobligated funds
- 25 appropriated by this subsection shall not revert to
- 26 the general fund until June 30, 1979. The department
- 27 of social services shall submit to the joint budget

28 subcommittee on social services, not later than January
29 20, 1979, a written report on the status of the second
30 opinion project."

H-5897E

31 5. Page 3, by striking lines 10 through 14 and
32 inserting in lieu thereof the following:
33 "3. Juveniles adjudicated delinquent shall not
34 be placed at the state juvenile home at Toledo."

H-5897F

35 6. Page 3, line 21, by striking the words "bureau
36 of community corrections" and inserting in lieu thereof
37 the words "department of social services".
38 7. Page 3, line 26, by striking the word "bureau"
39 and inserting in lieu thereof the word "department".
40 8. Page 3, line 31, by striking the words "bureau
41 of community corrections" and inserting in lieu thereof
42 the words "department of social services".

H-5897G

43 9. Page 4, by inserting after line 11 the follow-
44 ing new sections:
45 "Sec. 6.
46 1. There is appropriated from the general fund
47 of the state for the fiscal year beginning July 1,
48 1978 and ending June 30, 1979 to the department of
49 social services the following amounts, or so much
50 thereof as may be necessary, to be used for adult

Page 2

1	correctional services as designated:	
2		1978-1979
3		<u>Fiscal Year</u>
4	a. Correctional institutions	\$18,725,000
5	(Fort Madison, Anamosa,	
6	Rockwell City, Oakdale, Luster	
7	Heights and Mount Pleasant)	
8	b. Riverview release center	
9	at Newton and inmate employment	
10	program	1,930,000
11	c. Community-based correction	8,175,000
12	d. Parole services	900,000
13	e. For a legal assistance	
14	program for inmates of the Iowa	
15	state penitentiary, the Iowa state	
16	reformatory, and the Iowa women's	
17	reformatory	25,000
18	It is the intent of the general assembly that a	
19	legal assistance program be established for inmates	

20 of the institutions identified in this paragraph.
21 The purpose of the program shall be to provide civil
22 legal assistance to inmates in matters of child
23 custody, bankruptcy and dissolution of marriage.
24 The office of the citizens' aide ombudsman shall
25 maintain a list of attorneys willing to participate
26 in this program and shall be responsible for the
27 appointment of attorneys under the program funded
28 by this subsection. Participating attorneys shall
29 receive no more than twenty-five dollars per hour
30 for their services under this program.

31 2. It is the intent of the general assembly that
32 funds included within paragraph a of subsection one
33 (1) of the Act shall be used for the following
34 purposes:

35 a. Establishment of four additional correctional
36 officer positions at the Iowa women's reformatory,
37 in order to allow correctional officers at that
38 institution to be assigned eight-hour shifts.

39 b. Establishment of two additional psychiatric
40 nursing positions at the security medical facility,
41 in order to provide nursing coverage on the eleven
42 o'clock p.m. to seven o'clock a.m. shift seven days
43 a week, and to make available up to six beds for women
44 inmates if needed.

45 Sec. 7. There is appropriated from the general
46 fund of the state to the department of social services
47 for the fiscal period commencing July 1, 1978 the
48 sum of eight hundred twenty-five thousand (825,000)
49 dollars, or so much thereof as may be necessary, for
50 the purpose of unitizing the Iowa state penitentiary

Page 3

1 and the Iowa state reformatory, and a temporary medium
2 security fence, including a tower, around the medium
3 security dormitory at the Iowa state penitentiary.
4 The tower and the fence shall remain in place only
5 until the completion of unitization at the peni-
6 tentiary or July 1, 1982, whichever is sooner.
7 Unobligated or unencumbered funds remaining on June
8 30, 1982 from funds appropriated by this section shall
9 revert to the general fund of the state on September
10 30, 1982.

11 Sec. 8. There is appropriated from the general
12 fund of the state to the department of social services
13 for the fiscal year beginning July 1, 1978 and ending
14 June 30, 1979 the sum of ten thousand (10,000) dollars,
15 or so much thereof as is necessary, to revitalize
16 the furlough programs at the women's reformatory,
17 the Iowa state reformatory and the Iowa state
18 penitentiary.

19 Sec. 9. Section nine hundred one point seven
 20 (901.7), Code 1977 Supplement, is amended to read
 21 as follows:
 22 901.7 COMMITMENT TO CUSTODY.In imposing a
 23 sentence of confinement for more than one year, the
 24 court shall commit the defendant to the custody of
 25 the director of the division of adult corrections.
 26 Upon entry of judgment and sentence, the clerk of
 27 the district court immediately shall notify the
 28 director of such commitment. The court shall make
 29 such order as is appropriate for the temporary custody
 30 of the defendant pending the defendant's transfer
 31 to the custody of the director. The court shall order
 32 the county where a person was convicted to pay the
 33 cost of temporarily confining the person and of
 34 transporting the person to the state institution where
 35 he or she is to be confined in execution of the
 36 judgment.

37 Sec. 10. Chapter two hundred forty-seven A (247A),
 38 Code 1977, is amended by adding the following new
 39 section:

40 **NEW SECTION. ALLEGED WORK RELEASE VIOLATORS –**
 41 **REIMBURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT.**

42 The division of adult corrections shall negotiate
 43 a reimbursement rate with each county for the temporary
 44 confinement of alleged violators of work release
 45 conditions who are in the custody of the director
 46 of the division of adult corrections. The amount
 47 to be reimbursed shall be determined by multiplying
 48 the number of days so confined by the average daily
 49 cost of confining a person in the county facility
 50 as negotiated with the department. Payment shall

Page 4

1 be made upon submission of a voucher executed by the
 2 sheriff and approved by the director of the division
 3 of adult corrections. The money shall be deposited
 4 in the county general fund to be credited to the jail
 5 account.

6 Sec. 11. Chapter nine hundred six (906), Code
 7 1977 Supplement, is amended by adding the following
 8 new section:

9 **NEW SECTION. ALLEGED PAROLE VIOLATORS – REIM-**
 10 **BURSEMENT TO COUNTIES FOR TEMPORARY CONFINEMENT.**

11 The division of adult corrections shall reimburse
 12 a county for the temporary confinement of alleged
 13 parole violators. The amount to be reimbursed shall
 14 be determined by multiplying the number of days so
 15 confined by the average daily cost of confining a
 16 person in the county facility as negotiated by the
 17 department. Payment shall be made upon submission

18 of a voucher executed by the sheriff and approved
19 by the director of the division of adult corrections.
20 The money shall be deposited in the county general
21 fund to be credited to the jail account.

22 Sec. 12. There is appropriated from the general
23 fund of the state to the department of social services
24 for the fiscal year beginning July 1, 1978 and ending
25 June 30, 1979 the sum of forty thousand (40,000)
26 dollars or so much thereof as is necessary, to be
27 used for the purpose of reimbursing counties for
28 temporary confinement of work release and parole
29 violators, as provided by sections nine (9), ten (10)
30 and eleven (11) of this Act.

31 Sec. 13. There is appropriated from the general
32 fund of the state to the department of social services
33 for the fiscal year commencing July 1, 1978 the sum
34 of two million sixteen thousand four hundred forty
35 (2,016,440) dollars or so much thereof as is necessary,
36 to be used for capital improvement projects deemed
37 necessary by the department for institutions under
38 its jurisdiction or for maintenance of such
39 institutions. The department shall include the
40 construction of a dining room addition at the women's
41 reformatory and demolition of the condemned McCall
42 Hall at the juvenile home in its capital appropriation.
43 The department shall consult with the Iowa national
44 guard about a cooperative effort in the demolition
45 of McCall Hall at the juvenile home prior to expending
46 funds for that purpose. Unobligated or unencumbered
47 funds remaining on June 30, 1982 from funds
48 appropriated by this section shall revert to the
49 general fund of the state on September 30, 1982."

H-5897J

50 10. Page 4, by striking line 17 and inserting

Page 5

1 in lieu thereof the words and figure "five hundred
2 ten thousand (22,510,000) dollars, or so much".

H-5897K

3 11. Page 5, lines 26 and 27, by striking the words
4 and figure "one hundred sixty-eight thousand
5 (20,168,000)" and inserting in lieu thereof the words
6 and figure "four hundred twenty-eight thousand
7 (20,428,000)".

8 12. Page 5, line 27, by inserting after the period
9 the words "It is the intent of the general assembly
10 that all funds received from client participation
11 shall be deposited in the general fund of the state."

H-5897L

12 13. Page 6, line 16, by striking the figure
13 "46,500,000" and inserting in lieu thereof the figure
14 "47,800,000".

H-5897M

15 14. Page 6, line 29, by inserting after the word
16 "life" the words "or health".
17 15. Page 7, line 14, by striking the figure
18 "79,500,000" and inserting in lieu thereof the figure
19 "78,650,000".

H-5897N

20 16. Page 7, line 16, by striking the figure
21 "1,000,000" and inserting in lieu thereof the figure
22 "1,140,000".

H-5897O

23 17. Page 7, line 35, by striking the figure
24 "5,500,000" and inserting in lieu thereof the figure
25 "5,200,000".
26 18. Page 8, by striking lines 1 through 8.

H-5897P

27 19. Page 8, by striking lines 22 through 32 and
28 inserting in lieu thereof the following:
29 "a. It is the intent of the general assembly that
30 the department of social services shall submit a
31 budget for the fiscal year 1979-1980 as outlined in
32 the department's management control report, which
33 is developed by organizational structure or areas
34 of responsibility, and accordingly indicates projected
35 program activities, personnel status and budgeted
36 expenditures, and then compared to actual outputs
37 on a monthly basis for purposes of analysis and
38 accountability. This report shall be distributed
39 to members of the general assembly for their review
40 on a periodic basis or upon request to the department."

H-5897Q

41 20. Page 9, by striking lines 9 and 10 and insert-
42 ing in lieu thereof the words "projected expenditure
43 which varies by more than fifteen percent from the
44 planned expenditure for that".

H-5897R

45 21. Page 11, line 5, by inserting after the word
46 "deinstitutionalization" the words ", and avoidance
47 of institutionalization wherever effective and
48 possible".

H-5897S

49 22. Page 12, line 2, by striking the word "may"
50 and inserting in lieu thereof the word "shall".

H-5897T

Page 6

1 23. Page 12, by striking lines 21 and 22 and in-
2 serting in lieu thereof the following: "assistance
3 program ranked on the basis of the reimbursable cost
4 figures certified by the department prior to July
5 1, 1978 for the first six months of the fiscal year
6 and the cost figures certified prior to January 1,
7 1979 for the last six months of the fiscal year with
8 the provision that the percentile may be temporarily
9 lowered the last six months of the year within the
10 reasonable limits approved in the plan, if necessary
11 to reduce the average maximum payment for the entire
12 year to twenty-one dollars per day."

H-5897U

13 24. Page 12, by inserting after line 26 the
14 following subsections:
15 " . It is the intent of the general assembly
16 that medical assistance shall be made available to
17 any person who is an inpatient of a hospital, skilled
18 nursing facility or intermediate care facility; who
19 is eligible for supplemental security income in all
20 respects except income; and whose income does not
21 exceed five hundred thirty-three dollars per month.
22 . Notwithstanding section two hundred forty-
23 nine A point three (249A.3), subsection one (1),
24 paragraph a of the Code, medical assistance shall
25 be provided to a person who is eligible for federal
26 supplemental security income or who would be eligible
27 for federal supplemental income if living in their
28 own home, and who meet the state medical assistance
29 eligibility criteria as authorized in section one
30 thousand nine hundred two (f) (1902(f)) of the Social
31 Security Act. In determining amount of income for
32 eligibility purposes established medical expenses
33 should be excluded."

H-5897V

34 25. Page 12, line 30, by striking the word "fifty"
35 and inserting in lieu thereof the words "and twenty-
36 five".

H-5897W

37 26. Page 13, line 32, by inserting after the
38 period the words "It is the intent of the general
39 assembly that charges assessed to the county will
40 be credited with one hundred percent of client

41 participation for eligible Title nineteen (XIX) medical
42 assistance patients at the hospital schools, in the
43 calculation of per diem rates."

H-5897AA

44 27. Page 14, line 9, by striking the words "open
45 door".

46 28. Page 14, line 11, by striking the words "over
47 thirty-five years of age".

H-5897BB

48 29. Page 14, line 28, by striking the words
49 "battered women" and inserting in lieu thereof the
50 words "victims of domestic abuse".

Page 7

1 30. By striking page 14, line 34 through page
2 15, line 6 and inserting in lieu thereof the following:
3 "a. "Domestic abuse" means committing assault
4 as defined in section seven hundred eight point one
5 (708.1) of the Code 1977 Supplement under either of
6 the following circumstances:

7 (1) The assault is between family or household
8 members who resided together at the time of the
9 assault; or

10 (2) The assault is between separated spouses not
11 residing together at the time of the assault.

12 b. "Emergency shelter services" include but are
13 not limited to secure crisis shelters or housing for
14 victims of domestic abuse.

15 c. "Family or household members" mean spouses,
16 persons cohabiting, parents, or other persons related
17 by consanguinity or affinity, except children under
18 eighteen."

19 31. Page 15, by striking line 14 and inserting
20 in lieu thereof the words "victims of domestic abuse".

H-5897CC

21 32. Page 15, by inserting after line 14 the follow-
22 ing new section:

23 "Sec. . Notwithstanding the maximum amounts
24 to which sections two hundred thirty-nine point nine
25 (239.9) and two hundred forty-nine point nine (249.9),
26 of the Code limit payment by the department of social
27 services toward the cost of funerals for persons
28 receiving public assistance under chapters two hundred
29 thirty-nine (239) and two hundred forty-nine (249)
30 of the Code, the department is authorized to pay not
31 more than four hundred dollars toward the cost of
32 a funeral for any such public assistance recipient
33 provided that:

- 34 1. The total cost of the person's funeral does
 35 not exceed one thousand dollars;
- 36 2. The decedent does not leave an estate which
 37 may be probated, with sufficient proceeds to allow
 38 a funeral claim of at least one thousand dollars;
 39 and
- 40 3. Any payment which is due the decedent's estate
 41 or beneficiary by reason of the liability of any life
 42 insurance or death or funeral benefit company,
 43 association or society, or in the form of United
 44 States social security, railroad retirement, or
 45 veterans' benefits, upon the death of the decedent
 46 shall be deducted from the department's liability
 47 under this section.
- 48 The provisions of sections two hundred thirty-nine
 49 point nine (239.9) and two hundred forty-nine point
 50 nine (249.9) of the Code shall be of no force or

Page 8

- 1 effect during the fiscal year beginning July 1, 1978
 2 and ending June 30, 1979."

H-5897DD

- 3 33. Page 15, by striking lines 20, 21 and 22 and
 4 inserting in lieu thereof the following:
 5 "Sec. . . No funds appropriated by any provision
 6 of this Act, except sections seven (7) and thirteen
 7 (13), shall be used for capital improvements."

On motion by Brunow of Appanoose, the committee amendment
 H-5897A was adopted.

On motion by Brunow of Appanoose, the committee amendment
 H-5897B was adopted.

On motion by Brunow of Appanoose, the committee amendment
 H-5897C was adopted.

On motion by Brunow of Appanoose, the committee amendment
 H-5897D was adopted.

On motion by Brunow of Appanoose, the committee amendment
 H-5897E was adopted.

On motion by Brunow of Appanoose, the committee amendment
 H-5897F was adopted.

Speaker Cochran in the chair at 5:18 p.m.

Hargrave of Johnson offered the following amendment H—5970, to the committee amendment H—5897G, filed by him from the floor and moved its adoption:

H—5970

- 1 Amend amendment H—5897 to Senate File 2163 as
- 2 follows:
- 3 1. Page 3, by striking lines 11 through 18.

A non-record roll call was requested.

The ayes were 31, nays 46.

Amendment H—5970 lost.

On motion by Brunow of Appanoose, the committee amendment H—5897G was adopted.

(Senate File 2163 pending at adjournment.)

SECOND CONFERENCE COMMITTEE APPOINTED (Senate File 137)

The Speaker announced the appointment of the second conference committee to consider the differences between the House and Senate concerning Senate File 137: Monroe of Des Moines, Chair; Woods of Polk, Garrison of Black Hawk, Halvorson of Clayton and Harvey of Scott.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 10th day of April, 1978: House Files 2063 and 2243.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

EXPLANATIONS OF VOTE

I was necessarily absent from the House floor on Thursday, April 6, due to a meeting in Waterloo. Had I been present, I would have voted "aye" on House Files 2284, 2323, 2345, and Senate File 2137.

GARRISON of Black Hawk

I was necessarily absent from the House chamber on the morning of April 10, 1978. Had I been present I would have voted "aye" on House Files 79, 2128 and Senate File 365.

KOOGLER of Mahaska

I was necessarily absent from the House chamber when the vote was taken on House File 463. Had I been present, I would have voted "aye."

CLARK of Lee

STUDY BILL COMMITTEE ASSIGNMENTS**S.B. 483 Ways and Means**

To exempt coal held in inventory from the personal property tax.

S.B. 484 Cities

Relating to revenues of parking facilities systems and the pledge of such revenues to the payment of parking revenue bonds.

COMMUNICATIONS FROM THE SECRETARY OF STATE

April 7, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 2170, was published in the Muscatine Journal,

Muscatine, Iowa on April 5, 1978, and in the Iowa City Press-Citizen, Iowa City, Iowa on April 5, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

April 10, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that House File 2180, was published in The Bayard News, Bayard, Iowa on March 30, 1978, and in The Marion Sentinel, Marion, Iowa on March 30, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., April 6, 1978

Convened: 8:05 a.m.

Adjourned: 9:35 a.m.

Present: Small, chair; Chiodo, vice-chair; Anderson, Bina, Brunow, Dieleman, Evans, Halvorson, Jochum, Koogler, Lonergan, Schroeder, Tauke, Walter, Welden and West.

Absent: Brockett and Krause.

Excused: Den Herder.

Discussed Study Bill 427, a bill for an act relating to civil liability for losses caused by personal property and use thereof.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., April 6, 1978

Convened: 8:10 a.m.

Adjourned: 9:26 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Clark of Lee, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Absent: Byerly and Gilloon.

Excused: Junker and Stromer.

Committee Bill (Formerly Study Bill 436), a bill for an act to create a county finance committee and to specify its powers and duties.

Recommended Do Pass.

Fiscal note is not required.

Aye: Hullinger, Spear, Baker, Brandt, Clark of Lee, Gilson, Harvey, Hinkhouse, Lindeen, Oxley, Wells and Wyckoff.

Nay: Danker.

Absent or not voting: Byerly, Gilloon, Hoffmann, Junker, Miller (Sergeant) of Calhoun, Pellett, Stromer and Stephens.

COMMITTEE ON CITIES

Scheduled: 8:30 a.m., April 6, 1978

Convened: 8:34 a.m.

Adjourned: 9:04 a.m.

Present: Bina, chair; Clark of Lee, ranking member; Connors, Dunton, Gentleman, Hoffmann, Lind, Pavich, Rinas, Schneklath and Tofte.

Absent: Krewson (arrived 8:39 a.m.) and Newhard.

Excused: Hines, Hargrave, Koogler, Nielsen, Perkins, Smalley, Spear and Stephens.

Study Bill 392, a bill for an act relating to the tort liability of governmental subdivisions.

Recommended Do Pass.

Aye: Bina, Hines, Clark of Lee, Connors, Dunton, Gentleman, Hargrave, Hoffmann, Koogler, Krewson, Lind, Pavich, Perkins, Rinas, Schnekloth, Smalley, Spear, Stephens and Tofte.

Nay: Nielsen.

Absent or not voting: Newhard.

Study Bill 475, a bill for an act providing that money used to pay for hospital, nursing and medical attention for members of a city police or fire department who are injured in the line of duty may be paid out of an appropriation for that purpose in the trust and agency fund.

Recommended Do Pass.

Aye: Bina, Clark of Lee, Connors, Dunton, Gentleman, Hoffmann, Krewson, Lind, Pavich, Schnekloth, Smalley and Tofte.

Nay: None.

Absent or not voting: Hines, Hargrave, Koogler, Newhard, Nielsen, Perkins, Rinas, Spear and Stephens.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 12:15 p.m., April 6, 1978

Convened: 12:35 p.m.

Adjourned: 2:10 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Junker, Middleswart, Patchett, Poncy, Shimanek, Tauke, Walter and West.

Absent: Griffee and Stromer.

House File 191, a bill for an act to permit pari-mutuel betting in Iowa; to create a state racing commission and prescribe its powers and duties; to provide for licensing of certain organizations for the purpose of conducting horse or dog races and racing meets; imposing taxes and fees and providing for their use and disbursement; and declaring certain acts to be unlawful and prescribing penalties for the commission of such acts.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Monroe, Woods, Harvey, Arnould, Avenson, Brandt, Jesse, Patchett, Shimanek, Tauke and Walter.

Nay: Crawford, Dieleman, Hansen, Junker, Middleswart, Poncy and West.

Absent or not voting: Griffee and Stromer.

House File 590, a bill for an act authorizing the director of general services to invite bids for purchases from small businesses only.

Recommended Amend and Do Pass.

H—5952

- 1 Amend House File 580 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "annual" the word "gross".
- 4 2. Page 3, by striking line 8.

Fiscal note is required.

Aye: Monroe, Woods, Harvey, Arnould, Avenson, Dieleman, Hansen, Junker, Poncy, Shimanek and West.

Nay: Crawford, Middleswart and Tauke.

Absent or not voting: Brandt, Griffee, Jesse, Patchett, Stromer and Walter.

Committee Bill (Formerly House File 2187), a bill for an act to designate a name for the office building of the Iowa department of job service.

Recommended Do Pass.

Fiscal note is not required.

Aye: Monroe, Woods, Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Junker, Poncy, Shimanek, Tauke and Walter.

Nay: Harvey and Middleswart.

Absent or not voting: Griffee, Patchett, Stromer and West.

Senate File 2022, a bill for an act prohibiting smoking in certain public areas and providing a civil penalty.

Recommended Amend and Do Pass.

H—5951

- 1 Amend Senate File 2022 as amended, passed and
- 2 reprinted as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "public" the words "where designated".
- 5 2. Page 1, line 10, by striking the words "However,
- 6 those" and inserting in lieu thereof the word "Those".
- 7 3. Page 1, line 16, by inserting after the word

- 8 "structure" the word "except".
- 9 4. Page 1, line 17, by inserting before the word
- 10 "smoking" the word "no".
- 11 5. Page 1, line 26, by striking the word "
- 12 except".
- 13 6. Page 1, line 27, by inserting after the word
- 14 "as" the word "no".
- 15 7. Page 1, line 30, by striking the word "
- 16 except".
- 17 8. Page 1, line 31, by inserting after the word
- 18 "as" the word "no".
- 19 9. Page 1, line 35, by striking the word "
- 20 except".
- 21 10. Page 2, line 1, by inserting after the word
- 22 "as" the word "no".
- 23 11. Page 2, by inserting after line 4 the following
- 24 subsection:
- 25 " . A restaurant as that term is defined in
- 26 section one hundred seventy point one (170.1) of the
- 27 Code in areas designated by the person who owns or
- 28 is in custody or control of that restaurant as no
- 29 smoking areas. Areas designated as no smoking areas
- 30 shall be provided in restaurants located in facilities
- 31 covered by subsection one (1) of this section."
- 32 12. Page 2, line 6, by striking the word "
- 33 except".
- 34 13. Page 2, line 8, by inserting after the word
- 35 "as" the word "no".
- 36 14. By renumbering the subsections to conform
- 37 with this amendment.

Fiscal note is required.

Aye: Arnould, Avenson, Brandt, Crawford, Dieleman, Hansen, Junker, Middleswart, Patchett, Poncy, Tauke, Walter and West.

Nay: Monroe, Woods and Jesse.

Absent or not voting: Harvey, Griffee, Shimanek and Stromer.

Study Bill 205, a bill for an act relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds, or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessments due.

Recommended Amend and Do Pass.

Fiscal note is required.

Aye: Monroe, Woods, Harvey, Arnould, Avenson, Brandt, Crawford, Dieleman, Jesse, Poncy, Shimanek and Tauke.

Nay: Middleswart and West.

Absent or not voting: Griffee, Hansen, Junker, Patchett, Stromer and Walter.

Study Bill 430, a bill for an act relating to the operations of the citizens' aide office.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Monroe, Woods, Harvey, Avenson, Brandt, Crawford, Dieleman, Middleswart, Poncy, Shimanek, West and Hansen.

Nay: None.

Absent or not voting: Arnould, Griffee, Jesse, Junker, Patchett, Stromer, Tauke and Walter.

AMENDMENTS FILED

H—5948	S.F. 2163	Davitt of Warren
H—5949	S.F. 2163	Gilson of Guthrie
		Welden of Hardin
		Hoffmann of Muscatine
H—5950	S.F. 2163	Spear of Lee
H—5953	S.F. 2163	Stromer of Hancock
		Clark of Cerro Gordo
H—5954	S.F. 2163	Harvey of Scott
H—5955	S.F. 2163	Schroeder of Pottawattamie
		Monroe of Des Moines
H—5956	S.F. 2163	Spencer of Clay
		Conlon of Muscatine
H—5957	S.F. 2187	Miller of Buchanan
H—5958	H.F. 2352	Small of Johnson
H—5959	S.F. 2187	Miller of Buchanan
H—5960	H.F. 2389	Daggett of Adams
		Pellett of Cass
		Danker of Pottawattamie
		Lageschulte of Bremer
		Stromer of Hancock
		Schroeder of Pottawattamie
		Crabb of Crawford
		Middleswart of Warren
		Scheelhaase of Woodbury
		Binneboese of Plymouth
		Bennett of Ida
		Branstad of Winnebago
		Perkins of Greene

Miller (Sergeant) of Calhoun
 Oxley of Linn
 Evans of Grundy

Spencer of Clay
 Stephens of Plymouth

H—5961 H.F. 2393

Conlon of Muscatine
 Jesse of Polk

H—5962 S.F. 2187

Baker of Buena Vista

H—5963 S.F. 2163

Miller of Buchanan

H—5964 S.F. 2163

Shimanek of Jones

Tauke of Dubuque

Hoffmann of Muscatine

H—5965 S.F. 2163

Spencer of Clay

H—5966 S.F. 2163

Danker of Pottawattamie

H—5967 S.F. 2163

Spencer of Clay

H—5968 H.F. 2224

Jesse of Polk

H—5969 H.F. 2390

Dieleman of Marion

On motion by Fitzgerald of Webster, the House adjourned at 5:28 p.m., until 10:30 a.m., Tuesday, April 11, 1978.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day—Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 11, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Clay Noah, pastor of the First Baptist Church, Webster City, Iowa.

The Journal of Monday, April 10, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R. L. Bendixen, Denison, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lipsky of Linn for the morning and afternoon sessions on request of Millen of Van Buren.

PETITION FILED

The following petition was received and placed on file:

By West of Marshall from twenty-five constituents favoring products liability legislation to preserve jobs and job opportunities in Iowa.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five eighth grade students from Pella Christian School, Pella, Iowa accompanied by Dan Jonker. By Dieleman of Marion.

Six R.E.C. students from six Plymouth County high schools accompanied by Weston Karr. By Binneboese of Plymouth and Stephens of Plymouth.

INTRODUCTION OF BILLS

House File 2411, By Byerly, a bill for an act relating to the payment of interest on deposits of public funds.

Read first time and referred to committee on **commerce**.

House File 2412, By Wyckoff, a bill for an act relating to the right to take private property for public use by owners of land without a public or private way to the land.

Read first time and referred to committee on **judiciary and law enforcement**.

House File 2413, by Connors, a bill for an act requiring reimbursement by the state to cities for fire protection provided for state-owned facilities located within the corporate limits of cities.

Read first time and referred to committee on **cities**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1978, adopted the conference committee report and passed the following bill in which the concurrence of the Senate was asked:

House File 246, a bill for an act creating a performance audit bureau under the direction of a performance auditor, specifying its powers and duties, and providing a penalty.

Also: That the Senate has on April 6, 1978, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 616, a bill for an act amending the criminal code revision to define "incendiary device".

Also: That the Senate has on April 4, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2135, a bill for an act to establish a mobile home parks residential landlord and tenant act.

Also: That the Senate has on April 6, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act amending the weapons chapter of the criminal code revision.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2135

H-5975

- 1 Amend House File 2135 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 12, by striking the word "housing"
- 4 and inserting in lieu thereof the word "living".
- 5 2. Page 1, line 30, by striking the words "be
- 6 applicable" and inserting in lieu thereof the word
- 7 "apply".
- 8 3. Page 2, line 2, by inserting after the word
- 9 "landlord" the words "or tenant".
- 10 4. Page 2, line 4, by inserting after the word
- 11 "Act." the words "An action under this Act may be
- 12 brought as a small claim pursuant to the provisions
- 13 of chapter six hundred thirty-one (631) of the Code."
- 14 5. Page 2, line 6, by inserting after the word
- 15 "landlord" the words "or tenant".
- 16 6. Page 3, by striking lines 4 through 8 and
- 17 inserting in lieu thereof the word "allows."
- 18 7. Page 3, by striking lines 20 and 21.
- 19 8. Page 3, lines 22 and 23, by striking the words
- 20 " , sublessor or operator, or any combination thereof,"
- 21 and inserting in lieu thereof the words "or sublessor".
- 22 9. Page 3, line 26, by striking the word "Home" "
- 23 and inserting in lieu thereof the word "home" "
- 24 10. Page 4, line 10, by striking the words "or
- 25 space".
- 26 11. Page 4, line 24, by striking the words "or
- 27 a mobile home and a mobile home space".
- 28 12. Page 5, line 35, by inserting after the word
- 29 "mail" the words "return receipt requested".
- 30 13. Page 6, line 4, by striking the words " , if
- 31 known".
- 32 14. Page 6, by striking line 26 and inserting
- 33 in lieu thereof the words "and thereafter in equal
- 34 monthly".
- 35 15. Page 6, by striking lines 29 through page
- 36 7, line 1, and inserting in lieu thereof the following:
- 37 "4. Rental agreements shall be for a term of one
- 38 year unless otherwise specified in the rental
- 39 agreement. Rental agreements shall be cancelled by
- 40 at least sixty days written notice given by either
- 41 party. A landlord shall not cancel a rental agreement

- 42 solely for the purpose of making the tenant's mobile
43 home space available for another mobile home."
44 16. Page 7, line 3, by inserting after the word
45 "common" the words "in the mobile home".
46 17. Page 7, line 14, by striking the word "lot"
47 and inserting in lieu thereof the word "space".
48 18. Page 7, line 18, by striking the word "lot"
49 and inserting in lieu thereof the word "space".
50 19. Page 8, line 9, by striking the word "may"

Page 2

- 1 and inserting in lieu thereof the word "shall".
2 20. Page 8, line 16, by striking the words "and
3 prepaid rent".
4 21. Page 8, line 19, by inserting after the word
5 "bank" the words ", credit union".
6 22. Page 8, by striking line 23.
7 23. Page 8, line 24, by striking the word and
8 figure "(117), all" and inserting in lieu thereof
9 the word "All".
10 24. Page 8, line 28, by striking the word "four-
11 teen" and inserting in lieu thereof the word "thirty".
12 25. Page 9, line 15, by striking the word "four-
13 teen" and inserting in lieu thereof the word "thirty".
14 26. Page 9, line 30, by striking the figure "7."
15 27. Page 9, line 32, by striking the word "section"
16 and inserting in lieu thereof the word "subsection".
17 28. Page 11, line 15, by striking the words "fully
18 explain" and inserting in lieu thereof the words
19 "provide a written explanation of".
20 29. Page 11, line 17, by inserting after the word
21 "unless" the words "the utility charges are".
22 30. Page 11, line 35, by inserting after the word
23 "safety" the words "which are primarily imposed upon
24 the landlord".
25 31. Page 12, by striking lines 7 and 8 and
26 inserting in lieu thereof the word "all".
27 32. Page 12, by striking lines 10 through 13 and
28 inserting in lieu thereof the following:
29 "e. Provide for removal of garbage, rubbish, and
30 other waste from the mobile home park."
31 33. Page 12, lines 28 and 29, by striking the
32 words "which includes a mobile home space subject
33 to a rental agreement".
34 34. Page 12, lines 33 and 34, by striking the
35 words "which includes a mobile home space".
36 35. Page 13, line 2, by inserting after the word
37 "liability" the words "arising prior to the notice".
38 36. Page 13, lines 13 and 14, by striking the
39 words "as clean and safe as the condition of the
40 mobile home park permits" and inserting in lieu thereof

- 41 the words "reasonably clean and safe".
 42 37. Page 13, lines 16 and 17, by striking the
 43 words "as prescribed by park rules".
 44 38. Page 13, line 26, by striking the words "shall
 45 adopt written" and inserting in lieu thereof the words
 46 "may adopt".
 47 39. Page 13, line 29, by inserting after the word
 48 "only" the words "if they are written and".
 49 40. Page 13, line 31, by striking the word "park,"
 50 and inserting in lieu thereof the words "park, to".

Page 3

- 1 41. Page 13, line 32, by striking the words
 2 "abusive use or" and inserting in lieu thereof the
 3 words "abuse, to".
 4 42. Page 13, line 34, by inserting after the word
 5 "generally" the words ", or to facilitate mobile home
 6 park management".
 7 43. Page 14, line 9, by striking the word "has"
 8 and inserting in lieu thereof the words "is given".
 9 44. Page 14, by striking lines 10 through 12 and
 10 inserting in lieu thereof the words "rental agreement
 11 is entered into."
 12 45. Page 14, by striking lines 22 and 23 and
 13 inserting in lieu thereof the following:
 14 "3. A landlord shall not:".
 15 46. Page 14, line 27, by inserting after the word
 16 "occupying" the words "or removing from".
 17 47. Page 15, by striking lines 17 and 18 and
 18 inserting in lieu thereof the following:
 19 "1. A landlord shall not have the right of access
 20 to a mobile home owned by a tenant unless such access
 21 is necessary to prevent damage to the mobile home
 22 space or is in response to an emergency situation.
 23 2. The landlord may enter onto the mobile home
 24 space in order to inspect the mobile home space, make
 25 necessary or agreed repairs or improvements, supply
 26 necessary or agreed services or exhibit the mobile
 27 home space to prospective or actual purchasers,
 28 mortgagees, tenants, workers or contractors."
 29 48. Page 15, line 21, by striking the word
 30 "sublet," and inserting in lieu thereof the words
 31 "rent the mobile home to another, only".
 32 49. Page 16, lines 32 and 33, by striking the
 33 words "or any person wrongfully in possession".
 34 50. Page 16, line 34, by inserting after the word
 35 "tenant" the words "plus reasonable attorney's fees
 36 and court costs".
 37 51. Page 17, line 1, by striking the words "is
 38 in noncompliance" and inserting in lieu thereof the

- 39 words "fails to comply".
 40 52. Page 17, line 2, by inserting after the word
 41 "Act" the words "at the time of delivery".
 42 53. Page 17, by striking lines 5 through 8.
 43 54. Page 17, by striking lines 9 through 27.
 44 55. Page 18, line 24, by inserting after the word
 45 "days" the words "after written notice by the landlord
 46 of nonpayment and of the landlord's intention to
 47 terminate the rental agreement if the rent is not
 48 paid within that period of time".
 49 56. Page 19, line 19, by striking the word "encum-
 50 bered" and inserting in lieu thereof the word

Page 4

- 1 "incurred".
 2 57. Page 20, by striking lines 5 and 6 and insert-
 3 ing in lieu thereof the words "MINUTE. Acceptance
 4 of performance".
 5 58. Page 20, line 19, by striking the word "If"
 6 and inserting in lieu thereof the words
 7 "Notwithstanding section six hundred forty-eight point
 8 nineteen (648.19) of the Code, if".
 9 59. Page 20, line 22, by striking the word "if"
 10 and inserting in lieu thereof the words "recover
 11 actual damages. If".
 12 60. Page 20, by inserting after line 25 the words
 13 "In any event, the landlord may recover reasonable
 14 attorney's fees and court costs."
 15 61. Page 21, lines 3 and 4, by striking the words
 16 ", plus any unused prepaid rent".
 17 62. Page 21, line 6, by striking the word "may"
 18 and inserting in lieu thereof the word "shall".
 19 63. Page 21, line 9, by striking the words "failure
 20 to renew a lease" and inserting in lieu thereof the
 21 words "by failing to renew a rental agreement".
 22 64. Page 21, line 13, by striking the word
 23 "However" and inserting in lieu thereof the words
 24 "For this subsection to apply".
 25 65. Renumbering sections and correcting internal
 26 references as necessary.

HOUSE RESOLUTION 133

By Lonergan

- 1 *Whereas*, the Boone campus of the Des Moines area
 2 community college, formerly the Boone junior college,
 3 is nearing the anniversary of its fiftieth commencement
 4 as a community college; and
 5 *Whereas*, the students, faculty, and staff at the
 6 Boone campus are preparing a fiftieth commencement

7 ceremony and celebration on May 26, 1978 to commemorate
 8 the fiftieth anniversary of the college's service;
 9 *Now Therefore,*
 10 *Be It Resolved By The House of Representatives, That*
 11 the membership of the House of Representatives of the
 12 Sixty-seventh General Assembly of the State of Iowa
 13 extends its heartiest congratulations to the Des Moines
 14 area community college, the Boone campus, and the
 15 community of Boone in commemoration of the fiftieth
 16 commencement of the Boone campus in this year of 1978;
 17 and
 18 *Be It Further Resolved,* that a copy of this resolu-
 19 tion be forwarded to the board of directors of the Des
 20 Moines area community college, the mayor of Boone, and
 21 the Dean, students, faculty and staff of the Boone campus
 22 who are in charge of making preparations for the fiftieth
 23 commencement exercises.

Laid over under Rule 25.

BUSINESS PENDING

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services, and the committee amendment H-5897 found on pages 1440 through 1448 of the House Journal.

On motion by Brunow of Appanoose, the committee amendment H-5897J was adopted.

On motion by Brunow of Appanoose, the committee amendment H-5897K was adopted.

Varley of Adair offered the following amendment H-5946, to the committee amendment H-5897L, filed by Varley, et al., and moved its adoption:

H-5946

- 1 Amend H-5897 to Senate File 2163, as amended,
- 2 passed, and reprinted, as follows:
- 3 1. Page 5, line 14, by striking the numerals
- 4 "47,800,000" and inserting in lieu thereof the
- 5 numerals "49,200,000".

Roll call was requested by Varley of Adair and Thompson of Polk.

On the question "Shall amendment H—5946 be adopted?"

The ayes were, 29:

Bennett	Brandt	Brockett	Clark, J.H.
Conlon	Crabb	Crawford	Danker
Egenes	Evans	Hansen	Harbor
Harvey	Hoffmann	Jochum	Junker
Lind	Menke	Millen	Pelton
Schneklath	Schroeder	Shimanek	Stephens
Stromer	Tauke	Thompson	Tofte
Varley			

The nays were, 65:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Branstad	Brunow
Byerly	Clark, B.J.	Connors	Cusack
Daggett	Davitt	Dieleman	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hargrave	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Koogler	Krause	Krewson	Lageschulte
Lindeen	Lonergan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pellett	Poncy	Rinas
Scheelhaase	Small	Smalley	Spear
Spencer	Svoboda	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 6:

Chiodo	Den Herder	Doyle	Hines
Lipsky	Perkins		

Amendment H—5946 lost.

Brunow of Appanoose moved the adoption of amendment H—5897L.

A non-record roll call was requested.

The ayes were 67, nays 20.

The committee amendment H—5897L was adopted.

Further division of amendment H—5897M was requested, lines 15 and 16, amendment H—5897M; lines 17, 18 and 19, amendment H—5897H.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—5911, to the committee amendment H—5897, filed by him and Koogler of Mahaska on April 4, 1978 and to take up for immediate consideration amendment H—5972.

Dieleman of Marion offered the following amendment H—5972, to the committee amendment H—5897M, filed by him and Koogler of Mahaska from the floor:

H—5972

- 1 Amend H—5897 to Senate File 2163, as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 15 and 16 and
- 4 inserting in lieu thereof the following:
- 5 "14. Page 6, by striking lines 19 through 35
- 6 and inserting in lieu thereof the following:
- 7 4. For medical assistance, no funds shall be
- 8 expended for abortion services available under the
- 9 medical assistance program....."
- 10 15. Page 7, by striking lines 1 through 13.
- 11 16. Page 7, line 14, by striking the words
- 12 "are expelled"."

(Senate File 2163 and amendment H—5972, to the committee amendment H—5897M, pending at recess.)

PRESENTATION OF VISITORS

Tofte of Winneshiek presented to the House the Honorable Jerome Gunderson, State Senator and Nils Gulbranson, visiting from the State of Minnesota; and George Kjome from Decorah, Iowa.

The Speaker announced that the following visitors were present in the House chamber:

Fifteen students from Iowa Western Community College, Council Bluffs, Iowa, accompanied by Mike Knedler. By Pavich of Pottawattamie.

Forty-three sixth grade students from Shellsburg Elementary

School, Shellsburg, Iowa, accompanied by Sue Edwards. By Wyckoff of Benton.

Sixty junior high students from Otto B. Laing Middle School, Algona, Iowa, accompanied by Ann Williams, Ray Johnson and Adolf Knobloch. By Krause of Kossuth.

Fifty fifth grade Camp Fire girls from Cedar Rapids, Iowa, accompanied by Mae C. Ackerman. By Lipsky of Linn.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty fifth grade students from Bondurant-Farrar Community School, Bondurant, Iowa, accompanied by Dorothy Phares. By Nielsen of Polk.

BUSINESS PENDING

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services, and amendment H—5972, to the committee amendment H—5897M.

Dieleman of Marion moved the adoption of amendment H—5972, to the committee amendment H—5897M.

Roll call was requested by Dieleman of Marion and Gentleman of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—5972 be adopted?"

The ayes were, 31:

Baker	Binneboese	Branstad	Chiold
Cœnlon	Crabb	Daggett	Danker
Dieleman	Doyle	Gettings	Gilson
Harbor	Harvey	Junker	Koogler
Lind	Lonergan	Monroe	Oxley
Pavich	Pellett	Poncy	Scheelhaase
Smalley	Spencer	Stephens	Stromer
Wells	Woods	Wyckoff	

The nays were, 63:

Anderson	Arnould	Avenson	Bennett
Bina	Brandt	Brockett	Brunow
Byerly	Clark, B.J.	Clark, J.H.	Connors
Crawford	Cusack	Davitt	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gilloon	Griffie
Halvorson	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Krause	Krewson	Lageschulte	Lindeen
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	O'Halloran
Patchett	Pelton	Schneklath	Shimanek
Small	Spear	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	West	Mr. Speaker	

Absent or not voting, 6:

Den Herder	Lipsky	Norland	Perkins
Rinas	Schroeder		

Amendment H—5972 lost.

Dieleman of Marion asked and received unanimous consent to withdraw amendment H—5912, to the committee amendment H—5897, filed by him and Koogler of Mahaska on April 4, 1978, and to take up for immediate consideration amendment H—5973.

Dieleman of Marion offered the following amendment H—5973, to the committee amendment H—5897M, filed by him and Koogler of Mahaska from the floor and moved its adoption:

H—5973

- 1 Amend H—5897 to Senate File 2163, as amended,
- 2 passed and reprinted by the Senate, as follows:

- 3 1. Page 5, by striking lines 15 and 16 and in-
 4 serting in lieu thereof the following:
 5 "14. Page 6, by striking lines 31 through 35.
 6 15. Page 7, by striking lines 1 through 10."

Roll call was requested by Dieleman of Marion and Chiodo of Polk.

Rule 70 was invoked.

On the question "Shall amendment H—5973, to the committee amendment H—5897M, be adopted?"

The ayes were, 41:

Baker	Binneboese	Branstad	Chiodo
Conlon	Crabb	Daggett	Danker
Davitt	Dieleman	Doyle	Gettings
Gilson	Griffee	Hansen	Harbor
Hinkhouse	Husak	Junker	Koogler
Lageschulte	Lind	Lonergan	Middleswart
Monroe	Oxley	Pavich	Pellett
Pelton	Poncy	Scheelhaase	Schroeder
Shimanek	Smalley	Spencer	Stephens
Stromer	Tauke	Wells	Woods
Wyckoff			

The nays were, 54:

Anderson	Arnould	Avenson	Bennett
Bina	Brandt	Brockett	Brunow
Clark, B.J.	Clark, J.H.	Connors	Crawford
Cusack	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Halvorson	Hargrave	Harvey
Hines	Hoffmann	Horn	Howell
Hullinger	Jesse	Jochum	Krause
Krewson	Lindeen	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	Nielsen
Norland	O'Halloran	Patchett	Schnekloth
Small	Spear	Svoboda	Thompson
Tofte	Varley	Walter	Welden
West	Mr. Speaker		

Absent or not voting, 5:

Byerly	Den Herder	Lipsky	Perkins
Rinas			

Amendment H—5973 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Perkins of Greene on request of Baker of Buena Vista.

Dieleman of Marion offered the following amendment H—5910, to the committee amendment H—5897M, filed by him and Koogler of Mahaska:

H—5910

- 1 Amend H—5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 15 and 16.
- 4 2. Renumber as required.

Byerly of Polk moved that the rules be suspended and only the female members of the House be allowed to vote with the outcome of the vote to be supported by the body.

The Speaker ruled that the motion was not in order.

Dieleman of Marion moved the adoption of amendment H—5910, to the committee amendment H—5897M.

Roll call was requested by Dieleman of Marion and Howell of Floyd.

Rule 70 was invoked.

On the question "Shall amendment H—5910, to the committee amendment H—5897M, be adopted?"

The ayes were, 64:

Anderson	Avenson	Baker	Bina
Binneboese	Branstad	Brockett	Brunow
Chiodo	Conlon	Crabb	Daggett
Danker	Davitt	Dieleman	Doyle
Evans	Fitzgerald	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Lageschulte

Lind	Lonergan	Middleswart	Miller, K.D.
Monroe	Oxley	Pavich	Pellett
Pelton	Poncy	Rinas	Scheelhaase
Schnekloth	Shimanek	Smalley	Spear
Spencer	Stevens	Stromer	Svoboda
Tauke	Tofte	Walter	Wells
West	Woods	Wyckoff	Mr. Speaker

The nays were, 32:

Arnould	Bennett	Brandt	Byerly
Clark, B.J.	Clark, J.H.	Connors	Crawford
Cusack	Dunton	Dyrland	Egenes
Garrison	Gentleman	Hargrave	Hines
Horn	Jesse	Krewson	Lindeen
Menke	Millen	Miller (Sergeant)	Newhard
Nielsen	O'Halloran	Patchett	Schroeder
Small	Thompson	Varley	Welden

Absent or not voting, 4:

Den Herder	Lipsky	Norland	Perkins
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Amendment H-5910 was adopted, placing out of order the following amendments, to the committee amendment H-5897M:

H-5939, filed by Clark of Cerro Gordo and Arnould of Scott on April 6, 1978.

H-5950, filed by Spear of Lee on April 10, 1978.

H-5954, filed by Harvey of Scott on April 10, 1978.

H-5976 filed by Miller of Buchanan, Harvey, Anderson and Welden from the floor.

H-5981, to amendment H-5976, filed by Small of Johnson from the floor.

H-5987, filed by Small of Johnson from the floor.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H-5963, to committee amendment H-5897M, filed by him on April 10, 1978.

On motion by Brunow of Appanoose, committee amendment H-5897M, as amended, was adopted.

Cusack of Scott asked and received unanimous consent to defer action on amendment H-5897H for the immediate consideration of amendment H-5897U.

Husak of Tama offered the following amendment H-5980, to

the committee amendment H-5897U, filed by him and Crabb of Crawford from the floor and moved its adoption:

H-5980

- 1 Amend the Committee on Budget amendment, H-5897,
- 2 to Senate File 2163, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 6, by striking lines 14 through 21 and
- 5 inserting in lieu thereof the following: "following
- 6 subsection:".
- 7 2. Page 8, by inserting after line 7 the following:
- 8 "34. Page 15, by inserting after line 26 the
- 9 following new sections:
- 10 "Sec. 30. It is the intent of the general assembly
- 11 that medical assistance shall be made available to
- 12 any person who is an inpatient of a hospital, skilled
- 13 nursing facility or intermediate care facility; who
- 14 is eligible for supplemental security income in all
- 15 respects except income; and whose income does not
- 16 exceed five hundred thirty-three dollars per month.
- 17 Sec. 31. Section thirty (30) of this Act, being
- 18 deemed of immediate importance, shall take effect
- 19 and be in force from and after its publication in
- 20 the Onawa Democrat, a newspaper published in Onawa,
- 21 Iowa, and in The Toledo Chronicle, a newspaper
- 22 published in Toledo, Iowa." "

A non-record roll call was requested.
The ayes were 33, nays 44.

Amendment H-5980 lost.

Garrison of Black Hawk offered the following amendment H-5978, to the committee amendment H-5897U, filed by him from the floor and moved its adoption:

H-5978

- 1 Amend H-5897 to Senate File 2163, as amended
- 2 passed, and reprinted as follows:
- 3 1. Page 6, line 21, by striking the words
- 4 "five hundred thirty-three dollars per month" and
- 5 inserting in lieu thereof the words "three hundred
- 6 percent of supplementary security income".

A non-record roll call was requested.

The ayes were 16, nays 71.

Amendment H-5978 lost.

Fitzgerald of Webster asked and received unanimous consent to take up out of order amendment H—5979 with the provision that should amendment H—5979 be adopted, amendment H—5953 would still be in order.

(Senate File 2163 and the committee amendment H—5897U pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 6:30 p.m.

EVENING SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Schnekloth of Scott and Menke of O'Brien to determine that a quorum was present.

Present: 88

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Brunow	Chiodo	Clark, B.J.	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Dyrland	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffiee	Halvorson	Hansen
Harbor	Hines	Hinkhouse	Hoffmann
Howell	Hullinger	Husak	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Poncy	Rinas	Scheelhaase	Schnekloth
Schroeder	Shimanek	Small	Smalley
Spear	Spencer	Stephens	Stromer
Svoboda	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent: 12.

Branstad
Den Herder
Harvey

Brockett
Doyle
Horn

Byerly
Egenes
Jesse

Clark, J.H.
Hargrave
Perkins

BUSINESS PENDING

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services, and the committee amendment H—5897U.

Hansen of O'Brien offered the following amendment H—5979, to the committee amendment H—5897U, filed by Hansen, Cusack and Brunow from the floor and moved its adoption:

H—5979

- 1 Amend amendment H—5897, to Senate File 2163, as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 6, by striking lines 29 through 33 and
- 4 inserting in lieu thereof the following:
- 5 "eligibility criteria for income and resources as
- 6 authorized in section one thousand nine hundred two
- 7 (f) (1902 (f)) of the Social Security Act (Title XLII,
- 8 United States Code, section 1396 a(f)). In promulga-
- 9 tion of such rules and regulations specifying such
- 10 criteria, the commissioner shall:
- 11 a. exclude established medical expenses in
- 12 determining the amount of income for eligibility
- 13 purposes; and
- 14 b. provide for decertification of recipients only
- 15 in those instances where a recipient has transferred
- 16 property, a resource or income, contrary to the pro-
- 17 visions of section two hundred forty-nine A point five
- 18 (249A.5) of the Code, and such property, resource or
- 19 income, or the identifiable proceeds thereof, is
- 20 currently available to the recipient."

Roll call was requested by Tauke of Dubuque and Lageschulte of Bremer.

On the question "Shall amendment H—5979, to the committee amendment H—5897U, be adopted?"

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brunow	Chiodo	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dunton	Egenes	Evans
Fitzgerald	Gentleman	Gettings	Gilloon
Gilson	Griffee	Halvorson	Hansen
Harbor	Harvey	Hines	Hinkhouse
Hoffmann	Howell	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Pavich	Pellett	Pelton
Poncy	Rinas	Scheelhaase	Schnekloth
Shimanek	Small	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Varley	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

The nays were, 9:

Clark, B.J.	Dyrland	Garrison	Hargrave
Horn	Lipsky	Patchett	Schroeder
Stromer			

Absent or not voting, 8:

Brockett	Byerly	Den Herder	Doyle
Perkins	Smalley	Svoboda	Woods

Amendment H—5979 was adopted.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—5953, to the committee amendment H—5897U, filed by him and Clark of Cerro Gordo on April 10, 1978.

Norland of Worth offered the following amendment H—5988, to the committee amendment H—5897U, filed by Norland, Hansen and Cusack from the floor and moved its adoption:

H—5988

- 1 Amend amendment H—5897, to Senate File 2163
- 2, as passed by the Senate and reprinted, as follows:

3 1. Page 6, by inserting after line 33 the
 4 following subsection:
 5 " . In the event that the department of
 6 social services develops a plan to provide purchased
 7 rather than direct homemaker services in order to
 8 provide for a capability to determine eligibility
 9 for medical assistance, the department shall provide
 10 the Iowa Council for Homemaker-Home Health Aid Service,
 11 Inc. a three-week period of time to review and comment
 12 on the plan prior to its submission to the Executive
 13 Council.

Amendment H—5988 was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897U, as amended, was adopted.

Shimanek of Jones offered amendment H—5964, to the committee amendment H—5897H, filed by Shimanek, et al. Division was requested as follows:

H—5964

1 Amend H—5897 to Senate File 2163, as amended,
 2 passed and reprinted, as follows:

H—5964A

3 1. Page 5, line 19, by striking the numerals
 4 "78,650,000" and inserting in lieu thereof the numerals
 5 "79,850,000".

H—5964B

6 2. Page 6, line 12, by striking the word "twenty-one"
 7 and inserting in lieu thereof the word "twenty-two".

Shimanek of Jones asked and received unanimous consent to defer action on amendments H—5964A and H—5897H.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brockett of Marshall for the remainder of the day on request of Evans of Grundy.

Brunow of Appanoose asked and received unanimous consent

for the immediate consideration of the committee amendment H—5897T.

Griffie of Chickasaw in the chair at 8:25 p.m.

Shimanek of Jones moved the adoption of amendment H—5964B, to the committee amendment H—5897T.

Roll call was requested by Tauke of Dubuque and Shimanek of Jones.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5964B, to the committee amendment H—5897T, be adopted?"

The ayes were, 35:

Bennett	Brandt	Branstad	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Danker	Dyrland	Egenes	Evans
Halvorson	Harbor	Harvey	Hoffmann
Jochum	Junker	Krewson	Lind
Lipsky	Millen	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Stephens	Stromer	Tauke	Thompson
Toffe	Welden	West	

The nays were, 55:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brunow	Chiodo
Cochran	Connors	Cusack	Daggett
Davitt	Dieleman	Doyle	Dunton
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Hansen	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Koogler	Lageschulte
Lindeen	Loneragan	Menke	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	O'Halloran
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Small	Spear
Spencer	Svoboda	Walter	Wells
Woods	Wyckoff	Mr. Speaker	
		(Griffie)	

Absent or not voting, 10:

Brockett	Byerly	Den Herder	Jesse
Krause	Newhard	Nielsen	Norland
Perkins	Varley		

Amendment H—5964B lost.

On motion by Brunow of Appanoose, the committee amendment H—5897T was adopted.

The House resumed consideration of amendment H—5964A, to the committee amendment H—5897H.

Shimanek of Jones asked and received unanimous consent to withdraw amendment H—5964A.

On motion by Brunow of Appanoose, the committee amendment H—5897H was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897N was adopted.

Further division of the committee amendment H—5897O was requested, lines 23, 24, and 25, amendment H—5897O; line 26, amendment H—5897I.

Brunow of Appanoose asked and received unanimous consent to defer action on amendment H—5897O.

Brunow of Appanoose moved the adoption of the committee amendment H—5897I.

The committee amendment H—5897I was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897P was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897Q was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897R was adopted.

Spencer of Clay offered the following amendment H—5965, to the committee amendment H—5897S, filed by him and moved its adoption:

H—5965

- 1 Amend the Budget Committee amendment, H—5897, to
- 2 Senate File 2163, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 5, by striking lines 49 and 50 and
- 5 inserting in lieu thereof the following:
- 6 "22. By striking page 11, line 30 through page
- 7 12, line 6."

A non-record roll-call was requested.

Rule 69 was invoked.

Amendment H—5965 lost.

Spencer of Clay offered the following amendment H—5967, to the committee amendment H—5897S, filed by him and moved its adoption:

H—5967

- 1 Amend the Budget Committee amendment, H—5897, to
- 2 Senate File 2163, as amended, passed and reprinted
- 3 by the Senate, as follows:
- 4 1. Page 5, by striking lines 49 and 50.

Roll call was requested by Spencer of Clay and Spear of Lee.

Rule 70 was invoked.

On the question "Shall amendment H—5967, to the committee amendment H—5897S, be adopted?"

The ayes were, 28:

Branstad	Conlon	Crabb	Daggett
Danker	Dieleman	Gettings	Hansen
Hoffmann	Junker	Lageschulte	Lind
Lindeen	Lipsky	Menke	Monroe
Pellet	Poncy	Shimanek	Smalley
Spear	Spencer	Stephens	Stromer
Tauke	Welden	West	Wyckoff

The nays were, 63:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Connors	Crawford	Cusack	Davitt
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Halvorson	Harbor
Hargrave	Harvey	Hines	Horn
Howell	Husak	Jesse	Jochum
Koogler	Krause	Krewson	Loneragan
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pelton
Rinas	Scheelhaase	Schneklath	Schroeder
Small	Thompson	Tofte	Varley
Walter	Wells	Mr. Speaker (Griffee)	

Absent or not voting, 9:

Arnould	Brockett	Byerly	Den Herder
Hinkhouse	Hullinger	Perkins	Svoboda
Woods			

Amendment H—5967 lost.

On motion by Brunow of Appanoose, the committee amendment H—5897S was adopted.

Speaker Cochran in the chair at 9:43 p.m.

Davitt of Warren offered amendment H—5948, to the committee amendment H—5897O, filed by him and requested division as follows:

H—5948

- 1 Amend H—5897 to Senate File 2163 as amended,
- 2 passed and reprinted by the Senate, as follows:

H—5948A

- 3 1. Page 5, line 25 by striking the figure
- 4 "5,200,000" and inserting in lieu thereof the
- 5 figure "5,300,000".

H—5948B

- 6 2. Page 6, by striking lines 34 through 36.

Davitt of Warren asked and received unanimous consent to defer action on amendment H—5948A.

Davitt of Warren moved the adoption of amendment H—5948B, to the committee amendment H—5897V.

Amendment H—5948B was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897V, as amended, was adopted.

The House resumed consideration of the committee amendment H—5897O, and amendment H—5948A.

Davitt of Warren moved the adoption of amendment H—5948A, to the committee amendment H—5897O.

Amendment H—5948A was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897O, as amended, was adopted.

(Senate File 2163 and the committee amendment H—5897 pending at adjournment.)

UNANIMOUS CONSENT

Schroeder of Pottawattamie asked and received unanimous consent that the Governor's Executive Assistant and Administrative Assistants be permitted access to the House chamber on the request of a Representative, when the House is in session.

HOUSE CONCURRENT RESOLUTION 120

By Bina, Cusack, Arnould,
Harvey, and Conlon

- 1 *Whereas*, the Special Charter City of Davenport
- 2 is currently experiencing property assessment
- 3 difficulties because of its special charter and,
- 4 *Whereas*, the State of Iowa in recent years
- 5 has modified its property tax provisions signifi-
- 6 cantly enough to create potential property tax
- 7 inequities for the residents of the City of
- 8 Davenport and,
- 9 *Whereas*, the Iowa Legislature has repeatedly
- 10 expressed its legislative intent to strive for

11 property tax equity for all Iowans including those
 12 in the Special Charter City of Davenport and,
 13 *Whereas*, no comprehensive study of Iowa's
 14 special charter city provision has been undertaken.
 15 *Now Therefore Be It Resolved By The House of*
 16 *Representatives, The Senate Concurring*, that the
 17 legislative council is authorized to create a study
 18 committee as provided by law composed of members
 19 of the standing Cities Committees of both Houses
 20 of the 67th General Assembly representing both
 21 political parties to conduct a study during the
 22 1978 legislative interim of the interaction of
 23 special charter cities and their relationship
 24 to the State of Iowa in the implementation of pro-
 25 perty assessment procedures that would be more
 26 closely aligned with the taxation of all other
 27 local jurisdiction and,
 28 *Be It Further Resolved*, that the study committee
 29 shall prepare a report of its findings and submit
 30 it to the legislative council and the members of
 31 the 68th General Assembly, 1979 session, accompanied
 32 by legislative bill drafts designed to carry out
 33 the recommendations of the interim study committee.

Laid over under Rule 25.

REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 4, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Cloakroom Attendant	Bessie J. Bagby	Grade 8 Step 3 to Step 4	P—FT	3/31/78
Assistant Bill Clerk	Madeline E. James	Grade 12 Step 5 to Step 6	I—FT	3/31/78
Swing Clerk	Lynne Wright	Grade 13 Step 1 to Step 2	I—FT	4/14/78

Compositor	Carol S. Edwards	Grade 16 Step 3 to Step 4	P-FT	5/12/78
Compositor	Vivian Anders		I-FT to P-FT	3/31/78
Assistant Journal Editor	Frances Stefani		I-FT to P-FT	3/31/78

WELLS of Linn

PROOF OF PUBLICATION

Published copy of House File 2403 and verified proof of publication of said bill in The Clinton Herald, Clinton, Iowa on March 27, 1978 was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 485 Budget

Relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome.

S.B. 486 Ways and Means

To provide for the computation of capital gains or losses and depreciation allowances on property acquired from a decedent dying on or after January 1, 1977 and making the Act retroactive.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

BUDGET SUBCOMMITTEE ON HUMAN RESOURCES

Scheduled: 9:00 a.m., April 10, 1978

Convened: 9:00 a.m.

Adjourned: 9:55 a.m.

Present: Husak, chair; Krewson, Lonergan, Miller of Buchanan, Monroe, Spear, Thompson and Tofte.

Absent: Garrison and Gilloon.

Excused: Crawford.

Recommended amend and do pass a bill relating to and appropriating funds for designated health programs including substance abuse, mental health and continuing education for health practitioners.

COMMITTEE ON BUDGET

Scheduled: 12:45 p.m., April 10, 1978

Convened: 1:00 p.m.

Adjourned: 2:15 p.m.

Present: Cusack, chair; Harvey, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Absent: Dunton (arrived 1:20 p.m.), Avenson (arrived 1:10 p.m.), and Jesse (arrived 1:05 p.m.).

Excused: Den Herder.

Study Bill 379, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Cusack, Avenson, Koogler, Norland, O'Halloran, Varley and Wells.

Nay: Dunton, Harvey, Jesse and Stromer.

Absent or not voting: Den Herder and Welden.

Study Bill 460, a bill for an act relating to and appropriating funds for capital projects relating to educational agencies.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder.

COMMITTEE ON HUMAN RESOURCES

Scheduled: 1:00 p.m., April 10, 1978

Convened: 1:10 p.m.

Adjourned: 1:52 p.m.

Present: Walter, chair; Lonergan, vice-chair; Crawford, ranking member; Anderson, Baker, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Hansen, Krewson and Tofte.

Absent: Arnould, Hargrave (arrived 1:20 p.m.), Miller of Buchanan, Newhard (arrived 1:35 p.m.), and Schroeder (arrived 1:30) p.m.

Excused: Brunow, Cusack and Lipsky.

House File 2147, a bill for an act authorizing a county to provide emergency shelter services and support services for battered women.

Recommended Amend and Do Pass.

Aye: Walter, Lonergan, Crawford, Anderson, Baker, Clark of Cerro Gordo, Dyrland, Garrison, Gentleman, Krewson, and Tofte.

Nay: None.

Absent or not voting: Arnould, Brunow, Cusack, Hargrave, Lipsky, Miller of Buchanan, Newhard and Schroeder.

Senate File 149, a bill for an act relating to mandatory wage assignment in child support orders.

Recommended Do Pass.

Aye: Walter, Lonergan, Crawford, Anderson, Baker, Clark of Cerro Gordo, Dyrland, Gentleman, Hansen, Krewson, and Tofte.

Nay: None.

Absent or not voting: Arnould, Brunow, Cusack, Lipsky, Miller of Buchanan, Newhard and Schroeder.

AMENDMENTS FILED

H-5971	S.F. 2163	Miller of Buchanan
H-5974	S.F. 2163	Gentleman of Polk
H-5982	S.F. 2163	Clark of Cerro Gordo
H-5983	H.F. 2365	Monroe of Des Moines
H-5984	H.F. 2365	Monroe of Des Moines
H-5985	H.F. 2405	Doyle of Woodbury
H-5986	H.F. 2365	Hanseñ of O'Brien
H-5989	S.F. 2163	Anderson of Jasper
		Miller of Buchanan
		Harvey of Scott
		Welden of Hardin
		West of Marshall
		Norland of Worth
		Evans of Grundy
		Brockett of Marshall
		Gilloon of Dubuque
		Middleswart of Warren
H-5990	S.F. 2163	Lipsky of Linn
H-5991	S.F. 2163	Anderson of Jasper
		Miller of Buchanan
		Harvey of Scott
		Welden of Hardin
		West of Marshall
		Norland of Worth
		Evans of Grundy
		Brockett of Marshall
		Gilloon of Dubuque
		Middleswart of Warren
H-5992	S.F. 2233	Schroeder of Pottawattamie
		Wyckoff of Benton
		Husak of Tama
		Harbor of Mills
H-5993	Rules of the House	Schroeder of Pottawattamie

On motion by Fitzgerald of Webster, the House adjourned at 9:55 p.m., until 10:00 a.m., Wednesday, April 12, 1978.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day – Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 12, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend E. Paslay, Jr., pastor of the First Baptist Church, Boone, Iowa.

The Journal of Tuesday, April 11, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. S. P. Leinbach, Belmond, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the morning session on request of Norland of Worth.

PETITION FILED

The following petition was received and placed on file:

By Crabb of Crawford from eleven citizens from Monona County in favor of House File 2100, relating to retirement allowances for active, vested, and retired members of the Iowa public employees' retirement system and to make an appropriation.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 10, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2245, a bill for an act making an appropriation to the state department of health to fund the gathering of evidence and the cost of treatment required by section seven hundred nine point ten (709.10), Code 1977 Supplement.

Also: That the Senate has on April 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 106, a bill for an act relating to filing multiple counts in a single information, indictment, or complaint charging false use of a financial instrument.

Also: That the Senate has on April 10, 1978, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 376, a bill for an act relating to the protection of the rights of owners of enterprises.

Also: That the Senate has on April 10, 1978, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 404, a bill for an act relating to payment of travel expenses of county officers and employees.

Also: That the Senate has on April 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2229, a bill for an act relating to and appropriating funds for capital projects relating to educational agencies.

Also: That the Senate has on April 10, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act directing the executive council to sell the valley bank building.

KEVIN P. LIGHT, Acting Secretary

MOTION TO RECONSIDER WITHDRAWN
(House File 2354)

Brunow of Appanoose asked and received unanimous consent to withdraw the motion to reconsider House File 2354 filed by him on March 28, 1978.

BUSINESS PENDING

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services, and the committee amendment H-5897 found on pages 1440 through 1448 of the House Journal.

On motion by Brunow of Appanoose, the committee amendment H-5897W was adopted.

Gentleman of Polk offered the following amendment H—5974, to the committee amendment H—5897AA, filed by her and moved its adoption:

H—5974

- 1 Amend amendment H—5897 to Senate File 2163 as
- 2 follows:
- 3 1. Page 6, by striking lines 46 and 47.

Amendment H—5974 lost.

On motion by Brunow of Appanoose, the committee amendment H—5897AA was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897BB was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897CC was adopted.

On motion by Brunow of Appanoose, the committee amendment H—5897DD was adopted.

The Speaker announced that with the adoption of the committee amendments H—5897AA and H—5897BB, the following amendments are out of order:

H—5703, to page 14, filed by Doyle of Woodbury on March 20, 1978.

H—5856, to page 14, filed by Lind of Black Hawk and Wyckoff of Benton on March 31, 1978.

H—5966, to page 14, filed by Danker of Pottawattamie on April 10, 1978.

Junker of Woodbury asked for unanimous consent to suspend Rule 20 and that Keith R. Wessel be permitted in the House chamber for the purpose of taking pictures.

Objection was raised.

Junker of Woodbury moved that Rule 20 be suspended and that Keith R. Wessel be permitted in the House chamber for the purpose of taking pictures.

Roll call was requested by Schroeder of Pottawattamie and Danker of Pottawattamie.

Rule 70 was invoked.

Junker of Woodbury asked and received unanimous consent to withdraw his motion to suspend Rule 20.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H—5715 filed by him on March 20, 1978.

Lipsky of Linn offered amendment H—5990 filed by her and requested division as follows:

H—5990

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:

H—5990A

- 3 1. Page 4, line 7, by inserting after the word
- 4 "care," the words "homemaker services,".

H—5990B

- 5 2. Page 7, line 25, by inserting after the word
- 6 "programs" the words ", and shall thereafter revise
- 7 such rate structures annually".

H—5990C

- 8 3. Page 13, line 10, by striking the word
- 9 "updating" and inserting in lieu thereof the word
- 10 "reviewing".

H—5990D

- 11 4. Page 13, line 25, by inserting after the period
- 12 the words "A full report of such receipts retained
- 13 for institutional use shall be delivered to the
- 14 legislative fiscal bureau at the end of the fiscal
- 15 year."

On motion by Lipsky of Linn, amendment H—5990A was adopted.

Lipsky of Linn moved the adoption of amendment H—5990B.

Roll call was requested by Tauke of Dubuque and Harvey of Scott.

On the question "Shall amendment H—5990B be adopted?"

The ayes were, 30:

Bennett	Branstad	Byerly	Clark, J.H.
Conlon	Crawford	Daggett	Danker
Halvorson	Hansen	Harbor	Harvey
Hoffmann	Horn	Junker	Lind
Lindeen	Lipsky	Miller (Sergeant)	Pelton
Schneklath	Schroeder	Shimanek	Smalley
Spencer	Stephens	Stromer	Tauke
Tofte	Welden		

The nays were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Clark, B.J.	Connors	Crabb	Davitt
Dieleman	Doyle	Dyrland	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Hargrave	Hinkhouse	Howell
Husak	Jesse	Jochum	Koogler
Krause	Krewson	Lageschulte	Loneragan
Menke	Middleswart	Monroe	Newhard
Nielsen	Norland	O'Halloran	Patchett
Pavich	Pellett	Poncy	Rinas
Scheelhaase	Small	Spear	Thompson
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 17:

Brockett	Chiodo	Cusack	Den Herder
Dunton	Egenes	Evans	Griffie
Hines	Hullinger	Millen	Miller, K.D.
Oxley	Perkins	Svoboda	Varley
West			

Amendment H—5990B lost.

On motion by Lipsky of Linn, amendment H—5990C was adopted.

Lipsky of Linn moved the adoption of amendment H—5990D.

A non-record roll call was requested.

The ayes were 73, nays 5.

Amendment H—5990D was adopted.

Hansen of O'Brien offered the following amendment H—5892 filed by him and Brunow of Appanoose and moved its adoption:

H—5892

- 1 Amend Senate File 2163 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking lines 19 through 21, and
- 4 inserting in lieu thereof the following: "intent,
- 5 that the commissioner of social services work to
- 6 establish more uniform daily charges at the four
- 7 mental health institutes."

Amendment H—5892 was adopted.

Gentleman of Polk offered the following amendment H—5995 filed by her from the floor:

H—5995

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 19 through 21 and
- 4 inserting in lieu thereof the following:
- 5 "4. For medical assistance.....\$ 78,650,000
- 6 Reimbursement for abortion services shall be avail-
- 7 able under the".
- 8 2. Page 7, by striking line 14 and inserting in
- 9 lieu thereof the words "are expelled."

Brunow of Appanoose rose on a point of order that with the adoption of the committee amendment H—5897H, amendment H—5995 was out of order.

The Speaker ruled the point well taken and amendment H—5995 out of order.

Gentleman of Polk moved that the rules be suspended for the consideration of amendment H—5995.

A non-record roll call was requested.

The ayes were 22, nays 51.

The motion lost.

Gentleman of Polk offered the following amendment H—5996 filed by her from the floor and moved its adoption:

H—5996

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, by striking lines 19 and 20 and
- 4 inserting in lieu thereof the following:
- 5 "4. For medical assistance:
- 6 Funds appropriated by this subsection may be used
- 7 to provide reimbursement for abortion services,".

Roll call was requested by Gentleman of Polk and Dieleman of Marion.

Rule 70 was invoked.

On the question "Shall amendment H—5996 be adopted?"

The ayes were, 22:

Arnould	Brandt	Byerly	Clark, B.J.
Crawford	Cusack	Dunton	Dyrland
Garrison	Gentleman	Gilloon	Hargrave
Hoffmann	Jesse	Krewson	Lipsky
Miller (Sergeant)	Newhard	O'Halloran	Thompson
Varley	Walter		

The nays were, 71:

Anderson	Avenson	Baker	Bennett
Bina	Binneboese	Branstad	Brunow
Clark, J.H.	Conlon	Connors	Crabb
Daggett	Danker	Davitt	Dieleman
Doyle	Evans	Fitzgerald	Gettings
Gilson	Griffiee	Halvorson	Hansen
Harbor	Harvey	Hinkhouse	Horn
Hullinger	Husak	Jochum	Junker
Koogler	Krause	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Monroe	Nielsen
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Schroeder
Shimanek	Small	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke

Tofte
Woods

Welden
Wyckoff

Wells
Mr. Speaker

West

Absent or not voting, 7:

Brockett
Hines

Chiodo
Howell

Den Herder
Stephens

Egenes

Amendment H—5996 lost.

(Senate File 2163 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Halloran of Black Hawk for a portion of the afternoon on request of Krewson of Polk.

INTRODUCTION OF BILLS

House File 2414, by committee on commerce, a bill for an act relating to the reserve requirements and nonforfeiture provisions for policies of insurance subject to chapter five hundred eight (508) of the Code.

Read first time and **placed on the calendar.**

House File 2415, by committee on labor and industrial relations, a bill for an act relating to persons employed on a commission basis as employees.

Read first time and **placed on the calendar.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on

April 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 455, a bill for an act relating to the restraint of dogs.

Also: That the Senate has on April 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2170, a bill for an act making appropriations to the department of general services for operating purposes.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 455

H-6001

- 1 Amend House File 455 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, lines 4 and 5, by striking the
- 4 words and figure "two hundred thousand (200,000)"
- 5 and inserting in lieu thereof the words and figure
- 6 "one hundred thousand (100,000)".
- 7 2. Page 1, lines 6 and 7, by striking the
- 8 words and figure "two hundred thousand (200,000)"
- 9 and inserting in lieu thereof the words and figure
- 10 "one hundred thousand (100,000)".
- 11 3. Page 1, by inserting after line 11 the
- 12 following new paragraph:
- 13 "Hunting dogs in pursuit of game and working
- 14 dogs used on farms as watch dogs and for the movement
- 15 and control of livestock shall be presumed to be under
- 16 the control of the owner and need not be restrained."
- 17 4. Page 1, by striking line 12.

SENATE AMENDMENT TO
HOUSE FILE 2170

H-6000

- 1 Amend House File 2170 as amended, passed and
- 2 reprinted by the House, page 2, by striking lines 9
- 3 through 12.

SENATE MESSAGE CONSIDERED

Senate File 2213, a bill for an act amending the weapons chapter of the criminal code revision to authorize a peace officer to go armed anywhere in the state at all times when he or she obtains a profes-

sional permit to carry weapons, to forbid a convicted felon to obtain a permit to carry weapons, to eliminate the need for a seller who is a federal firearm licensee to report sales or transfers of ownership of revolvers or pistols to other federal firearm licensees, to eliminate the need for a federal firearm licensee to obtain a permit to purchase a pistol or revolver, to eliminate the need for anyone to obtain a permit to purchase an antique firearm, and to forbid making a pistol or revolver available to a person under twenty-one.

Read first time and referred to committee on **judiciary and law enforcement**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

BUSINESS PENDING

The House resumed consideration of **Senate File 2163**, a bill for an act relating to the administration and financing of current programs under the jurisdiction of the department of social services.

Brunow of Appanoose asked and received unanimous consent to defer temporarily amendments H-5989, H-5991, H-5994, H-5647, H-5627, H-5857 and H-5714.

Clark of Cerro Gordo offered the following amendment H-5982 filed by her and moved its adoption:

H-5982

- 1 Amend Senate File 2163 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 7, by inserting after line 18 the
- 4 following:
- 5 "It is the intent of the general assembly that
- 6 funds appropriated by this section may be used to
- 7 fund services to a child in his or her own home when
- 8 such service may be an alternative to placement in a
- 9 foster care home."

Amendment H-5982 was adopted.

Schroeder of Pottawattamie offered the following amendment

H—5955 filed by him and Monroe of Des Moines and moved its adoption:

H—5955

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 7, by inserting after line 27 the
4 following:
5 "The department of social services shall not adopt
6 or enforce any rule or policy prohibiting limited
7 corporal punishment of foster children by foster
8 parents licensed by the department. This paragraph
9 shall not prevent promulgation of rules prohibiting
10 malicious, willful and wanton conduct by a foster
11 parent which causes injury or damage to a foster
12 child, or exposes the foster child to danger of such
13 injury or damage."
14 2. Page 15, by inserting after line 26 the
15 following new section:
16 "Sec. . NEW SECTION. Foster parents licensed
17 by the department of social services stand in the
18 same relationship to their minor foster children,
19 for purposes of tort actions by or on behalf of a
20 foster child against that child's foster parents,
21 as do natural parents and their minor children who
22 reside at home. This section shall not apply to a
23 foster parent whose malicious, willful and wanton
24 conduct causes injury or damage to a foster child,
25 or exposes the foster child to a danger prohibited
26 by either the rules or regulations of the department
27 or of the placement agency."

Amendment H—5955 was adopted.

Spencer of Clay offered the following amendment H—5956 filed by him and Conlon of Muscatine and requested division as follows:

H—5956

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:

H—5956A

3 1. Page 12, line 3, by inserting after the period
4 the words "No contract for health insurance coverage
5 executed under this section shall provide coverage
6 for abortion services except those for which
7 reimbursement is permitted under section seven (7),
8 subsection four (4) of this Act."

H—5956B

9 2. Page 15, by inserting after line 26 the
 10 following new section:
 11 "Sec. . Section five hundred nine A point six
 12 (509A.6), Code 1977, is amended to read as follows:
 13 509A.6 CONTRACT WITH INSURANCE CARRIER OR HEALTH
 14 MAINTENANCE ORGANIZATION. The governing body may
 15 contract with a nonprofit corporation operating under
 16 the provisions of this chapter or chapter 514 or with
 17 any insurance company having a certificate of authority
 18 to transact an insurance business in this state with
 19 respect of a group insurance plan, which may include
 20 life, accident, health, hospitalization and disability
 21 insurance during period of active service of such
 22 employees, with the right of any employee to continue
 23 such life insurance in force after termination of
 24 active service at such employee's sole expense; may
 25 contract with a nonprofit corporation operating under
 26 and governed by the provisions of this chapter or
 27 chapter 514 with respect of any hospital or medical
 28 service plan; and may contract with a health
 29 maintenance organization authorized to operate in
 30 this state with respect to health maintenance
 31 organization activities. No contract for health or
 32 hospitalization insurance coverage executed under
 33 this section, for which premiums are paid wholly or
 34 partially from public funds, shall provide coverage
 35 for any abortion services except those necessary when
 36 two physicians certify that continuing the pregnancy
 37 would endanger the life of the pregnant woman, or
 38 following a spontaneous abortion, commonly known as
 39 a miscarriage, wherein not all of the products of
 40 conception are expelled."

Spencer of Clay moved the adoption of amendment H—5956A.

Roll call was requested by Spencer of Clay and Conlon of Muscatine.

On the question "Shall amendment H—5956A be adopted?"

The ayes were, 29:

Baker	Branstad	Brunow	Conlon
Daggett	Danker	Dieleman	Doyle
Gettings	Hansen	Howell	Junker
Krause	Lageschulte	Lind	Lonergan
Monroe	Oxley	Pavich	Pellett
Perkins	Shimaneck	Smalley	Spear

Spencer
Wyckoff

Stephens

Tauke

Wells

The nays were, 59:

Anderson	Arnould	Avenson	Bennett
Bina	Binneboese	Brandt	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Connors
Crabb	Crawford	Cusack	Davitt
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffee	Harbor	Hargrave
Hinkhouse	Hoffmann	Horn	Husak
Jesse	Jochum	Koogler	Krewson
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Newhard
Nielsen	Norland	Patchett	Pelton
Poncy	Schnekloth	Schroeder	Thompson
Tofte	Varley	Walter	Welden
West	Woods	Mr. Speaker	

Absent or not voting, 12:

Chiodo	Den Herder	Halvorson	Harvey
Hines	Hullinger	O'Halloran	Rinas
Scheelhaase	Small	Stromer	Svoboda

Amendment H—5956A lost.

Schroeder of Pottawattamie rose on a point of order that amendment H—5956B was not germane.

The Speaker ruled the point well taken and amendment H—5956B not germane.

Lind of Black Hawk asked and received unanimous consent to withdraw amendment H—5858, to page 12, filed by him on March 31, 1978.

Gilson of Guthrie asked and received unanimous consent to withdraw amendment H—5949, to page 12, filed by Gilson, et al., on April 10, 1978.

Miller of Buchanan offered the following amendment H—5971 filed by him and moved its adoption:

H—5971

2 and reprinted, as follows:

3 1. Page 13, line 18, by inserting after the word
4 "support." the following: "However, in no event shall
5 the noninstitutionalized spouse be required to con-
6 tribute support when that spouses income is less than
7 five thousand (5,000) dollars per year."

Amendment H—5971 was adopted.

Lipsky of Linn offered the following amendment H—5925 filed
by her:

H—5925

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 26 the
4 following new section:

5 "Sec. Chapter two hundred twenty-six (226),
6 Code 1977, is amended by adding the following new
7 section:

8 **NEW SECTION. PREADMISSION DIAGNOSTIC EVALUATIONS.**

9 1. It shall be the policy of this state that,
10 to the greatest extent feasible, a person shall be
11 admitted to a state mental health institute as a
12 voluntary inpatient only after a preadmission
13 diagnostic evaluation by a community mental health
14 center has confirmed that the admission is appropriate
15 to that person's needs, and that no suitable
16 alternative method of providing the services needed
17 by that person in a less restrictive setting, or in
18 or nearer to the person's home community, is currently
19 available.

20 2. In each case in which a county is supporting
21 a community mental health center, directly or in
22 affiliation with other counties, it shall be presumed
23 to be a part of that center's responsibilities to
24 perform the preliminary diagnostic evaluations required
25 by that county in order to implement the policy
26 established by subsection one (1) of this Act.
27 However, if performance of such evaluations is not
28 covered by the agreement entered into by the county
29 and the center under section two hundred thirty A
30 point twelve (230A.12) of the Code, and the center's
31 director certifies to the county board of supervisors
32 that the center does not have the capacity to perform
33 the needed evaluations, the board of supervisors may
34 proceed as provided by subsection four (4) of this
35 section.

36 3. In accordance with the policy established by

37 subsection one (1) of this section:

38 a. The superintendent or clinical director of
39 a state mental health institute, or that officer's
40 physician designee, shall advise any person who applies
41 for voluntary admission, or any person applying for
42 the voluntary admission of another person, in
43 accordance with section two hundred twenty-nine point
44 forty-one (229.41) of the Code of the policy
45 established by subsection one (1) of this Act, and
46 shall advise that a preadmission diagnostic evaluation
47 of the proposed patient be sought from the appropriate
48 community mental health center or alternative
49 diagnostic facility, if that has not already been
50 done. This subsection shall not apply when voluntary

Page 2

1 admission is sought in accordance with section two
2 hundred twenty-nine point forty-one (229.41) of the
3 Code under circumstances which, in the opinion of
4 the superintendent or clinical director of a state
5 mental health institute or that officer's physician
6 designee, constitute a medical emergency within the
7 meaning of section two hundred twenty-nine point two
8 (229.2), subsection two (2), paragraph a, of the Code.

9 b. The clerk of the district court shall refer
10 any person applying for authorization for voluntary
11 admission, or for authorization for voluntary admission
12 of another person, in accordance with section two
13 hundred twenty-nine point forty-two (229.42) of the
14 Code to the appropriate community mental health center
15 or alternative diagnostic facility for preadmission
16 diagnostic evaluation unless the applicant furnishes
17 a written statement from that center or facility that
18 such an evaluation has been performed and indicates
19 that the person's admission to a state mental health
20 institute is appropriate. This subsection shall not
21 apply when authorization for voluntary admission is
22 sought under circumstances which, in the opinion of
23 a state mental health institute superintendent or
24 clinical director or that officer's physician designee,
25 constitute a medical emergency within the meaning
26 of section two hundred twenty-nine point two (229.2),
27 subsection two (2), paragraph a, of the Code.

28 c. When the proposed voluntary admission of a
29 person to a state mental health institute is primarily
30 for treatment of alcoholism or drug abuse, each
31 reference to a community mental health center or
32 alternative diagnostic facility in paragraphs a and
33 b of this subsection may be deemed a reference to
34 a facility as defined in section one hundred twenty-
35 five point two (125.2), subsection two (2), of the

36 Code as amended by Acts of the Sixty-seventh General
 37 Assembly, 1977 Session, chapter seventy-four (74),
 38 section three (3). However, this paragraph shall
 39 not be construed so as to contravene the last sentence
 40 of section one hundred twenty-five point nineteen
 41 (125.19), subsection one (1), as amended by Acts of
 42 the Sixty-seventh General Assembly, 1977 Session,
 43 chapter seventy-four (74), section thirty (30).
 44 4. In cases where a county is not served by a
 45 community mental health center having the capacity
 46 to perform the required preliminary diagnostic
 47 evaluations, the board of supervisors may arrange
 48 for such evaluations to be performed by an alternative
 49 diagnostic facility. An alternative diagnostic
 50 facility may be the outpatient service of a state

Page 3

1 mental health institute or any other mental health
 2 facility or service able to furnish the requisite
 3 professional skills to properly perform preadmission
 4 diagnostic evaluation of a person whose voluntary
 5 admission to a state mental health institute is being
 6 sought or considered. The committee on mental hygiene,
 7 with the advice and assistance of the director of
 8 the department of social services division of mental
 9 health resources and the director of the Iowa mental
 10 health authority, shall prepare and promulgate
 11 administrative rules governing the kind and quality
 12 of services which must be offered by an alternative
 13 diagnostic facility in performing preadmission
 14 diagnostic evaluations. The objective of these rules
 15 shall be to make such evaluations at least equivalent
 16 to those performed by community mental health centers
 17 in terms of both professional quality and orientation
 18 to the best interests of the person being evaluated
 19 and of the county."

Brunow of Appanoose rose on a point of order that amendment H—5925 was not germane.

The Speaker ruled the point well taken and amendment H—5925 not germane.

Lipsky of Linn moved that the rules governing germaneness be suspended for the consideration of amendment H—5925.

Roll call was requested by Lipsky of Linn and Junker of Woodbury.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 36:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Danker	Egenes
Evans	Gentleman	Halvorson	Hansen
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellet	Pelton
Schneklath	Schroeder	Shimaneck	Smalley
Stephens	Stromer	Tauke	Thompson
Tofte	Varley	Welden	West

The nays were, 53:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Cusack	Daggett	Davitt	Dieleman
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gettings	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Krause	Loneragan	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Perkins
Poney	Spear	Spencer	Svoboda
Walter	Wells	Woods	Wyckoff
Mr. Speaker			

Absent or not voting, 11:

Connors	Den Herder	Gilloon	Harbor
Jesse	Koogler	Middleswart	O'Halloran
Rinas	Scheelhaase	Small	

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago for the remainder of the day on request of Lind of Black Hawk.

Nielsen of Polk offered the following amendment H—5997 filed by him and Woods of Polk from the floor and moved its adoption:

H—5997

1 Amend Senate File 2163, as amended, passed and re-
2 printed by the Senate as follows:

3 1. Page 15, by inserting after line 14 the follow-
4 ing new section:

5 Sec. . Section seven hundred twenty-six point
6 five (726.5), Code 1977 Supplement, is amended by add-
7 ing the following new unnumbered paragraph:

8 **NEW UNNUMBERED PARAGRAPH.** Proceedings under this
9 section may be instituted upon complaint by any person,
10 including but not limited to the commissioner of social
11 services or his or her authorized agent.

12 2. By renumbering the remaining sections.

Amendment H—5997 was adopted.

Miller of Buchanan offered the following amendment H—5998
filed by him from the floor and moved its adoption:

H—5998

1 Amend Senate File 2163, as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 26 the
4 following new section:

5 "Sec. . Section twenty-five A point two (25A.2),
6 subsection three (3), Code 1977, is amended to read
7 as follows:

8 3. "Employee of the state" includes any one or
9 more officers, agents, or employees of the state or
10 any state agency, including members of the general
11 assembly, and persons acting on behalf of the state
12 or any state agency in any official capacity,
13 temporarily or permanently in the service of the state
14 of Iowa, whether with or without compensation. Persons
15 designated as foster parents under this Act are to
16 be considered employees of the state. Professional
17 personnel, including medical doctors, osteopathic
18 physicians and surgeons, osteopathic physicians,
19 optometrists and dentists, who render services to
20 patients and inmates of state institutions under the
21 jurisdiction of the department of social services
22 are to be considered employees of the state, whether
23 such personnel are employed on a full-time basis or
24 render such services on a part-time basis on a fee
25 schedule or arrangement, but shall not include any
26 contractor doing business with the state."

Amendment H—5998 was adopted.

Anderson of Jasper asked and received unanimous consent to withdraw amendment H—5989, to page 6, filed by Anderson, et al., on April 11, 1978.

Anderson of Jasper offered the following amendment H—5991 filed by Anderson, et al. :

H—5991

1 Amend Senate File 2163 as amended, passed and
2 reprinted by the Senate as follows:
3 1. Page 6, by striking lines 23 through 35
4 and inserting in lieu thereof the following:
5 "abortions performed under the following cir-
6 cumstances:
7 a. The attending physician certifies that
8 continuing the pregnancy would endanger the life
9 of the pregnant woman; or
10 b. Two physicians certify that continuing
11 the pregnancy would result in severe and long-lasting
12 damage to the physical health of the woman; or
13 c. The attending physician certifies that the
14 fetus is physically deformed, mentally deficient, or
15 afflicted with a congenital illness; or".
16 2. Page 7, line 1, by striking the letter "c."
17 and inserting in lieu thereof the letter "d."
18 3. Page 7, line 11 by striking the letter "d." and
19 inserting in lieu thereof the letter "e."

Schroeder of Pottawattamie offered the following amendment H—6012, to amendment H—5991, filed by him from the floor and moved its adoption:

H—6012

1 Amend amendment H—5991 to page 6 of Senate File
2 2163 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by striking lines 7 through 12 and
5 inserting in lieu thereof the following:
6 "a. The attending physician certifies that con-
7 tinuing the pregnancy would medically endanger the
8 life of the pregnant woman; or
9 b. Two physicians certify that continuing the
10 pregnancy would medically result in severe and long-
11 lasting damage to the physical health of the woman;
12 or"

Amendment H—6012 lost.

Monroe of Des Moines offered the following amendment H—6004, to amendment H—5991, filed by him and Lonergan of Boone from the floor and moved its adoption:

H—6004

- 1 Amend amendment H—5991, to Senate File 2163 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 10 through 12 and
- 4 inserting in lieu thereof the following:
- 5 "b. Two physicians certify and document that
- 6 continuing the pregnancy would result in critical and
- 7 long-lasting damage to the physical health of the
- 8 woman, or".

Roll call was requested by Tauke of Dubuque and Dieleman of Marion.

On the question "Shall amendment H—6004 be adopted?"

The ayes were, 41:

Baker	Bennett	Binneboese	Brunow
Chiodo	Conlon	Crabb	Daggett
Davitt	Dieleman	Doyle	Fitzgerald
Gettings	Gilson	Hansen	Harbor
Harvey	Horn	Howell	Hullinger
Jochum	Junker	Koogler	Krause
Lageschulte	Lind	Lonergan	Monroe
Oxley	Pavich	Perkins	Poncy
Scheelhaase	Shimanek	Smalley	Spencer
Stephens	Tauke	Wells	Woods
Wyckoff			

The nays were, 53:

Anderson	Arnold	Avenson	Bina
Brandt	Brockett	Byerly	Clark, B.J.
Connors	Crawford	Cusack	Danker
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilloon	Griffie
Halvorson	Hargrave	Hinkhouse	Hoffmann
Husak	Jesse	Krewson	Lindeen
Lipsky	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Newhard	Nielsen
Norland	Patchett	Pellett	Pelton
Schneklath	Schroeder	Small	Spear
Stromer	Svoboda	Thompson	Tofte
Varley	Walter	Welden	West
Mr. Speaker			

Absent or not voting, 6:

Branstad	Clark, J.H.	Den Herder	Hines
O'Halloran	Rinas		

Amendment H—6004 lost.

Speaker pro tempore Nielsen of Polk in the chair at 3:41 p.m.

Lind of Black Hawk offered the following amendment H—6014, to amendment H—5991, filed by him from the floor and moved its adoption:

H—6014

- 1 Amend amendment H—5991, to Senate File 2163 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, by striking lines 13 through 15.

Roll call was requested by Tauke of Dubuque and Junker of Woodbury.

On the question "Shall amendment H—6014 be adopted?"

The ayes were, 40:

Avenson	Baker	Binneboese	Brunow
Byerly	Chiodo	Conlon	Daggett
Danker	Davitt	Dieleman	Doyle
Fitzgerald	Gettings	Gilson	Halvorson
Harbor	Horn	Husak	Junker
Krause	Lageschulte	Lind	Lonergan
Monroe	Oxley	Pavich	Pellett
Perkins	Poncy	Schnekloth	Shimanek
Smalley	Stephens	Stromer	Tauke
Tofte	Wells	Woods	Wyckoff

The nays were, 51:

Anderson	Arnould	Bennett	Bina
Brandt	Brockett	Clark, B.J.	Clark, J.H.
Connors	Crabb	Crawford	Cusack
Dunton	Dyrland	Egenes	Evans
Garrison	Gentleman	Gilloon	Griffee
Hargrave	Hines	Hinkhouse	Hoffmann
Howell	Jesse	Jochum	Koogler
Krewson	Lindeen	Lipsky	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Newhard
Norland	O'Halloran	Patchett	Pelton

Rinas
Svoboda
Welden

Schroeder
Thompson
West

Small
Varley
Mr. Speaker
(Nielsen)

Spear
Walter

Absent or not voting, 9:

Branstad
Harvey
Spencer

Cochran
Hullinger

Den Herder
Millen

Hansen
Scheelhaase

Amendment H—6014 lost.

Anderson of Jasper moved the adoption of amendment H—5991.

Roll call was requested by Davitt of Warren and Dieleman of Marion.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—5991 be adopted?"

The ayes were, 52:

Anderson
Bina
Clark, B.J.
Crawford
Egenes
Gilloon
Horn
Lageschulte
Middleswart
Newhard
Rinas
Svoboda
Walter

Arnould
Brandt
Clark, J.H.
Cusack
Evans
Hargrave
Jesse
Lindeen
Millen
Norland
Schroeder
Thompson
Welden

Avenson
Brunow
Cochran
Dunton
Garrison
Hines
Krause
Lipsky
Miller, K.D.
O'Halloran
Small
Tofte
West

Bennett
Byerly
Connors
Dyrland
Gentleman
Hoffmann
Krewson
Menke
Miller (Sergeant)
Patchett
Spear
Varley
Mr. Speaker
(Nielsen)

The nays were, 43:

Baker
Crabb
Dieleman
Gilson
Hinkhouse
Jochum
Lonergan
Pellett
Scheelhaase

Binneboese
Daggett
Doyle
Griffie
Howell
Junker
Monroe
Pelton
Schneklath

Chiodo
Danker
Fitzgerald
Halvorson
Hullinger
Koogler
Oxley
Perkins
Shimanek

Conlon
Davitt
Gettings
Harbor
Husak
Lind
Pavich
Poncy
Smalley

Spencer
Wells

Stephens
Woods

Stromer
Wyckoff

Tauke

Absent or not voting, 5:

Branstad
Harvey

Brockett

Den Herder

Hansen

Amendment H—5991 was adopted, placing the following amendments out of order:

H—5627, to page 6, filed by Miller of Buchanan on March 13, 1978.

H—5647, to page 6, filed by Miller of Buchanan on March 14, 1978.

H—5857, to page 6, filed by Lind of Black Hawk on March 31, 1978.

Lind of Black Hawk offered amendment H—5714 filed by him. Division was requested as follows:

H—5714

- 1 Amend Senate File 2163, as amended, passed and
- 2 reprinted by the Senate, as follows:

H—5714A

- 3 1. Page 7, line 4, by striking the word "sixty"
- 4 and inserting in lieu thereof the word "three".

H—5714B

- 5 2. Page 7, line 7, by striking the words "two
- 6 trimesters" and inserting in lieu thereof the word
- 7 "trimester".

H—5714C

- 8 3. Page 7, by striking line 10 and inserting in
- 9 lieu thereof the words "social services, provided
- 10 that reimbursement shall be available for an abortion
- 11 performed under the circumstances described in this
- 12 paragraph only if:

- 13 (1) The abortion is performed with the prior
- 14 consent of both parents of the pregnant woman if that
- 15 woman is less than eighteen years of age.

- 16 (2) The pregnant woman has not previously undergone
- 17 an abortion paid for from medical assistance funds".

On motion by Lind of Black Hawk, amendment H—5714A lost.

Lind of Black Hawk moved the adoption of amendment H—5714B.

A non-record roll call was requested.

The ayes were 35, nays 52.

Amendment H—5714B lost.

On motion by Lind of Black Hawk, amendment H—5714C lost.

Lipsky of Linn moved to reconsider the vote by which the committee amendment H—5897E was adopted by the House on April 11, 1978.

The motion lost.

Brunow of Appanoose moved to reconsider the vote by which amendment H—5998 was adopted by the House on April 12, 1978.

The motion prevailed and the House reconsidered amendment H—5998 filed by Miller of Buchanan.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—5998.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bina of Scott for the remainder of the day on request of Walter of Pottawattamie.

Brunow of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2163)

The ayes were, 71:

Anderson
Bennett
Byerly

Arnould
Binneboese
Clark, B.J.

Avenson
Brandt
Clark, J.H.

Baker
Brunow
Cochran

Connors	Crawford	Cusack	Davitt
Doyle	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gentleman
Gilloon	Gilson	Griffee	Halvorson
Hansen	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krewson	Lageschulte	Lindeen	Lipsky
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Schroeder	Small	Spear	Svoboda
Thompson	Tofte	Varley	Walter
West	Woods	Mr. Speaker (Nielsen)	

The nays were, 24:

Chiodo	Conlon	Crabb	Daggett
Danker	Dieleman	Gettings	Harbor
Harvey	Junker	Lind	Loneragan
Pellett	Pelton	Schnekloth	Shimaneck
Smalley	Spencer	Stephens	Stromer
Tauke	Welden	Wells	Wyckoff

Absent or not voting, 5:

Bina	Branstad	Brockett	Den Herder
Krause			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(Senate File 2163)

Brunow of Appanoose asked for unanimous consent that Senate File 2163 be immediately messaged to the Senate.

Objection was raised.

Brunow of Appanoose moved to reconsider the vote by which Senate File 2163 passed the House on April 12, 1978.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 49, nays 42.

The motion, having failed to receive a constitutional majority, lost.

HOUSE FILE 2395 WITHDRAWN

Brunow of Appanoose asked and received unanimous consent to withdraw House File 2395 from further consideration by the House.

UNANIMOUS CONSENT CALENDAR (House Resolution 124)

We hereby respectfully request that House Resolution 124, filed on March 22, 1978 and found on page 1119 of the House Journal, be placed on the unanimous consent calendar.

SMALL of Johnson
HARGRAVE of Johnson
DYRLAND of Clayton

(House Resolution 131)

We hereby respectfully request that House Resolution 131, filed on April 4, 1978 and found on page 1335 of the House Journal, be placed on the unanimous consent calendar.

MILLER (SERGEANT) of Calhoun
BENNETT of Ida
PERKINS of Greene

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-one students from Charles City Community School, Charles City, Iowa, accompanied by Charles Redenirr. By Howell of Floyd.

Thirty-two seniors from Rockwell-Swaledale Community School, Rockwell, Iowa, accompanied by Mr. Fredrickson. By Clark of Cerro Gordo.

Twenty-five seniors from East Monona Junior-Senior High School, Moorhead, Iowa, accompanied by Rex Wesack. By Crabb of Crawford.

Forty seniors from Carson-Macedonia Community School, Carson, Iowa, accompanied by Rosemary Witt. By Schroeder of Pottawattamie.

Twelve Teenage Republicans from Iowa Falls, Iowa, accompanied by Mrs. Ellefson. By Welden of Hardin.

One hundred thirty eighth grade students from Winterset Community School, Winterset, Iowa, accompanied by Hans Sorenson. By Davitt of Warren.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COMMERCE

Scheduled: 8:00 a.m., April 11, 1978

Convened: 8:05 a.m.

Adjourned: 9:10 a.m.

Present: Small, chair; Chiodo, vice-chair; Brockett, ranking member; Anderson, Bina, Brunow, Evans, Halvorson, Jochum, Koogler, Krause, Lonergan, Tauke, Welden and West.

Absent: Dieleman and Walter.

Excused: Den Herder and Schroeder.

Study Bill 408, a bill for an act increasing the maximum lending limit of a small loan company to two thousand dollars.

Recommended **Do Pass**.

Fiscal note is not required.

Aye: Small, Chiodo, Brockett, Anderson, Bina, Evans, Halvorson, Jochum, Koogler, Krause, Lonergan, Tauke, Welden and West.

Nay: None.

Absent or not voting: Brunow, Den Herder, Dieleman, Schroeder and Walter.

Study Bill 427, a bill for an act relating to civil liability for losses caused by real and personal property and the use thereof.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: Small, Chiodo, Brockett, Anderson, Bina, Evans, Halvorson, Koogler, Krause, Lonergan, Welden and West.

Nay: Jochum and Tauke.

Absent or not voting: Brunow, Den Herder, Dieleman, Schroeder and Walter.

COMMITTEE ON BUDGET

Scheduled: 9:00 a.m., April 11, 1978

Convened: 9:20 a.m.

Adjourned: 9:50 a.m.

Present: Cusack, chair; Dunton, vice-chair; Harvey, Jesse, Norland, O'Halloran, Varley, Welden and Wells.

Absent: Avenson (arrived 9:30 a.m.) and Koogler (arrived 9:25 a.m.).

Excused: Den Herder and Stromer.

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions.

Reconsidered and further amended Senate File 2127 and amendment H-5684.

Recommended Amend and Do Pass, as follows:

H-5684

- 1 Amend Senate File 2127 as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 4, by striking lines 1 through 11.
- 4 2. Page 4, by inserting after line 20 the
- 5 following:
- 6 "c. Notwithstanding section eight point thirty-
- 7 three (8.33) of the Code, unencumbered or unobli-

8 gated funds appropriated by subsection seven (7) of
9 section one (1) of the Acts of the sixty-seventh
10 General Assembly, 1977 Session, chapter four (4) for
11 use by the Iowa Merit Employment Department remain-
12 ing on June 30, 1978 shall not revert to the general
13 fund of the state, but shall carry forward for use
14 during fiscal year 1978-79 and shall revert in the
15 same manner as if appropriated for such fiscal year."

16 3. Page 4, by inserting after line 30, the
17 words: "Funds included in this appropriation may be
18 expended to match Federal funds on a 90-10 basis and
19 includes ten new positions for on site consultation
20 services under the occupational safety and health
21 program. These additional positions expire if
22 Federal funds are not continued on a 90-10 basis."

Fiscal note is not required.

Aye: Cusack, Avenson, Jesse, Koogler, Norland, O'Halloran, Welden and Wells.

Nay: Dunton.

Absent or not voting: Den Herder, Harvey, Stromer and Varley.

Study Bill 417, a bill for an act relating to the transfer of funds between state departments, institutions and agencies.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Dunton, Avenson, Jesse, Koogler, Norland, O'Halloran, Varley, Welden and Wells.

Nay: None.

Absent or not voting: Den Herder, Harvey and Stromer.

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 9:00 a.m., April 11, 1978

Convened: 9:07 a.m.

Adjourned: 10:34 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilloon, Gilson, Hinkhouse, Hoffmann, Junker, Lindeen, Miller (Sergeant) of Calhoun, Pellett, Stephens, Stromer, Wells and Wyckoff.

Absent: Harvey.

Excused: Oxley.

Committee Bill (Formerly Study Bill 453), a bill for an act making statutory changes which affect the duties, responsibilities and procedures of county treasurers with regard to tax sales, collection of taxes and fees, tax levies, maintenance of records and disposition of county funds.

Recommended Do Pass.

Fiscal note is not required.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilloon, Gilson, Hinkhouse, Junker, Lindeen, Miller (Sergeant) of Calhoun, Pellett, Stephens, Stromer, Wells and Wyckoff.

Nay: None.

Absent or not voting: Byerly, Clark of Lee, Harvey, Hoffmann and Oxley.

Senate File 2115, a bill for an act authorizing the temporary transfer of money from the general fund of the county to the county conservation fund to match federal funds.

Recommended Do Pass.

Fiscal note is not required.

Aye: Hullinger, Spear, Baker, Brandt, Byerly, Gilloon, Gilson, Junker, Lindeen, Pellett, Stephens, Stromer and Wells.

Nay: Danker, Hinkhouse, Miller (Sergeant) of Calhoun and Wyckoff.

Absent or not voting: Clark of Lee, Harvey, Hoffmann and Oxley.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., April 11, 1978

Convened: 9:08 a.m.

Adjourned: 9:22 a.m.

Present: Connors, chair; Jochum, vice-chair; Chiodo, Crabb, Gilloon, Halvorson, Hines, Pavich, Poncy, Small, Thompson and Wells.

Absent: Egenes, ranking member (arrived 9:12 a.m.); Branstad, Brockett (arrived 9:11 a.m.), Horn (arrived 9:10 a.m.), Lageschulte and Smalley.

Study Bill 464, a bill for an act relating to persons employed on a commission basis as employees.

Recommended Amend and Do Pass.

Aye: Connors, Jochum, Egenes, Chiodo, Gilloon, Halvorson, Hines, Horn, Pavich, Poncy, Small and Wells.

Nay: Crabb and Thompson.

Absent or not voting: Branstad, Brockett, Lageschulte and Smalley.

COMMITTEE ON ENERGY

Scheduled: 1:00 p.m., April 11, 1978

Convened: 1:07 p.m.

Adjourned: 2:20 p.m.

Present: O'Halloran, chair; Howell, vice-chair; Welden, ranking member; Binneboese, Daggett, Danker, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Svoboda and Varley.

Absent: Norland and Perkins.

House File 2101, a bill for an act encouraging the development and use of solar energy in Iowa.

Recommended Amend and Do Pass.

H-6003

- 1 Amend House File 2101 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 "Section 1. Chapter ninety-three (93), Code 1977,
- 5 is amended by adding sections two (2) through eleven
- 6 (11) of this Act.
- 7 Sec. 2. NEW SECTION. LEGISLATIVE FINDINGS. The
- 8 general assembly finds that:
- 9 1. The public health, safety, and welfare of the
- 10 people of the state of Iowa require that an adequate
- 11 supply of energy be made available to them at all
- 12 times.
- 13 2. Nonrenewable energy sources are becoming more
- 14 limited.
- 15 3. State government has an obligation to encourage
- 16 the use of alternative renewable energy sources.
- 17 4. Solar energy systems are an effective means
- 18 of reducing the dependence of the state government
- 19 and the people of the state on imported energy sources
- 20 and of conserving valuable fossil fuel and other
- 21 nonrenewable energy sources.
- 22 5. It is in the public interest to define solar
- 23 energy systems, demonstrate and study solar energy

24 applications, apply incentives for using solar energy,
 25 educate the public on solar technology and coordinate
 26 governmental programs affecting solar energy.

27 Sec. 3. NEW SECTION. DEFINITIONS. As used in
 28 this Act, unless the context otherwise requires:

29 1. "Conventional energy system" means an energy
 30 system using fossil fuel, nuclear or hydroelectric
 31 energy and the components of the system, including
 32 transmission lines, burners, furnaces, tanks, boilers,
 33 related controls, distribution systems, room or area
 34 units and other components.

35 2. "Energy use sites" means sites where energy
 36 is or may be used or consumed for generating
 37 electricity or for heating or cooling gases, solids,
 38 liquids, or other materials and where solar energy
 39 may be used, as determined by the council, consistent
 40 with the purposes of this Act.

41 3. "Joint solar energy system" means a solar
 42 energy system involving at least two owners or users
 43 that supplies energy for structures or processes on
 44 more than one lot or in more than one condominium
 45 unit or leasehold, but not to the general public.

46 4. "Solar collector" means:

47 a. An assembly, structure, or design, including
 48 passive elements, used for gathering, concentrating,
 49 or absorbing direct or indirect solar energy, which
 50 is designed for collecting a substantial amount of

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1 useful thermal energy and for transferring that energy
 2 to a gas, solid, or liquid or for using that energy
 3 directly; or

4 b. A mechanism that absorbs solar energy and
 5 converts it into electricity; or

6 c. A mechanism or process used for gathering solar
 7 energy through wind or thermal gradients; or

8 d. A component used to transfer thermal energy
 9 to a gas, solid, or liquid, or to convert it into
 10 electricity.

11 5. "Solar energy" means radiant energy received
 12 from the sun at wave lengths suitable for heat
 13 transfer, photosynthetic use, or photovoltaic use.

14 6. a. "Solar energy system" means:

15 (1) A complete assembly, structure, or design
 16 of a solar collector, or solar collector and solar
 17 storage mechanism, which uses solar energy for
 18 generating electricity or for heating or cooling
 19 gases, solids, liquids, or other materials.

20 (2) The design, materials, or elements of a system
 21 and its maintenance, operation, and labor components,
 22 and the necessary components, if any, of supplemental

23 conventional energy systems designed or constructed
24 to interface with a solar energy system.

25 (3) Any legal, financial, or institutional orders,
26 certificates, or mechanisms, including easements,
27 leases, and agreements, required to ensure continued
28 access to solar energy, its source, or its use in
29 a solar energy system, including monitoring and
30 educational elements of a demonstration project.

31 b. "Solar energy system" does not include:

32 (1) Distribution equipment that is equally usable
33 in a conventional energy system except for such
34 components of such equipment as are necessary for
35 meeting the requirements of efficient solar energy
36 utilization; and

37 (2) Components of a solar energy system that serve
38 structural, insulating, protective, shading, aesthetic,
39 or other nonsolar energy utilization purposes, as
40 defined in the regulations of the council; and

41 (3) Any facilities of a public energy supplier
42 used to transmit or distribute gas or electricity.

43 7. "Solar skyspace" means:

44 a. The maximum three dimensional space extending
45 from a solar energy collector to all positions of
46 the sun necessary for efficient use of the collector.

47 b. Where a solar energy system is used for space
48 heating purposes, "solar skyspace" means the maximum
49 three dimensional space extending from a solar energy
50 collector to all positions of the sun between nine

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1 o'clock A.M. and three o'clock P.M. local apparent
2 time from September twenty-second through March twenty-
3 second of each year.

4 c. Where a solar energy system is used for cooling
5 purposes, "solar skyspace" means the maximum three
6 dimensional space extending from a solar energy
7 collector to all positions of the sun between eight
8 o'clock A.M. and four o'clock P.M. local apparent
9 time from March twenty-third through September twenty-
10 first.

11 8. "Solar skyspace easement" means:

12 a. A right, whether or not stated in the form
13 of a restriction, easement, covenant, or condition
14 in any deed, will, or other instrument executed by
15 or on behalf of any owner of land or solar skyspace
16 or in any order of taking, appropriate to protect
17 the solar skyspace of a solar collector at a parti-
18 cularly described location to forbid or limit any
19 or all of the following where detrimental to access
20 to solar energy:

- 21 (1) Structures on or above ground;
 22 (2) Vegetation on or above the ground; or
 23 (3) Other activity.

24 The easement shall specifically describe a solar
 25 skyspace in three dimensional terms in which the
 26 activity, structures, or vegetation are forbidden
 27 or limited or in which such an easement shall set
 28 performance criteria for adequate collection of solar
 29 energy at a particular location.

30 9. "Solar storage mechanism" means equipment or
 31 elements including but not limited to piping and
 32 transfer mechanisms, containers, heat exchangers,
 33 or controls and gases, solids, or liquids, that are
 34 used for storing solar energy gathered by a solar
 35 collector for subsequent use.

36 10. "Supplemental conventional energy system"
 37 means a conventional energy system used for providing
 38 energy in conjunction with a solar energy system when
 39 the solar energy system provides not less than ten
 40 percent of the energy for the particular end use.
 41 "Supplemental conventional energy system" does not
 42 include any facilities of a public energy supplier
 43 used to produce, transmit, distribute or store gas
 44 or electricity.

45 11. "Public energy supplier" means any publicly,
 46 privately, municipally or cooperatively owned utility
 47 that furnishes electricity or gas to the general
 48 public for a fee.

49 Sec. 4. NEW SECTION. PROGRAM CREATED. There
 50 is created the Iowa comprehensive solar energy program

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1 under the direction of the council. The director
 2 of energy policy shall administer the program and
 3 may accept, receive and administer and may expend
 4 with the approval of the council, any gifts, grants
 5 or other public or private funds for the program.
 6 The director shall cooperate with and use the
 7 facilities and resources of existing state agencies,
 8 public and private educational institutions, business,
 9 civic associations, industrial and professional repre-
 10 sentatives and local governments in carrying out the
 11 provisions of this Act.

12 Sec. 5. NEW SECTION. DEMONSTRATION PROJECTS.
 13 The council shall prepare a plan for instituting a
 14 variety of solar energy system demonstration projects
 15 in public and private buildings or for public and
 16 private use throughout the state and shall make such
 17 plan available to the general assembly.

18 Sec. 6. NEW SECTION. INCENTIVE PROGRAM. The
 19 council, in cooperation with appropriate state

20 agencies, shall develop an incentive program for
 21 encouraging the construction and use of cost effective
 22 solar energy systems within this state. Development
 23 of the incentive program shall include studies of:

- 24 1. Laws, regulations, ordinances, rules and plans
- 25 for the purpose of determining the extent to which
- 26 the laws, regulations, ordinances, rules and plans
- 27 inhibit or encourage the use of solar energy systems.
- 28 2. The market penetration of solar energy systems.
- 29 3. Solar skyspace rights.

30 The council shall submit a progress report of its
 31 findings and recommendations concerning incentive
 32 programs and studies mandated by this section to the
 33 general assembly not later than January 15, 1979 and
 34 periodically thereafter as necessary.

35 Sec. 7. NEW SECTION. ASSISTANCE PROGRAM. The
 36 council may provide upon request any technical or
 37 available financial assistance deemed necessary to
 38 encourage the development of solar energy systems
 39 in this state, under the provisions of section ninety-
 40 three point fourteen (93.14) of the Code.

41 Sec. 8. NEW SECTION. PUBLIC EDUCATION. The
 42 council may, in cooperation with other state agencies,
 43 units of local government, and other institutions,
 44 plan, prepare, and develop educational programs for
 45 the public regarding the use of solar energy systems.
 46 However to the maximum extent feasible, the council
 47 shall leave the responsibility for actually
 48 implementing the solar energy educational programs
 49 to existing state agencies, units of local government,
 50 and other institutions responsible for educating the

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1 public.
 2 Sec. 9. NEW SECTION. STUDY OF PUBLIC ENERGY SUP-
 3 PLIERS AND SOLAR ENERGY. The council shall, in
 4 cooperation with the Iowa state commerce commission,
 5 study the relationship between public energy suppliers
 6 and the use of solar energy systems and shall make
 7 recommendations concerning its findings to the general
 8 assembly. The study shall identify different scenarios
 9 relating to the development and use of solar energy
 10 and shall determine for each scenario ways to:
 11 1. Integrate the supply of conventional energy
 12 with solar energy systems at reasonable rates and
 13 under reasonable conditions of service; and
 14 2. Minimize the economic and load impact on public
 15 energy suppliers of the use of solar energy systems;
 16 and
 17 3. Develop criteria for the selection of power
 18 plant sites that consider the potential use of solar

19 energy systems as a part of the load forecast
 20 projections in the service area of public energy
 21 suppliers.

22 **Sec. 10. NEW SECTION. SOLAR ENERGY SYSTEM**
 23 **REGULATION STUDY.** The Iowa state commerce commission
 24 shall, in cooperation with the council, study the
 25 impacts of the use of joint solar energy systems and
 26 shall make recommendations concerning its findings
 27 to the general assembly. The study shall:

28 1. Estimate the rate of development and use of
 29 joint solar energy systems through 1985.

30 2. Examine the need for regulation of joint solar
 31 energy systems, the administrative costs of regulation
 32 and enforcement mechanisms.

33 3. Examine the need for the use of the power of
 34 eminent domain.

35 4. Determine the effects on service areas, cost
 36 of service and other effects of the use of joint solar
 37 energy systems on public energy suppliers.

38 5. Identify ways to prevent undue economic hardship
 39 on the public energy supplier and its customers.

40 6. Identify ways to promote the development and
 41 use of joint solar energy systems.

42 The study shall also examine the need for regulation
 43 of the financing, sales and service of solar energy
 44 systems by public energy suppliers.

45 **Sec. 11. NEW SECTION. PROVISION OF SOLAR ENERGY**
 46 **SYSTEMS BY PUBLIC ENERGY SUPPLIERS.** The financing,
 47 sales and service of solar energy systems shall be
 48 a valid service and purpose of a public energy
 49 supplier. However nothing in this section shall be
 50 construed to prohibit within the service area as

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1 determined under sections four hundred seventy-six
 2 point twenty-two (476.22) through four hundred seventy-
 3 six point twenty-five (476.25) of the Code of a public
 4 energy supplier:

5 1. The financing, sales and service of solar
 6 energy systems by an individual, corporation or
 7 institution that is not a public energy supplier.

8 2. The financing of solar energy systems by a
 9 unit of government that is not a public energy
 10 supplier.

11 **Sec. 12. Chapter four hundred seventy-six (476),**
 12 **Code 1977, is amended by adding the following new**
 13 **section:**

14 **NEW SECTION. DISCRIMINATION PROHIBITED.** A
 15 municipality, corporation or cooperative association
 16 providing electrical or gas service shall not consider

17 the use of renewable energy sources by a customer
18 as a basis for establishing higher rates or charges
19 for any service or commodity sold to the customer
20 or discontinue services or subject the customer to
21 any other prejudice or disadvantage based on the
22 customer's use or intended use of renewable energy
23 sources.

24 Sec. 13. The code editor shall place sections
25 two (2) through eleven (11) of this Act as a new
26 division in chapter ninety-three (93) of the Code."

Fiscal note is required.

Aye: O'Halloran, Howell, Binneboese, Daggett, Doyle, Evans, Griffee, Hinkhouse, Hullinger, Lindeen, Middleswart, Pellett, Pelton, Svoboda and Varley.

Nay: Welden and Danker.

Absent or not voting: Norland and Perkins.

Senate File 353, a bill for an act relating to the purchase of energy efficient motor vehicles by state agencies.

Recommended Amend and Do Pass.

Fiscal note is not required.

Aye: O'Halloran, Howell, Binneboese, Doyle, Evans, Griffee, Hinkhouse, Lindeen, Middleswart, Pelton, Svoboda and Varley.

Nay: Welden, Daggett, Danker and Pellett.

Absent or not voting: Hullinger, Norland and Perkins.

COMMITTEE ON HOUSE ADMINISTRATION

Scheduled: 1:00 p.m., April 11, 1978

Convened: 1:10 p.m.

Adjourned: 1:40 p.m.

Present: Wells, chair; Connors, Daggett, Doyle and Millen.

Absent: Perkins.

Excused: Bina, Den Herder and Griffee.

Caucus Staff report and review of Assistant Journal Editor and Intermittent Compositor.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., April 11, 1978

Convened: 1:15 p.m.

Adjourned: 2:00 p.m.

Present: Monroe, chair; Woods, vice-chair; Avenson, Brandt, Crawford, Dieleman, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Arnould, Griffiee and Patchett.

Excused: Harvey.

Senate File 2131, a bill for an act to consolidate the licensing of funeral directors and embalmers.

Recommended Do Pass.

Fiscal note is required.

Aye: Monroe, Woods, Brandt, Dieleman, Hansen, Junker, Poncy, Shimanek, Tauke, Walter and West.

Nay: None.

Absent or not voting: Harvey, Arnould, Avenson, Crawford, Griffiee, Jesse, Middleswart, Patchett and Stromer.

Discussed IPERS.

AMENDMENTS FILED

H-6006	S.F. 221	Harvey of Scott Schnekloth of Scott
H-6007	H.F. 2381	Tauke of Dubuque
H-6008	H.F. 2405	Spear of Lee
H-6009	H.F. 2218	Schroeder of Pottawattamie Wyckoff of Benton Husak of Tama Harbor of Mills
H-6010	H.F. 2133	Dieleman of Marion West of Marshall Norland of Worth Conlon of Muscatine
H-6011	H.F. 2381	Small of Johnson

H-6013	H.F. 191	Committee on State Government
H-6015	S.F. 2115	Wyckoff of Benton
H-6016	H.F. 2381	Bennett of Ida

On motion by Fitzgerald of Webster, the House adjourned at 5:25 p.m., until 9:00 a.m., Thursday, April 13, 1978.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 13, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Robert Connor, pastor of the Pisgah United Methodist Church, Pisgah, Iowa.

The Journal of Wednesday, April 12, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. C. W. Maplethorpe, Toledo, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Varley of Adair on request of Harbor of Mills.

PETITION FILED

The following petition was received and placed on file:

By Wells of Linn from sixty-one University of Iowa College of Pharmacy students and part-time employees supporting Senate File 2022 and House File 285 relating to designated smoking areas in public places.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1978, adopted the conference committee report and passed the following bill in which the concurrence of the Senate was asked:

House File 187, a bill for an act to regulate the sale and use of certain beverage containers.

Also: That the Senate has on April 11, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2165, a bill for an act appropriating funds for the administration of the Iowa public employees retirement system and providing for a securities lending program and allocating funds appropriated by this Act for the administration of such program.

Also: That the Senate has on April 12, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2329, a bill for an act creating and making an appropriation for the purpose of funding the acquisition, development, installation and use of a data processing system.

Also: That the Senate has on April 11, 1978, amended the House amendment to, concurred in the House amendment as amended and passed the following bill in which the concurrence of the Senate was asked:

Senate File 292, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act.

Also: That the Senate has on April 11, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2094, a bill for an act relating to the enforcement of foreign judgments.

Also: That the Senate has on April 11, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2233, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 292

H-6020

- 1 Amend the House amendment, S-5466, to Senate File
- 2 292 as amended, passed and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the following:
- 5 " Page 1, line 13, by striking the word and
- 6 figure "fourteen (14)" and inserting in lieu thereof
- 7 the word and figure "thirteen (13)".
- 8 2. Page 1, by inserting after line 26 the
- 9 following:

- 10 . Page 2, line 5, by striking the word and
 11 figure "fourteen (14)" and inserting in lieu thereof
 12 the word and figure "thirteen (13)".
 13 3. Page 1, by inserting after line 41 the
 14 following:
 15 " . Page 2, line 29, by inserting after the
 16 word "except" the words "a buyer or seller or their
 17 designees,""

SENATE AMENDMENTS CONSIDERED

Hullinger of Decatur called up for consideration **House File 2246**, a bill for an act extending liability and errors and omissions insurance to appointed county officers, amended by the Senate amendment H—5927, found on pages 1392 and 1393 of the House Journal, and moved that the House concur in the Senate amendment H—5927.

The motion prevailed and the House concurred in the Senate amendment H—5927.

Hullinger of Decatur moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2246)

The ayes were, 83:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffee
Halvorson	Hansen	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Small	Spear	Spencer

Stephens	Stromer	Svoboda	Tauke
Thompson	Walter	Welden	Wells
West	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Chiodo	Connors	Den Herder	Egenes
Gilloon	Harbor	Hargrave	Hines
Jesse	Krause	Monroe	Newhard
Nielsen	Smalley	Tofte	Varley
Woods			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Pavich of Pottawattamie called up for consideration **House File 606**, a bill for an act relating to the standards for protective clothing and equipment used by fire fighters, amended by the Senate amendment H—5928, found on page 1392 of the House Journal.

Spear of Lee asked for unanimous consent to defer action on House File 606.

Objection was raised.

On motion by Pavich of Pottawattamie, the House concurred in the Senate amendment H—5928.

Pavich of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 606)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Doyle	Dunton
Dyrland	Evans	Garrison	Gentleman
Gettings	Gilson	Griffie	Halvorson

Hansen	Harbor	Hargrave	Harvey
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonergan	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Schnekloth	Schroeder	Shimaneck
Small	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, -1:

Welden

Absent or not voting, 13:

Chiodo	Connors	Den Herder	Egenes
Fitzgerald	Gilloon	Krause	Monroe
Newhard	Nielsen	Smalley	Tofte
Varley			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

CONSIDERATION OF BILLS

Regular Calendar

House File 304, a bill for an act relating to disclosure of criminal history and intelligence data and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Schroeder of Pottawattamie offered amendment H-5610 filed by the committee on judiciary and law enforcement on March 9, 1978 and found on pages 938 through 940 of the House Journal and moved its adoption.

Amendment H-5610 was adopted.

Lipsky of Linn offered the following amendment H-5947 filed by her and moved its adoption:

H—5947

1 Amend House File 304 as follows:

2 1. Page 4, by inserting after line 18 the
3 following:

4 "Sec. . Chapter six hundred ninety-two (692),
5 Code 1977 Supplement, is amended by adding the
6 following new section:

7 **NEW SECTION.** Notwithstanding any other provision
8 of this chapter, a prospective employer may receive
9 from the department or any other criminal justice
10 agency, conviction data of a prospective employee
11 for use in determining whether or not to hire that
12 prospective employee. The conviction data may be
13 obtained if the prospective employer submits a request
14 to a criminal justice agency on forms approved by
15 the department, and if the prospective employee submits
16 copies of his or her fingerprints and signs a release
17 authorizing the prospective employer's access.
18 However, the prospective employer's access to the
19 conviction data shall be limited to the prospective
20 employee's record of felony convictions within the
21 preceding five years.

22 A prospective employer who obtains conviction data
23 under this section shall not communicate or seek to
24 communicate the conviction data to any other person.
25 Use of conviction data obtained under this section
26 by a prospective employer, for any purpose other than
27 allowed by this section shall be an aggravated
28 misdemeanor."

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 44, nays 46.

Amendment H—5947 lost.

Pelton of Clinton asked for unanimous consent to amend House File 304 by striking on page 3, line 16, the words "and nonconviction data".

Objection was raised.

Harbor of Mills moved to reconsider the vote by which amendment H—5947 failed to be adopted by the House on April 13, 1978.

Small of Johnson asked and received unanimous consent to defer action on House File 304 and that the bill retain its place on the calendar.

(The Harbor motion to reconsider amendment H-5947 pending.)

MOTION TO SUSPEND RULES LOST

Small of Johnson asked for unanimous consent to suspend Rule 20 and that Keith R. Wessel be permitted on the House floor today only and that thereafter all photographers be restricted from the floor while the House is conducting business and that the question of photographers be studied in the interim by the committee on rules.

Objection was raised.

Small of Johnson moved to suspend Rule 20 and that Keith R. Wessel be permitted on the House floor today only and that thereafter all photographers be restricted from the floor while the House is conducting business and that the question of photographers be studied in the interim by the committee on rules.

Roll call was requested by Schroeder of Pottawattamie and Tofte of Winneshiek.

Rule 70 was invoked.

On the question "Shall the motion to suspend the rules prevail?"

The ayes were, 45:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly
Cusack	Davitt	Dieleman	Dyrland
Fitzgerald	Garrison	Gettings	Gilson
Griffie	Hargrave	Hines	Hinkhouse
Horn	Howell	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
O'Halloran	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Small
Spear	Walter	Wells	Wyckoff
Mr. Speaker			

The nays were, 45:

Bennett	Binneboese	Branstad	Brockett
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Dunton
Egenes	Evans	Gentleman	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Hullinger	Junker	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Nielsen	Pellett	Pelton
Scheelhaase	Schnekloth	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Welden	West
Woods			

Absent or not voting, 10:

Chiodo	Connors	Den Herder	Doyle
Gilloon	Newhard	Norland	Spencer
Svoboda	Varley		

The motion lost.

HOUSE FILE 2098 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2098 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Patchett of Johnson called up for consideration **House File 2135**, a bill for an act to establish a mobile home parks residential landlord and tenant act and providing civil penalties, amended by the Senate amendment H—5975 found on pages 1460 through 1463 of the House Journal, and moved that the House concur in the Senate amendment H—5975.

The motion prevailed and the House concurred in the Senate amendment H—5975.

Patchett of Johnson moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Miller of Buchanan refrained from voting.

On the question "Shall the bill pass?" (H.F. 2135)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Crawford	Cusack
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilson	Griffiee
Halvorson	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Lonergan
Menke	Middleswart	Millen	Miller (Sergeant)
Monroe	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellet	Pelton
Perkins	Poncy	Rinas	Scheelhaase
Schneklath	Schroeder	Shimaneck	Small
Spear	Spencer	Stromer	Svoboda
Tauke	Thompson	Walter	Wells
West	Mr. Speaker		

The nays were, 12:

Bennett	Crabb	Daggett	Danker
Doyle	Harbor	Smalley	Stephens
Tofte	Welden	Woods	Wyckoff

Absent or not voting, 10:

Chiodo	Connors	Den Herder	Gilloon
Harvey	Hullinger	Miller, K.D.	Newhard
Norland	Varley		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker pro tempore Nielsen of Polk in the chair.

On motion by Avenson of Fayette, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

SENATE AMENDMENT CONSIDERED

Avenson of Fayette called up for consideration **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages, amended by the Senate amendment H-5914, found on pages 1371 through 1374 of the House Journal.

Avenson of Fayette offered the following amendment H-6030, to the Senate amendment H-5914, filed by him from the floor and moved its adoption:

H-6030

- 1 Amend the Senate amendment, H-5914, to House File
- 2 2074 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, by striking lines 1 and 2.

Amendment H-6030 was adopted.

Avenson of Fayette offered the following amendment H-6031, to the Senate amendment H-5914, filed by him from the floor:

H-6031

- 1 Amend the Senate amendment, H-5914, to House File
- 2 2074 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 2, by striking lines 10 through 12 and
- 5 inserting in lieu thereof the following:
- 6 " Page 4, lines 23 and 24, by striking the

- 7 words "employment, evaluation, appointment or" and
 8 inserting in lieu thereof the words "evaluation
 9 for"."

Griffie of Chickasaw asked and received unanimous consent to temporarily defer action on amendment H—6031.

Avenson of Fayette offered the following amendment H—6032, to the Senate amendment H—5914, filed by Avenson, Anderson, Welden, Monroe, Davitt, Shimanek, Krewson, Evans, Lonergan and Menke from the floor and moved its adoption:

H—6032

- 1 Amend the Senate amendment, H—5914, to House File
 2 2074 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 3, by striking lines 5 through 15 and
 5 inserting in lieu thereof the following:
 6 "Sec. . Section twenty point seventeen (20.17),
 7 subsection three (3), Code 1977, is amended to read
 8 as follows:
 9 3. Negotiating sessions, including strategy
 10 meetings of public employers or employee organizations,
 11 mediation and the deliberative process of arbitrators
 12 shall be exempt from the provisions of chapter 28A.
 13 However, the employee organization shall present its
 14 initial bargaining position to the public employer
 15 at the first bargaining session. The public employer
 16 shall present its initial bargaining position to the
 17 employee organization at the second bargaining session,
 18 which shall be held no later than two weeks following
 19 the first bargaining session. Both sessions shall
 20 be open to the public and subject to the provisions
 21 of chapter twenty-eight A (28A) of the Code. Hearings
 22 conducted by arbitrators shall be open to the public."

Roll call was requested by Avenson of Fayette and Menke of O'Brien.

On the question "Shall amendment H—6032 be adopted?"

The ayes were, 70:

Anderson	Avenson	Baker	Binneboese
Brockett	Brunow	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Davitt	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Garrison

Gentleman	Gilson	Griffee	Halvorson
Hansen	Harbor	Hines	Hoffmann
Howell	Hullinger	Jesse	Jochum
Koogler	Krause	Krewson	Lageschulte
Lind	Lindeen	Loneragan	Menke
Middleswart	Millen	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Patchett	Pavich	Pellett	Pelton
Perkins	Rinas	Scheelhaase	Schroeder
Shimaneck	Small	Smalley	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
West	Mr. Speaker		

The nays were, 25:

Arnould	Bennett	Bina	Brandt
Branstad	Byerly	Connors	Cusack
Dieleman	Gettings	Hargrave	Harvey
Hinkhouse	Horn	Husak	Junker
Lipsky	Miller, K.D.	Oxley	Poncy
Schnekloth	Spear	Wells	Woods
Wyckoff			

Absent or not voting, 5:

Chiodo	Den Herder	Doyle	Gilloon
Varley			

Amendment H—6032 was adopted.

The House resumed consideration of amendment H—6031, to the Senate amendment H—5914.

Griffee of Chickasaw offered the following amendment H—6036, to amendment H—6031, (to the Senate amendment H—5914), filed by him and Stromer of Hancock from the floor and moved its adoption:

H—6036

- 1 Amend amendment H—6031, to Senate amendment
- 2 H—5914, to House File 2074 as passed by the House
- 3 and reprinted, as follows:
- 4 1. Page 1, by striking lines 4 through 9 and
- 5 inserting in lieu thereof the following:
- 6 "1. Page 2, by striking lines 10 through 12."

Roll call was requested by Harvey of Scott and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—6036 be adopted?"

The ayes were, 50:

Anderson	Baker	Bennett	Bina
Binneboese	Clark, J.H.	Conlon	Connors
Crabb	Cusack	Daggett	Danker
Davitt	Dieleman	Dyrland	Egenes
Evans	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hoffmann	Horn	Howell	Junker
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Monroe
Pellett	Perkins	Poncy	Scheelhaase
Schroeder	Smalley	Spear	Spencer
Stromer	Thompson	Tofte	West
Woods	Mr. Speaker		

The nays were, 42:

Arnould	Avenson	Brandt	Branstad
Brockett	Brunow	Clark, B.J.	Crawford
Dunton	Fitzgerald	Garrison	Gentleman
Gettings	Hines	Hinkhouse	Husak
Jesse	Jochum	Koogler	Krause
Krewson	Loneragan	Miller, K.D.	Miller (Sergeant)
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Pelton	Rinas
Schnekloth	Shimanek	Small	Stephens
Svoboda	Tauke	Walter	Welden
Wells	Wyckoff		

Absent or not voting, 8:

Byerly	Chiodo	Den Herder	Doyle
Gilloon	Hullinger	O'Halloran	Varley

Amendment H—6036 was adopted, placing out of order amendment H—6035, to amendment H—6031, filed by Tauke of Dubuque from the floor.

Griffee of Chickasaw moved the adoption of amendment H—6031, as amended, to the Senate amendment H—5914.

Amendment H—6031, as amended, was adopted.

Tauke of Dubuque offered the following amendment H—6033, to the Senate amendment H—5914, filed by him from the floor and moved its adoption:

H—6033

- 1 Amend Senate amendment H—5914 to House File
- 2 2074 as follows:
- 3 1. Page 1, by striking lines 3 through 5.

Roll call was requested by Tauke of Dubuque and Shimanek of Jones.

On the question "Shall amendment H—6033 be adopted?"

The ayes were; 66:

Anderson	Arnould	Bennett	Bina
Binneboese	Brockett	Brunow	Byerly
Clark, B.J.	Conlon	Connors	Crabb
Crawford	Daggett	Danker	Dieleman
Dunton	Egenes	Evans	Gentleman
Gettings	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hinkhouse	Hoffmann	Hullinger	Husak
Jochum	Junker	Koogler	Krewson
Lageschulte	Lind	Lindeen	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Oxley	Patchett	Pellett	Pelton
Perkins	Scheelhaase	Schneklath	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Tauke	Thompson
Tofte	Walter	Welden	West
Wyckoff	Mr. Speaker		

The nays were, 26:

Avenson	Brandt	Branstad	Clark, J.H.
Cusack	Davitt	Dyrland	Fitzgerald
Garrison	Gilloon	Hines	Horn
Howell	Jesse	Krause	Lipsky
Lonergan	Monroe	Nielsen	Norland
O'Halloran	Pavich	Poney	Small
Svoboda	Wells		

Absent or not voting, 8:

Baker	Chiodo	Den Herder	Doyle
Newhard	Rinas	Varley	Woods

Amendment H—6033 was adopted.

Tauke of Dubuque offered the following amendment H—6034, to the Senate amendment H—5914, filed by him from the floor and moved its adoption:

H—6034

- 1 Amend Senate amendment H—5914 to House File
- 2 2074 as follows:
- 3 1. Page 1, by striking all of lines 6 through 9.

Roll call was requested by Anderson of Jasper and Nielsen of Polk.

On the question “Shall amendment H—6034 be adopted?”

The ayes were, 30:

Bennett	Brockett	Clark, B.J.	Conlon
Crabb	Daggett	Danker	Egenes
Evans	Halvorson	Hansen	Harbor
Lind	Lindeen	Lipsky	Millen
Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Stephens
Stromer	Tauke	Thompson	Tofte
Welden	West		

The nays were, 58:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Branstad
Brunow	Byerly	Crawford	Cusack
Davitt	Doyle	Dunton	Dyrland
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lonergan	Middleswart	Miller, K.D.
Monroe	Newhard	Nielsen	Norland
O'Halloran	Oxley	Patchett	Pavich
Poncy	Rinas	Scheelhaase	Small
Svoboda	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

Absent or not voting, 12:

Chiodo	Clark, J.H.	Connors	Den Herder
Dieleman	Harvey	Hoffmann	Menke
Miller (Sergeant)	Perkins	Spencer	Varley

Amendment H — 6034 lost.

Griffie of Chickasaw offered the following amendment H — 6037, to the Senate amendment H — 5914, filed by him from the floor and moved its adoption:

H — 6037

- 1 Amend the Senate amendment H — 5914, to House File
- 2 2074 as passed by the House and reprinted, as follows:
- 3 1. Page 1, by striking line 33.

Amendment H — 6037 was adopted.

Anderson of Jasper offered the following amendment H — 6038, to the Senate amendment H — 5914, filed by Anderson, Avenson and Griffie from the floor and moved its adoption:

H — 6038

- 1 Amend the Senate amendment to House File 2074 as
- 2 amended, passed and reprinted by the House as follows:
- 3 Page 3, by inserting after line 15 the following:
- 4 " Page 9, line 6, by striking the following:
- 5 "January 1, 1979" and inserting in lieu thereof the
- 6 following: "July 1, 1978"."

Amendment H — 6038 was adopted.

By unanimous consent the following amendment H — 6046, to the Senate amendment H — 5914, filed by Avenson of Fayette from the floor was adopted:

H — 6046

- 1 Amend the Senate amendment H — 5914, to House File
- 2 2074 as amended, passed and reprinted by the House,
- 3 as follows:
- 4 1. Page 3, by inserting after line 15 the following:
- 5 " Amend the title page, line 5, by inserting
- 6 after the word "statute," the words "except chapter
- 7 twenty (20), Code 1977,""

On motion by Avenson of Fayette, the House concurred in the Senate amendment H—5914, as amended.

Avenson of Fayette moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2074)

The ayes were, 91:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Branstad
Brockett	Brunow	Byerly	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald	Gentleman
Gettings	Gilloon	Gilson	Griffie
Halvorson	Hansen	Harbor	Hargrave
Harvey	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Pony	Rinas	Scheelhaase
Schnekloth	Schroeder	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Walter	Welden	West
Woods	Wyckoff	Mr. Speaker	

The nays were, 6:

Brandt	Doyle	Garrison	Jesse
Newhard	Wells		

Absent or not voting, 3:

Chioldo	Den Herder	Varley
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER LOST
(House File 2074)

Avenson of Fayette asked for unanimous consent that House File 2074 be immediately messaged to the Senate.

Objection was raised.

Avenson of Fayette moved to reconsider the vote by which House File 2074 passed the House on April 13, 1978.

A non-record roll call was requested.

The ayes were 35, nays 43.

The motion lost.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

INTRODUCTION OF BILLS

House File 2416, by committee on state government, a bill for an act to designate a name for the office building of the Iowa department of job service.

Read first time and **placed on the calendar**.

House File 2417, by committee on commerce, a bill for an act relating to civil liability and insurance reporting for losses caused by personal property.

Read first time and **placed on the calendar**.

House File 2418, by committee on state government, a bill for an act relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds, or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessments due.

Read first time and placed on the calendar.

House File 2419, by committee on cities, a bill for an act relating to the tort liability of governmental subdivisions.

Read first time and placed on the calendar.

House File 2420, by committee on budget, a bill for an act relating to the transfer of funds between state departments, institutions and agencies.

Read first time and placed on the budget calendar.

House File 2421, by committee on county government, a bill for an act to create a county finance committee and to specify its powers and duties.

Read first time and placed on the calendar.

House File 2422, by committee on state government, a bill for an act relating to the operations of the citizens' aide office.

Read first time and placed on the calendar.

House File 2423, by committee on budget, a bill for an act making appropriations to the department of general services for designated capital improvements and expenses.

Read first time and placed on the budget calendar.

House File 2424, by committee on budget, a bill for an act relating to and appropriating funds for capital projects relating to educational agencies.

Read first time and placed on the budget calendar.

House File 2425, by committee on commerce, a bill for an act relating to fairness in lending in real estate mortgages and prohibiting the practice of red-lining by banks, saving and loan associations and other financial institutions operating in the state, and providing penalties.

Read first time and placed on the calendar.

House File 2426, by committee on state government, a bill for an act relating to certain public retirement systems; including the Iowa public employees' retirement system relating to administration, contribution rates, coverage, and changes in benefits; and including the judicial retirement system relating to contributions assessed as court costs; and to make an appropriation.

Read first time and **placed on the calendar**.

SENATE MESSAGES CONSIDERED

Senate File 106, a bill for an act relating to filing multiple counts in a single information, indictment, or complaint charging false use of a financial instrument.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2094, a bill for an act relating to the enforcement of foreign judgments.

Read first time and referred to committee on **judiciary and law enforcement**.

Senate File 2229, a bill for an act relating to and appropriating funds for capital projects relating to educational agencies.

Read first time and **passed on file**.

Senate File 2230, a bill for an act directing the executive council to sell the valley bank building.

Read first time and referred to committee on **budget**.

Senate File 2233, a bill for an act changing fees for designated safety inspections and licenses conducted or issued under the jurisdiction of the commissioner of labor.

Read first time and **passed on file**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of April, 1978: House Files 299, 396, 2033, 2099, 2136 and 2283.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 13, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 2063, an act to change the defined term "councilman" to "council member" in the City Code of Iowa, and to make appropriate conforming amendments.

House File 2243, an act relating to and appropriating funds to state agencies for designated service programs including health programs, civil rights and parole services and programs for minority, elderly and disadvantaged persons.

Senate File 384, an act to provide that standards for facilities accessible to the physically handicapped shall apply to multiple-dwelling-unit buildings of twelve or more dwelling units, and to provide that all functions of public bathrooms available to the physically handicapped shall be accessible to those persons.

Senate File 2042, an act removing a sheriff's authorization to chain a disorderly prisoner in a jail and a sheriff's authorization to feed a prisoner only bread and water.

Senate File 2169, an act relating to air transportation regulation.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on the evening of April 12, 1978. Had I been present, I would have voted "aye" on the final passage of Senate File 2163.

BINA of Scott

I was necessarily absent from the House chamber on April 13, 1978. Had I been present I would have noted "aye" on House Files 606 and 2246.

TOFTE of Winneshiek

PRESENTATION OF VISITORS

Nielsen of Polk presented to the House Louis Nava and Rafael Gotera from Maracaibo, Venezuela. They are visiting Iowa with the Friendship Force.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five eighth grade students from Dow City-Arion Community School, Dow City, Iowa, accompanied by Don Ray. By Crabb of Crawford.

Forty-six fifth grade students from Jefferson Elementary School, Creston, Iowa, accompanied by Joyce Anderson and Eve McFee. By Daggett of Adams and Hullinger of Decatur.

Sixty-six seventh grade students from Manson Middle School, Manson, Iowa, accompanied by Donna Niday, Joan Kaiser and Gary Mays. By Miller (Sergeant) of Calhoun.

Thirty-five fifth and sixth grade students from East Union Community School, Afton, Iowa, accompanied by Mrs. Betty Patterson. By Hullinger of Decatur.

Eighty students from Garner-Hayfield Community School, Garner, Iowa, accompanied by Mrs. Stelle, Miss Sweers and Mrs. Greiman. By Stromer of Hancock.

Thirty-five members of the government class from East Greene Community School, Grand Junction, Iowa. By Lonergan of Boone.

Thirty-five students from Washington Elementary School, Muscatine, Iowa, accompanied by Sara Phelan. By Conlon of Muscatine and Hoffmann of Muscatine.

Six state government students from Iowa Lakes Community College, Estherville, Iowa, accompanied by Mr. John Lazaris. By Krause of Kossuth and Spencer of Clay.

Nineteen members of the government class from Monticello High School, Monticello, Iowa, accompanied by Mr. Keith Stamp. By Shimanek of Jones.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2006

State Government: Walter, Chair; Patchett and Harvey.

House File 476

Ways and Means: Bina, Chair; Wells and Thompson.

House File 2145

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

House File 2300

Ways and Means: Anderson, Chair; Miller of Buchanan, Svoboda, Jochum, Clark of Lee, Harbor and Conlon.

House File 2304

Ways and Means: Dieleman, Chair; Pavich, Dunton, Junker, Harbor, Horn and Harvey.

House File 2305

Ways and Means: Pavich, Chair; Hines, Harvey, Wyckoff, O'Halloran, Conlon and Thompson.

House File 2308

Ways and Means: Pavich, Chair; Hines, Harvey, Wyckoff, O'Halloran, Thompson and Conlon.

House File 2311

Ways and Means: Norland, Chair; Davitt, Brandt, Howell, West, Daggett and Menke.

House File 2317

Ways and Means: Norland, Chair; Davitt, Brandt, Howell, West, Daggett and Menke.

House File 2320

Ways and Means: Pavich, Chair; Hines, Harvey, Wyckoff, O'Halloran, Conlon and Thompson.

House File 2338

Ways and Means: Dieleman, Chair; Husak, Howell, Junker, Daggett, Brandt and Egenes.

House File 2341

Ways and Means: Wyckoff, Chair; Wells, Clark of Lee, Harvey and Brandt.

House File 2346

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

House File 2347

Ways and Means: Dieleman, Chair; Pavich, Dunton, Junker, Harbor, Horn and Harvey.

House File 2355

State Government: Avenson, Chair; Monroe and Harvey.

House File 2357

Ways and Means: Anderson, Chair; Miller of Buchanan, Svoboda, Jochum, Clark of Lee, Harbor and Conlon.

House File 2358

Ways and Means: Dieleman, Chair; Pavich, Dunton, Junker, Harbor, Horn and Harvey.

House File 2369

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2370

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

House File 2373

Rinas, Chair; Harbor, Krause, Brunow and Egenes.

House File 2394

Cities: Hines, Chair; Nielsen, Rinas, Schnekloth and Tofte.

House File 2395

State Government: Walter, Chair; Patchett and Harvey.

House File 2398

State Government: Monroe, Chair; Arnould, Patchett; Crawford and Tauke.

House File 2400

Ways and Means: Miller of Buchanan, Chair; Dieleman, Anderson, Hines, West, Harvey and Lind.

House File 2401

Ways and Means: Pavich, Chair; Hines, Harvey, Wyckoff, O'Halloran, Conlon and Thompson.

House File 2404

State Government: Hansen and Brandt, Co-Chair; Griffee, Monroe and Crawford.

House File 2408

Ways and Means: Dieleman, Chair; Husak, Howell, Junker, Daggett, Brandt and Egenes.

House File 2413

Cities: Connors, Chair; Lind, Nielsen, Perkins and Tofte.

Senate File 2173

Ways and Means: Dieleman, Chair; Pavich, Dunton, Junker, Harbor, Horn and Harvey.

Senate File 2187

Transportation: Brunow, Chair; Lageschulte, Doyle, Davitt and Schroeder.

Senate File 2201

State Government: Walter and Tauke, Co-Chair; Poney, Patchett, Stromer, Monroe and Harvey.

Senate File 2210

Ways and Means: Jochum, Chair; Hines, Bina, Pavich, West, Clark of Lee and Thompson.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS**Study Bill 479**

Transportation: Davitt, Chair; Lipsky, Woods, Hoffmann and Binneboese.

Study Bill 483

Ways and Means: O'Halloran, Chair; Conlon, West, Svoboda, Rinas.

Study Bill 484

Cities: Hargrave, Chair; Gentleman, Pavich, Newhard and Smalley.

Study Bill 486

Ways and Means: Miller of Buchanan, Chair; Conlon, Pavich, Wells and Branstad.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Scheduled: 8:30 a.m., April 12, 1978

Convened: 8:40 a.m.

Adjourned: 10:01 a.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bina, Conlon, Daggett, Davitt, Dieleman, Dunton, Harbor, Howell, Husak, Junker, Lind, Menke, Oxley, Rinas, Schnekloth, Thompson, Wells and Wyckoff.

Absent: Bennett (arrived 8:42 a.m.), Brandt (arrived 8:46 a.m.), Branstad (arrived 8:45 a.m.), Clark of Lee (arrived 8:48 a.m.), Cusack, Egenes, Gilloon (arrived 9:15 a.m.), Harvey (arrived 9:02 a.m.), Hines, Horn (arrived 8:48 a.m.), Jochum, O'Halloran, Pavich (arrived 8:50 a.m.), Spencer (arrived 9:00 a.m.), Svoboda and Varley (arrived 9:35 a.m.).

Excused: Den Herder.

House File 2341, a bill for an act authorizing township trustees to divide a township into taxing districts to provide fire protection service.

Recommended Amend and Do Pass.

H-6039

1 Amend House File 2341 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section three hundred fifty-nine point
5 forty-two (359.42), Code 1977, is amended to read
6 as follows:

7 359.42 TOWNSHIP FIRE PROTECTION AND AMBULANCE

8 SERVICE. The trustees of each township in this state
9 shall provide fire protection for the township,

10 exclusive of any part of the township within a
11 benefited fire district and, in counties not providing
12 ambulance services as provided in section three hundred
13 thirty-two point three (332.3), subsection twenty-
14 three (23) of the Code, may provide ambulance service.
15 The trustees may purchase, own, rent or maintain fire
16 protection or ambulance apparatus or equipment and
17 provide housing for such equipment. The trustees
18 may contract with any public or private agency under
19 chapter 28E for the purpose of providing fire
20 protection or ambulance service under this section.

21 Sec. 2. Section three hundred fifty-nine point
22 forty-three (359.43), Code 1977, is amended to read
23 as follows:

24 359.43 TAX LEVY. The township trustees may levy
25 an annual tax not exceeding forty and one half fifty-
26 four cents per thousand dollars of assessed value
27 of the taxable property in the township, excluding
28 any property within a benefited fire district or
29 within the corporate limits of a city, for the purpose
30 of exercising the powers granted in section 359.42.
31 However, in any township having a fire protection
32 or ambulance service agreement with a special charter
33 city having a paid fire department, the township
34 trustees may levy an annual tax not exceeding fifty-
35 four cents per thousand dollars of the assessed value
36 of the taxable property for such purpose purposes
37 and in any township which has a common boundary with

38 a city having a population of two hundred thousand
 39 or more, the township trustees may levy an annual
 40 tax not exceeding sixty-seven and one-half cents per
 41 thousand dollars of assessed value of taxable property
 42 for fire ~~protection~~ such purposes.

43 The township trustees may divide the township into
 44 tax districts for the purpose of providing fire
 45 protection service or ambulance service and may levy
 46 a tax sufficient to provide such service in each
 47 district, but the tax levied in any tax district shall
 48 not exceed the tax levy limitation for the township
 49 as provided in this section."

50 2. Amend the title, line 2, by inserting after

Page 2

1 the word "service" the words "and ambulance service".

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Brandt, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Harbor, Horn, Howell, Husak, Junker, Lind, Menke, Pavich, Rinas, Schneklath, Spencer, Thompson, Wells and Wyckoff.

Nay: Gilloon and Oxley.

Absent or not voting: Cusack, Den Herder, Egenes, Harvey, Hines, Jochum, O'Halloran, Svoboda and Varley.

Senate File 2043, a bill for an act relating to the payment of special assessments.

Recommended Amend and Do Pass.

H-6040

1 Amend Senate File 2043 as follows:

2 1. Page 2, Line 27, by inserting after the word
 3 "Treasurer" the words "if the property being assessed
 4 is located in an unincorporated area,".

5 2. Page 2, line 28, by inserting after the word
 6 "clerk" the words "if the property being assessed
 7 is located in an incorporated area except when the
 8 city council specifically provides payment to be made
 9 in the office of the county treasurer".

Aye: Norland, Miller of Buchanan, West, Bennett, Bina, Brandt, Branstad, Conlon, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harbor, Harvey, Horn, Howell, Husak, Junker, Lind, Menke, Oxley, Pavich, Rinas, Schneklath, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Anderson, Clark of Lee, Cusack, Den Herder, Egenes, Hines, Jochum, O'Halloran, Spencer, and Svoboda.

COMMITTEE ON EDUCATION

Scheduled: 12:30 p.m., April 12, 1978

Convened: 12:30 p.m.

Adjourned: 1:30 p.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Norland, Small, Spear, Stromer and Thompson.

Absent: Brockett and Poncy.

Excused: Byerly.

Committee Bill (Formerly House File 2188), a bill for an act to provide multipurpose service centers for displaced homemakers.

Recommended Do Pass.

Fiscal note is not required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Baker, Crawford, Dyrland, Horn, Krewson, Lind, Norland, Small, Stromer and Thompson.

Nay: Daggett, Gilson, Hansen, Koogler and Spear.

Absent or not voting: Brockett, Byerly and Poncy.

Committee Bill (Formerly Study Bill 307), a bill for an act to prohibit discrimination on the basis of sex in educational institutions receiving or benefiting from state financial assistance.

Without Recommendation.

Fiscal note is required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Crawford, Dyrland, Horn, Krewson, Norland, Small, Stromer and Thompson

Nay: Baker, Gilson, Hansen, Koogler, Lind and Spear.

Absent or not voting: Brockett, Byerly and Poncy.

Committee Bill (Formerly Study Bill 481), a bill for an act relating to the employment and payment by the state board of regents of attorneys and counselors as its authorized bargaining representatives for purpose of collective bargaining.

Recommended Do Pass.

Fiscal note is not required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Crawford, Dyrland, Gilson, Hansen, Horn, Krewson, Lind, Norland, Small, Spear, Stromer and Thompson.

Nay: Koogler.

Absent or not voting: Brockett, Byerly and Poncy.

Senate File 145, a bill for an act relating to teaching of the free enterprise economic system in high schools.

Recommended Amend and Do Pass.

H-6018

- 1 Amend Senate File 145, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by inserting after the figure
- 4 "1977" the words and figures "as amended by Acts of
- 5 the Sixty-seventh General Assembly, 1977 Session,
- 6 chapter ninety-three (93), section three (3)".
- 7 2. Page 1, line 6, by inserting after the word
- 8 "education" the words "and economics".
- 9 3. Page 1, line 7, by striking the words
- 10 "comparative and consumer economics" and inserting
- 11 in lieu thereof the words "the comparative and consumer
- 12 economics values of the American economic system".
- 13 4. Page 1, by striking lines 10 through 16 and
- 14 inserting in lieu thereof the words "history and one-
- 15 half unit of the".
- 16 5. Page 1, by striking lines 22 through 27.

Fiscal note is not required.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Crawford, Dyrland, Gilson, Hansen, Horn, Koogler, Krewson, Lind, Norland, Small, Spear, Stromer and Thompson.

Nay: Baker.

Absent or not voting: Brockett, Byerly and Poncy.

COMMITTEE ON STATE GOVERNMENT

Scheduled: 12:00 noon, April 13, 1978

Convened: 12:15 p.m.

Adjourned: 1:00 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Arnould, Avenson, Brandt, Crawford, Dieleman, Griffee, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Absent: Patchett.

Study Bill 477, a bill for an act relating to the administration, benefits and contributions of public retirement systems in this state and to make an appropriation.

Recommended **Amend and Do Pass**.

Fiscal note is required.

Aye: Monroe, Woods, Harvey, Arnould, Avenson, Brandt, Crawford, Dieleman, Griffie, Hansen, Jesse, Junker, Middleswart, Poncy, Shimanek, Stromer, Tauke, Walter and West.

Nay: None.

Absent or not voting: Patchett.

ANNOUNCEMENT OF MEETING
ADMINISTRATIVE RULES REVIEW COMMITTEE

Scheduled: 7:30 a.m., April 11, 1978

Convened: 7:50 a.m.

Adjourned: 12:20 p.m.

Present: Monroe, Doyle and Schroeder.

AMENDMENTS FILED

H-6017	H.F. 2098	O'Halloran of Black Hawk
Perkins of Greene		Evans of Grundy
Varley of Adair		Norland of Worth
Cusack of Scott		Koogler of Mahaska
Welden of Hardin		Griffie of Chickasaw
Small of Johnson		Howell of Floyd
Jesse of Polk		Dunton of Keokuk
Middleswart of Warren		Avenson of Fayette
Anderson of Jasper		Wells of Linn
H-6019	H.F. 2098	Menke of O'Brien
H-6022	H.F. 304	Pelton of Clinton
H-6023	H.F. 304	Small of Johnson
H-6024	H.F. 2390	Tauke of Dubuque
H-6025	H.F. 2390	Shimanek of Jones
H-6026	H.F. 2098	Perkins of Greene
		Woods of Polk

H-6027	H.F. 2390	Miller of Buchanan
H-6041	H.F. 2040	Lageschulte of Bremer
H-6042	H.F. 2040	Lageschulte of Bremer
H-6043	H.F. 2390	Brandt of Black Hawk
H-6044	H.F. 2390	Harvey of Scott
H-6045	H.F. 2390	Shimanek of Jones
		Tauke of Dubuque
		Brandt of Black Hawk
		Monroe of Des Moines

On motion by Fitzgerald of Webster, the House adjourned at 4:48 p.m., until 10:00 a.m., Monday, April 17, 1978.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day—Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 17, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend James Tishim, pastor of the Glad Tidings Assembly of God Church, Des Moines, Iowa.

The Journal of Thursday, April 13, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Roy M. Turner, Armstrong, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Avenson of Fayette for the morning session on request of Norland of Worth; Howell of Floyd on request of Griffee of Chickasaw.

PETITIONS FILED

The following petitions were received and placed on file:

By Horn of Linn from twenty-five Iowa residents in support of House File 2031, relating to the authorization of laetrile.

By Brandt of Black Hawk from three hundred fourteen constituents expressing concern over the lack of mortgage money available in the Black Hawk County area.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1978, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 82, a bill for an act placing with the department of health the authority for regulating the design, installation and use of radiation emitting equipment.

Also: That the Senate has on April 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 127, a bill for an act to include abandoned or inactive surface mines in the limitation of liability for allowing public use of private land.

Also: That the Senate has on April 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 211, a bill for an act relating to the registration of vessels.

Also: That the Senate has on April 12, 1978, adopted the conference committee report and passed the following bill in which the concurrence of the Senate was asked:

House File 463, a bill for an act relating to the operation of area education agencies and to make an appropriation.

Also: That the Senate has on April 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 602, a bill for an act to amend the Iowa housing finance authority relating to the eligibility of applicants, property improvement loans, lease-purchase agreements, homesteading, and a loan and grant fund.

Also: That the Senate has on April 10, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2174, a bill for an act making appropriations to the department of justice.

Also: That the Senate has on April 12, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2190, a bill for an act to provide for the determination of the amount of the increase of the assessed valuation of agricultural land and residential property as of January 1, 1979.

Also: That the Senate has on April 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2223, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of step-parent adoptions.

Also: That the Senate has on April 13, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2382, a bill for an act relating to flight from the state to avoid prosecution.

Also: That the Senate has on April 10, 1978, receded from the Senate amendment to the House amendment and passed the following bill:

Senate File 141, a bill for an act relating to the definition of withholding agents for income tax purposes.

Also: That the Senate has on April 12, 1978, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys.

Also: That the Senate has on April 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2100, a bill for an act relating to the establishment of a depository library center within the Iowa library department.

Also: That the Senate has on April 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act relating to city development by clarifying the definition of territory, defining qualified elector, and requiring the city development board to be notified of annexation moratorium agreements and hearings.

Also: That the Senate has on April 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2223, a bill for an act repealing chapter five hundred fifty-one (551) of the Code relating to price discrimination.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 127

H-6063

- 1 Amend House File 127 as follows:
- 2 1. Page 1, line 8, by striking the figure "1978"
- 3 and inserting in lieu thereof the figure "1979".

SENATE AMENDMENT TO
HOUSE FILE 211

H-6064

- 1 Amend House File 211 as follows:
- 2 1. Page 1, line 17, by striking the figure "1978"
- 3 and inserting in lieu thereof the figure "1979".

SENATE AMENDMENT TO
HOUSE FILE 602

H-6065

1 Amend House File 602 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 3, line 7, by striking the word
4 "development" and inserting in lieu thereof the word
5 "development,".
6 2. Page 7, by striking lines 13 through 24 and
7 inserting in lieu thereof the following:
8 "2. Homesteading projects which meet the require-
9 ments of this chapter may be designated by the
10 authority as Iowa homesteading projects. The conditional
11 and absolute conveyance of fee simple title to real
12 property, to a homesteading applicant, shall result in
13 the inclusion of such real property in a designated
14 Iowa homesteading project. The result of such designa-
15 tion shall be the cancellation of back taxes, penalties,
16 interest and costs of the real property pursuant to
17 sections four hundred forty-six point thirty-nine
18 (446.39) and five hundred sixty-nine point eight
19 (569.8), notwithstanding any other financial, technical
20 or principal involvement in the property by the
21 authority."

SENATE AMENDMENT TO
HOUSE FILE 2174

H-6068

1 Amend House File 2174 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, by striking lines 10 and 11.
4 2. Page 2, line 12, by striking the words
5 "eral funds."

SENATE AMENDMENT TO
HOUSE FILE 2190

H-6069

1 Amend House File 2190, as passed by the House,
2 as follows:
3 1. By striking everything after the enacting
4 clause and inserting in lieu thereof the following:
5 "Section 1. Notwithstanding the provisions of
6 the Acts of the Sixty-seventh General Assembly, 1977
7 Session, chapter forty-three (43), section twenty
8 (20), for valuations established as of January 1,

9 1979 for agricultural property and residential
10 property, if the growth in assessed value is less
11 than six percent for either class of property, the
12 lower percentage increase shall be applied to both
13 classes of property in calculating the percentage
14 of assessed value to be used for tax purposes in 1979.
15 In determining the valuations, the values shall be
16 adjusted by any additions or deletions to actual
17 value, excluding those resulting from the revaluation
18 of existing properties."

SENATE AMENDMENT TO
HOUSE FILE 2223

H-6067

1 Amend House File 2223 as passed by the House
2 as follows:
3 1. Page 1, by striking lines 29 through 33.

SENATE AMENDMENT TO
HOUSE FILE 2382

H-6066

1 Amend House File 2382, as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 4, by striking the words "or
4 remains absent".

HOUSE FILE 2041 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2041 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED
House Refuses to Concur

Wyckoff of Benton called up for consideration **House File 2170**, a bill for an act making appropriations to the department of general services for operating purposes, amended by the Senate amendment H-6000, found on page 1495 of the House Journal, and moved that the House concur in the Senate amendment H-6000.

The motion lost and the House refused to concur in the Senate amendment H-6000.

CONSIDERATION OF BILLS

Regular Calendar

House File 2390, a bill for an act amending the Iowa civil rights law, was taken up for consideration.

Harvey of Scott offered the following amendment H—6044 filed by him and moved its adoption:

H—6044

- 1 Amend House File 2390 as follows:
- 2 1. Page 2, line 12, by inserting after the word
- 3 "commission." the words "The district court may also
- 4 award the respondent reasonable attorney's fees and
- 5 court costs when the court finds the complainant's
- 6 action was frivolous, unreasonable, or without
- 7 foundation."

Roll call was requested by Garrison of Black Hawk and Brunow of Appanoose.

Rule 70 was invoked.

On the question "Shall amendment H—6044 be adopted?"

The ayes were, 47:

Baker	Bennett	Brockett	Chiodo
Conlon	Crabb	Daggett	Danker
Den Herder	Dieleman	Evans	Gettings
Gilson	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hinkhouse	Hoffmann
Horn	Junker	Koogler	Lageschulte
Lind	Lindeen	Menke	Millen
Miller, K.D.	Nielsen	Pellett	Pelton
Perkins	Schneklath	Schroeder	Shimanek
Smalley	Stephens	Stromer	Tauke
Thompson	Tofte	Walter	Welden
West	Woods	Wyckoff	

The nays were, 42:

Anderson	Arnould	Bina	Binneboese
Brandt	Brunow	Byerly	Clark, B.J.
Connors	Crawford	Cusack	Davitt
Doyle	Dunton	Dyrland	Fitzgerald
Garrison	Gentleman	Gilloon	Griffie

Husak	Jesse	Jochum	Krause
Krewson	Lipsky	Lonergan	Middleswart
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Pavich	Poncy	Scheelhaase
Small	Spear	Spencer	Svoboda
Wells	Mr. Speaker		

Absent or not voting, 11:

Avenson	Branstad	Clark, J.H.	Egenes
Hines	Howell	Hullinger	Oxley
Patchett	Rinas	Varley	

Amendment H—6044 was adopted.

Monroe of Des Moines offered the following amendment H—6051 filed by him from the floor and moved its adoption:

H—6051

- 1 Amend House File 2390 as follows:
- 2 1. Page 2, by inserting after line 12 the follow-
- 3 ing:
- 4 "5. It is the legislative intent of this Act that
- 5 every complaint be at least primarily screened
- 6 during the first one hundred twenty days."

Amendment H—6051 was adopted.

Hansen of O'Brien offered the following amendment H—6054 filed by Hansen, Dieleman and Welden from the floor and moved its adoption:

H—6054

- 1 Amend House File 2390 as follows:
- 2 1. Page 2, line 32, by striking the words
- 3 "~~forty dollar sixty-dollar~~" and inserting in lieu
- 4 thereof the words "forty-dollar".

Amendment H—6054 was adopted.

Brandt of Black Hawk offered amendment H—6052 filed by Brandt, Monroe, Harvey and Hansen from the floor. Division was requested as follows:

H—6052

- 1 Amend House File 2390 as follows:

H-6052A

- 2 1. Page 1, by striking lines 4 through 10 and
 3 inserting in lieu thereof the following:
 4 "1. A person claiming to be aggrieved by an unfair
 5 or discriminatory practice must initially seek an
 6 administrative relief by filing a complaint with the
 7 commission in accordance with section six hundred
 8 one A point fourteen (601A.14) of the Code. A
 9 complainant after the proper filing or complaint with
 10 the commission, may subsequently commence an action
 11 for relief in the district court if all of the
 12 following conditions have been satisfied."
 13 2. Page 1, lines 23 and 24, by striking the words
 14 and figure "under section two (2) of this Act" and
 15 inserting in lieu thereof the words "in the district
 16 court"
 17 3. Page 2, line 1, by inserting after the word
 18 "section" the words "or within one year after the
 19 filing of the complaint, whichever occurs first".
 20 4. Page 2, line 6, by striking the words "Polk
 21 county, or".
 22 5. Page 3, lines 4 and 5, by striking the words
 23 and figures "This provision relating to a quorum
 24 supercedes section seventeen A point two (17A.2) of
 25 the Code."

H-6052D

- 26 6. Page 3, by striking lines 18 through 24 and
 27 inserting in lieu thereof the following:
 28 "Sec. 6. Section six hundred one A point six
 29 (601A.6), Code 1977, is amended by adding the following
 30 new subsection:
 31 NEW SUBSECTION: This section shall not prohibit
 32 discrimination on the basis of age if the person
 33 subject to the discrimination is under the age of
 34 eighteen years, unless that person is considered by
 35 law to be an adult."

H-6052A

- 36 7. Page 5, line 9, by striking the words "promptly
 37 served" and inserting in lieu thereof the words "served
 38 within ten days".
 39 8. Page 5, line 31, by striking the word and
 40 figure "three (3)" and inserting in lieu thereof the
 41 word and figure "one (1)".
 42 9. Page 5, by striking lines 34 and 35 and
 43 inserting in lieu thereof the following: "and
 44 persuasion for a period of thirty days following the

45 initial conciliation meeting between the respondent
46 and the commission staff after a finding of".

H-6052B

47 10. Page 6, line 1, by striking the word "The"
48 and inserting in lieu thereof the words "After the
49 expiration of thirty days, the".

H-6052A

50 11. Page 10; lines 18 and 19, by striking the

Page 2

1 words "and shall cause a copy of the order to be
2 served by certified mail" and inserting in lieu thereof
3 the words "and shall cause a copy of the order
4 dismissing the complaint to be served by restricted
5 mail".

H-6052C

6 12. Page 10, line 26, by inserting after the word
7 "a" the word "verified".

H-6052A

8 13. Page 11, line 2, by inserting after the word
9 "mail" the words ", return receipt requested,".

On motion by Brandt of Black Hawk, amendment H-6052A was adopted.

Lipsky of Linn asked and received unanimous consent to defer action on amendments H-6052B and H-6052C.

Harvey of Scott asked and received unanimous consent to defer action on amendment H-6052D.

Harvey of Scott offered the following amendment H-6059 filed by him from the floor and moved its adoption:

H-6059

1 Amend House File 2390 as follows:
2 1. Page 1, line 14, by striking the word "and".
3 2. Page 1, line 18, by striking the period and
4 inserting in lieu thereof the word "; and".

5 3. Page 1, by inserting after line 18 the
6 following:
7 "c. The complainant does not have a complaint
8 or charge currently pending with another municipal,
9 state or federal agency or court concerning the same
10 or similar allegations of an unfair or discrimina-
11 tory practice."

Amendment H—6059 lost.

Brunow of Appanoose in the chair at 11:44 a.m.

Monroe of Des Moines offered the following amendment H—6055 filed by West of Marshall and him from the floor and moved its adoption:

H—6055

1 Amend House File 2390 as follows:
2 1. Page 3, line 15, by striking the words
3 "credit practices,".
4 2. Page 11, by inserting after line 2 the follow-
5 ing:
6 "Sec. Chapter six hundred one A (601A), Code
7 1977, is amended by adding the following new section:
8 NEW SECTION. Notwithstanding any other provision
9 of this chapter, if a complaint is filed with the Iowa
10 civil rights commission alleging a violation of this
11 chapter and such violation appears to be a violation
12 of section five hundred thirty-seven point three thousand
13 three hundred eleven (537.3311) of the Code, the complaint
14 shall be referred to the person charged with administrative
15 enforcement of the Iowa consumer credit code against the
16 respondent for action on the complaint. The director of
17 the Iowa civil rights commission or his or her designee
18 shall provide assistance to the complainant in the form
19 of legal assistance or a research source and, if re-
20 quested, shall represent the complainant before the
21 proper administrator of the Iowa consumer credit code
22 administrator."
23 3. Renumber the remaining sections as required by
24 this amendment.

Amendment H—6055 was adopted.

The House resumed consideration of amendment H—6052D.

On motion by Brandt of Black Hawk, amendment H—6052D was adopted.

(House File 2390 pending at recess.)

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2216, a bill for an act relating to certain natural resource agencies of the state and reorganizing the department of environmental quality.

KEVIN P. LIGHT, Acting Secretary

SENATE MESSAGES CONSIDERED

Senate File 2100, a bill for an act relating to the establishment of a depository library center within the Iowa library department.

Read first time and **passed on file**.

Senate File 2223, a bill for an act repealing chapter five hundred fifty-one (551) of the Code relating to price discrimination.

Read first time and referred to committee on **judiciary and law enforcement**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krause of Kossuth for a portion of the afternoon on request of Lageschulte of Bremer.

BUSINESS PENDING

The House resumed consideration of **House File 2390**, a bill for an act amending the Iowa civil rights law.

Monroe of Des Moines offered the following amendment H—6048 filed by him and Jesse of Polk from the floor and moved its adoption:

H—6048

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, by striking lines 25 through 28.
- 3 2. Page 8, line 10, by inserting after the word
- 4 "fees." the words "Unless greater damages are proven,
- 5 damages may be assessed at five hundred dollars for
- 6 each violation."

Roll call was requested by Harvey of Scott and Menke of O'Brien.

On the question "Shall amendment H—6048 be adopted?"

The ayes were, 31:

Anderson	Bina	Brandt	Chiodo
Connors	Cusack	Davitt	Dyrland
Garrison	Gettings	Gilloon	Griffee
Hargrave	Hines	Hinkhouse	Horn
Hullinger	Husak	Jesse	Jochum
Koogler	Loneragan	Miller, K.D.	Miller (Sergeant)
Monroe	Norland	O'Halloran	Poncy
Spear	Svoboda	Mr. Speaker	

The nays were, 53:

Baker	Bennett	Binneboese	Brockett
Byerly	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Danker	Dieleman
Doyle	Dunton	Evans	Gentleman
Gilson	Halvorson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Middleswart	Millen	Nielsen
Oxley	Pavich	Pellet	Pelton
Perkins	Scheelhaase	Schneklath	Schroeder
Shimanek	Smalléy	Spencer	Stephens
Stromer	Tauke	Thompson	Tofte
Walter	Welden	Wells	West
Wyckoff			

Absent or not voting, 16:

Arnould	Avenson	Branstad	Brunow
Daggett	Den Herder	Egenes	Fitzgerald

Howell
Rinas

Krause
Small

Newhard
Varley

Patchett
Woods

Amendment H—6048 lost.

Miller of Buchanan offered the following amendment H—6027 filed by him:

H—6027

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, line 26, by striking the word "sub-
- 3 section" and inserting in lieu thereof the word
- 4 "subsections".
- 5 2. Page 3, by inserting after line 28 the
- 6 following:
- 7 "NEW SUBSECTION. This section shall not apply to
- 8 age discrimination in bona fide apprenticeship
- 9 employment programs if the employee is over forty
- 10 years of age."

Miller of Buchanan offered the following amendment H—6074, to amendment H—6027, filed by him from the floor and moved its adoption:

H—6074

- 1 Amend amendment H—6027 to House File 2390, as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word "forty"
- 4 and inserting in lieu thereof the word "forty-five".

Amendment H—6074 was adopted.

On motion by Miller of Buchanan, amendment H—6027, as amended, was adopted.

Harvey of Scott offered the following amendment H—6056 filed by him from the floor and moved its adoption:

H—6056

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, line 28, by striking the word "section"
- 3 and inserting in lieu thereof the word "chapter".

A non-record roll call was requested.

The ayes were 28, nays 57.

Amendment H—6056 lost.

Brandt of Black Hawk offered the following amendment H—6062 filed by her from the floor:

H—6062

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 28 the following:

3 "Sec. Section six hundred one A point seven
4 (601A.7), subsection one (1), Code 1977, is amended to
5 read as follows:

6 1. It shall be an unfair or discriminatory practice
7 for any owner, lessee, sublessee, proprietor, manager,
8 or superintendent of any public accommodation or any
9 agent or employee thereof:

10 a. To refuse or deny to any person because of race,
11 creed, color, sex, national origin, religion, age or
12 disability the accommodations, advantages, facilities,
13 services, or privileges thereof, or otherwise to
14 discriminate against any person because of race, creed,
15 color, sex, national origin, religion, age or disability
16 in the furnishing of such accommodations, advantages,
17 facilities, services, or privileges.

18 b. To directly or indirectly advertise or in any
19 other manner indicate or publicize that the patronage
20 of persons of any particular race, creed, color, sex,
21 national origin, religion, age or disability is unwelcome,
22 objectionable, not acceptable, or not solicited."

23 2. Page 4, by inserting after line 6, the following:

24 "Sec. Section six hundred A point eight
25 (601A.8), subsections one (1), two (2), and three (3),
26 Code 1977, are amended to read as follows:

27 1. To refuse to sell, rent, lease, assign or sub-
28 lease any real property or housing accommodation or
29 part, portion or interest therein, to any person be-
30 cause of the race, color, creed, sex, religion, national
31 origin, age or disability of such person.

32 2. To discriminate against any person because of his
33 race, color, creed, sex, religion, national origin, age
34 or disability, in the terms, conditions or privileges
35 of the sale, rental, lease assignment or sublease of any
36 real property or housing accommodation or any part,
37 portion or interest therein.

38 3. To directly or indirectly advertise, or in any
39 other manner indicate or publicize that the purchase,
40 rental, lease, assignment, or sublease of any real
41 property or housing accommodation or any part, portion

42 or interest therein, by persons of any particular race,
 43 color, creed, sex, religion, national origin, age or
 44 disability is unwelcome, objectionable, not acceptable
 45 or not solicited."

46 3. By renumbering the sections and correcting
 47 internal references as necessary.

Brandt of Black Hawk asked and received unanimous consent to defer action on amendment H—6062.

Chiodo of Polk offered the following amendment H—6073 filed by Chiodo, Daggett, Dieleman, Conlon, Woods and Smalley from the floor:

H—6073

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 28 the follow-
 3 ing:

4 "Sec. . Section six hundred one A point six
 5 (601A.6), subsection two (2), paragraph d, Code 1977,
 6 is amended by striking the paragraph and inserting in
 7 lieu thereof the following:

8 d. Any bona fide religious institution or its
 9 educational facility, association, corporation or
 10 society with respect to any qualifications for
 11 employment based upon the religious tenets of that
 12 institution."

13 2. By renumbering sections and correcting internal
 14 references as necessary.

Speaker pro tempore Nielsen of Polk in the chair at 2:50 p.m.

Chiodo of Polk asked and received unanimous consent to defer action on amendment H—6073.

Miller of Buchanan offered the following amendment H—6078 filed by him from the floor and moved its adoption:

H—6078

1 Amend House File 2390 as follows:

2 1. Page 3, by inserting after line 24 the follow-
 3 ing new section:

4 "Sec. . Section six hundred one A point six
 5 (601A.6), Code 1977, is amended by adding the follow-
 6 ing new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. Notwithstanding the
 8 provisions of this section, individuals may be dis-

9 criminated against on the basis of age if such dis-
10 crimination is otherwise provided by state or federal
11 law."

Amendment H—6078 was adopted.

Monroe of Des Moines offered the following amendment H—6079 filed by him and Jesse of Polk from the floor and moved its adoption:

H—6079

1 Amend House File 2390 as follows:
2 1. Page 3, by inserting after line 28 the follow-
3 ing: "For the purpose of this subsection class actions
4 shall not refer to allegations of systemic
5 discrimination which require a pattern and practice
6 investigation, but shall refer to the number
7 requirement under the rules of civil procedure."

Amendment H—6079 was adopted.

Dieleman of Marion offered the following amendment H—5969 filed by him:

H—5969

1 Amend House File 2390 as follows:
2 1. Page 5, line 16, by striking the words
3 "hearing officer under the jurisdiction" and inserting
4 in lieu thereof the words "commissioner appointed as
5 an investigating commissioner by the chairperson".
6 2. Page 5, lines 18, 19 and 20 by striking the
7 sentence "The hearing officer shall be appointed
8 pursuant to section seventeen A point eleven (17A.11)
9 of the Code."
10 3. Page 5, line 21, by striking the words
11 "hearing officer" and inserting in lieu thereof the
12 words "investigating commissioner".
13 4. Page 5, lines 25 and 26, by striking the
14 words "hearing officer" and inserting in lieu thereof
15 the words "investigating commissioner".
16 5. Page 6, line 30, by striking the word
17 "examiner" and inserting in lieu thereof the words
18 "examiner officer".
19 6. Page 6, line 31, by inserting after the
20 period the words "The hearing officer shall be
21 appointed pursuant to section seventeen A point eleven
22 (17A.11) of the Code.".

Monroe of Des Moines offered the following amendment H-6050, to amendment H-5969, filed by him from the floor and moved its adoption:

H-6050

1 Amend the Dieleman amendment H-5969 to House File
2 2390 as follows:

3 1. Page 1, by striking lines 2 through 22 and
4 inserting in lieu thereof the following:

5 " . Page 5, by striking lines 8 through 20
6 and inserting in lieu thereof the following:

7 "3. a. After the filing of a verified complaint,
8 a true copy shall be served within ten days by cer-
9 tified mail on the person against whom the complaint
10 is filed. An authorized member of the commission
11 staff shall make a prompt investigation and shall
12 issue a recommendation to a reviewing officer, who
13 shall then issue a determination of probable cause
14 or no probable cause.

15 b. The reviewing officer shall possess the same
16 qualifications as administrative hearing officers as
17 provided in subsection two (2) of section seventeen
18 A point eleven (17A.11) of the Code but shall be
19 appointed by the Iowa civil rights commission."

20 . Page 5, line 21, by striking the word
21 "hearing" and inserting in lieu thereof the word
22 "reviewing".

23 . Page 5, line 25, by striking the word
24 "hearing" and inserting in lieu thereof the word
25 "reviewing".

26 . Page 5, line 26, by striking the word
27 "hearing" and inserting in lieu thereof the word
28 "reviewing".

Amendment H-6050 was adopted.

Dieleman of Marion asked for unanimous consent to withdraw amendment H-5969, as amended.

Objection was raised.

On motion by Monroe of Des Moines, amendment H-5969, as amended, was adopted.

Lipsky of Linn offered amendment H-6053 filed by her from the floor and requested division as follows:

H-6053

1 Amend House File 2390 as follows:

H-6053A

2 1. Page 6 by striking lines 1 through 10
3 and inserting in lieu thereof the words "probable
4 cause."

H-6053B

5 2. Page 10 by striking lines 21 through 28.

Lipsky of Linn moved the adoption of amendment H-6053A.

A non-record roll call was requested.

The ayes were 30, nays 43.

Amendment H-6053A lost.

Lipsky of Linn moved the adoption of amendment H-6053B.

A non-record roll call was requested.

The ayes were 46, nays 10.

Amendment H-6053B was adopted placing out of order amendment H-6052C filed by Brandt, et al.

The House resumed consideration of amendment H-6052B.

On motion by Brandt of Black Hawk, amendment H-6052B was adopted.

Brandt of Black Hawk offered the following amendment H-6043 filed by her and moved its adoption:

H-6043

1 Amend House File 2390 as follows:

2 1. Page 6, line 20, by inserting after the word
3 "omitted," the words "or when the thirty day period
4 provided for in subsection three (3) of section six
5 hundred one A point fourteen (601A.14) of the Code

6 have expired without agreement."

7 2. Page 6, line 25, by inserting after the word

8 "conciliation," the words "if the conciliation is

9 omitted,".

Amendment H—6043 was adopted.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—6060 filed by him and Hansen of O'Brien from the floor.

Harvey of Scott asked and received unanimous consent to withdraw amendment H—6024 filed by Tauke of Dubuque on April 13, 1978.

Monroe of Des Moines offered the following amendment H—6049 filed by him and Jesse of Polk from the floor and moved its adoption:

H—6049

1 Amend House File 2390 as follows:

2 1. Page 8, by striking lines 8 through 10 and
3 inserting in lieu thereof the following:

4 "(8) Payment to the complainant of damages for
5 an injury caused by the discriminatory or unfair
6 practice which damages shall include but not be limited
7 to actual damages, compensatory damages, court costs
8 and reasonable attorney fees.

9 In calculating the amount of compensatory damages
10 for denial of civil rights, the commissioner or the
11 court shall consider the emotional distress and
12 humiliation suffered by complainant in addition to
13 actual damages."

Amendment H—6049 lost.

Shimanek of Jones offered the following amendment H—6045 filed by Shimanek, et al., and moved its adoption:

H—6045

1 Amend House File 2390 as follows:

2 1. Page 8, line 10, by striking the words "shall
3 include actual cost" and inserting in lieu thereof the
4 words "shall include but are not limited to actual
5 damages, court costs".

Amendment H—6045 was adopted.

Shimanek of Jones offered the following amendment H—6025 filed by her and moved its adoption:

H—6025

- 1 Amend House File 2390 as follows:
- 2 1. Page 9, line 31, by striking the word "shall"
- 3 and inserting in lieu thereof the word "may".

Roll call was requested by Harvey of Scott and Tofte of Winneshiek.

Rule 70 was invoked.

On the question "Shall amendment H—6025 be adopted?"

The ayes were, 46:

Baker	Bennett	Brockett	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Doyle
Egenes	Evans	Halvorson	Hansen
Harbor	Harvey	Hoffmann	Horn
Junker	Koogler	Lageschulte	Lind
Lindeen	Menke	Middleswart	Millen
Miller, K.D.	Oxley	Pellett	Pelton
Perkins	Schneklath	Shimanek	Smalley
Spencer	Stephens	Stromer	Thompson
Tofte	Welden	West	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 43:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Connors
Cusack	Davitt	Dieleman	Dunton
Dyrland	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffiee
Hargrave	Hines	Hinkhouse	Hullinger
Husak	Jesse	Jochum	Krewson
Lipsky	Lonergan	Miller (Sergeant)	Monroe
Newhard	O'Halloran	Patchett	Pavich
Poncy	Rinas	Scheelhaase	Small
Spear	Svoboda	Walter	

Absent or not voting, 11:

Branstad	Byerly	Cochran	Den Herder
Howell	Krause	Norland	Schroeder
Tauke	Varley	Wells	

Amendment H—6025 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tauke of Dubuque for the remainder of the day on request of Crawford of Story.

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H—6062 filed by her from the floor.

The House resumed consideration of amendment H—6073.

Chiodo of Polk asked and received unanimous consent to withdraw amendment H—6073 filed by Chiodo, et al., from the floor.

Chiodo of Polk offered the following amendment H—6086 filed by Chiodo, Jesse, Perkins and Woods from the floor and moved its adoption:

H—6086

- 1 Amend House File 2390 as follows:
- 2 1. Page 3, by inserting after line 28 the follow-
- 3 ing:
- 4 "Sec. . . . Section six hundred one A point six
- 5 (601A.6), subsection two (2), Code 1977, is amended
- 6 by adding the following new paragraph:
- 7 NEW PARAGRAPH. The instructional and administra-
- 8 tive personnel of any bona fide religious institution
- 9 or its educational facility, association, corporation
- 10 or society with respect to any qualifications for
- 11 employment based upon the religious tenets of that
- 12 institution."

Amendment H—6086 was adopted.

Schroeder of Pottawattamie called up for consideration the motion to reconsider amendment H—6044 filed by him from the floor and asked for unanimous consent that the motion to reconsider be withdrawn.

Objection was raised.

Speaker Cochran in the chair at 5:08 p.m.

Schroeder of Pottawattamie moved to reconsider the vote by which amendment H—6044 was adopted by the House on April 17, 1978.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 47, nays 45.

The motion prevailed and the House reconsidered amendment H—6044. The motion filed by Hargrave of Johnson from the floor to reconsider amendment H—6044 was, therefore, out of order.

Conlon of Muscatine offered the following amendment H—6096, to amendment H—6044, filed by him from the floor and moved its adoption:

H—6096

- 1 Amend Amendment H—6044 to House File 2390 as
- 2 follows:
- 3 1. Page 1, Line 7, by adding after the word
- 4 "foundation." the following: "Any attorney advising or
- 5 participating in the filing of such an action shall
- 6 be jointly and severally liable for the payment of
- 7 the costs and attorneys fees."

A non-record roll call was requested.

The ayes were 30, nays 48.

Amendment H—6096 lost.

Harvey of Scott moved the adoption of amendment H—6044.

Roll call was requested by Harvey of Scott and Dieleman of Marion.

Rule 70 was invoked.

On the question "Shall amendment H—6044 be adopted?"

The ayes were, 39:

Baker	Bennett	Chiodo	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Dieleman	Evans	Gettings	Halvorson
Hansen	Harbor	Harvey	Hoffmann
Husak	Koogler	Lageschulte	Lind
Lindeen	Menke	Middleswart	Millen
Pellett	Pelton	Schnekloth	Schroeder
Shimanek	Smalley	Stephens	Stromer
Thompson	Tofte	Walter	Welden
West	Woods	Wyckoff	

The nays were, 51:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Clark, B.J.
Connors	Crawford	Cusack	Davitt
Doyle	Dunton	Dyrland	Egenes
Fitzgerald	Garrison	Gentleman	Gilloon
Gilson	Griffie	Hargrave	Hinkhouse
Horn	Hullinger	Jesse	Jochum
Krause	Krewson	Lipsky	Lonergan
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poney
Rinas	Scheelhaase	Small	Spear
Svoboda	Wells	Mr. Speaker	

Absent or not voting, 10:

Branstad	Brockett	Byerly	Den Herder
Hines	Howell	Junker	Spencer
Tauke	Varley		

Amendment H—6044 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hines of Story for the remainder of the day on request of Husak of Tama.

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 75:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Conlon
Connors	Crawford	Cusack	Davitt
Dieleman	Doyle	Dunton	Dyrland
Egenes	Fitzgerald	Garrison	Gentleman
Gettings	Gilloon	Gilson	Griffee
Halvorson	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lindeen
Lipsky	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	O'Halloran	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schneklath	Shimanek
Small	Smalley	Spear	Svoboda
Thompson	Tofte	Walter	Wells
West	Woods	Mr. Speaker	

The nays were, 16:

Bennett	Crabb	Daggett	Danker
Evans	Hansen	Harbor	Lind
Menke	Millen	Pellett	Schroeder
Stephens	Stromer	Welden	Wyckoff

Absent or not voting, 9:

Branstad	Brockett	Byerly	Den Herder
Hines	Howell	Spencer	Tauke
Varley			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE
(House File 2390)

Monroe of Des Moines asked and received unanimous consent that House File 2390 be immediately messaged to the Senate.

REREFERRED TO COMMITTEE ON COMMERCE
(House File 2397)

The Speaker announced that **House File 2397**, previously referred to the **committee on transportation**, was rereferred to the **committee on commerce**.

HOUSE RESOLUTION 134

By Hansen, Schroeder, Hinkhouse,
 Spear, Harbor, Halvorson,
 Poncy, Wyckoff, Crabb,
 Middleswart, Howell, Bennett,
 Conlon, Schnekloth, Tofte,
 Anderson, Oxley, Evans, Dyrland,
 Daggett, Davitt, Shimanek,
 Dieleman, Doyle, Binneboese,
 Tauke, Brandt, Perkins, Hoffmann,
 Menke, Danker, Connors, Gilson,
 Gettings, Newhard, Bina, Stephens,
 Lindeen, Pavich, Walter, Branstad,
 Clark of Lee, Lonergan, Husak,
 Wells, Monroe, Avenson, Chiodo,
 Nielsen, Cusack, Norland, Koogler,
 West, Byerly, Woods, Smalley,
 Arnould, Jochum, Fitzgerald,
 Welden, O'Halloran, Hullinger,
 Stromer, Lind and Baker

1 *Whereas*, the University of Okoboji located somewhere
 2 in Dickinson County, Iowa has begun to acquire a
 3 national reputation for its unique curricula and open
 4 enrollment program; and
 5 *Whereas*, the entire curricula of the University of
 6 Okoboji is not duplicated in any of its offerings by
 7 the courses offered by the universities under the
 8 state board of regents; and
 9 *Whereas*, the environs of the University of Okoboji
 10 may be identified by the presence of numerous litter
 11 barrels bearing the slogan "Keep Our Campus Clean", and
 12 *Whereas*, efforts to improve the ecology of the
 13 campus area have been further enhanced by the sponsor-
 14 ship an "environmental dive" in which the floor of
 15 West Lake Okoboji was cleaned by many volunteer scuba
 16 divers who retrieved from the lake over fourteen
 17 hundred pieces of trash weighing in total more than
 18 three thousand pounds; and
 19 *Whereas*, the proceeds of a series of social events
 20 culminating with the "Second First Annual University
 21 of Okoboji Homecoming and/or Back to School Fall Informal
 22 Rush" have been donated to purchase some \$35,000 worth of
 23 equipment for the ambulance rescue unit serving the
 24 campus area; and

Page 2

1 *Whereas*, despite these many and varied beneficial
 2 activities and services, the University of Okoboji has
 3 demonstrated that it has a lower per pupil administrative

4 cost than the universities under the state board of
5 regents; and

6 *Whereas*, the University of Okoboji has many alumni
7 in the state who desire the continued health of the
8 University; and

9 *Whereas*, affiliation of the University of Okoboji
10 with the state board of regents will enhance the
11 stability of all the institutions under the state
12 board of regents; *Now Therefore*,

13 *Be It Resolved By The House of Representatives*,
14 That we extend our congratulations to the University of
15 Okoboji, its faculty, and alumni for its excellence and
16 commendable spirit of service to the community in which
17 it is located; and

18 *Be It Further Resolved*, That copy of this resolution
19 be forwarded to the Mayor of Milford, Iowa and to the
20 President of the University.

Laid over under Rule 25.

HOUSE RESOLUTION 135

By O'Halloran

1 *Whereas*, according to the National Assessment of
2 Educational Progress, one in eight high school gradu-
3 ates can't read well enough to understand a simple
4 traffic sign; and

5 *Whereas*, in at least fourteen states high school
6 graduates are required to pass proficiency tests and
7 in at least twelve others public schools must admin-
8 ister minimal competency tests that are not tied to
9 graduation; and

10 *Whereas*, various persons in Iowa who are interested
11 in education have expressed an interest in implementing
12 minimal competency testing in Iowa; and

13 *Whereas*, there is considerable debate over the
14 methods by which tests should be devised and implemented
15 and educators do not agree on the material the test
16 should cover; *Now Therefore*,

17 *Be It Resolved By The House of Representatives*, That
18 the Legislative Council is directed to establish a task
19 force to study the feasibility of implementing minimal
20 competency testing in Iowa, actions taken in other
21 states, the subject areas that should be tested, the
22 grades during which the tests should be administered,
23 the manner in which the tests should be devised, and
24 such other matters relating to minimal competency as
25 it may deem necessary. The task force shall include
26 members of the General Assembly, teachers, school
27 administrators, members of the Parent Teacher's Associ-
28 ation, and other persons interested in education; and

29 *Be It Further Resolved*, That the task force shall
30 conduct its study in cooperation with the Department

Page 2

1 of Public Instruction and shall submit a report of
2 its recommendations to the General Assembly meeting
3 in 1979.

Laid over under Rule 25.

HOUSE RESOLUTION 136
By Poncy and Gettings

1 *Whereas*, the citizens of the city of Ottumwa, Iowa possess
2 those qualities of imagination, courage and tenacity which
3 stand as the manifestation of the virtues of the great state
4 of Iowa; and
5 *Whereas*, in the face of economic disaster and great
6 personal loss the spirit of Ottumwa and its citizens is uncon-
7 querable; and
8 *Whereas*, Ottumwans realize the great distinction of desig-
9 nation as an "All American City", *Now Therefore*,
10 *Be It Resolved By The House of Representatives*, That the
11 House requests that congratulations, and best wishes of the
12 people of the state of Iowa be bestowed upon the citizens of
13 Ottumwa, its leadership and community officials both past and
14 present; and
15 *Be It Further Resolved*, That a copy of this Resolution
16 be forwarded to Mayor Derby and the City Council of the city of
17 Ottumwa.

Laid over under Rule 25.

COMMUNICATION FROM THE SECRETARY OF STATE

April 14, 1978

David L. Wray
Chief Clerk of the House
State Capitol Building
Des Moines, Iowa

I hereby certify that Senate File 2151, was published in the Lee Town News, Des Moines, Iowa on March 23, 1978, and in the Quad-City Times, Davenport, Iowa on April 8, 1978.

Respectfully submitted,
MELVIN D. SYNHORST
Secretary of State

STUDY BILL COMMITTEE ASSIGNMENT.**S.B. 487 Ways and Means**

Relating to the deferment of payments on certain special assessments.

PRESENTATION OF VISITORS

Wells of Linn presented to the House, Minnesota State Representative, Henry J. Kalis, and his wife, Violet.

Krewson of Polk presented to the House, Herberto Morales from Maracaibo, Venezuela. Herberto is with the Friendship Force.

The Speaker announced that the following visitors were present in the House chamber:

One hundred fifth grade students from St. Charles Elementary School, St. Charles, Iowa, accompanied by Mr. Williams. By Davitt of Warren.

Thirty eighth grade members of the civic group from Walnut Ridge Baptist Academy, Waterloo, Iowa. By Lind of Black Hawk.

Twenty-four eighth grade students from St. Patrick's School, Cedar Falls, Iowa, accompanied by Joe Bearns and Julie Rokes. By O'Halloran of Black Hawk.

Eighty fourth grade students from East Elementary School, Ankeny, Iowa, accompanied by Mary Martinson and Birdie Hieronimus. By Byerly of Polk.

Fifty-five fifth grade students from Malcolm Price Laboratory School, University of Northern Iowa, Cedar Falls, Iowa, accompanied by Dr. James Doud, Mrs. Eloise Soy, Mr. Dave Christenson and Mrs. Maribelle Betterton. By Brandt of Black Hawk and O'Halloran of Black Hawk.

Twenty-five students from St. Mary's of Panama Portsmouth School, Portsmouth, Iowa. By Danker of Pottawattamie.

Twenty-five seventh grade students from New Market Community School, New Market, Iowa, accompanied by Mr. Randy Collins. By Daggett of Adams.

Sixty-five seniors from Valley High School, Elgin, Iowa. By Dyrland of Clayton, Halvorson of Clayton and Tofte of Winneshiek.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Scheduled: Upon adjournment, April 13, 1978

Convened: 4:50 p.m.

Adjourned: 6:25 p.m.

Present: Jesse, chair; Newhard, vice-chair; Branstad, ranking member; Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Absent: Arnould, Connors (arrived 4:58 p.m.), Garrison, Lipsky, Patchett and Spencer (arrived 4:55 p.m.).

House File 38, a bill for an act relating to a public access for property which has no access to a road.

Recommended **Amend and Do Pass**.

H-6076

- 1 Amend House File 38 as follows:
- 2 1. Page 1, line 2, by inserting after the number
- 3 "(471.4)," the words and number "unnumbered paragraph
- 4 one (1) and".
- 5 2. Page 1, by inserting after line 3 the follow-
- 6 ing: "The right to take private property for public
- 7 use is hereby conferred:".
- 8 3. Page 1, line 5, by inserting after the word
- 9 "which" the words "do not".
- 10 4. Page 1, line 5, by striking the word "no" and

- 11 inserting in lieu thereof the words "no a".
 12 5. Page 1, line 11, by inserting after the word
 13 "a" the words "platted way or".
 14 6. Page 1, line 14, by striking the word "Such"
 15 and inserting in lieu thereof the words "Such This".
 16 7. Page 1, line 16, by striking the word "such"
 17 and inserting in lieu there the words "such these".
 18 8. Page 1, line 17, by striking the word "thereof"
 19 and inserting in lieu thereof the word "thereof".
 20 9. Page 1, by inserting after line 17 the follow-
 21 ing paragraph:
 22 "Notwithstanding the provisions of this subsection,
 23 where an owner of land subdivides that land in such
 24 a way that there is not a public or private way to
 25 a subdivided parcel of that land, if a subsequent
 26 grantee or lessee to that parcel exercises the right
 27 conferred by this section, the private property taken
 28 shall be from the land which was originally
 29 subdivided."
 30 10. Page 1, by striking line 18.

Fiscal note is not required.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Dyrland, Gentleman, Pelton, Shimanek, Smalley, Spencer and Woods.

Nay: Doyle, Nielsen and Scheelhaase.

Absent or not voting: Arnould, Garrison, Lipsky and Patchett.

House File 2001, a bill for an act amending the criminal code revision to provide that it is sexual abuse in the third degree to perform a sex act with a 14 or 15 year old person who is six or more years his or her junior, and providing a penalty.

Failed to Pass.

Fiscal note is not required.

Aye: Branstad, Conlon, Nielsen, Pelton, Smalley, Spencer, and Woods.

Nay: Jesse, Newhard, Connors, Dyrland, Gentleman and Scheelhaase.

Absent or not voting: Arnould, Clark of Cerro Gordo, Doyle, Garrison, Lipsky, Patchett and Shimanek.

House File 2032, a bill for an act relating to persons eligible to administer a blood test for alcohol content.

Recommended Amend and Do Pass.

H-6072

- 1 Amend House File 2032 as follows:
2 1. Page 1, by striking lines 3 through 5 and
3 inserting in lieu thereof the following:
4 "321B.4 TAKING SAMPLE FOR TEST. Only a licensed
5 physician, or certified physician's assistant or a
6 medical technologist or registered nurse designated
7 by a licensed physician as his or her representative
8 or employed in the".

Fiscal note is not required.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Arnould, Garrison, Lipsky and Patchett.

House File 2053, a bill for an act to make violation of a custodial order punishable whether or not the child is removed from the state, and providing that a parent who takes a child from the custody of the other parent prior to a court order shall be guilty of a serious misdemeanor.

Recommended Amend and Do Pass.

H-6077

- 1 Amend House File 2053 as follows:
2 1. Page 1, line 6, by inserting after the word
3 "takes" the words "and removes".
4 2. Page 1, line 6, by striking the words "and
5 removes him or her" and inserting in lieu thereof
6 the words "and removes him or her".
7 3. Page 1, line 7, by striking the words "state,
8 custody of the other" and inserting in lieu thereof
9 the words "state, and conceals the child's
10 whereabouts".
11 4. Page 1, line 10, by inserting after the word
12 "takes" the words "and conceals".
13 5. Page 1, line 10, by inserting after the word
14 "another" the words "within the state".
15 6. Page 1, line 10, by striking the words "an
16 express" and inserting in lieu thereof the word "a".
17 7. Page 1, line 11, by striking the word "agree-
18 ment" and inserting in lieu thereof the word "order".
19 8. Page 1, by inserting after line 12 the follow-
20 ing paragraph:
21 "Any parent of a child living apart from the other

22 parent who conceals that child in violation of a court
 23 order granting visitation rights and without the other
 24 parent's consent, shall be guilty of a serious
 25 misdemeanor."

Fiscal note is not required.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Dyrland, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: Spencer:

Absent or not voting: Branstad, Arnould, Garrison, Lipsky and Patchett.

House File 2119, a bill for an act relating to testimony of a person against his or her spouse as to information obtained prior to the marriage concerning an alleged felony.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Arnould, Dyrland, Garrison, Lipsky and Patchett.

House File 2186, a bill for an act authorizing a sentencing judge to impose consecutive sentences when a person is sentenced for two or more separate offenses.

Recommended Amend and Do Pass.

H-6071

1 Amend House File 2186 as follows:
 2 1. Page 1, line 5, by striking the word "that".
 3 2. Page 1, line 5, by striking the word "shall"
 4 and inserting in lieu thereof the word "to".
 5 3. Page 1, line 6, by inserting after the word
 6 "sentence." the words "If a person is sentenced for
 7 escape under section seven hundred nineteen point
 8 four (719.4) of the Code Supplement or for a crime
 9 committed while confined in a detention facility or
 10 penal institution, the sentencing judge shall order
 11 the sentence to begin at the expiration of any existing
 12 sentence."

Fiscal note is not required.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Arnould, Connors, Garrison, Lipsky and Patchett.

Senate File 99, a bill for an act relating to a state of the judicial department message.

Recommended Amend and Do Pass.

H-6070

- 1 Amend Senate File 99 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the word "he"
- 4 and inserting in lieu thereof the words "the chief
- 5 justice".

Fiscal note is not required.

Aye: Newhard, Clark of Cerro Gordo, Connors, Doyle, Dyrland, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, and Spencer.

Nay: Jesse, and Conlon.

Absent or not voting: Branstad, Arnould, Garrison, Lipsky, Patchett and Woods.

Senate File 2181, a bill for an act providing for the destruction of certain court records.

Recommended Do Pass

Fiscal note is not required.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Arnould, Dyrland, Garrison, Lipsky and Patchett.

Senate File 2185, a bill for an act providing that conciliation is waived if it is not applied for within forty-five days after the filing of a petition for dissolution of marriage.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: Gentleman.

Absent or not voting: Branstad, Arnould, Dyrland, Garrison, Lipsky and Patchett.

Senate File 2200, a bill for an act making technical changes of a corrective nature to the new criminal code.

Recommended Amend and Do Pass.

H-6075

1 Amend Senate File 2200 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 7, by inserting after line 25 the follow-
4 ing sections:

5 "Sec. . Section three hundred twenty-one point
6 one hundred eighty (321.180), Code 1977, is amended
7 by adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. A permittee shall not
9 be penalized for failing to have his or her permit
10 in immediate possession if the permittee produces
11 in court, within a reasonable time, an instruction
12 permit issued to him or her and valid at the time
13 of the permittee's arrest.

14 Sec. . Section three hundred twenty-one point
15 one hundred eighty-nine (321.189), subsection three
16 (3), Code 1977, is amended to read as follows:

17 3. CARRIED AND EXHIBITED. Every licensee shall
18 have his or her operator's or chauffeur's, or motorized
19 bicycle license or instruction permit in his immediate
20 possession at all times when operating a motor vehicle
21 and shall display the same, upon demand of a judicial
22 magistrate or district associate judge, a peace
23 officer, or a field deputy or examiner of the
24 department. However, no person charged with violating
25 this section shall be convicted if he or she pro-
26 duces in court, within a reasonable time, an operator's
27 or chauffeur's or motorized bicycle license or
28 instruction permit issued to him or her and valid
29 at the time of his the person's arrest."

30 2. Page 12, by inserting after line 20 the
31 following sections:

32 "Sec. . Section seven hundred twenty-two point
33 one (722.1), Code 1977 Supplement, is amended to read
34 as follows:

35 722.1 BRIBERY. A person who offers, promises
36 or gives anything of value or any benefit to any
37 person who is serving or has been elected, selected,

38 appointed, employed or otherwise engaged to serve
39 in a public capacity, including any public officer
40 or employee, any referee, juror or venireman, or any
41 witness in any judicial or arbitration hearing or
42 any official inquiry, or any member of a board of
43 arbitration, with intent to pursuant to an agreement
44 or arrangement or with the understanding that the
45 promise or thing of value or benefit will influence
46 the act, vote, opinion, judgment, decision or exercise
47 of discretion of such person with respect to his or
48 her services in such capacity commits a class D felony.
49 In addition, any person convicted under this section
50 shall be disqualified from holding public office under

Page 2

1 the laws of this state.
2 Sec. . Section seven hundred twenty-two point
3 two (722.2), Code 1977 Supplement, is amended to read
4 as follows:
5 722.2 ACCEPTING BRIBE. Any person who is serving
6 or has been elected, selected, appointed, employed
7 or otherwise engaged to serve in a public capacity,
8 including any public officer or employee, any referee,
9 juror or venireman, or any witness in any judicial
10 or arbitration hearing or any official inquiry, or
11 any member of a board of arbitration, who shall solicit
12 or knowingly accept or receive any promise or anything
13 of value or any benefit given with the intent to
14 pursuant to an agreement or arrangement or with the
15 understanding that the promise or thing of value or
16 benefit will influence the act, vote, opinion,
17 judgment, decision or exercise of discretion of such
18 person with respect to his or her services in such
19 capacity commits a class C felony. In addition, any
20 person convicted under this section shall be
21 disqualified from holding public office under the
22 laws of this state."
23 3. Page 17, by inserting after line 14 the
24 following section:
25 "Sec. . Section eight hundred five point eight
26 (805.8), subsection two (2), paragraph b, Code 1977
27 Supplement, is amended to read as follows:
28 b. For registration violations under sections
29 321.17, 321.32, 321.34, 321.37, 321.38, 321.41, and
30 ~~321.190~~ subsection three (3) of section three hundred
31 twenty-one point one hundred eighty-nine (321.189)
32 of the Code, the scheduled fine is five dollars.
33 For violations of ~~section 321.190~~ subsection three
34 (3) of section three hundred twenty-one point one
35 hundred eighty-nine (321.189) of the Code, the case

36 shall be dismissed without imposition of fine or costs
37 if a license valid at the time of the issuance of
38 the citation is presented by the defendant to the
39 magistrate or scheduled violations office."
40 4. By renumbering as necessary.

Fiscal note is not required.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Conlon, Connors, Doyle, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley, Spencer and Woods.

Nay: None.

Absent or not voting: Branstad, Arnould, Dyrland, Garrison, Lipsky and Patchett.

Senate File 2202, a bill for an act specifying that good and honor time earned and not forfeited shall apply to reduce a mandatory minimum sentence.

Failed to Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Clark of Cerro Gordo, Doyle, Dyrland, Gentleman, Pelton, and Scheelhaase.

Nay: Conlon, Connors, Nielsen, Shimanek, Smalley and Woods.

Absent or not voting: Branstad, Arnould, Garrison, Lipsky, Patchett and Spencer.

Senate File 2205, a bill for an act amending the criminal code revision to prohibit a person from photographing a child involved in certain prohibited sexual acts, and providing a penalty.

Recommended Do Pass.

Fiscal note is not required.

Aye: Jesse, Newhard, Branstad, Clark of Cerro Gordo, Conlon, Doyle, Dyrland, Gentleman, Nielsen, Pelton, Scheelhaase, Shimanek, Smalley and Woods.

Nay: None.

Absent or not voting: Arnould, Connors, Garrison, Lipsky, Patchett and Spencer.

Assigned bills to subcommittee.

AMENDMENTS FILED

H-6081	H.F. 2365	Lindeen of Henry
H-6082	S.F. 358	Clark of Cerro Gordo
H-6083	S.F. 358	Clark of Cerro Gordo
H-6084	H.F. 2040	Clark of Cerro Gordo
H-6085	S.F. 353	Committee on Energy
H-6087	H.F. 2292	Schroeder of Pottawattamie
H-6088	S.F. 2127	Wyckoff of Benton
H-6089	S.F. 2181	Doyle of Woodbury
		Nielsen of Polk
H-6090	S.F. 2115	Wyckoff of Benton
H-6091	S.F. 2115	Wyckoff of Benton
H-6092	H.F. 2416	Middleswart of Warren
H-6093	H.F. 2381	Welden of Hardin
H-6094	H.F. 2416	Bennett of Ida
H-6095	H.F. 2096	Garrison of Black Hawk
H-6097	H.F. 2341	Anderson of Jasper
		Harbor of Mills
H-6098	S.F. 2229	Crawford of Story
H-6099	H.F. 2365	Norland of Worth
		West of Marshall
		Hansen of O'Brien
H-6100	H.F. 2365	Stromer of Hancock

On motion by Fitzgerald of Webster, the House adjourned at 6:15 p.m., until 10:00 a.m., Tuesday, April 18, 1978.

JOURNAL OF THE HOUSE

One Hundredth Calendar Day—Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 18, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Percy Burt, pastor of the Mount Calvary Baptist Church, Waterloo, Iowa.

The Journal of Monday, April 17, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Gary Lawrence, Ackley, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk for a portion of the morning session on request of Evans of Grundy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 68, a bill for an act relating to the time period in which the director of revenue may extend the payment of inheritance taxes for hardship cases.

Also: That the Senate has on April 13, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 561, a bill for an act relating to the state standard of weights and measures.

Also: That the Senate has on April 13, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2227, a bill for an act increasing the dollar limit of real estate projects for which a proposition need not be submitted to electors in the case of federal revenue sharing or matching funds and funds on hand in all counties except counties having a population of more than two hundred thousand.

Also: That the Senate has on April 13, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2294, a bill for an act to define an additional substance as a controlled substance under the Uniform Controlled Substances Act.

KEVIN P. LIGHT, Acting Secretary

HOUSE FILE 2382 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2382 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Cusack of Scott called up for consideration **House File 602**, a bill for an act to amend the Iowa housing finance authority relating to the eligibility of applicants, property improvement loans, lease-purchase agreements, homesteading, and a loan and grant fund, amended by the Senate amendment H-6065, found on page 1560 of the House Journal, and moved that the House concur in the Senate amendment H-6065.

The motion prevailed and the House concurred in the Senate amendment H-6065.

Cusack of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 602)

The ayes were, 89:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Brunow	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett

Davitt	Den Herder	Dieleman	Dunton
Dyrland	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Halvorson	Hansen
Harbor	Hargrave	Harvey	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Krause	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Pony	Scheelhaase	Schneklath
Shimanek	Small	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Wyckoff
Mr. Speaker			

The nays were, 3:

Danker	Schroeder	Welden
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Absent or not voting, 8:

Chiodo	Doyle	Hines	Jesse
Lonergan	Norland	Rinas	Smalley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

UNANIMOUS CONSENT

Daggett of Adams asked and received unanimous consent to change his vote from "nay" to "aye" on House File 602 and the vote was so recorded.

CONSIDERATION OF BILLS Budget Calendar

Senate File 2127, a bill for an act making appropriations to various executive and legislative departments and other councils and commissions, with report of committee recommending amendment and passage was taken up for consideration.

Wyckoff of Benton offered amendment H-5684 filed by the committee on budget on April 12, 1978 and found on pages 1514 and

1515 of the House Journal. Division of the amendment was requested as follows: Line 3, amendment H—5684A; lines 4 through 22, amendment H—5684B.

Wyckoff of Benton moved the adoption of the committee amendment H—5684A.

Roll call was requested by Danker of Pottawattamie and Junker of Woodbury.

On the question "Shall amendment H—5684A be adopted?"

The ayes were, 62:

Anderson	Arnould	Avenson	Baker
Bina	Brandt	Brunow	Byerly
Chiodo	Clark, J.H.	Connors	Crawford
Cusack	Davitt	Den Herder	Dieleman
Dunton	Dyrland	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Halvorson	Hargrave	Hinkhouse	Horn
Howell	Hullinger	Husak	Jochum
Koogler	Krause	Krewson	Lipsky
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Nielsen	O'Halloran	Oxley
Patchett	Pavich	Perkins	Poney
Rinas	Scheelhaase	Shimanek	Small
Spear	Tauke	Thompson	Tofte
Varley	Walter	Wells	Woods
Wyckoff	Mr. Speaker		

The nays were, 27:

Bennett	Binneboese	Branstad	Brockett
Clark, B.J.	Conlon	Crabb	Daggett
Danker	Evans	Gilson	Griffee
Hansen	Harbor	Hoffmann	Junker
Lageschulte	Lind	Lindeen	Millen
Monroe	Pellett	Pelton	Schnekloth
Stephens	Stromer	West	

Absent or not voting, 11:

Doyle	Harvey	Hines	Jesse
Newhard	Norland	Schroeder	Smalley
Spencer	Svoboda	Welden	

Amendment H—5684A was adopted.

Wyckoff of Benton offered the following amendment H—6088, to the committee amendment H—5684B, filed by him and moved its adoption:

H—6088

- 1 Amend the Committee on Budget amendment, H—5684, to
- 2 Senate File 2127 as amended, passed, and reprinted by
- 3 the Senate as follows:
- 4 1. Page 1, line 8, by inserting after the word
- 5 "funds" the words "in the amount of fifty thousand
- 6 (50,000) dollars appropriated for the implementation
- 7 of a data processing system".

Amendment H—6088 was adopted.

On motion by Wyckoff of Benton, the committee amendment H—5684B, as amended, was adopted.

Wyckoff of Benton offered the following amendment H—5819 filed by him and Junker of Woodbury and moved its adoption:

H—5819

- 1 Amend Senate File 2127 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 18, by inserting before the word
- 4 "For" the number "(1)".
- 5 2. Page 2, by inserting after line 21 the
- 6 following:
- 7 "(2) For the establishment
- 8 of the position of state archivist and
- 9 the payment of salary for such position.....\$20,000"

Roll call was requested by Krause of Kossuth and Dunton of Keokuk.

On the question "Shall amendment H—5819 be adopted?"

The ayes were, 38:

Binneboese	Branstad	Brockett	Byerly
Clark, B.J.	Clark, J.H.	Conlon	Crabb
Crawford	Daggett	Danker	Den Herder
Egenes	Evans	Halvorson	Hansen
Harbor	Hinkhouse	Hoffmann	Horn
Hullinger	Husak	Lind	Lindeen
Lonergan	Millen	Miller, K.D.	Pellet

Pelton	ShimaneK	Stephens	Stromer
Tauke	Thompson	Tofte	Varley
Woods	Wyckoff		

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Brandt	Brunow
Connors	Cusack	Davitt	Dieleman
Dunton	Dyrland	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hargrave	Howell	Jochum
Junker	Krause	Krewson	Lageschulte
Lipsky	Menke	Middleswart	Miller (Sergeant)
Monroe	Norland	O'Halloran	Oxley
Patchett	Pavich	Poncy	Schneklloth
Small	Spear	Svoboda	Walter
Wells	West	Mr. Speaker	

Absent or not voting, 15:

Chiodo	Doyle	Harvey	Hines
Jesse	Koogler	Newhard	Nielsen
Perkins	Rinas	Scheelhaase	Schroeder
Smalley	Spencer	Welden	

Amendment H—5819 lost.

Brunow of Appanoose offered the following amendment H—5836 filed by him and Brockett of Marshall and moved its adoption:

H—5836

- 1 Amend Senate File 2127, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 2, by striking line 24 and inserting
- 4 in lieu thereof the following:
- 5 "5. CAPITOL PLANNING COMMISSION".

Amendment H—5836 was adopted.

Lipsky of Linn offered the following amendment H—6101 filed by her and moved its adoption:

H—6101

- 1 Amend Senate File 2127 as follows:
- 2 1. Page 6, by adding after line 6 the following:

3 "Sec. . . Funds appropriated by this Act shall
 4 not be used to pay travel and other necessary expenses
 5 of any person who attends a conference, seminar, con-
 6 vention, or other similar meeting in a state which has
 7 not approved the proposed federal equal rights amend-
 8 ment. The state comptroller shall not approve any
 9 claim submitted requesting reimbursement which violates
 10 this section."

A non-record roll call was requested.

The ayes were 21, nays 53.

Amendment H—6101 lost.

Wyckoff of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2127)

The ayes were, 87:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Branstad	Brockett
Brunow	Byerly	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Cusack	Daggett	Davitt	Den Herder
Dunton	Dyrland	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Halvorson
Hansen	Harbor	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Lageschulte
Lind	Lindeen	Lipsky	Lonerган
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Newhard	Nielsen	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Pony	Rinas
Scheelhaase	Schneklath	Shimanek	Small
Smalley	Spear	Spencer	Stephens
Stromer	Svoboda	Tauke	Thompson
Tofte	Varley	Walter	Wells
West	Wyckoff	Mr. Speaker	

The nays were, 1:

Danker

Absent or not voting, 12:

Bina	Brandt	Connors	Dieleman
Doyle	Harvey	Krewson	Monroe
Norland	Schroeder	Welden	Woods

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Hines of Story called up for consideration **Senate File 292**, a bill for an act providing for the disclosure of the actual sales price in real estate transfers and providing penalties for violations of this Act, amended by the House, further amended by the Senate and moved that the House concur in the Senate amendment H-6020 found on pages 1527 and 1528 of the House Journal.

The motion prevailed and the House concurred in the Senate amendment H-6020 to the House amendment.

Hines of Story moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 58:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brockett	Brunow
Clark, B.J.	Connors	Crawford	Daggett
Davitt	Dunton	Dyrland	Egenes
Evans	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Hansen	Hargrave
Hines	Hinkhouse	Howell	Husak
Jesse	Jochum	Krause	Krewson
Lageschulte	Lindeen	Loneragan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	O'Halloran	Oxley
Patchett	Pavich	Perkins	Rinas
Scheelhaase	Spear	Spencer	Stromer
Svoboda	Thompson	Varley	Wells
West	Mr. Speaker		

The nays were, 37:

Baker	Bennett	Branstad	Byerly
Clark, J.H.	Conlon	Crabb	Danker
Gentleman	Griffiee	Halvorson	Harbor
Harvey	Hoffmann	Horn	Hullinger
Junker	Koogler	Lind	Lipsky
Millen	Nielsen	Pellett	Pelton
Poncy	Schneklath	Schroeder	Shimanek
Small	Smalley	Stephens	Tauke
Tofte	Walter	Weiden	Woods
Wyckoff			

Absent or not voting, 5:

Chiodo	Cusack	Den Herder	Dieleman
Doyle			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

SENATE MESSAGES CONSIDERED

Senate File 2216, a bill for an act relating to certain natural resource agencies of the state and the regulation and the use of natural resources, by reorganizing the department of environmental quality; creating an environmental quality commission; creating a department of land and water resources and a land and water resources commission; transferring the powers and duties of the Iowa natural resources council and the department of soil conservation to the department of land and water resources and the Iowa state commerce commission; abolishing the Iowa natural resources council, the department of soil conservation, the state soil conservation committee, the geological board and the executive committee, air quality commission, water quality commission, the solid waste disposal commission and the chemical technology commission; redistributing the authority over agricultural chemicals between the departments of agriculture and environmental quality; authorizing planning for reorganization of the department of conservation;

relating to the performance of duty of members, officers and employees of the state conservation commission; and subjecting violators to penalties.

Read first time and referred to committee on **state government**.

Senate File 2221, a bill for an act relating to city development by clarifying the definition of territory, defining qualified elector, requiring the city development board to be notified of annexation moratorium agreements and hearings, allowing a property owner under certain circumstances to serve on the city development committee even though he or she is not a qualified elector, and assigning election costs.

Read first time and referred to committee on **cities**.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 2056, a bill for an act providing for the business and nonbusiness distinction in allocating and apportioning corporate net income for tax purposes and making the Act retroactive, with report of committee recommending passage was taken up for consideration.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2056)

The ayes were, 86:

Anderson	Arnould	Avenson	Baker
Bennett	Bina	Binneboese	Brandt
Branstad	Brockett	Chiodo	Clark, B.J.
Clark, J.H.	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Danker
Davitt	Dieleman	Dunton	Dyrland
Egenes	Evans	Fitzgerald,	Garrison
Gentleman	Gettings	Gilson	Halvorson
Hansen	Harbor	Hargrave	Harvey
Hines	Hoffmann	Horn	Howell
Hullinger	Husak	Jochum	Junker
Koogler	Krewson	Lageschulte	Lind

Lindeen	Lipsky	Loneragan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Nielsen	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poney	Rinas	Schneklath
Schroeder	Shimanek	Smalley	Spear
Spencer	Stephens	Stromer	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, 1:

Hinkhouse

Absent or not voting, 13:

Brunow	Byerly	Den Herder	Doyle
Gilloon	Griffie	Jesse	Krause
Newhard	O'Halloran	Scheelhaase	Small
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

REGULAR CALENDAR

House File 2310, a bill for an act relating to the legalization and validation of the Lost Island sanitary district and the procedures of the board of supervisors and the county auditor of Palo Alto county in connection with the creation and organization of the Lost Island sanitary district, with report of committee recommending passage was taken up for consideration.

Pelton of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2310)

The ayes were, 86:

Avenson	Baker	Bennett	Bina
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dunton	Dyrland	Egenes

Evans	Fitzgerald	Garrison	Gentleman
Gettings	Halvorson	Hansen	Harbor
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jochum	Junker	Koogler
Lageschulte	Lind	Lindeen	Lonergan
Menke	Middleswart	Millen	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Norland
O'Halloran	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Rinas	Scheelhaase	Schnekloth	Schroeder
Shimanek	Smalley	Spear	Spencer
Stephens	Stromer	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Welden	Wells	West	Woods
Wyckoff	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Anderson	Arnould	Byerly	Den Herder
Doyle	Gilloon	Gilson	Griffee
Jesse	Krause	Krewson	Lipsky
Nielsen	Small		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED House Refuses To Concur

Newhard of Jones called up for consideration **House File 2382**, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty, amended by the Senate amendment H-6066, found on page 1561 of the House Journal, and moved that the House concur in the Senate amendment H-6066.

The motion lost and the House refused to concur in the Senate amendment H-6066.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of April, 1978: House Files 32 and 2022.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

**RESOLUTION ENROLLED, SIGNED AND DEPOSITED
WITH THE SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and President of the Senate, and deposited with the Secretary of State for his approval on this 18th day of April, 1978: House Joint Resolution 12.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 1978, he approved and transmitted to the Secretary of State the following bills:

House File 299, an act relating to the confidentiality of documents filed for the purpose of obtaining a warrant for an arrest or a search.

House File 396, an act relating to conflict of interest for city civil service commissioners and providing a penalty.

House File 2033, an act relating to obsolete or inconsistent provisions of the Code.

House File 2099, an act relating to the publication of administrative rules.

House File 2136, an act relating to qualifications required for a school board secretary.

House File 2283, an act relating to railroad spur tracks.

MOTION TO WITHDRAW FROM COMMITTEE
(House File 2001)

Pursuant to House Rule 53, the following House members respectfully request that House File 2001 be withdrawn from the House Judiciary and Law Enforcement Committee and placed on the Calendar.

Spear of Lee
Clark of Cerro Gordo
Schneklath of Scott
Branstad of Winnebago
Menke of O'Brien
Gettings of Wapello
Stephens of Plymouth
Crabb of Crawford
Pellett of Cass
Hoffmann of Muscatine
Koogler of Mahaska
Welden of Hardin
Shimanek of Jones
Spencer of Clay
Garrison of Black Hawk
Miller of Buchanan
Harbor of Mills
Varley of Adair
Millen of Van Buren
Thompson of Polk
Howell of Floyd
Halvorson of Clayton
Krewson of Polk
Conlon of Muscatine
Junker of Woodbury
Wells of Linn
Brockett of Marshall

Gilson of Guthrie
Lind of Black Hawk
Schroeder of Pottawattamie
Bennett of Ida
Perkins of Greene
Lindeen of Henry
Evans of Grundy
Miller (Sergeant) of Calhoun
Binneboese of Plymouth
Tofte of Winneshiek
Smalley of Polk
Tauke of Dubuque
Oxley of Linn
West of Marshall
Hansen of O'Brien
Wyckoff of Benton
Baker of Buena Vista
Dieleman of Marion
Dunton of Keokuk
Harvey of Scott
Lageschulte of Bremer
Egenes of Story
Pelton of Clinton
Daggett of Adams
Chiodo of Polk
Rinas of Linn
Den Herder of Sioux

MOTIONS TO RECONSIDER
(Senate File 2127)

I move to reconsider the vote by which Senate File 2127 passed the House on April 18, 1978.

WYCKOFF of Benton

(Senate File 2127)

I move to reconsider the vote by which Senate File 2127 passed the House on April 18, 1978.

JUNKER of Woodbury

(Amendment H—5819 to Senate File 2127)

I move to reconsider the vote by which amendment H—5819 to Senate File 2127 failed to be adopted by the House on April 18, 1978.

JUNKER of Woodbury

UNANIMOUS CONSENT CALENDAR
(House Resolution 134)

We hereby respectfully request that House Resolution 134, filed on April 17, 1978 and found on page 1581 of the House Journal, be placed on the unanimous consent calendar.

HANSEN of O'Brien
SCHROEDER of Pottawattamie
MONROE of Des Moines

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 488 Labor and Industrial Relations

Relating to increases in the contributions and limits of the second injury fund.

S.B. 489 State Government

Relating to the sale, dispensing and administering of prescription drugs and medicines by certain persons, prescribing requirements for the training and certification of such.

**PRESENTATION OF PELLA TULIP QUEEN
AND HER ATTENDANTS**

Dieleman of Marion presented to the House Miss Mindy Roozeboom, Pella, Iowa, Queen of the 1978 Pella Tulip Festival. The

Queen introduced the members of her court, Carol Vander Leest, Julie Sadler, Beverly Gritters and Wendy Van Zee.

The Queen and her court were accompanied by their mothers and Mr. Ray De Haan of the Queen's committee of the Tulip Festival.

Miss Roozeboom extended to the House an invitation to attend the Pella Tulip Festival, May 11, 12 and 13. The girls all in Dutch costume, distributed the famous Pella cookies to those present.

PRESENTATION OF VISITORS

Clark of Cerro Gordo presented to the House, Sylvia de Leon and Poncho Leon from Maracaibo, Venezuela. They are visiting Iowa with the Friendship Force and are guests of Mr. and Mrs. Charles Flesher.

The Speaker announced that the following visitors were present in the House chamber:

Fifty Camp Fire girls from Cedar Rapids, Iowa. By Lipsky of Linn.

One hundred thirty elementary students from Norwalk Community School, Norwalk, Iowa. By Davitt of Warren.

One hundred twenty ninth grade students from Jefferson Community School, Jefferson, Iowa. By Perkins of Greene.

Thirty fifth grade students from St. Matthew School, Cedar Rapids, Iowa, accompanied by Linda Scolaro. By Lipsky of Linn.

Twenty-seven eighth grade students from St. John Elementary, Independence, Iowa. By Miller of Buchanan.

Thirty-three sixth grade students from Bradgate Elementary School, Bradgate, Iowa, accompanied by Mrs. Hinner. By Cochran of Webster and Miller (Sergeant) of Calhoun.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON BUDGET

Scheduled: 1:00 p.m., April 17, 1978

Convened: 1:10 p.m.

Adjourned: 2:03 p.m.

Present: Cusack, chair; Dunton, vice-chair; Harvey, Jesse, Koogler, Norland, O'Halloran, Varley, Welden and Wells.

Absent: Avenson and Stromer (arrived 1:15 p.m.).

Excused: Den Herder, ranking member.

Study Bill 485, a bill for an act relating to and appropriating funds for designated health programs including substance abuse, mental health, continuing education for health practitioners and funds for autopsies of suspected victims of sudden infant death syndrome.

Recommended Do Pass.

Fiscal note is not required.

Aye: Cusack, Harvey, Jesse, Koogler, Norland, O'Halloran, Stromer, Varley, Welden and Wells.

Nay: Dunton.

Absent or not voting: Den Herder and Avenson.

AMENDMENTS FILED

H-6102

H.F. 2426

Lipsky of Linn

H-6103

H.F. 2426

Welden of Hardin

H-6104

H.F. 2426

Lipsky of Linn

H-6105

H.F. 2426

Crawford of Story

Thompson of Polk

H-6106	H.F. 2426	Gentleman of Polk Halvorson of Clayton Thompson of Polk Gentleman of Polk
H-6107	H.F. 2426	Brandt of Black Hawk
H-6108	H.F. 2426	Small of Johnson
H-6109	H.F. 2426	Stromer of Hancock
H-6110	H.F. 2426	Tauke of Dubuque
H-6111	H.F. 2098	Welden of Hardin
H-6112	S.F. 2221	Woods of Polk
H-6113	S.F. 2200	Spear of Lee
H-6114	H.F. 2358	Avenson of Fayette
H-6115	S.F. 2200	Jesse of Polk
H-6116	H.F. 2426	Miller of Buchanan
H-6117	H.F. 2426	Miller of Buchanan
H-6119	S.F. 2200	Jesse of Polk
H-6120	H.F. 2426	Byerly of Polk
H-6121	H.F. 2426	Hansen of O'Brien
H-6122	H.F. 2426	Monroe of Des Moines
H-6123	H.F. 2426	Schroeder of Pottawattamie

On motion by Hargrave of Johnson, the House adjourned at 6:01 p.m., until 2:00 p.m., Wednesday, April 19, 1978.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day—Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 19, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Howard Goodrich, Regional Minister of the Christian Church in the upper Midwest, Des Moines, Iowa.

The Journal of Tuesday, April 18, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hubiak, Odebolt, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Walter of Pottawattamie on request of Pavich of Pottawattamie; Dyrland of Clayton on request of Arnould of Scott.

PETITIONS FILED

The following petitions were received and placed on file:

By Husak of Tama from twenty-six constituents supporting House File 112, relating to the legal age for consuming alcoholic beverages.

By Horn of Linn from four hundred ten residents of eastern Iowa in favor of declaring giant and short ragweed (Genus *Ambrosia*) plants to be primary noxious weeds.

INTRODUCTION OF BILLS

House File 2427, by Byerly, a bill for an act relating to the deposit of public funds, authorizing the deposit or investment of public funds in certain approved savings and loan associations and

in approved banks in the state, authorizing investment of public funds in certain notes, certificates, bonds, or other evidences of indebtedness, relating to the interest rates public funds can draw, and requiring certain savings and loan associations to contribute to the state sinking fund or be subject to a ten percent penalty on the amount of assessments due.

Read first time and referred to committee on **state government**.

House File 2428, by Dunton, a bill for an act relating to voluntary certification of assessors, deputy assessors, and other persons employed by an assessor, and making an appropriation.

Read first time and referred to committee on **ways and means**.

House File 2429, by Husak, a bill for an act providing an individual income tax credit for the purchase of a solar energy device and materials for the construction of a solar energy device and making the Act retroactive.

Read first time and referred to committee on **ways and means**.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

QUORUM CALL

Roll call was requested by Wells of Linn and Junker of Woodbury to determine that a quorum was present. Rule 69 was invoked.

Present: 84

Anderson	Arnould	Baker	Bennett
Bina	Binneboese	Brandt	Branstad
Brockett	Brunow	Byerly	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Daggett	Danker
Davitt	Den Herder	Dieleman	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gettings	Gilson	Griffee	Hansen
Harbor	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Husak	Jochum	Junker	Koogler

Krause	Krewson	Lageschulte	Lind
Lindeen	Lonergan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	O'Halloran
Oxley	Patchett	Pavich	Pellett
Pelton	Perkins	Poney	Scheelhaase
Schnekloth	Schroeder	Smalley	Spear
Spencer	Stromer	Svoboda	Tauke
Thompson	Tofte	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker

Absent: 16

Avenson	Cusack	Doyle	Dyrland
Gentleman	Gilloon	Halvorson	Hullinger
Jesse	Lipsky	Rinas	Shimanek
Small	Stephens	Varley	Walter

CONSIDERATION OF BILLS Regular Calendar

House File 2426, a bill for an act relating to certain public retirement systems; including the Iowa public employees' retirement system relating to administration, contribution rates, coverage, and changes in benefits; and including the judicial retirement system relating to contributions assessed as court costs; and to make an appropriation, was taken up for consideration.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Halloran of Black Hawk for the remainder of the week and Doyle of Woodbury for the remainder of the day on request of Hullinger of Decatur.

RULE 20 SUSPENDED

Hansen of O'Brien asked and received unanimous consent to suspend Rule 20 and that Mr. Ed Longnecker, Director of the Iowa Public Employees' Retirement System, be present in the House chamber during consideration of House File 2426.

Byerly of Polk offered the following amendment H-6127 filed by Byerly, Connors, Monroe, Schroeder, Hansen and Brandt from the floor:

H-6127

1 Amend House File 2426 as follows:

2 1. Page 1, by inserting before line 1 the follow-
3 ing sections:

4 "Sec. . Section ninety-seven A point one
5 (97A.1), subsections seven (7), eight (8), twelve
6 (12), seventeen (17), nineteen (19), and twenty (20),
7 Code 1977, are amended to read as follows:

8 7. "Beneficiary" shall mean any person receiving
9 a pension, an annuity, a retirement allowance or other
10 benefit as provided by this chapter.

11 8. "Surviving Spouse" shall mean only such surviv-
12 ing spouse of a marriage consummated prior to
13 retirement of a deceased member from active service
14 or a surviving spouse of a marriage of two years or
15 more duration consummated subsequent to retirement.

16 12. "Earnable compensation" or "compensation
17 earnable" shall mean the regular compensation which
18 a member would earn during one year on the basis of
19 the stated compensation for his the member's rank
20 or position including compensation for longevity and
21 excluding any amount received for overtime compensation
22 or other special additional compensation, meal and
23 travel expenses, and uniform allowances and excluding
24 any amount received upon termination or retirement
25 in payment for accumulated sick leave or vacation.

26 17. "Retirement allowance" shall mean the sum
27 of the annuity and the pension, or any benefits in
28 lieu thereof, granted to a member upon retirement.

29 19. "Pension reserve" shall mean the present value
30 of all payments to be made on account of any pension,
31 or benefit in lieu of a pension, granted under the
32 provisions of this chapter, upon the basis of such
33 mortality tables as shall be adopted by the board
34 of trustees and regular interest computed at a rate
35 adopted by the board upon the recommendation of the
36 actuary.

37 20. "Actuarial equivalent" shall mean a benefit
38 of equal value, when computed upon the basis of
39 mortality tables adopted by the board of trustees,
40 and regular interest computed at a rate adopted by
41 the board upon the recommendation of the actuary.

42 Sec. . Section ninety-seven A point one (97A.1),
43 Code 1977, is amended by striking subsections ten
44 (10), eleven (11), fifteen (15), and eighteen (18).

45 Sec. . Section ninety-seven A point three
46 (97A.3), subsection two (2), Code 1977, is amended
47 to read as follows:

48 2. Should any member in any period of five
49 consecutive years after last becoming a member, be
50 absent from service for more than four years, or

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1 should he withdraw his accumulated contributions or
2 should he or she become a beneficiary or die, he or
3 she shall thereupon cease to be a member of this
4 system.

5 Sec. . Section ninety-seven A point six (97A.6),
6 subsection one (1), paragraph c, Code 1977, is amended
7 to read as follows:

8 c. Any member in service who has been a member
9 of the retirement system fifteen or more years and
10 whose employment is terminated prior to the member's
11 retirement, other than by death or disability, shall
12 upon attaining retirement age, receive a service
13 retirement allowance of fifteen twenty-seconds of
14 the retirement allowance the member would receive
15 at retirement if the member's employment had not been
16 terminated, and an additional one twenty-second of
17 such retirement allowance for each additional year
18 of service not exceeding twenty-two years of service.
19 The amount of the retirement allowance shall be based
20 on the average final compensation at the time of
21 termination of employment. The allowance shall not
22 be available to a member who has chosen to withdraw
23 the member's accumulated contributions as provided
24 in subsection 10 of this section.

25 Sec. . Section ninety-seven A point six (97A.6),
26 subsections two (2), four (4), and six (6), Code 1977,
27 are amended to read as follows:

28 2. ALLOWANCE ON SERVICE RETIREMENT. Upon
29 retirement from service, a member shall receive a
30 service retirement allowance which shall consist of:

31 a. An annuity which shall be the actuarial
32 equivalent of his accumulated contributions at the
33 time of his retirement; and

34 b. A pension given by the state which shall
35 equal one-half of the member's average final
36 compensation.

37 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

38 Upon retirement for ordinary disability a member shall
39 receive a service retirement allowance if he the
40 member has attained the age of fifty-five, otherwise
41 he the member shall receive an ordinary disability
42 retirement allowance which shall consist of:

43 a. An annuity which shall be the actuarial
44 equivalent of his accumulated contributions at the
45 time of retirement; and

46 b. A pension which together with the member's
47 annuity shall make a total retirement allowance equal
48 to ninety forty percent of one-seventieth of the
49 member's average final compensation multiplied by
50 the number of years of membership service, if such

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1 retirement allowance exceeds one-half of the member's
2 average final compensation, otherwise a pension which
3 together with the member's annuity shall provide a
4 total retirement allowance equal to one-half of the
5 member's average final compensation except if the
6 member has not had five or more years of membership
7 service, the member shall receive a pension which
8 together with the member's annuity shall provide a
9 total retirement allowance equal to one-fourth of
10 the member's average final compensation.

11 6. RETIREMENT AFTER ACCIDENT. Upon retirement
12 for accidental disability a member shall receive a
13 service retirement allowance if he the member has
14 attained the age of fifty-five, otherwise he the
15 member shall receive an accidental disability
16 retirement allowance which shall consist of:

17 a. An annuity which shall be the actuarial
18 equivalent of his accumulated contributions at the
19 time of his retirement; and

20 b. A pension, in addition to the annuity, of
21 equal to sixty-six and two-thirds percent of his the
22 member's average final compensation.

23 Sec. . Section ninety-seven A point six (97A.6),
24 subsection seven (7), paragraph a, Code 1977, is
25 amended to read as follows:

26 a. Should any beneficiary for either ordinary
27 or accidental disability, except a beneficiary who
28 is fifty-five years of age or over and would have
29 completed twenty-two years of service if he or she
30 had remained in active service, be engaged in a gainful
31 occupation paying more than the difference between
32 his the member's retirement allowance and his average
33 final compensation the current earnable compensation
34 of an active member at the same position on the salary
35 scale within the member's rank as the member held
36 at retirement, then the amount of his pension the
37 retirement allowance shall be reduced to an amount
38 which together with his annuity and the amount earned
39 by him the member shall equal the amount of his average
40 final compensation the current earnable compensation
41 of an active member at the same position on the salary
42 scale within the member's rank as the member held
43 at retirement. Should his the member's earning
44 capacity be later changed, the amount of his pension
45 the retirement allowance may be further modified,
46 provided, that the new pension retirement allowance
47 shall not exceed the amount of the pension retirement
48 allowance originally granted adjusted by annual
49 readjustments of pensions pursuant to subsection
50 fifteen (15) of this section nor an amount which,

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1 when added to the amount earned by the beneficiary
2 ~~together with his annuity~~, equals the amount of his
3 ~~average final compensation the current earnable~~
4 ~~compensation of an active member at the same position~~
5 ~~on the salary scale within the member's rank as the~~
6 ~~member held at retirement. A beneficiary restored~~
7 ~~to active service at a salary less than the average~~
8 ~~final compensation upon the basis of which he the~~
9 ~~member was retired at age fifty-five or greater, shall~~
10 ~~not again become a member of the retirement system~~
11 ~~and shall have his or her retirement allowance~~
12 ~~suspended while in active service. If the rank or~~
13 ~~position held by the retired member is subsequently~~
14 ~~abolished, adjustments to the allowable limit on the~~
15 ~~amount of income which can be earned in a gainful~~
16 ~~occupation shall be computed in the same manner as~~
17 ~~provided in subsection fifteen (15) of paragraph d~~
18 ~~of this section for readjustment of pensions when~~
19 ~~a rank or position has been abolished.~~

20 A beneficiary retired under the provisions of this
21 paragraph in order to be eligible for continued receipt
22 of retirement benefits shall no later than May
23 fifteenth of each year submit to the board of trustees
24 a copy of his or her state income tax return for the
25 preceding year.

26 Sec. . Section ninety-seven A point six (97A.6),
27 subsections eight (8), nine (9), thirteen (13),
28 nineteen (19), and twenty (20), Code 1977, are amended
29 to read as follows:

30 8. ORDINARY DEATH BENEFIT. Upon the receipt of
31 proper proofs of the death of a member in service,
32 or a member not in service who has completed fifteen
33 or more years of service as provided in subsection
34 1, paragraph "c", of this section, there shall be
35 paid to such person having an insurable interest in
36 the member's life as the member shall have nominated
37 by written designation duly executed and filed with
38 the board of trustees:

39 a. ~~The member's accumulated contributions and,~~
40 ~~if If the member has had one or more years of~~
41 ~~membership service and no pension is payable under~~
42 ~~the provisions of subsection 9 of this section, in~~
43 ~~addition thereto~~

44 b. ~~An an amount equal to fifty percent of the~~
45 ~~compensation earned by the member during the year~~
46 ~~immediately preceding the member's death if the member~~
47 ~~is in service or an amount equal to fifty percent~~
48 ~~of the compensation earned by the member during the~~
49 ~~member's last year of service if the member is not~~
50 ~~in service; or~~

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1 b. If there be no such nomination of beneficiary,
2 the benefits provided in ~~paragraphs~~ paragraph "a"
3 and "b" of this subsection 8 shall be paid to the
4 member's estate; or in lieu thereof, at the option
5 of the following beneficiaries, respectively, even
6 though nominated as such, for a member in service
7 there shall be paid a pension which, together with
8 the actuarial equivalent of the member's accumulated
9 contributions, shall be equal to one-fourth of the
10 average final compensation of such member, but in
11 no instance less than fifty dollars per month or for
12 a member not in service the pension shall be reduced
13 as provided in subsection 1, paragraph "c", of this
14 section and shall be paid commencing when the member
15 would have attained the age of fifty-five except if
16 there is a child of the member under the age of
17 eighteen, or under the age of twenty-two who is a
18 full-time student, or who is disabled, under the
19 definitions used in section 402 of the Social Security
20 Act as amended to July 1, 1976 1978 (42 U.S.C. 402)
21 the pension shall be paid commencing with the member's
22 death until the children reach the age of eighteen,
23 or twenty-two if applicable, and shall resume
24 commencing when the member would have attained the
25 age of fifty-five;

26 c. To the surviving spouse to continue so long
27 as said partner remains unmarried; or

28 d. If there be no surviving spouse, or if the
29 spouse dies or remarries before any child of such
30 deceased member shall have attained the age of eighteen
31 years, then to the guardian of the member's child
32 or children under said age, divided in such manner
33 as the board of trustees in its discretion shall
34 determine, to continue as a joint and survivor pension
35 until every such child dies or attains the age of
36 eighteen; or

37 e. If there be no surviving spouse or child under
38 age eighteen, then to the member's dependent father
39 or mother, as the board of trustees in its discretion
40 shall determine, to continue until remarriage or
41 death.

42 f. In addition to the benefits herein enumerated,
43 there shall also be paid for each child of a member
44 under the age of eighteen years the sum of twenty
45 dollars per month a monthly pension equal to six
46 percent of the monthly earnable compensation payable
47 to an active member having the rank of senior patrolman
48 of the Iowa highway safety patrol.

49 For the purpose of this chapter, a senior patrolman
50 is a man or woman who has completed ten years of

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1 service in the Iowa highway safety patrol.

2 9. ACCIDENTAL DEATH BENEFIT. If, upon the receipt
3 of evidence and proof that the death of a member was
4 the natural and proximate result of an accident or
5 exposure occurring at some definite time and place
6 while the member was in the actual performance of
7 duty, the board of trustees shall decide that death
8 was so caused in the performance of duty there shall
9 be paid, in lieu of the ordinary death benefit provided
10 in subsection 8 of this section, to ~~his~~ the member's
11 estate or to such person having an insurable interest
12 in his or her life as ~~he~~ the member shall have
13 nominated by written designation duly executed and
14 filed with the board of trustees:

15 a. ~~His accumulated contributions; and in addition~~
16 ~~thereto~~

17 b. A pension equal to one-half of the average
18 final compensation of such member shall be paid to
19 the surviving spouse, children or dependent parents
20 as provided in paragraphs "c", "d", and "e" of
21 subsection 8 of this section.

22 e b. If there be no surviving spouse, children
23 under the age of eighteen years or dependent parent
24 surviving such deceased member, the death shall be
25 treated as an ordinary death case and the benefit
26 payable in accordance with the provisions of subsection
27 8, paragraph "b a" of this section, in lieu of the
28 pension provided in paragraph "b a" of this subsection
29 9, shall be paid to the member's estate.

30 d c. In addition to the benefits for the surviving
31 spouse herein enumerated, there shall also be paid
32 for each dependent child of a member under the age
33 of eighteen years the sum of twenty dollars per month
34 a monthly pension equal to six percent of the monthly
35 earnable compensation payable to an active member
36 having the rank of senior patrolman of the Iowa highway
37 safety patrol.

38 13. PENSION TO SURVIVING SPOUSE AND CHILDREN OF
39 DECEASED PENSIONED MEMBERS. In the event of the death
40 of any member receiving a retirement allowance under
41 the provisions of subsections 2, 4 or 6 of this section
42 there shall be paid a pension:

43 a. To the member's surviving spouse to continue
44 so long as said party remains unmarried, equal to
45 one-half the amount received by such deceased
46 beneficiary, but in no instance less than fifty dollars
47 per month, and in addition thereto ~~the sum of twenty~~
48 ~~dollars per month~~ a monthly pension equal to the
49 monthly pension payable under subsection nine (9),
50 paragraph c, of this section for each child under

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1 eighteen years of age; or

2 b. In the event of the death of the spouse either
3 prior or subsequent to the death of the member, to
4 the guardian of each surviving child under eighteen
5 years of age; in the sum of twenty dollars per month
6 a monthly pension equal to the monthly pension payable
7 under subsection nine (9), paragraph c, of this section
8 for the support of such child.

9 Sec. . Section ninety-seven A point six (97A.6),
10 Code 1977, is amended by striking subsection ten (10)
11 and subsection fifteen (15), paragraph b.

12 Sec. . Section ninety-seven A point six (97A.6),
13 subsection fifteen (15), paragraph a, Code 1977, is
14 amended to read as follows:

15 a. As of the first of July of each year, the
16 monthly pensions authorized in this section payable
17 to each retired member and to each beneficiary, except
18 children, of a deceased member shall be recomputed.
19 The formula authorized in this section which was used
20 to compute the retired member's or beneficiary's
21 pension at the time of retirement or death shall be
22 used in the recomputation, except the pension
23 compensation shall be used in lieu of the average
24 final compensation which the retired or deceased
25 member was receiving at the time of retirement or
26 death. The adjusted monthly pension shall be the
27 amount payable at the member's retirement or death
28 adjusted by fifty percent of the difference between
29 the recomputed pension and the amount payable at the
30 member's retirement or death. At no time shall the
31 monthly pension or payment to the beneficiary be less
32 than the amount which was paid at the time of the
33 member's retirement or death.

34 As of the first of July of each year, the monthly
35 pension payable to each surviving child under the
36 provisions of subsections eight (8), nine (9), and
37 thirteen (13) of this section shall be adjusted to
38 equal six percent of the monthly earnable compensation
39 payable on that July first to an active member having
40 the rank of senior patrolman of the Iowa highway
41 safety patrol.

42 Sec. . Section ninety-seven A point seven
43 (97A.7), Code 1977, is amended by striking subsection
44 three (3).

45 Sec. . Section ninety-seven A point seven
46 (97A.7), subsection six (6), Code 1977, is amended
47 to read as follows:

48 6. The board of trustees may invest funds of the
49 fire and police retirement systems system created
50 under the provisions of chapter 411 in the manner

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1 prescribed in this section.

2 Sec. . Section ninety-seven A point eight
3 (97A.8), unnumbered paragraph one (1), Code 1977,
4 is amended to read as follows:

5 All the assets of the system created and established
6 by this chapter shall be credited according to the
7 purpose for which they are held to one of five three
8 ~~funds, namely, the annuity savings fund, the annuity~~
9 ~~reserve fund, the pension accumulation fund, the~~
10 ~~pension reserve fund, and the expense fund.~~

11 Sec. . Section ninety-seven A point eight
12 (97A.8), subsection three (3), unnumbered paragraph
13 one (1) and paragraphs a and b, Code 1977, are amended
14 to read as follows:

15 The pension accumulation fund shall be the fund
16 in which shall be accumulated all ~~reserves moneys~~
17 for the payment of all pensions and other benefits
18 payable from contributions made by the state and from
19 which shall be paid the lump-sum death benefits for
20 all members payable from the said contributions.
21 Contributions to and payments from the pension
22 accumulation fund shall be as follows:

23 a. On account of each member there shall be paid
24 annually into the pension accumulation fund by the
25 state of Iowa an amount equal to a certain percentage
26 of the earnable compensation of the member to be known
27 as the "normal contribution". The rate percent of
28 such contribution shall be fixed on the basis of the
29 liabilities of the retirement system as shown by
30 annual actuarial valuations. ~~Until the first valuation~~
31 ~~the normal contribution shall be eight percent.~~

32 b. On the basis of the rate of interest and of
33 such mortality, interest, and other tables as shall
34 be adopted by the board of trustees, the state
35 commissioner of insurance shall make each valuation
36 required by this chapter and shall immediately after
37 making such valuation, determine the uniform and
38 constant percentage of the earnable compensation of
39 the average new entrant, which, if contributed
40 throughout his entire period of active service, would
41 be sufficient to provide for the payment of any death
42 benefit or pension payable on this account. The rate
43 percent so determined shall be known as the "normal
44 contribution rate". The normal contribution rate
45 shall be the rate percent of the earnable compensation
46 of all members obtained by deducting from the total
47 liabilities of the fund the sum of the amount of the
48 funds in hand to the credit of the fund and dividing
49 the remainder by one percent of the present value
50 of the prospective future compensation of all members

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1 as computed on the basis of the rate of interest and
2 of mortality and service tables adopted by the board
3 of trustees ~~and regular interest, all reduced by the~~
4 employee contribution made pursuant to paragraph f
5 of this subsection. The normal rate of contribution
6 shall be determined by the state commissioner of
7 insurance after each valuation.

8 Sec. . Section ninety-seven A point eight
9 (97A.8), subsection three (3), paragraph f, Code 1977,
10 is amended to read as follows:

11 f. An amount equal to ~~one two~~ and twenty-one
12 hundredths percent of each member's compensation from
13 the earnable compensation of the member shall be paid
14 to the pension accumulation fund. The provisions
15 of this section, subsection 1, paragraphs "b" and
16 "c", of the Code relating to the contributions of
17 members shall be applicable to this paragraph.

18 Sec. . Section ninety-seven A point eight
19 (97A.8), subsection three (3), Code 1977, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. The board of trustees shall certify
22 to the state comptroller and the state comptroller
23 shall cause to be deducted from the earnable
24 compensation of each member the contribution required
25 under this subsection and shall forward the
26 contributions to the board of trustees for recording
27 and for deposit in the pension accumulation fund.

28 The deductions provided for under this subsection
29 shall be made notwithstanding that the minimum
30 compensation provided by law for any member is reduced.
31 Every member is deemed to consent to the deductions
32 made under this section.

33 Sec. . Section ninety-seven A point eight
34 (97A.8), Code 1977, is amended by striking subsections
35 one (1) and two (2).

36 Sec. . Chapter ninety-seven A (97A), Code 1977,
37 is amended by adding the following new section:

38 NEW SECTION.

39 1. Members who became vested and terminated service
40 prior to July 1, 1979, and members receiving an annuity
41 from accumulated contributions made prior to July
42 1, 1979, shall continue to receive the benefits the
43 member was entitled to under the provisions of chapter
44 ninety-seven A (97A), as chapter ninety-seven A (97A)
45 was effective on the date of the member's retirement
46 or vested termination.

47 2. For the purposes of this section:

48 a. "Accumulated contributions" means the sum of
49 all amounts deducted from the compensation of a member
50 and credited to the member's individual account in

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1 the annuity savings fund together with regular interest
2 thereon as provided in this subsection. Accumulated
3 contributions do not include any amount deducted from
4 the compensation of a member and credited to the
5 pension accumulation fund.

6 b. "Annuity" means annual payments for life derived
7 from the accumulated contributions of a member. All
8 annuities shall be payable in monthly installments.

9 c. "Annuity reserve" shall mean the present value
10 of all payments to be made on account of an annuity,
11 or benefit in lieu of an annuity, granted under the
12 provisions of this chapter, upon the basis of such
13 mortality tables as shall be adopted by the board
14 of trustees, and regular interest.

15 d. "Annuity savings fund" means the account main-
16 tained by the board of trustees in which the
17 accumulated contributions of the members were deposited
18 prior to July 1, 1979, to provide for their annuities.

19 e. "Annuity reserve fund" means the account
20 maintained by the board of trustees from which shall
21 be paid all annuities and all benefits in lieu of
22 annuities payable as provided in this chapter as this
23 chapter was effective on June 30, 1978.

24 f. "Regular interest" means interest at the rate
25 of four percent per annum, compounded annually and
26 credited to the member's account as of the date of
27 the member's retirement or termination from employment.

28 3. Beginning July 1, 1979, the board of trustees
29 shall maintain and invest funds in the annuity reserve
30 fund and the annuity savings fund which had been
31 contributed by members prior to July 1, 1979. Mem-
32 bers receiving an annuity as a portion of their
33 retirement or disability benefits on June 30, 1979,
34 shall continue to receive such annuity from the annuity
35 reserve fund maintained by the board of trustees.
36 Members receiving an annuity, if reemployed under
37 service covered by this chapter, shall cease to receive
38 retirement benefits.

39 4. The accumulated contributions of a member with-
40 drawn by the member or paid to the member's estate
41 or designated beneficiary in the event of the member's
42 death shall be paid from the annuity savings fund
43 account. Upon the retirement of a member, the member's
44 accumulated contributions shall be transferred from
45 the annuity savings fund to the annuity reserve fund.

46 5. A member of the retirement system prior to
47 July 1, 1979 with fifteen or more years of service
48 whose employment was terminated prior to retirement,
49 other than by death or disability, shall be entitled
50 to receipt of his or her accumulated contributions

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1 upon retirement together with other retirement benefits
2 provided in the law on the date of the member's
3 retirement. However, the member shall not be eligible
4 for a service retirement allowance under section
5 ninety-seven A point six (97A.6) of the Code if he
6 or she has chosen to withdraw his or her accumulated
7 contributions from the annuity savings fund prior
8 to the member's retirement.

9 6. Any member in service prior to July 1, 1979
10 may at the time of his or her retirement withdraw
11 his or her accumulated contributions made before July
12 1, 1979 or receive an annuity which shall be the
13 actuarial equivalent of his or her accumulated
14 contributions at the time of his or her retirement.

15 7. Notwithstanding the provisions of subsections
16 one (1), three (3), four (4), five (5), and six (6)
17 of this section, beginning January 1, 1981, an active
18 or vested member may request in writing and receive
19 from the board of trustees, his or her accumulated
20 contributions from the annuity savings fund.

21 8. The actuary shall annually determine the amount
22 required in the annuity reserve fund. If the amount
23 required is less than the amount in the annuity reserve
24 fund, the board of trustees shall transfer the excess
25 funds from the annuity reserve fund to the pension
26 accumulation fund. If the amount required is more
27 than the amount in the annuity reserve fund, the board
28 of trustees shall transfer the amount prescribed
29 by the actuary to the annuity reserve fund from the
30 pension accumulation fund."

31 2. Page 10, by inserting after line 23 the follow-
32 ing sections:

33 "Sec. . Section four hundred eleven point one
34 (411.1), subsections one (1), four (4), six (6), nine
35 (9), ten (10), fourteen (14), nineteen (19), twenty-
36 one (21), twenty-two (22), and twenty-three (23),
37 Code 1977, are amended to read as follows:

38 1. "Retirement system" shall mean either the fire
39 or the and police retirement system of the said
40 cities state as defined in section 411.2.

41 4. "Member" shall mean a member of either the
42 police or fire and police retirement systems system
43 as defined by section 411.3.

44 6. "Board of fire trustees" and "board of police
45 trustees" shall mean the boards board provided in
46 section 411.5 to administer the fire retirement system
47 and the police retirement system respectively.

48 9. "Beneficiary" shall mean any person receiving
49 a pension, an annuity, a retirement allowance or other
50 benefit as provided by this chapter.

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1 10. "Surviving spouse" shall mean only such surviving
2 spouse of a marriage consummated prior to retirement
3 of a deceased member from active service or a surviving
4 spouse of a marriage of two years or more duration
5 consummated subsequent to retirement.

6 14. "Earnable compensation" or "compensation
7 earnable" shall mean the regular compensation which
8 a member would earn during one year on the basis of
9 the stated compensation for his the member's rank
10 or position including compensation for longevity and
11 excluding any amount received for overtime compensation
12 or other special additional compensation, meal and
13 travel expenses, and uniform allowances and excluding
14 any amount received upon termination or retirement
15 in payment for accululated sick leave or vacation.

16 19. "Retirement allowance" shall mean the sum
17 of the annuity and the pension, or any benefits in
18 lieu thereof, granted to a member upon retirement.

19 21. "Pension reserve" shall mean the present value
20 of all payments to be made on account of any pension,
21 or benefit in lieu of a pension, granted under the
22 provisions of this chapter, upon the basis of such
23 mortality tables as shall be adopted by the boards
24 of trustees, and regular interest computed at a rate
25 adopted by the board upon the recommendation of the
26 actuary.

27 22. "Actuarial equivalent" shall mean a benefit
28 of equal value, when computed upon the basis of
29 mortality tables adopted by the boards of trustees,
30 and regular interest computed at a rate adopted by
31 the board upon the recommendation of the actuary.

32 23. "City" or "cities" shall mean any city or
33 cities in which employees are members of the fire
34 or and police retirement systems are system established
35 by this chapter.

36 Sec. . Section four hundred eleven point one
37 (411.1), Code 1977, is amended by striking subsections
38 twelve (12), thirteen (13), seventeen (17), and twenty
39 (20).

40 Sec. . Section four hundred eleven point two
41 (411.2), Code 1977, is amended by striking the section
42 and inserting in lieu thereof the following:

43 411.2 ESTABLISHMENT OF SYSTEM. There is
44 established the Iowa fire and police retirement system.
45 In any city in which the fire fighters or police
46 officers are appointed under chapter four hundred
47 (400) of the Code, such fire fighters and police
48 officers shall be members of the fire and police
49 retirement system. The cities which have fire fighters
50 or police officers who are members of the system shall

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1 make contributions to the system as provided in this
2 chapter. The system shall be under the management
3 of a board of trustees as provided in section four
4 hundred eleven point five (411.5) of the Code and
5 shall transact all of its business, invest all of
6 its funds, and hold all of its cash and security and
7 other property in the name of the Iowa fire and police
8 retirement system. The system shall be administered
9 by the department of job service.

10 Sec. . Section four hundred eleven point three
11 (411.3), Code 1977, is amended to read as follows:

12 1. All persons who are or become policemen police
13 officers or firemen fire fighters after the date such
14 the retirement systems are system is established by
15 this chapter, shall become members thereof as a
16 condition of their employment. Such members shall
17 not be required to make contributions under any other
18 pension or retirement system of city, county, or state
19 of Iowa, anything to the contrary notwithstanding.

20 2. Should any member in any period of five consecu-
21 tive years after last becoming a member, be absent
22 from service for more than four years, or should he
23 withdraw his accumulated contributions, or should
24 he or she become a beneficiary or die, he or she shall
25 thereupon cease to be a member of the system.

26 Sec. . Section four hundred eleven point five
27 (411.5), subsection one (1), Code 1977, is amended
28 by striking the subsection and inserting in lieu
29 thereof the following:

30 1. BOARD. The general administration and the
31 responsibility for the proper operation of the
32 retirement system and for making effective the
33 provisions of this chapter are hereby vested in a
34 board of trustees which shall consist of eight members
35 as follows:

36 a. A chief of a fire department and a member of
37 a fire department covered under the system who shall
38 be appointed by the governor.

39 b. A chief of police department and a member
40 of a police department covered under the system who
41 shall be appointed by the governor.

42 c. The treasurer of state.

43 d. Two citizens of the state who reside in cities
44 covered under the system appointed by the governor
45 who are not members of the system and who do not hold
46 any other public office.

47 e. A city attorney of a city which is covered
48 under the system appointed by the governor.

49 The members appointed by the governor shall serve
50 for four-year terms commencing on July first of each

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1 year, except that for the initial board the terms
of the members shall be staggered so that two members
will be appointed for a one-year term, two members
for a two-year term, two members for a three-year
term, and one member for a four-year term.

If a vacancy occurs on the board of trustees, the
vacancy shall be filled for the unexpired term in
the same manner as the original appointment.

Sec. . Section four hundred eleven point five
(411.5), subsections two (2), four (4), five (5),
six (6), seven (7), eight (8), nine (9), eleven (11),
twelve (12), and thirteen (13), Code 1977, are amended
to read as follows:

2.VOTING. Each trustee shall be entitled to
one vote on ~~each~~ the board. ~~Four~~ Five concurring
votes shall be necessary for a decision by the trustees
at any meeting of ~~either~~ the board.

4. RULES. Subject to the limitations of this
chapter, ~~each~~ the board of trustees shall, from time
to time, establish rules and regulations for the
administration of funds created by this chapter and
for the transaction of its business.

5. EMPLOYEES. ~~Each~~ The board of trustees shall
elect from its membership a ~~chairman~~ chairperson,
and shall, by majority vote of its members, appoint
a secretary, who may, but need not be, one of its
members. It shall engage such actuarial and other
services as shall be required to transact the business
of the retirement system. The compensation of all
persons engaged by ~~each~~ the board of trustees and
all other expenses of ~~each~~ the board necessary for
the operation of the retirement system, shall be paid
at such rates and in such amounts as ~~each~~ the board
of trustees shall approve.

6. DATA. ~~Each~~ The board of trustees shall keep
in convenient form such data as shall be necessary
for actuarial valuation of the various funds of the
retirement system and for checking the experience
of the system.

7. RECORDS - REPORTS. ~~Each~~ The board of trustees
shall keep a record of all its proceedings, which
record shall be open to public inspection. It shall
annually make a report to the ~~each~~ city council showing
the fiscal transactions of the retirement system for
the preceding fiscal year, the amount of the
accumulated cash and securities of the system, and
the last balance sheet showing the financial condition
of the system by means of an actuarial valuation of
the assets and liabilities of the retirement system.

8. LEGAL ADVISOR. The city attorney or solicitor

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1 of the said cities general shall be the legal adviser
2 of the boards board of trustees.

3 9. MEDICAL BOARD. The board of fire trustees
4 and the board of police trustees jointly shall
5 designate a medical board to be composed of three
6 eighteen physicians who from throughout the state,
7 three of whom at a time based upon the location of
8 the city shall arrange for and pass upon all medical
9 examinations required under the provisions of this
10 chapter, except that for examinations and re-
11 examinations required because of disability three
12 physicians from the University of Iowa hospitals and
13 clinics who shall conduct and pass upon the medi-
14 cal examinations required for disability retirements,
15 and shall report in writing to each the board of
16 trustees, respectively, its conclusions and
17 recommendations upon all matters duly referred to
18 it.

19 11. TABLES—RATES. Immediately after the
20 establishment of each the retirement system, the
21 actuary shall make such investigation of anticipated
22 interest earnings and of the mortality, service and
23 compensation experience of the members of the system
24 as the actuary shall recommend and the board of
25 trustees shall authorize, and on the basis of such
26 investigation the actuary shall recommend for adoption
27 by the board of trustees such tables and such rates
28 as are required in subsection 12 of this section.
29 The board of trustees shall adopt the rate of interest
30 and tables, and certify rates a rate of contribution
31 to be used by the system.

32 12. ACTUARIAL INVESTIGATION. In the year 1938
33 1978, and at least once in each five-year period
34 thereafter, the actuary shall make an actuarial
35 investigation into the mortality, service and
36 compensation experience of the members and
37 beneficiaries of the retirement system, and the
38 interest and other earnings on the moneys and other
39 assets of the retirement system, and shall make a
40 valuation of the assets and liabilities of the funds
41 of the system, and taking into account the results
42 of such investigation and valuation, the board of
43 trustees shall:

44 a. Adopt for the retirement system such interest
45 rate, mortality and other tables as shall be deemed
46 necessary;

47 b. Certify the rates rate of contribution payable
48 by the said cities in accordance with section 411.8
49 of this chapter.

50 13. VALUATION. On the basis of such rate of

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1 interest and such tables as the boards board of
2 trustees shall adopt, the actuary shall make an annual
3 valuation of the assets and liabilities of the funds
4 of the retirement ~~systems~~ system created by this
5 chapter.

6 Sec. . Section four hundred eleven point five
7 (411.5), Code 1977, is amended by striking subsection
8 fourteen (14).

9 Sec. Section four hundred eleven point six
10 (411.6), subsection one (1), Code 1977, is amended
11 to read as follows:

12 **SERVICE RETIREMENT BENEFIT.** Retirement of a member
13 on a service retirement allowance shall be made by
14 ~~each~~ the board of trustees as follows:

15 a. Any member in service may retire upon his or
16 her written application to the board of ~~police or~~
17 ~~fire~~ trustees as the ~~case may be~~, setting forth at
18 what time, not less than thirty nor ~~more~~ than ninety
19 days subsequent to the execution ~~and~~ filing thereof,
20 ~~he~~ the member desires to be retired, provided, that
21 the said member at the time so specified for ~~his~~ the
22 member's retirement shall have attained the age of
23 fifty-five and shall have served twenty-two years
24 or more in said department, and notwithstanding that,
25 during such period of notification, ~~he~~ the member
26 may have separated from the service.

27 b. Any member in service who has attained the
28 age of sixty-five years, shall be retired forthwith,
29 ~~provided~~, that upon the request of the superintendent
30 of public safety as defined in this chapter, the
31 ~~respective~~ board of trustees may permit such member
32 to remain in service for periods not to exceed one
33 year from the date of the last request from the
34 superintendent of public safety as defined in this
35 chapter. Provided further that no member of said
36 departments employed on July 4, 1965, shall be so
37 retired until ~~he~~ the member has completed twenty-two
38 years' service for service retirement and will receive
39 his or her pension benefits.

40 c. Any member in service who has been a member
41 of the retirement system fifteen or more years and
42 whose employment is terminated prior to ~~his~~ the
43 member's retirement, other than by death or disability,
44 shall upon attaining retirement age, receive a service
45 retirement allowance of fifteen ~~twenty~~-seconds of
46 the retirement allowance ~~he~~ the member would receive
47 at retirement if his or her employment had not been
48 terminated, and an additional one ~~twenty~~-second of
49 such retirement allowance for each additional year
50 of service not exceeding twenty-two years of service.

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1 The amount of the retirement allowance shall be based
2 on the average final compensation at the time of
3 termination of employment. The allowance shall not
4 be available to a member who has chosen to withdraw
5 his accumulated contributions as provided in subsection
6 10 of this section.

7 Sec. . Section four hundred eleven point six
8 (411.6), subsections two (2), three (3), and four
9 (4), Code 1977, are amended to read as follows:

10 2. ALLOWANCE ON SERVICE RETIREMENT. Upon
11 retirement from service, a member shall receive a
12 service retirement allowance which shall consist of:

13 a. An annuity which shall be the actuarial
14 equivalent of his accumulated contributions at the
15 time of his retirement; and

16 b. A pension given by the city which shall equal
17 one-half of the member's average final compensation.

18 3. ORDINARY DISABILITY RETIREMENT BENEFIT. Upon
19 the application of the member in service or of the
20 chief of the police or fire departments, respectively,
21 any member shall be retired by the respective board
22 of trustees, not less than thirty and not more than
23 ninety days next following the date of filing such
24 application, on an ordinary disability retirement
25 allowance, provided, that the medical board after
26 a medical examination of such member shall certify
27 that said member is mentally or physically
28 incapacitated for further performance of duty, that
29 such incapacity is likely to be permanent and that
30 such member should be retired.

31 4. ALLOWANCE ON ORDINARY DISABILITY RETIREMENT.

32 Upon retirement for ordinary disability a member shall
33 receive a service retirement allowance if he the
34 member has attained the age of fifty-five, otherwise
35 he the member shall receive an ordinary disability
36 retirement allowance which shall consist of:

37 a. An annuity which shall be the actuarial
38 equivalent of his accumulated contributions at the
39 time of retirement; and

40 b. A pension which together with the member's
41 annuity shall make a total retirement allowance equal
42 to ninety forty percent of ~~1/70~~ of the member's average
43 final compensation multiplied by the number of years
44 of membership service, if such retirement allowance
45 exceeds one-half of the member's average final
46 compensation; otherwise a pension which together with
47 with the member's annuity shall provide a total
48 retirement allowance equal to one-half of the member's
49 average final compensation except if the member has
50 not had five or more years of membership service the

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1 member shall receive a pension which together with
2 the member's annuity shall provide a total retirement
3 allowance equal to one-fourth of the member's average
4 final compensation.

5 Sec. . . . Section four hundred eleven point six
6 (411.6), subsection five (5), unnumbered paragraph
7 one (1), Code 1977, is amended to read as follows:

8 Upon application of a member in service or of the
9 chief of the police or fire departments, respectively,
10 any member who has become totally and permanently
11 incapacitated for duty as the natural and proximate
12 result of an injury or disease incurred in or
13 aggravated by the actual performance of duty at some
14 definite time and place, or while acting pursuant
15 to order, outside of the city by which he the member
16 is regularly employed, shall be retired by the
17 respective board of trustees, provided, that the
18 medical board shall certify that such member is
19 mentally or physically incapacitated for further
20 performance of duty, that such incapacity is likely
21 to be permanent and that such member should be retired.

22 Sec. . . . Section four hundred eleven point six
23 (411.6), subsection six (6), Code 1977, is amended
24 to read as follows:

25 6. RETIREMENT AFTER ACCIDENT. Upon retirement
26 for accidental disability a member shall receive a
27 service retirement allowance if the member has attained
28 the age of fifty-five, otherwise the member shall
29 receive an accidental disability retirement allowance
30 which shall consist of:

31 a. An annuity which shall be the actuarial
32 equivalent of his accumulated contributions at the
33 time of his retirement; and

34 b. A a pension, in addition to the annuity, of
35 equal to $66 \frac{2}{3}$ percent of his the member's average
36 final compensation.

37 Sec. . . . Section four hundred eleven point six
38 (411.6), subsection seven (7), unnumbered paragraph
39 one (1), and paragraph a, Code 1977, are amended to
40 read as follows:

41 RE-EXAMINATION OF BENEFICIARIES RETIRED ON ACCOUNT
42 OF DISABILITY. Once each year during the first five
43 years following the retirement of a member on a
44 disability retirement allowance, and once in every
45 three-year period thereafter, the respective board
46 of trustees may, and upon his the member's application
47 shall, require any disability beneficiary who has
48 not yet attained age fifty-five to undergo a medical
49 examination at a place designated by the medical
50 board. Such examination shall be made by the medical

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1 board or in special cases, by an additional physician.
2 or physicians designated by such board. Should any
3 disability beneficiary who has not attained the age
4 of fifty-five refuse to submit to such medical
5 examination, his the member's allowance may be
6 discontinued until his the member's withdrawal of
7 such refusal, and should his the member's refusal
8 continue for one year all rights in and to his the
9 member's pension may be revoked by the respective
10 board of trustees.

11 a. Should any beneficiary for either ordinary
12 or accidental disability, except a beneficiary who
13 is fifty-five years of age or over and would have
14 completed twenty-two years of service if he or she
15 had remained in active service, be engaged in a gainful
16 occupation paying more than the difference between
17 his the member's retirement allowance and his average
18 final compensation the earnable compensation of an
19 active member at the same position on the salary scale
20 within the member's rank as the member held at
21 retirement, then the amount of his pension the member's
22 retirement allowances shall be reduced to an amount
23 which together with his annuity and the amount earned
24 by him the member shall equal the amount of his average
25 final compensation the current earnable compensation
26 of an active member at the same position on the salary
27 scale within the member's rank as the member held
28 at retirement. Should his the member's earning
29 capacity be later changed, the amount of his pension
30 the member's retirement allowance may be further
31 modified, provided, that the new pension retirement
32 allowance shall not exceed the amount of the pension
33 originally granted retirement allowance adjusted by
34 annual readjustments of pensions pursuant to subsection
35 fourteen (14) of this section nor an amount which,
36 when added to the amount earned by the beneficiary
37 together with his annuity, equals the amount of his
38 average final compensation the earnable compensation
39 of an active member at the same position on the salary
40 scale within the member's rank as the member held
41 at retirement. A beneficiary restored to active
42 service at a salary less than the average final
43 compensation upon the basis of which he the member
44 was retired at age fifty-five or greater, shall not
45 again become a member of the retirement system and
46 shall have his or her retirement allowance suspended
47 while in active service. If the rank or position
48 held by the retired member is subsequently abolished,
49 adjustments to the allowable limit on the amount of
50 income which can be earned in a gainful occupation

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1 shall be computed in the same manner as provided in
2 subsection fourteen (14) of paragraph d of this section
3 for readjustment of pensions when a rank or position
4 has been abolished.

5 A beneficiary retired under the provisions of this
6 paragraph in order to be eligible for continued receipt
7 of retirement benefits shall no later than May
8 fifteenth of each year submit to the board of trustees
9 a copy of his or her state income tax return for the
10 preceding year.

11 Sec. . Section four hundred eleven point six
12 (411.6), subsections eight (8) and nine (9), Code
13 1977, are amended to read as follows:

14 8. ORDINARY DEATH BENEFIT. Upon the receipt of
15 proper proofs of the death of a member in service,
16 or a member not in service who has completed fifteen
17 or more years of service as provided in subsection
18 1, paragraph "c", of this section, there shall be
19 paid to such person having an insurable interest in
20 the member's life as the member shall have nominated
21 by written designation duly executed and filed with
22 the respective board of trustees:

23 a. The member's accumulated contributions and,
24 if If the member has had one or more years of
25 membership service and no pension is payable under
26 the provisions of subsection 9 of this section, in
27 addition thereto--

28 b. An amount equal to fifty percent of the
29 compensation earnable by the member during the year
30 immediately preceding the member's death if the member
31 is in service or an amount equal to fifty percent
32 of the compensation earned by the member during the
33 member's last year of service if the member is not
34 in service; or

35 b. If there be no such nomination of beneficiary,
36 the benefits provided in paragraphs paragraph "a"
37 and "b" shall be paid to the member's estate; or in
38 lieu thereof, at the option of the following
39 beneficiaries, respectively, even though nominated
40 as such for a member in service, there shall be paid
41 a pension which, together with the actuarial equivalent
42 of the member's accumulated contributions, shall be
43 equal to one-fourth of the average final compensation
44 of such member, but in no instance less than seventy-
45 five dollars. In addition to the benefits herein
46 enumerated, there shall also be paid for each child
47 of a member under the age of eighteen years the sum
48 of twenty dollars per month a monthly pension equal
49 to six percent of the monthly earnable compensation
50 paid to an active member holding the highest grade

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1 in the rank of fire fighter, for a child of a deceased
2 member of a fire department, or the highest grade
3 in the rank of police patrol officer, for a child
4 of a deceased member of a police department or for
5 a member not in service the pension shall be reduced
6 as provided in subsection 1, paragraph "c," of this
7 section and shall be paid commencing when the member
8 would have attained the age of fifty-five except if
9 there is a child of the member under the age of
10 eighteen, or under the age of twenty-two who is a
11 full-time student, or who is disabled, under the
12 definitions used in section 402 of the Social Security
13 Act as amended to July 1, 1976 1978 U.S.C. 402 the
14 pension shall be paid commencing with the member's
15 death until the children reach the age of eighteen,
16 or twenty-two if applicable. The pension shall resume
17 commencing when the member would have attained the
18 age of fifty-five;

19 c. To the spouse to continue so long as said party
20 remains unmarried; or

21 d. If there be no spouse, or if the spouse dies
22 or remarries before any child of such deceased member
23 shall have attained the age of eighteen years, then
24 to the guardian of his or her child or children under
25 said age, divided in such manner as the board of
26 trustees in its discretion shall determine, to continue
27 as a joint and survivor pension until every such child
28 dies or attains the age of eighteen; or

29 e. If there be no surviving spouse or child under
30 age eighteen, then to his or her dependent father
31 or mother or both, as the board of trustees in its
32 discretion shall determine, to continue until
33 remarriage or death.

34 9. ACCIDENTAL DEATH BENEFIT. If, upon the receipt
35 of evidence and proof that the death of a member in
36 service or the chief of police or fire departments
37 was the natural and proximate result of an injury
38 or disease incurred in or aggravated by the actual
39 performance of duty at some definite time and place,
40 or while acting pursuant to order, outside of the
41 city by which he the member is regularly employed,
42 the board of trustees shall decide that death was
43 so caused in the performance of duty there shall be
44 paid, in lieu of the ordinary death benefit provided
45 in subsection 8 of this section, to his the member's
46 estate or to such person having an insurable interest
47 in his the member's life as he the member shall have
48 nominated by written designation duly executed and
49 filed with the respective board of trustees the
50 benefits set forth in paragraphs "a", and "b" and

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1 "e" of this subsection:

2 a. His accumulated contributions; and in addition
3 thereto

4 b. A pension equal to one-half of the average
5 final compensation of such member shall be paid to
6 his the member's spouse, children or dependent parents
7 as provided in paragraphs "c", "d" and "e" of
8 subsection 8 of this section. In addition to the
9 benefits for the spouse herein enumerated, there shall
10 also be paid for each dependent child of a member
11 under the age of eighteen years the sum of twenty
12 dollars per month a monthly pension equal to six
13 percent of the monthly earnable compensation paid
14 to an active member holding the highest grade in the
15 rank of fire fighter, for a child of a deceased member
16 of a fire department, or holding the highest grade
17 in the rank of police patrol officer, for a child
18 of a deceased member of a police department.

19 e b. If there be no spouse, children under the
20 age of eighteen years or dependent parent surviving
21 such deceased member, the death shall be treated as
22 an ordinary death case and the benefit payable in
23 accordance with the provisions of subsection 8,
24 paragraph "b a", in lieu of the pension provided in
25 paragraph "b a" of this subsection 9, shall be paid
26 to his the member's estate.

27 Disease under this subsection shall mean heart
28 disease or any disease of the lungs or respiratory
29 tract and shall be presumed to have been contracted
30 while on active duty as a result of strain or the
31 inhalation of noxious fumes, poison, or gases.

32 Sec. . Section four hundred eleven point six
33 (411.6), Code 1977, is amended by striking subsection
34 ten (10).

35 Sec. . Section four hundred eleven point six
36 (411.6), subsection thirteen (13), Code 1977, is
37 amended to read as follows:

38 13. PENSION TO SPOUSE AND CHILDREN OF DECEASED
39 PENSIONED MEMBER. In the event of the death of any
40 member receiving a retirement allowance under the
41 provisions of subsections 2, 4, or 6 of this section
42 there shall be paid a pension:

43 a. To the spouse to continue so long as said
44 partner remains unmarried, equal to one-half the
45 amount received by such deceased beneficiary, but
46 in no instance less than seventy-five dollars per
47 month, and in addition thereto the sum of twenty
48 dollars per month a monthly pension equal to the
49 monthly pension payable under subsection nine (9)
50 of this section for each child under eighteen years

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1 of age; or

2 b. In the event of the death of the spouse either
3 prior or subsequent to the death of the member, to
4 the guardian of each surviving child under eighteen
5 years of age, in the sum of twenty dollars per month
6 a monthly pension equal to the monthly pension payable
7 under subsection eight (8) of this section for the
8 support of such child.

9 Sec. . Section four hundred eleven point six
10 (411.6), subsection fourteen (14), paragraph a, Code
11 1977, is amended to read as follows:

12 a. As of the first of July of each year, the
13 monthly pensions authorized in this section payable
14 to each retired member and to each beneficiary, except
15 children, of a deceased member shall be recomputed.
16 The formula authorized in this section which was used
17 to compute the retired member's or beneficiary's
18 pension at the time of retirement or death shall be
19 used in the recomputation except the pension
20 compensation shall be used in lieu of the average
21 final compensation which the retired or deceased
22 member was receiving at the time of retirement or
23 death. The adjusted monthly pension shall be the
24 amount payable at the member's retirement or death
25 adjusted by one-half of the difference between the
26 recomputed pension and the amount payable at the
27 member's retirement or death. At no time shall the
28 monthly pension or payment to the beneficiary be less
29 than the amount which was paid at the time of the
30 member's retirement or death.

31 As of the first of July of each year, the monthly
32 pension payable to each surviving child under the
33 provisions of subsections eight (8), nine (9), and
34 thirteen (13) of this section shall be adjusted to
35 equal six percent of the monthly earnable compensation
36 payable on that July first to an active member holding
37 the highest grade in the rank of fire fighter, for
38 a child of a deceased member of a fire department,
39 or holding the highest grade in the rank of police
40 patrol officer, for a child of a deceased member of
41 a police department.

42 Sec. . Section four hundred eleven point six
43 (411.6), subsection fourteen (14), Code 1977, is
44 amended by striking paragraph b.

45 Sec. . Section four hundred eleven point six
46 (411.6), Code 1977, is amended by striking subsection
47 eleven (11).

48 Sec. . Section four hundred eleven point seven
49 (411.7), Code 1977, is amended to read as follows:

50 411.7 MANAGEMENT OF FUNDS.

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1 1. The respective boards board of trustees shall
2 be the trustees of the several funds created by this
3 chapter as provided in section 411.8 and shall have
4 full power to invest and reinvest such funds subject
5 to the terms, conditions, limitations and restrictions
6 imposed by subsection 2 of this section, and subject
7 to like terms, conditions, limitations, and
8 restrictions said trustees shall have full power to
9 hold, purchase, sell, assign, transfer, or dispose
10 of any of the securities and investments in which
11 any of the funds created herein shall have been
12 invested, as well as of the proceeds of said
13 investments and any moneys belonging to said funds.

14 2. The city treasurer of state may invest at the
15 direction of the respective boards board of trustees
16 such portion of the several funds created by this
17 chapter as in the judgment of the respective boards
18 board are not needed for current payment of benefits
19 under this chapter in interest-bearing securities
20 issued by the United States, or interest-bearing bonds
21 issued by the state of Iowa, or make deposits of such
22 funds in banks as provided in chapter 453, or in bonds
23 issued by counties, school districts, or general
24 obligation or limited levy bonds issued by municipal
25 corporations in this state as authorized for investment
26 by insurance companies under section 511.8 and subject
27 to all limitations contained in said section. In
28 the event of loss on the redemption or sale of
29 securities, where invested as prescribed by law,
30 neither the treasurer nor the trustees shall not be
31 personally liable, but such loss shall be charged
32 against the retirement funds. The city treasurer
33 of state may sell any securities in such funds and
34 reinvest the proceeds in accordance with the direction
35 of the respective boards board of trustees when such
36 action may be deemed advisable by the trustees for
37 the protection of said funds or the preservation of
38 the value of the investment.

39 3. Each board of trustees annually shall allow
40 regular interest on the mean amount for the preceding
41 year in each of the funds with the exception of the
42 pension accumulation fund and the expense fund. The
43 amount so allowed shall be due and payable to said
44 funds and shall be annually credited thereto by the
45 respective board of trustees from interest and other
46 earnings on the moneys and other assets of the
47 retirement systems. Any additional amount required
48 to meet the interest on the funds of the retirement
49 system shall be paid by the cities and any excess
50 of earnings over such amount required shall be

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1 deductible from the amounts to be contributed by the
2 said cities.

3 4 3. The treasurer of the said cities state shall
4 be the custodian of the several funds. All payments
5 from said funds shall be made by him the treasurer
6 of state only upon vouchers signed by two persons
7 designated by the respective board of trustees. A
8 duly attested copy of the resolution of the respective
9 board of trustees designating such persons and bearing
10 on its face specimen signatures of such persons shall
11 be filed with the treasurer of state as his or her
12 authority for making payments upon such vouchers.
13 No voucher shall be drawn unless it shall previously
14 have been allowed by resolution of the respective
15 board of trustees.

16 5 4. For the purpose of meeting disbursements
17 for pensions, ~~annuities~~, and other payments, there
18 may be kept available cash not exceeding ten percent
19 of the total amount in the several funds of the
20 retirement system on deposit in one or more banks
21 or trust companies in said cities, organized under
22 the laws of the state of Iowa, or of the United States,
23 provided, that the amount on deposit in any one bank
24 or trust company shall not exceed twenty-five percent
25 of the paid-up capital and surplus of such bank or
26 trust company.

27 6 5. No trustee and no employee of either the
28 board shall have any direct interest in the gains
29 or profits of any investment made by the respective
30 ~~boards~~ board of trustees. No trustee shall receive
31 any pay or emolument for his or her services except
32 as secretary. No trustee or employee of either the
33 board of trustees shall directly or indirectly for
34 himself or herself or as an agent in any manner use
35 the assets of the retirement system except to make
36 such current and necessary payments as are authorized
37 by the board of trustees, nor shall any trustee or
38 employee of the ~~boards~~ board become an endorser or
39 surety or become in any manner an obligor for moneys
40 loaned by or borrowed from the respective board of
41 trustees.

42 Sec. . Section four hundred eleven point eight
43 (411.8), unnumbered paragraph one (1), Code 1977,
44 is amended to read as follows:

45 All the assets of each the retirement system created
46 and established by this chapter shall be credited
47 according to the purpose for which they are held to
48 one of five three funds, namely, the annuity savings
49 ~~fund, the annuity reserve fund~~, the pension
50 accumulation fund, the pension reserve fund, and the

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1 expense fund.

2 Sec. . Section four hundred eleven point eight
3 (411.8), Code 1977, is amended by striking subsections
4 one (1) and two (2).

5 Sec. . Section four hundred eleven point eight
6 (411.8), subsections three (3) and five (5), Code
7 1977, are amended to read as follows:

8 3. PENSION ACCUMULATION FUND. The pension
9 accumulation fund shall be the fund in which shall
10 be accumulated all reserves moneys for the payment
11 of all pensions and other benefits payable from
12 contributions made by the said cities and the members
13 and from which shall be paid the lump-sum death
14 benefits for all members payable from the said
15 contributions. Contributions to and payments from
16 the pension accumulation fund shall be as follows:

17 a. On account of each member there shall be paid
18 annually into the pension accumulation fund by the
19 said cities an amount equal to a certain percentage
20 of the earnable compensation of the member to be known
21 as the "normal contribution". The rate percent of
22 such contribution by the member cities shall be fixed
23 on the basis of the liabilities of the retirement
24 system as shown by annual actuarial valuations. Until
25 the first valuation the normal contribution shall
26 be 7.0 percent.

27 b. On the basis of the rate of interest and of
28 such mortality, interest and other tables as shall
29 be adopted by the boards board of trustees, the actuary
30 engaged by the said boards to make each valuation
31 required by this chapter, shall immediately after
32 making such valuation, determine the uniform and
33 constant percentage of the earnable compensation of
34 the average new entrant, which, if contributed
35 throughout his entire period of active service, would
36 be sufficient to provide for the payment of any death
37 benefit or pension payable on this account. The rate
38 percent so determined shall be known as the "normal
39 contribution rate". The normal contribution rate
40 shall be the rate percent of the earnable compensation
41 of all members obtained by deducting from the total
42 liabilities of the fund the sum of the amount of the
43 funds in hand to the credit of the fund and the
44 remaining unfunded portion of the unfunded sup-
45 plemental actuarial value for all cities determined
46 pursuant to section fifty-eight (58) of this Act,
47 and dividing the remainder by one percent of the
48 present value of the prospective future compensation
49 of all members as computed on the basis of the rate
50 of interest and of mortality and service tables adopted

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1 by the boards board of trustees, all reduced by the
2 employee contribution made pursuant to paragraph f
3 of this subsection. The normal rate of contribution
4 shall be determined by the actuary after each
5 valuation.

6 c. The total amount payable in each year to the
7 pension accumulation fund shall be not less than the
8 rate percent known as the normal contribution rate
9 of the total compensation earnable by all members
10 during the year, provided, however, that the aggregate
11 payment by the said cities shall be sufficient when
12 combined with the amount in the fund to provide the
13 pensions and other benefits payable out of the fund
14 during the then current year.

15 d. All lump-sum death benefits on account of death
16 in active service payable from contributions of the
17 said cities shall be paid from the pension accumulation
18 fund.

19 e. Upon the retirement or death of a member an
20 amount equal to the pension reserve on any pension
21 payable to him or her or on account of his or her
22 death shall be transferred from the pension
23 accumulation fund to the pension reserve fund.

24 f. An amount equal to ~~one~~ two and twenty-one
25 hundredths percent of each member's compensation from
26 the earnable compensation of the member shall be paid
27 to the pension accumulation fund by each applicable
28 city. The provisions of this section, subsection
29 1, paragraphs "b" and "e", relating to the
30 contributions of members shall be applicable to this
31 paragraph.

32 g. The board of trustees shall certify to the
33 superintendent of public safety as defined in this
34 chapter and the superintendent of public safety as
35 defined in this chapter shall cause to be deducted
36 from the earnable compensation of each member the
37 contribution required under paragraph f of this
38 subsection and shall forward the contributions to
39 the board of trustees for recording and for deposit
40 in the pension accumulation fund.

41 The deductions provided for under this subsection
42 shall be made notwithstanding that the minimum
43 compensation provided by law for any member is reduced.
44 Every member is deemed to consent to the deductions
45 made under this section.

46 5. EXPENSE FUND. The expense fund shall be the
47 fund to which shall be credited all money provided
48 by the said cities to pay the administration expenses
49 of the retirement system and from which shall be paid
50 all the expenses necessary in connection with the

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1 administration and operation of the system. Annually
 2 the ~~boards~~ board of trustees shall estimate the amount
 3 of money necessary to be paid into the expense fund
 4 during the ensuing year to provide for the expense
 5 of operation of the retirement system and shall bill
 6 each city for its portion based upon the ratio that
 7 the number of active and retired members in the
 8 retirement system from that city on July first of
 9 each year bears to the total number of active and
 10 retired members in the retirement system on July first
 11 of each year.

12 Sec. . Section four hundred eleven point eleven
 13 (411.11), subsection one (1), Code 1977, is amended
 14 to read as follows:

15 1. On or before January 1 ~~first~~ of each year the
 16 ~~respective boards~~ board of trustees shall certify
 17 to the superintendent of public safety of each member
 18 city the amounts which will become due and payable
 19 during the fiscal year next following to the pension
 20 accumulation fund and the expense fund for that city.
 21 The amounts so certified shall be included by the
 22 superintendent of public safety of each member city
 23 in ~~his~~ the superintendent's annual budget estimate.
 24 The amounts so certified shall be appropriated by
 25 the said cities and transferred to the retirement
 26 system for the ensuing fiscal year. Said cities shall
 27 annually levy a tax sufficient in amount to cover
 28 such appropriations.

29 Sec. . Section four hundred eleven point eleven
 30 (411.11), Code 1977, is amended by striking subsection
 31 two (2).

32 Sec. . Section four hundred eleven point twelve
 33 (411.12), Code 1977, is amended to read as follows:

34 411.12 GUARANTY. ~~Regular interest charges payable,~~
 35 ~~the~~ The creation and maintenance of reserves moneys
 36 in the pension accumulation fund and the maintenance
 37 of annuity reserves and pension reserves as provided
 38 for the payment of all pensions; annuities, retirement
 39 allowances, refunds, and other benefits granted under
 40 the provisions of this chapter and all expenses in
 41 connection with the administration and operation of
 42 the retirement systems ~~system~~ are hereby made direct
 43 liability obligations of the said cities. All income,
 44 interest, and dividends derived from deposits and
 45 investments authorized by this chapter shall be used
 46 for the payment of the said obligations of the said
 47 cities. Any amounts derived therefrom, which, when
 48 combined with regular appropriations made under the
 49 provisions of this chapter, exceed the amount required
 50 to provide for the discharge of such obligations,

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1 shall be used to reduce the regular appropriations
2 otherwise required.

3 Sec. . Section four hundred eleven point
4 fourteen (411.14), 1977 Code Supplement, is amended
5 to read as follows:

6 411.14 PROTECTION AGAINST FRAUD. Any person who
7 shall knowingly make any false statement, or shall
8 falsify or permit to be falsified any record or records
9 of such retirement system in any attempt to defraud
10 such system as a result of such act, shall be guilty
11 of a fraudulent practice. Should any change or errors
12 in records result in any member or beneficiary
13 receiving from the retirement system more or less
14 than he or she would have been entitled to receive
15 had the records been correct, the respective board
16 of trustees shall correct such error, and, as far
17 as practicable, shall adjust the payments in such
18 a manner that the actuarial equivalent of the benefit
19 to which such member or beneficiary was correctly
20 entitled, shall be paid.

21 Sec. . Section four hundred eleven point
22 nineteen (411.19), Code 1977, is amended to read as
23 follows:

24 411.19 TRANSFER OF BENEFITS MEMBERSHIP SERVICE
25 TO ANOTHER CITY. A member of a the retirement system
26 established in this chapter who terminates employment
27 with a city and is subsequently employed by another
28 city and is eligible for coverage under this chapter
29 may transfer membership service earned under the first
30 system to the system under which the member is employed
31 from one city to another. Upon the written request
32 of the member with verification by the board of
33 trustees of the system under which the member is
34 employed, the board of trustees of the first system
35 shall transmit to the board of trustees of the system
36 under which the member is employed, within thirty
37 days of the receipt of the request, the member's
38 accumulated contributions to be deposited in the
39 annuity savings fund of the system under which the
40 member is employed and the actuarial equivalent of
41 the amount in the pension accumulation fund which
42 would be necessary to fund a pension equal to one
43 twenty-second times the number of years of membership
44 service completed, under the first system, to be
45 deposited in the pension accumulation fund of the
46 system under which the member is employed.

47 Sec. . Section four hundred eleven point twenty
48 (411.20), Code 1977, is amended by striking the section
49 and inserting in lieu thereof the following:

50 411.20 APPROPRIATION TO MUNICIPAL ASSISTANCE FUND.

Page 30

1 There is appropriated from the general fund of the
2 state to the municipal assistance fund established
3 in chapter four hundred five (405) of the Code for
4 each fiscal year an amount necessary to be distributed
5 to cities which are members of the fire and police
6 retirement system under the provisions of this chapter.
7 Funds shall be used to finance the costs of benefits
8 provided in this chapter by amendments of the Acts
9 of the Sixty-sixth General Assembly, chapter one
10 thousand eighty-nine (1089).

11 Commencing with the fiscal year beginning July
12 1, 1979, the amounts distributed to each eligible
13 city to pay the state's portion of the costs of benefit
14 improvements provided by the Sixty-sixth General
15 Assembly, chapter one thousand eighty-nine (1089)
16 shall be computed by the actuary employed by the
17 system on the basis of the results of a study performed
18 by such actuary for the fiscal years beginning July
19 1, 1978 and July 1, 1979 as provided in this section.

20 The actuary employed by the system shall be provided
21 copies of all data, including dates of birth and
22 employment, sex, salary and asset information, used
23 in the actuarial valuations performed as of June 30,
24 1978 by the consulting actuaries signing the verified
25 statements required to be filed under this section
26 as this section was effective on June 30, 1978.

27 Prior to December 31, 1979 the actuary employed
28 by the system shall perform the actuarial valuations
29 of the system which are needed to determine the state's
30 portion of the cost of the benefit improvements
31 provided by the Acts of the Sixty-sixth General
32 Assembly, chapter one thousand eighty-nine (1089),
33 for the fiscal year commencing July 1, 1979, under
34 this section as this section was effective on June
35 30, 1978. In addition, the actuary shall perform
36 the actuarial valuations of the system which would
37 have been needed to determine the state's portion
38 of the cost of the benefit improvements under this
39 section as this section was effective on June 30,
40 1978, for the fiscal year commencing July 1, 1978
41 if the single system had existed at that time, using
42 the data supplied by the actuaries employed by the
43 cities as provided in this section.

44 On the basis of the results of the actuarial
45 valuations described above, the actuary employed by
46 the system shall determine a ratio of the payroll
47 which is determined by dividing the total of the
48 state's portion of the cost of said benefit
49 improvements as determined by the actuarial valua-
50 tions described for the two fiscal years by the total

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1 payroll of the members of the systems for the two
2 fiscal years. The actuary shall certify the ratio
3 so determined.

4 For the fiscal year commencing July 1, 1979 and
5 each fiscal year thereafter, the state comptroller
6 shall pay to each city an amount equal to the ratio
7 of payroll times the payroll of the active members
8 employed by that city for the fiscal year.

9 Sec. . Sections ninety-seven A point ten
10 (97A.10), four hundred eleven point ten (411.10) and
11 four hundred eleven point eighteen (411.18), Code
12 1977, are repealed.

13 Sec. . Chapter four hundred eleven (411), Code
14 1977, as amended by Acts of the Sixty-seventh General
15 Assembly, 1977 Session, chapters forty-eight (48)
16 and one hundred eighteen (118), is amended by adding
17 the following new sections:

18 NEW SECTION.

19 1. Members who became vested and terminated service
20 prior to July 1, 1979, and members receiving an annuity
21 from accumulated contributions made prior to July
22 1, 1979, shall continue to receive the benefits the
23 member was entitled to under the provisions of chapter
24 four hundred eleven (411), as chapter four hundred
25 eleven (411) was effective on the date of the member's
26 retirement or vested termination.

27 2. For the purposes of this section:

28 a. "Accumulated contributions" means the sum of
29 all amounts deducted from the compensation of a member
30 and credited to the member's individual account in
31 the annuity savings fund together with regular interest
32 thereon as provided in this subsection. Accumulated
33 contributions do not include any amount deducted from
34 the compensation of a member and credited to the
35 pension accumulation fund.

36 b. "Annuity" means annual payments for life derived
37 from the accumulated contributions of a member. All
38 annuities shall be payable in monthly installments.

39 c. "Annuity reserve" shall mean the present value
40 of all payments to be made on account of an annuity,
41 or benefit in lieu of an annuity, granted under the
42 provisions of this chapter, upon the basis of such
43 mortality tables as shall be adopted by the board
44 of trustees, and regular interest.

45 d. "Annuity savings fund" means the account main-
46 tained by the board of trustees of funds forwarded
47 by the custodians of the annuity savings funds
48 maintained by the cities prior to July 1, 1979, in
49 which the accumulated contributions of the members
50 were deposited prior to July 1, 1979, to provide for

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1. their annuities.

2 e. "Annuity reserve fund" means the account
3 maintained by the board of trustees of funds forwarded
4 by the custodians of the annuity reserve funds
5 maintained by the cities prior to July 1, 1979, from
6 which shall be paid all annuities and all benefits
7 in lieu of annuities payable as provided in this
8 chapter as this chapter was effective on June 30,
9 1979.

10 f. "Regular interest" means interest at the rate
11 of four percent per annum, compounded annually and
12 credited to the member's account as of the date of
13 the member's retirement or termination from employment.

14 3. Beginning July 1, 1979, each custodian of the
15 funds of the police and fire retirement systems in
16 cities shall forward the funds remaining in the annuity
17 reserve fund and the annuity savings fund to the board
18 of trustees for maintenance and investment of the
19 funds which have been contributed by members prior
20 to July 1, 1979. Members receiving an annuity as
21 a portion of their retirement or disability benefits
22 on June 30, 1979, shall continue to receive such
23 annuity from the account maintained by the board of
24 trustees. Members receiving an annuity, if reemployed
25 under service covered by this chapter, shall cease
26 to receive retirement benefits.

27 4. The accumulated contributions of a member with-
28 drawn by the member or paid to the member's estate
29 or designated beneficiary in the event of the member's
30 death shall be paid from the annuity savings fund
31 account. Upon the retirement of a member, the member's
32 accumulated contributions shall be transferred from
33 the annuity savings fund to the annuity reserve fund.

34 5. A member of the retirement system prior to
35 July 1, 1979 with fifteen or more years of service
36 whose employment was terminated prior to retirement,
37 other than by death or disability, shall be entitled
38 to receipt of his or her accumulated contributions
39 upon retirement together with other retirement benefits
40 provided in the law on the date of the member's
41 retirement. However, the member shall not be eligible
42 for a service retirement allowance under section
43 ninety-seven A point six (97A.6) of the Code if he
44 or she has chosen to withdraw his or her accumulated
45 contributions from the annuity savings fund.

46 6. Any member in service prior to July 1, 1979
47 may at the time of his or her retirement withdraw
48 his or her accumulated contributions made before July
49 1, 1979 or receive an annuity which shall be the
50 actuarial equivalent of his or her accumulated

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1 contributions at the time of his or her retirement.
2 7. Notwithstanding the provisions of subsections
3 one (1), three (3), four (4), five (5), and six (6)
4 of this section, beginning January 1, 1981, an active
5 or vested member may request in writing and receive
6 from the board of trustees, his or her accumulated
7 contributions from the annuity savings fund.
8 8. The actuary shall annually determine the amount
9 required in the annuity reserve fund. If the amount
10 required is less than the amount in the annuity reserve
11 fund, the board of trustees shall transfer the excess
12 funds from the annuity reserve fund to the pension
13 accumulation fund. If the amount required is more
14 than the amount in the annuity reserve fund, the board
15 of trustees shall transfer the amount prescribed
16 by the actuary to the annuity reserve fund from the
17 pension accumulation fund.
18 **NEW SECTION.** On the basis of funds in the pension
19 reserve fund and the pension accumulation fund of
20 each retirement system in existence on June 30, 1979,
21 the actuary shall determine an unfunded supplemental
22 actuarial value for each city to be paid over a twenty-
23 year period beginning July 1, 1979 and ending June
24 30, 1999 in accordance with the accrued benefit
25 actuarial cost method, with accrued benefits based
26 on the pro rata portion of total anticipated service,
27 reduced by the pension accumulation fund. The
28 supplemental actuarial value for each city shall be
29 approved by the treasurer of state."
30 3. Page 11, by inserting after line 27 the follow-
31 ing sections:
32 "Sec. . The sections of this Act amending
33 sections of chapters ninety-seven A (97A) and four
34 hundred eleven (411) of the Code are effective July
35 1, 1979."
36 4. By numbering and renumbering sections as neces-
37 sary in accordance with this amendment.

Byerly of Polk offered the following amendment H-6135, to amendment H-6127, filed by him from the floor and moved its adoption:

H-6135

1 Amend H-6127 filed by Byerly et al to House
2 File 2426 as follows:
3 1. Page 2, by inserting after line 4 the
4 following section:

5 "Sec. . Section ninety-seven A point three
 6 (97A.3), Code 1977, is amended by adding the follow-
 7 ing new subsection:
 8 NEW SUBSECTION. Effective July 1, 1979, a person
 9 shall not become a member of the system unless that
 10 person has passed the physical and mental examination
 11 given under the provisions of section eighty point
 12 fifteen (80.15) of the Code, unless that person has
 13 received a diploma for satisfactory completion of
 14 a training school held pursuant to the provisions
 15 of section eighty point thirteen (80.13) of the Code,
 16 and unless that person upon completion of service as
 17 a member would be eligible for a service retirement
 18 allowance pursuant to section ninety-seven A point
 19 six (97A.6), subsection one (1), paragraph a or c of
 20 the Code."

Amendment H—6135 lost.

Byerly of Polk offered the following amendment H—6138, to amendment H—6127, filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—6138

1 Amend H—6127 filed by Byerly et al to House File
 2 2426 as follows:
 3 1. Page 4, by inserting after line 25 the follow-
 4 ing:
 5 "Retroactive to July 1, 1976, the limitations on
 6 pay of a member engaged in a gainful occupation who
 7 is retired under accidental disability prescribed in
 8 this paragraph shall not apply to a member who retired
 9 before July 1, 1976."
 10 2. Page 15, line 34, by striking the word "the" and
 11 inserting in lieu thereof the word "an".
 12 3. Page 20, by inserting after line 10 the fol-
 13 lowing:
 14 "Retroactive to July 1, 1976, the limitations on
 15 pay of a member engaged in a gainful occupation who
 16 is retired under accidental disability prescribed in
 17 this paragraph shall not apply to a member who retired
 18 before July 1, 1976."
 19 4. Page 26, line 30, by striking the word "boards"
 20 and inserting in lieu thereof the words "boards board".
 21 5. Page 28, by striking line 46 and inserting in
 22 lieu thereof the words "pursuant to law."

Amendment H—6138 was adopted.

Byerly of Polk offered the following amendment H—6132, to amendment H—6127, filed by him from the floor and moved its adoption:

H—6132

1 Amend H—6127 filed by Byerly et al, to House File
2 2426 as follows:
3 1. Page 33, line 35, by inserting after the figure
4 "1979" the words and figures "except that the board
5 of trustees appointed pursuant to section four hundred
6 eleven point five (411.5), subsection one (1), of
7 the Code, as amended by this Act, may be appointed
8 at any time after July 1, 1978 to develop
9 administrative procedures necessary for the operation
10 of the system. The board shall appoint an actuary
11 to make a valuation of each system as of June 30,
12 1979".

Amendment H—6132 was adopted.

Byerly of Polk moved the adoption of amendment H—6127, as amended.

Amendment H—6127, as amended, was adopted.

Harbor of Mills offered the following amendment H—6136 filed by Halvorson of Clayton and him from the floor and moved its adoption:

H—6136

1 Amend House File 2426 as follows:
2 1. Page 1, line 8, by striking the words "three
3 and seven-tenths" and inserting in lieu thereof the
4 words "four and three-fourths".
5 2. Page 1, line 17, by striking the word "five"
6 and inserting in lieu thereof the word "four".

Amendment H—6136 lost.

Nielsen of Polk offered the following amendment H—6129 filed by him from the floor and moved its adoption:

H—6129

1 Amend House File 2426 as follows:

- 2 1. Page 1, by striking lines 20 through 35.
- 3 2. Page 2, by striking lines 1 through 6.
- 4 3. By renumbering the remaining sections.

A non-record roll call was requested.

The ayes were 57, nays 24.

Amendment H—6129 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Branstad of Winnebago for the remainder of the day on request of Lind of Black Hawk.

Crawford of Story offered amendment H—6104 filed by him and requested division as follows:

H—6104

- 1 Amend House File 2426 as follows:

H—6104A

- 2 1. Page 2, by inserting after line 23 the follow-
- 3 ing section:
- 4 "Sec. Section ninety-seven B point forty-
- 5 one (97B.41), subsection one (1), paragraph b,
- 6 subparagraph five (5), Code 1977, is amended to read
- 7 as follows:
- 8 (5) Effective July 1, ~~1973~~ 1978, covered wages
- 9 shall not include wages to a member on or after the
- 10 first of the month coinciding with or next following
- 11 his seventieth birthday in which the member attains
- 12 the age of seventy years, or after the effective
- 13 date of his the member's retirement unless he the
- 14 member is re-employed, as provided under section
- 15 97B.48, subsection 3."
- 16 2. Page 3, line 13, by striking the words and
- 17 figures "subsection nine (9), Code 1977, is" and
- 18 inserting in lieu thereof the words and figures
- 19 "subsections nine (9) and eighteen (18), Code 1977,
- 20 are".
- 21 3. Page 3, by inserting after line 24 the follow-
- 22 ing:
- 23 "18. "Membership service" means service rendered
- 24 by a member after July 4, 1953, and prior to the first

25 of the month ~~coinciding with or next following his~~
26 seventieth birthday in which the member attains the
27 age of seventy years. Years of membership service
28 shall be counted to the complete quarter calendar
29 year."

30 4. Page 5, by inserting after line 26 the follow-
31 ing sections:

32 "Sec. . Section ninety-seven B point forty-
33 five (97B.45), unnumbered paragraph one (1), Code
34 1977, is amended to read as follows:

35 A member's normal retirement date shall be the
36 first of the month ~~coinciding with or next following~~
37 his sixty-fifth birthday in which a member attains
38 the age of sixty-five years. A member may retire
39 after his the member's sixty-fifth birthday except
40 as otherwise provided in section 97B.46. A member
41 retiring on or after his the normal retirement date,
42 as provided in section 97B.46, shall submit a written
43 notice to the department setting forth the date the
44 retirement is to become effective, provided that such
45 date shall be after his the member's last day of
46 service and not before the first day of the sixth
47 calendar month preceding the month in which the notice
48 is filed, except that credit for service shall cease
49 when contributions cease as provided in section 97B.11.

50 Sec. . Section ninety-seven B point forty-six

Page 2

1 (97B.46), Code 1977, is amended to read as follows:
2 97B.46 SERVICE AFTER AGE SIXTY-FIVE. A member
3 may, on the request of the employer, remain in the
4 active employ of the employer beyond the date ~~he the~~
5 member attains the age of sixty-five for such period
6 or periods as the employer from time to time shall
7 approve, provided, however, that credit for such
8 service shall cease when contributions cease as
9 provided in section 97B.11. The member shall retire
10 from the employment of the employer at the end of
11 the last approved period, on the first day of the
12 month next following or coinciding with such date
13 in which the member retires. A member remaining in
14 service past his seventieth birthday after attaining
15 the age of seventy years shall be entitled to receive
16 a retirement allowance under section 97B.49 as
17 applicable commencing with payment for the calendar
18 month within which the written notice is submitted
19 to the department, except that if he the member fails
20 to submit the notice on a timely basis, retroactive
21 payments shall be made for no more than six months
22 immediately preceding the month in which the written

23 notice is submitted.

24 Sec. . Section ninety-seven B point forty-seven
 25 (97B.47), Code 1977, is amended to read as follows:
 26 97B.47 EARLY RETIREMENT DATE. A member's early
 27 retirement date shall be the first of any the month
 28 coinciding with or following his fifty-fifth birthday
 29 and in which a member attains the age of fifty-five
 30 years or the first of any month after attaining the
 31 age of fifty-five years prior to his the member's
 32 normal retirement date, provided such date shall be
 33 after the last day of service. A member may retire
 34 on his the member's early retirement date by submitting
 35 written notice to the department setting forth the
 36 early retirement date which shall not be before the
 37 first day of the sixth calendar month preceding the
 38 month in which such notice is filed.

39 Sec. . Section ninety-seven B point forty-eight
 40 (97B.48), subsection three (3), Code 1977, is amended
 41 to read as follows:

42 3. If at any time after the first day of the month
 43 coinciding with or next following his fifty-fifth
 44 birthday in which the member attains the age of fifty
 45 five years and until his the member's sixty-fifth
 46 birthday, a member who is retired under this chapter
 47 is in regular full-time employment, his the member's
 48 retirement allowance shall be suspended for as long
 49 as he the member remains in employment. However,
 50 employment shall not be regarded as full-time

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1 employment until he the member receives remuneration
 2 in an amount in excess of two thousand one hundred
 3 dollars for any calendar year. Effective the first
 4 of the month coinciding with or next following his
 5 sixty-fifth birthday in which a member attains the
 6 age of sixty-five years, a retired member shall be
 7 entitled to receive a retirement allowance after
 8 return to covered employment regardless of the amount
 9 of remuneration received. As of the first of the
 10 month coinciding with or next following the member's
 11 seventieth birthday in which the member attains the
 12 age of seventy years, he the member shall be entitled
 13 to receive a retirement allowance determined under
 14 section 97B.49, regardless of the amount of
 15 remuneration received. Upon any retirement after
 16 re-employment, a retired member shall be entitled
 17 to have his or her retirement allowance redetermined
 18 under this section or sections 97B.49 or 97B.50,
 19 whichever is applicable, based upon the employee's
 20 and his employer's additional contributions, and any
 21 membership service of the employee after his re-
 22 employment."

H-6104B

- 23 5. Page 11, by inserting after line 23 the follow-
24 ing section:
25 "Sec. . There is appropriated from the general
26 fund of the state for the fiscal period beginning
27 July 1, 1978 and ending June 30, 1979 to the Iowa
28 department of job service an amount sufficient to
29 pay to each retired member of the system the difference
30 between the total amount of retirement allowance the
31 member would have received prior to July 1, 1978 if
32 the member's retirement allowance had been computed
33 under the provisions of this Act and the total amount
34 of retirement allowance the member received prior
35 to July 1, 1978. The amount due each retired member
36 shall be paid by the Iowa department of job service
37 no later than June 30, 1979 to each retired member
38 who is living."
39 6. By numbering and renumbering sections as
40 necessary.

Crawford of Story moved the adoption of amendment
H-6104A.

Amendment H-6104A lost.

Crawford of Story asked and received unanimous consent to
withdraw amendment H-6104B.

Brandt of Black Hawk offered the following amendment
H-6128 filed by her from the floor and moved its adoption:

H-6128

- 1 Amend House File 2426 as follows:
2 1. Page 2, lines 30 and 31, by striking the words
3 " , excluding members of the general assembly," and
4 inserting in lieu thereof the words " , excluding
5 members of the general assembly,".

Amendment H-6128 was adopted.

Woods of Polk offered the following amendment H-6134 filed
by him and Poncy of Wapello from the floor and moved its adoption:

H-6134

- 1 Amend House File 2426 as follows:
2 1. Page 7, by striking lines 34 and 35.

3 2. Page 8, by striking lines 1 through 13 and
4 inserting in lieu thereof the following:

5 "NEW SUBSECTION. Effective July 1, 1978, for each
6 member who retired from the system before January
7 1, 1976, the amount of regular monthly retirement
8 allowance attributable to membership service and prior
9 service that was payable to the member or spouse,
10 if elected, for June 1978 is increased by the follow-
11 ing schedule:

12 a. Each eligible member shall receive one dollar
13 per month for each year of the member's membership
14 service and prior service.

15 b. In addition to the increase granted in paragraph
16 a of the subsection, each eligible member shall
17 receive one dollar per month for each year of his
18 or her membership service and prior service for the
19 eleventh through the thirtieth years of membership
20 service and prior service.

21 c. In addition to the increases granted in para-
22 graph b of this subsection, each eligible member shall
23 receive one dollar per month for each year of his
24 or her membership service and prior service for the
25 twenty-first through the thirtieth years of membership
26 service and prior service.

27 There is appropriated from the general fund of
28 the state to the Iowa public employees' retirement
29 system fund an amount sufficient to pay fifty percent
30 of the cost of the increased benefits paid to retired
31 members of the system pursuant to this section. The
32 amount appropriated each year shall be an amount
33 sufficient to fund the cost of the benefit increase
34 provided in this section over a twenty-year period
35 commencing July 1, 1978 and ending June 30, 1998."

Roll call was requested by Tofte of Winneshiek and Crawford of Story.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Lindeen of Henry refrained from voting.

On the question "Shall amendment H—6134 be adopted?"

The ayes were, 34:

Bennett
Clark, J.H.
Daggett

Byerly
Conlon
Danker

Chiodo
Crabb
Egenes

Clark, B.J.
Crawford
Evans

Harvey	Hoffmann	Horn	Junker
Lind	Lipsky	Millen	Newhard
Pellett	Pelton	Poncy	Schroeder
Shimanek	Smalley	Stephens	Stromer
Tauke	Thompson	Tofte	Welden
West	Woods		

The nays were, 55:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Connors	Cusack	Davitt	Den Herder
Dieleman	Dunton	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Lageschulte	Lonergan	Menke
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Norland	Oxley	Patchett	Pavich
Perkins	Rinas	Scheelhaase	Small
Spear	Spencer	Svoboda	Varley
Wells	Wyckoff	Mr. Speaker	

Absent or not voting, 11:

Branstad	Brockett	Doyle	Dyrland
Halvorson	Krewson	Lindeen	Nielsen
O'Halloran	Schneklloth	Walter	

Amendment H—6134 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Krewson of Polk for the remainder of the day on request of Gentleman of Polk.

Welden of Hardin offered amendment H—6103 filed by him and Lipsky of Linn and requested division as follows:

H—6103

1 Amend House File 2426 as follows:

H—6103A

2 1. Page 8, line 4, by striking the words "fifty

- 3 cents" and inserting in lieu thereof the words "one
 4 dollar".
 5 2. Page 8, line 7, by striking the words "one
 6 dollar" and inserting in lieu thereof the words
 7 "two dollars".

H—6103B

- 8 3. Page 9, by striking lines 10 through 35.
 9 4. Page 10, by striking lines 1 through 6.

Welden of Hardin moved the adoption of amendment H—6103A.

Roll call was requested by Welden of Hardin and Monroe of Des Moines.

Rules 69 and 70 were invoked.

Under the provisions of Rule 71, Lindeen of Henry refrained from voting.

On the question "Shall amendment H—6103A be adopted?"

The ayes were, 35:

Bennett	Clark, B.J.	Clark, J.H.	Conlon
Crabb	Crawford	Daggett	Danker
Dunton	Egenes	Evans	Garrison
Gentleman	Harbor	Harvey	Hoffmann
Junker	Lageschulte	Lind	Lipsky
Menke	Millen	Pellett	Pelton
Schroeder	Shimanek	Smalley	Stephens
Stromer	Tauke	Thompson	Tofte
Varley	Welden	West	

The nays were, 52:

Anderson	Arnould	Avenson	Baker
Bina	Binneboese	Brandt	Brunow
Byerly	Chiodo	Connors	Cusack
Davitt	Dieleman	Fitzgerald	Gettings
Gilloon	Gilson	Griffee	Hansen
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Krause	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Perkins	Rinas	Scheelhaase
Small	Spear	Spencer	Svoboda
Wells	Woods	Wyckoff	Mr. Speaker

Absent or not voting, 13:

Branstad	Brockett	Den Herder	Doyle
Dyrland	Halvorson	Koogler	Krewson
Lindeen	O'Halloran	Poncy	Schnekloth
Walter			

Amendment H — 6103A lost.

Welden of Hardin moved the adoption of amendment H — 6103B.

Roll call was requested by Welden of Hardin and Pelton of Clinton.

Rule 70 was invoked.

On the question "Shall amendment H — 6103B be adopted?"

The ayes were, 42:

Baker	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Crawford	Daggett
Danker	Egenes	Evans	Gentleman
Hansen	Harbor	Harvey	Hinkhouse
Hoffmann	Husak	Junker	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Pellett	Pelton	Perkins
Schroeder	Shimanek	Smalley	Spear
Spencer	Stevens	Stromer	Tauke
Thompson	Tofte	Varley	West
Woods	Wyckoff		

The nays were, 47:

Anderson	Arnould	Avenson	Bina
Binneboese	Brandt	Brunow	Byerly
Chiodo	Connors	Cusack	Davitt
Dieleman	Dunton	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffee
Hargrave	Hines	Horn	Howell
Hullinger	Jesse	Jochum	Krause
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Norland
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Small	Svoboda
Welden	Wells	Mr. Speaker	

Absent or not voting, 11:

Branstad	Brockett	Den Herder	Doyle
Dyrland	Halvorson	Koogler	Krewson
O'Halloran	Schnekloth	Walter	

Amendment H—6103B lost.

Fitzgerald of Webster moved the previous question on House File 2426, with respect to the filing of amendments.

A non-record roll call was requested.

The ayes were 51, nays 32.

The motion prevailed.

(House File 2426 pending at adjournment.)

SIFTING COMMITTEE APPOINTED

Pursuant to Rule 56, the Speaker propounded the question to the House, "Shall a sifting committee be appointed at this time?"

The vote disclosed the House favors the appointment of a sifting committee.

The Speaker announced the appointment of the following members to the sifting committee:

Fitzgerald of Webster, Chair
 Monroe of Des Moines, Vice-chair
 Millen of Van Buren, Ranking member
 Anderson of Jasper
 Bina of Scott
 Connors of Polk
 Crawford of Story
 Davitt of Warren
 Doyle of Woodbury
 Evans of Grundy
 Gentleman of Polk
 Griffie of Chickasaw
 Hullinger of Decatur
 Koogler of Mahaska

Scheelhaase of Woodbury
Schroeder of Pottawattamie
Stromer of Hancock

Fitzgerald of Webster asked and received unanimous consent that the following categories be exempt from the sifting committee calendar:

1. Motions to reconsider.
2. Current weekly debate calendar.
3. Unanimous consent calendar.

As of today all bills not exempt are under the jurisdiction of the sifting committee.

MOTIONS TO RECONSIDER
(Amendment H—6103A to House File 2426)

I move to reconsider the vote by which amendment H—6103A to House File 2426 failed to be adopted by the House on April 19, 1978.

WELDEN of Hardin

(Amendment H—6103B to House File 2426)

I move to reconsider the vote by which amendment H—6103B to House File 2426 failed to be adopted by the House on April 19, 1978.

WELDEN of Hardin

EXPLANATION OF VOTE

I was necessarily absent from the House chamber April 18, 1978. Had I been present I would have voted "aye" on the following bills: Senate Files 292 and 2127.

DIELEMAN of Marion

**COMMUNICATION FROM IOWA
DEPARTMENT OF JOB SERVICE**

There is on file in the office of the Chief Clerk a copy of the first Actuarial Status Report on the Unemployment Compensation Trust Fund in compliance with the mandate of the 1977 Regular Session

and Extra Session of the Sixty-seventh General Assembly relating to Senate File 337; Chapter 55, Section 9 of the Code.

STUDY BILL COMMITTEE ASSIGNMENTS

S.B. 490 Judiciary and Law Enforcement

Relating to overtime compensation for deputy sheriffs and making the provisions of this Act retroactive.

S.B. 491 Ways and Means

To provide reimbursement for property taxes paid and rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled.

PRESENTATION OF VISITORS

Harbor of Mills presented to the House foreign exchange student Heikki Seppala from Finland. Heikki is the guest of Mike Wederquist, Malvern, Iowa.

The Speaker announced that the following visitors were present in the House chamber:

One hundred thirty fourth, fifth and sixth grade students from Cresthaven Elementary School, Waterloo, Iowa, accompanied by Donna Fulton and Mr. Gary Murtinger. By Lind of Black Hawk.

Twenty-four fifth grade students from Lakeview Elementary School, Centerville, Iowa, accompanied by Mr. Travis. By Brunow of Appanoose.

Twenty juniors from Fox Valley Community School, Milton, Iowa. By Gettings of Wapello and Millen of Van Buren.

Thirty eighth grade students from Dayton Community School, Dayton, Iowa. By Fitzgerald of Webster.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON COUNTY GOVERNMENT

Scheduled: 8:00 a.m., April 18, 1978

Convened: 8:10 a.m.

Adjourned: 8:45 a.m.

Present: Hullinger, chair; Spear, vice-chair; Danker, ranking member; Baker, Brandt, Byerly, Clark of Lee, Gilson, Harvey, Hinkhouse, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Absent: Gilloon, Junker and Stromer.

House File 2141, a bill for an act relating to the resubmission of defeated bond proposals to the lectorate.

Recommended **Amend and Do Pass**.

H-6118

- 1 Amend House File 2141 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "election." the following: "However, if a public
- 4 building or facility affected by a defeated proposal
- 5 is subsequently destroyed or substantially damaged
- 6 by a natural disaster, fire or other unforeseen
- 7 occurrence, the defeated proposal or a proposal
- 8 incorporating any part of the defeated proposal may
- 9 be submitted to the electors before the expiration
- 10 of the time limitation specified in this paragraph."

Fiscal note is not required.

Aye: Hullinger, Spear, Danker, Baker, Brandt, Gilson, Harvey, Hoffmann, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: Byerly.

Absent or not voting: Clark of Lee, Gilloon, Hinkhouse, Junker and Stromer.

Senate File 380, a bill for an act relating to unified law enforcement, including clarification of the tax levy, election procedures, and administration of the district.

Recommended **Do Pass**.

Fiscal note is not required.

Aye: Hullinger, Spear, Danker, Baker, Byerly, Gilson, Hinkhouse, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: None.

Absent or not voting: Brandt, Clark of Lee, Gilloon, Harvey, Hoffmann, Junker and Stromer.

Senate File 2107, a bill for an act relating to contract and bidding procedures for the repair or construction of county buildings.

Recommended Do Pass.

Fiscal note is not required.

Aye: Hullinger, Spear, Danker, Baker, Byerly, Gilson, Harvey, Hinkhouse, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: None.

Absent or not voting: Brandt, Clark of Lee, Gilloon, Hoffmann, Junker and Stromer.

Senate File 2118, a bill for an act granting certain counties the authority to acquire and finance certain public improvements.

Recommended Do Pass.

Fiscal note is not required.

Aye: Hullinger, Spear, Danker, Baker, Byerly, Clark of Lee, Gilson, Hinkhouse, Lindeen, Miller (Sergeant) of Calhoun, Oxley, Pellett, Stephens, Wells and Wyckoff.

Nay: None.

Absent or not voting: Brandt, Gilloon, Harvey, Hoffmann, Junker and Stromer.

COMMITTEE ON BUDGET

Scheduled: 9:00 a.m., April 18, 1978

Convened: 9:10 a.m.

Adjourned: 10:10 a.m.

Present: Cusack, chair; Dunton, vice-chair; Avenson, Harvey, Koogler, Varley, Welden and Wells.

Absent: Jesse, Norland (arrived 9:45 a.m.), O'Halloran (arrived 9:50 a.m.) and Stromer.

Excused: Den Herder, ranking member (arrived 9:13 a.m.).

Study Bill 469, a bill for an act relating to the accrual and costs of sick leave.

Recommended **Amend and Do Pass**.

Fiscal note is required.

Aye: Cusack, Den Herder, Avenson, Koogler, Varley, Welden and Wells.

Nay: Dunton and Harvey.

Absent or not voting: Jesse, Norland, O'Halloran and Stromer.

Discussed Senate File 264.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Scheduled: 9:00 a.m., April 18, 1978

Convened: 9:10 a.m.

Adjourned: 9:55 a.m.

Present: Connors, chair; Jochum, vice-chair; Egenes, ranking member; Crabb, Gilloon, Pavich, Poncy, Small, Smalley and Wells.

Absent: Branstad, Brockett, Chiodo, Halvorson (arrived 9:20 a.m.), Hines (arrived 9:18 a.m.), Horn, Lageschulte (arrived 9:20 a.m.) and Thompson (arrived 9:17 a.m.).

Study Bill 488, a bill for an act relating to providing additional funding for the second injury fund under worker's compensation.

Recommended **Do Pass**.

Aye: Connors, Jochum, Egenes, Crabb, Gilloon, Halvorson, Hines, Lageschulte, Pavich, Poncy, Small, Smalley, Thompson and Wells.

Nay: None.

Absent or not voting: Branstad, Brockett, Chiodo and Horn.

Discussed amendments to House File 419.

COMMITTEE ON WAYS AND MEANS

Scheduled: 12:30 p.m., April 18, 1978

Convened: 12:45 p.m.

Adjourned: 2:08 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Bennett, Bina, Branstad, Conlon, Daggett, Davitt, Gilloon, Harbor, Harvey, Hines, Horn, Husak, Jochum, Junker, Lind, Menke, Oxley, Schneklath, Svoboda, Thompson, Wells and Wyckoff.

Absent: Anderson (arrived 1:53 p.m.), Brandt (arrived 1:05 p.m.), Clark of Lee (arrived 12:54 p.m.), Cusack, Dieleman (arrived 12:47 p.m.), Dunton (arrived 12:47 p.m.), Egenes (arrived 12:56 p.m.), Howell (arrived 1:15 p.m.), O'Halloran (arrived 12:54 p.m.), Pavich, Rinas (arrived 12:49 p.m.) and Varley (arrived 12:53 p.m.).

Excused: Den Herder.

House File 72, a bill for an act providing an exemption from property taxation for solar and wind energy devices and methane gas production systems.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Bina, Branstad, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Harvey, Hines, Horn, Howell, Husak, Jochum, Junker, Lind, Menke, O'Halloran, Oxley, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: Schneklath.

Absent or not voting: Brandt, Cusack, Den Herder, Pavich, Rinas and Spencer.

Senate File 221, a bill for an act relating to the examination, certification, and appointment of assessors.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Bina, Brandt, Clark of Lee, Conlon, Daggett, Davitt, Dieleman, Dunton, Egenes, Gilloon, Harbor, Hines, Horn, Howell, Jochum, Junker, Lind, O'Halloran, Oxley, Rinas, Schneklath, Svoboda, Thompson, Varley and Wells.

Nay: Bennett, Branstad, Harvey, Husak, Menke and Wyckoff.

Absent or not voting: Anderson, Cusack, Den Herder, Pavich and Spencer.

AMENDMENTS FILED

H—6124	H.F. 2426	Miller of Buchanan
H—6125	H.F. 2426	Byerly of Polk
H—6126	H.F. 2426	Schroeder of Pottawattamie
H—6130	H.F. 2098	Perkins of Greene
H—6131	S.F. 2118	Spear of Lee
H—6133	H.F. 2426	Horn of Linn
H—6137	H.F. 2426	Monroe of Des Moines
		Brandt of Black Hawk

H-6139	H.F. 2098	Hansen of O'Brien Schroeder of Pottawattamie
H-6140	H.F. 2162	Dieleman of Marion
H-6141	H.F. 2162	Dieleman of Marion
H-6142	H.F. 2162	Dieleman of Marion
H-6143	H.F. 2162	Dieleman of Marion

On motion by Fitzgerald of Webster, the House adjourned at 6:52 p.m., until 9:00 a.m., Thursday, April 20, 1978.

JOURNAL OF THE HOUSE

One Hundred Second Calendar Day—Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 20, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend Jerome Julien, pastor of the First Christian Reformed Church, Pella, Iowa.

The Journal of Wednesday, April 19, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Paul Leehey, Independence, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dyrland of Clayton for April 20 and 21, on request of Arnould of Scott; Halvorson of Clayton and Stromer of Hancock for April 20 and 21, on request of Millen of Van Buren; Branstad of Winnebago for a portion of the morning session on request of Lind of Black Hawk; Byerly of Polk on request of Woods of Polk; Bina of Scott for April 20 and 21, on request of Cusack of Scott; Doyle of Woodbury on request of Hullinger of Decatur; Smalley of Polk for the morning session on request of Evans of Grundy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

MR. SPEAKER: I am directed to inform your honorable body that the Senate has, on April 10, 1978, insisted on the Senate amendment to the House amendment to Senate File 244, a bill for an act relating to the office of the Code editor and the publication of the Code of Iowa and the Iowa administrative code, and the members of the conference committee, on the part of the Senate appointed April 19, 1978, are: The Senator from Polk, Senator Willits, Chair; the Senator from Sioux, Senator DeKoster; the Senator from Woodbury, Senator Kelly; the Senator from Kossuth, Senator Priebe; and the Senator from Pocahontas, Senator Scott.

Also: That the Senate has on April 19, 1978, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 248, a bill for an act to provide for a complete revision of the juvenile justice laws and subjecting persons to existing penalties.

Also: That the Senate has on April 12, 1978, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 630, a bill for an act to appropriate funds to the department of health to discharge the responsibilities of the department and to establish the salaries of members of the state health facilities council.

Also: That the Senate has on April 19, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2356, a bill for an act relating to assessment procedures by providing duties for the department of revenue and owners of industrial property in valuing industrial property.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2356

H-6154

1 Amend House File 2356, as amended, passed and re-
2 printed by the House as follows:

3 1. Page 3, line 14, by inserting after the word
4 "property" the words "ordered by the director".

5 2. Page 4, line 22, by inserting after the word
6 "listing" the words "by year of acquisition and by
7 acquisition cost".

8 3. Page 4, line 26, by inserting after the period
9 the words "A report containing an itemized list of
10 machinery by year of acquisition and by acquisition
11 cost shall be required only when deemed necessary by
12 the assessor."

13 4. Page 4, line 26, by striking the word "report"
14 and inserting in lieu thereof the word "reports".

HOUSE CONCURRENT RESOLUTION 121

By Middleswart, Halvorson, Perkins
and Varley

1 *Whereas*, the demand for and use of land, water, forest
2 products, minerals, energy and other finite natural
3 resources is constantly increasing as a result of a
4 growing population and an increased per capita consump-
5 tion; and

6 *Whereas*, environmental standards for land, water,
7 and other resources issues must be met throughout Iowa
8 in the near future; and

9 *Whereas*, the legislative and executive branches of
10 the state of Iowa and the citizens at large are concerned

11 with an acceptable balance between economic growth,
12 environmental quality, and future resource needs; and

13 *Whereas*, there is an awareness by the legislative
14 and executive branches of the state of Iowa, and by
15 local government and citizens, of the significance,
16 increasing complexity and lasting impact of decisions
17 which are made relative to the use of resources through-
18 out Iowa; and

19 *Whereas*, members of the general assembly and executive
20 branch recognize the need for a current, uniform and
21 accurate information base in order to help make intel-
22 ligit decisions on resource management throughout
23 Iowa; and

24 *Whereas*, members of the general assembly and executive
25 branch strongly believe that coordinated efforts of state
26 agencies, research and educational institutions and
27 cooperating federal agencies will result in improved
28 resource management; and

29 *Whereas*, members of the general assembly believe, on
30 the basis of demonstrated experience, that the types of

Page 2

1 information obtained by remote sensing technology from
2 high and low altitude aircraft, Landsat and meteorological
3 satellites could be extremely useful and cost effective
4 in providing additional information that is necessary
5 for inventorying, monitoring and evaluating Iowa's
6 resources and environment; *Now Therefore*,

7 *Be It Resolved by the House of Representatives, the*
8 *Senate Concurring*, That the membership of the Sixty-
9 seventh General Assembly of the state of Iowa authorizes
10 the legislative council to cause a study to be conducted
11 by a joint subcommittee of the House and Senate commit-
12 tees on natural resources to evaluate the potential
13 benefits and costs of participating in remote sensing
14 information systems and initiating demonstration remote
15 sensing and technology transfer projects with federal
16 agencies, and to provide recommended legislation required
17 to implement a coordinated information system for inventory-
18 ing, monitoring and evaluating Iowa's natural resources
19 and environment; and

20 *Be It Further Resolved*, That the joint subcommittee
21 make a report to the legislative council in December,
22 1978, containing its recommendations and accompanied by
23 bill drafts to implement those recommendations.

Referred to committee on natural resources.

HOUSE RESOLUTION 137

By Husak

1 *Whereas*, the city of Toledo, Iowa is celebrating
2 its one hundred twenty-fifth anniversary on October 20,
3 1978; and

4 *Whereas*, Toledo, Iowa has established itself as a
5 town providing educational opportunities, excellent farm-
6 ing country and throughout the years has provided services
7 for the citizens of Toledo and surrounding areas; and

8 *Whereas*, it is fitting that the House of Representatives
9 extend its congratulations to Toledo, Iowa; *Now Therefore*,

10 *Be It Resolved by the House of Representatives*, That
11 Toledo, Iowa be congratulated on the one hundred twenty-fifth
12 anniversary of its founding, and

13 *Be It Further Resolved*, That a copy of this resolution
14 be forwarded to the Mayor of Toledo, Iowa.

Laid over under Rule 25.

ADOPTION OF HOUSE RESOLUTION 124

Pursuant to House Rule 26, the Speaker announced that House Resolution 124, filed on March 22, 1978 and found on pages 1119 and 1120 of the House Journal, was adopted by unanimous consent.

ADOPTION OF HOUSE RESOLUTION 131

Pursuant to House Rule 26, the Speaker announced that House Resolution 131, filed on April 4, 1978 and found on page 1335 of the House Journal, was adopted by unanimous consent.

BUSINESS PENDING

The House resumed consideration of **House File 2426**, a bill for an act relating to certain public retirement systems; including the Iowa public employees' retirement system relating to administration, contribution rates, coverage, and changes in benefits; and including the judicial retirement system relating to contributions assessed as court costs; and to make an appropriation.

Connors of Polk offered the following amendment H—6120 filed by Byerly of Polk and moved its adoption:

H—6120

1 Amend House File 2426 as follows:

2 1. Page 8, by inserting after line 13 the follow-
 3 ing section:
 4 "Sec. . Section ninety-seven B point fifty
 5 (97B.50), Code 1977, is amended to read as follows:
 6 97B.50 EARLY RETIREMENT.
 7 1. A member shall upon retirement on his early
 8 retirement date be entitled to receive a monthly
 9 retirement allowance determined in the same manner
 10 as provided for normal retirement in subsections 1,
 11 4 and 5 of section 97B.49 reduced by five-tenths of
 12 one percent per month for each month that the early
 13 retirement date precedes the normal retirement date.
 14 2. A member who has completed thirty or more years
 15 of service who retires from the system and commences
 16 receiving disability benefits pursuant to the United
 17 States Social Security Act (42 U.S.C.), as amended
 18 to July 1, 1978, who is eligible for early retirement,
 19 but has not reached the normal retirement date, shall
 20 receive full benefits under section ninety-seven B
 21 point forty-nine (97B.49) of the Code and shall not
 22 have benefits reduced upon retirement as required
 23 under subsection one (1) of this section.
 24 3. A member who has not completed thirty years
 25 of service who retires from the system and commences
 26 receiving disability benefits pursuant to the United
 27 State Social Security Act (42 U.S.C.), as amended
 28 to July 1, 1978, who is eligible for early retirement,
 29 but has not reached the normal retirement date, shall
 30 upon retirement have benefits received under section
 31 ninety-seven B point forty-nine (97B.49) of the Code
 32 reduced by twenty-five hundredths of one percent per
 33 month for each month that the early retirement date
 34 precedes the normal retirement date."
 35 2. By numbering and renumbering sections as
 36 necessary.

Amendment H—6120 was adopted.

Miller of Buchanan asked and received unanimous consent to temporarily defer action on amendment H—6116.

Miller of Buchanan offered the following amendment H—6117 filed by him:

H—6117

1 Amend House File 2426 as follows:
 2 1. Page 9, by inserting after line 9 the following
 3 section:
 4 "Sec. . Section ninety-seven B point fifty-three

5 (97B.53), subsection one (1), Code 1977, is amended to
6 read as follows:

- 7 1. Upon the termination of employment with the
8 employer prior to retirement other than by death of
9 a member, the accumulated contributions by the member
10 at the date of such termination will be paid to such
11 member if such member has completed at least two years
12 of service, except as may be provided in subsection 2,
13 subsection 5 and subsection 6 of this section.”
14 2. By numbering and renumbering sections as neces-
15 sary in accordance with this amendment.

Miller of Buchanan offered the following amendment H—6124,
to amendment H—6117, filed by him and moved its adoption:

H—6124

- 1 Amend amendment H—6117, to House File 2426, as
2 follows:
3 1. Page 1, line 11, by striking the word “two”
4 and inserting in lieu thereof the word “four”.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 40, nays 37.

Amendment H—6124 was adopted.

Miller of Buchanan moved the adoption of amendment H—6117,
as amended.

Roll call was requested by Miller of Buchanan and Bennett of
Ida.

Rules 69 and 70 were invoked.

On the question “Shall amendment H—6117, as amended, be
adopted?”

The ayes were, 33:

Bennett	Binneboese	Branstad	Brockett
Clark, J.H.	Crabb	Daggett	Danker
Den Herder	Dieleman	Evans	Gettings
Harbor	Harvey	Hinkhouse	Husak
Koogler	Lageschulte	Lind	Lindeen

Menke	Millen	Miller, K.D.	Pellett
Pelton	Poney	Schneklath	Spear
Stephens	Tofte	Welden	West
Wyckoff			

The nays were, 49:

Anderson	Arnould	Avenson	Baker
Brandt	Brunow	Clark, B.J.	Conlon
Connors	Crawford	Cusack	Davitt
Dunton	Garrison	Gentleman	Gilson
Griffie	Hansen	Hargrave	Hines
Hoffmann	Horn	Howell	Hullinger
Junker	Krewson	Lipsky	Loneragan
Middleswart	Miller (Sergeant)	Monroe	Nielsen
Norland	Oxley	Pavich	Perkins
Rinas	Scheelhaase	Schroeder	Shimanek
Small	Spencer	Svoboda	Tauke
Thompson	Varley	Wells	Woods
Mr. Speaker			

Absent or not voting, 18:

Bina	Byerly	Chiodo	Doyle
Dyrland	Egenes	Fitzgerald	Gilloon
Halvorson	Jesse	Jochum	Krause
Newhard	O'Halloran	Patchett	Smalley
Stromer	Walter		

Amendment H—6117, as amended, lost.

Miller of Buchanan asked and received unanimous consent to withdraw amendment H—6116, to page 9, filed by him on April 18, 1978.

Nielsen of Polk offered the following amendment H—6125 filed by Byerly of Polk and moved its adoption:

H—6125

- 1 Amend House File 2426 as follows:
- 2 1. Page 9, by inserting after line 9 the follow-
- 3 ing section:
- 4 "Sec. . Section ninety-seven B point fifty-
- 5 nine (97B.59), Code 1977, is amended to read as
- 6 follows:
- 7 97B.59 ACTUARY EMPLOYED. The department shall
- 8 employ an actuary as its technical advisor subject
- 9 to the approval of the legislative council. The
- 10 compensation of the actuary and of other employees

- 11 shall be fixed by the department within the
12 appropriations made therefor."

Amendment H—6125 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garrison of Black Hawk for a portion of the day on request of Dunton of Keokuk.

The Speaker announced that amendment H—6105 filed by Thompson, et al., on April 18, 1978, was out of order.

Thompson of Polk offered amendment H—6106 filed by her and Gentleman of Polk and requested division as follows:

H—6106

- 1 Amend House File 2426 as follows:

H—6106A

- 2 1. Page 9, by striking lines 10 through 35.
3 2. Page 10, by striking lines 1 through 6.

H—6106B

- 4 3. Page 11, by inserting after line 23 the follow-
5 ing section:
6 "Sec. . . Acts of the Sixty-seventh General
7 Assembly, 1977 Session, chapter fifty-six (56),
8 sections one (1) and two (2), are repealed."
9 4. By numbering and renumbering sections as
10 necessary.

Thompson of Polk asked and received unanimous consent to withdraw amendment H—6106A.

Thompson of Polk moved the adoption of amendment H—6106B.

Roll call was requested by Thompson of Polk and Menke of O'Brien.

Rules 69 and 70 were invoked.

On the question "Shall amendment H—6106B be adopted?"

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Den Herder	Egenes
Evans	Gentleman	Gilson	Hansen
Harbor	Hinkhouse	Hoffmann	Junker
Krewson	Lageschulte	Lind	Lindeen
Lipsky	Menke	Millen	Pellett
Pelton	Schneklath	Schroeder	Shimanek
Spear	Spencer	Stephens	Tauke
Thompson	Tofte	Varley	Welden
Wyckoff			

The nays were, 46:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Connors
Cusack	Davitt	Dieleman	Dunton
Fitzgerald	Gettings	Griffie	Hargrave
Hines	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Koogler
Krause	Loneragan	Middleswart	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Svoboda	Walter	Wells	West
Woods	Mr. Speaker		

Absent or not voting, 13:

Bina	Byerly	Chiodo	Doyle
Dyrland	Garrison	Gilloon	Halvorson
Harvey	O'Halloran	Small	Smalley
Stromer			

Amendment H—6106B lost.

Monroe of Des Moines offered the following amendment H—6137 filed by Monroe, et al., and moved its adoption:

H—6137

- 1 Amend House File 2426 as follows:
- 2 1. Page 10, by striking lines 7 through 23.
- 3 2. By renumbering sections as necessary in
- 4 accordance with this amendment.

Amendment H—6137 was adopted.

By unanimous consent the following amendment H—6144, filed by Brandt of Black Hawk from the floor, was adopted:

H—6144

- 1 Amend House File 2426 as follows:
- 2 1. Page 6, line 25, by striking the figures
- 3 "1979" and inserting in lieu thereof the figures
- 4 "1978".

Brandt of Black Hawk asked and received unanimous consent to withdraw amendment H—6107, to page 10, filed by her on April 18, 1978.

Brandt of Black Hawk offered amendment H—6108 filed by Small of Johnson. Division was requested as follows:

H—6108

- 1 Amend House File 2426 as follows:

H—6108A

- 2 1. Page 10, line 8, by striking the word "section"
- 3 and inserting in lieu thereof the word "sections".

H—6108B

- 4 2. Page 10, by inserting after line 23 the follow-
- 5 ing:
- 6 "NEW SECTION. A person who served as a member
- 7 of the general assembly during any period between
- 8 July 4, 1953 and January 7, 1979 who is not a member
- 9 of the Sixty-seventh General Assembly who submits
- 10 proof to the department of such membership in the
- 11 general assembly may make contributions to the system
- 12 for service equal to the accumulated contributions
- 13 as defined in section ninety-seven B point forty-one
- 14 (97B.41), subsection three (3), of the Code which
- 15 would have been made if the former member of the
- 16 general assembly had been a member of the system
- 17 during the member's service in the general assembly.
- 18 In addition, the former member of the general assembly
- 19 shall pay to the department an amount sufficient to
- 20 pay the employer contributions which would have been
- 21 made for the former member of the general assembly
- 22 plus two percent interest plus interest dividends
- 23 for all completed calendar years and for any completed
- 24 calendar year for which the interest dividend has

25 not been declared and for completed months of partially
26 completed calendar years at two percent interest plus
27 the interest dividend rate calculated for the previous
28 year, compounded annually, from the end of the calen-
29 dar year in which the contribution would have been
30 made to the first day of the month in which payment
31 is made."

Small of Johnson asked and received unanimous consent to withdraw amendment H-6108A.

By unanimous consent the following amendment H-6145, to amendment H-6108B, filed by Small of Johnson from the floor, was adopted:

H-6145

- 1 Amend amendment H-6108, to House File 2426, as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word "Sixty-
- 4 seventh" and inserting in lieu thereof the word
- 5 "Sixty-eighth".

Small of Johnson moved the adoption of amendment H-6108B, as amended.

A non-record roll call was requested.

The ayes were 14, nays 51.

Amendment H-6108B, as amended, lost.

Hansen of O'Brien offered amendment H-6109 filed by Stromer of Hancock. Division was requested as follows:

H-6109

- 1 Amend House File 2426 as follows:

H-6109A

- 2 1. Page 10, line 8, by striking the word "section"
- 3 and inserting in lieu thereof the word "sections".

H-6109B

- 4 2. Page 10, by inserting after line 23 the follow-
- 5 ing:

6 "NEW SECTION. An active, vested, or retired member
7 who at any time between July 4, 1953 and July 1, 1973
8 was a member of the system, but who did not meet the
9 requirements to be a vested member for that period
10 of membership service, and who received a refund of
11 contributions for that period of membership service
12 may elect in writing to the department to make
13 contributions to the system for that period of member-
14 ship service for which a refund of contributions was
15 made. The contributions repaid by the member for
16 such service shall be equal to the accumulated
17 contributions as defined in section ninety-seven B
18 point forty-one (97B.41), subsection thirteen (13),
19 of the Code, received by the member for that period
20 of membership service plus interest on the accumulated
21 contributions for the period from the date of receipt
22 by the member and to the date of repayment equal to
23 two percent plus the interest dividend rate applicable
24 for each year.
25 The provisions of this section shall only be avail-
26 able to a member if that member's total years of
27 membership and prior service, with the addition of
28 service for that period of membership service for
29 which contributions are repaid, equals or exceeds
30 fifteen years."

Hansen of O'Brien asked and received unanimous consent to withdraw amendment H-6109A.

Hansen of O'Brien offered the following amendment H-6121, to amendment H-6109B, filed by him and moved its adoption:

H-6121

- 1 Amend H-6109, the Stromer amendment, to House File
- 2 2426 as follows:
- 3 1. Page 1, line 12, by striking the words "in
- 4 writing to the department".
- 5 2. Page 1, line 15, by inserting after the word
- 6 "made." the words "The election shall be made in
- 7 writing to the department not later than June 30, 1979."

Amendment H-6121 was adopted.

Hansen of O'Brien moved the adoption of amendment H-6109B, as amended.

Roll call was requested by Branstad of Winnebago and Junker of Woodbury.

Rule 70 was invoked.

On the question "Shall amendment H—6109B, as amended, be adopted?"

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Hansen	Harbor	Harvey
Hoffmann	Husak	Junker	Krewson
Lageschulte	Lind	Lindeen	Menke
Millen	Pellett	Pelton	Rinas
Schnekloth	Schroeder	Shimanek	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Varley	Weiden	West
Wyckoff			

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Chiodo
Connors	Cusack	Davitt	Dieleman
Dunton	Fitzgerald	Gettings	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Horn	Howell	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Nielsen	Norland	Oxley
Patchett	Pavich	Perkins	Poncy
Scheelhaase	Small	Svoboda	Walter
Wells	Woods	Mr. Speaker	

Absent or not voting, 12:

Bina	Byerly	Den Herder	Doyle
Dyrland	Garrison	Halvorson	Hullinger
Lipsky	O'Halloran	Smalley	Stromer

Amendment H—6109B, as amended, lost.

Horn of Linn offered the following amendment H—6133 filed by him and requested a ruling on germaneness:

H—6133

- 1 Amend House File 2426 as follows:
- 2 1. Page 10, line 9, by inserting before the word
- 3 "An" the figure "1."

4 2. Page 10, by inserting after line 23 the
5 following:
6 "2. If the member eligible to make contributions
7 to the system pursuant to subsection one (1) of this
8 section was a member of the system at any time between
9 July 4, 1953 and July 1, 1971 and received a refund
10 of contributions for that period of membership service,
11 such member may elect in writing to the department
12 to make contributions to the system for that period
13 of membership service for which a refund of
14 contributions was made. The contributions repaid
15 by the member for such service shall be equal to the
16 accumulated contributions as defined in section ninety-
17 seven B point forty-one (97B.41), subsection thirteen
18 (13), of the Code, received by the member for that
19 period of membership service plus interest on the
20 accumulated contributions for the period from the
21 date of receipt by the member and to the date of
22 repayment equal to two percent plus the interest
23 dividend rate applicable for each year."

The Speaker ruled that amendment H—6133 was germane.

Horn of Linn moved the adoption of amendment H—6133.

Amendment H—6133 lost.

Tauke of Dubuque offered the following amendment H—6110
filed by him:

H—6110

1 Amend House File 2426 as follows:
2 1. Page 10, by inserting after line 23 the
3 following section:
4 "Sec. . Section ninety-seven C point two
5 (97C.2), subsection three (3), Code 1977, is amended
6 to read as follows:
7 3. The term "employee" includes elective and
8 appointive officials of the state or any political
9 subdivision thereof, except members of the general
10 assembly, elective officials in positions, the compen-
11 sation for which is on a fee basis, elective officials
12 of school districts, elective officials of townships,
13 and elective officials of other political subdivisions
14 who are in part-time positions; provided that no member
15 of a county board of supervisors shall be deemed to be
16 an elective official in a part-time position, but
17 every member of a county board of supervisors shall be
18 deemed to be an employee within the purview of this

19 chapter and shall be eligible to receive all of the
 20 benefits provided by this chapter to which he may be
 21 entitled as an employee."

Schroeder of Pottawattamie offered the following amendment H-6123, to amendment H-6110, filed by him and moved its adoption:

H-6123

1 Amend amendment H-6110 to House File 2426 as
 2 follows:
 3 1. Page 1, line 9, by striking "except" and
 4 inserting in lieu thereof the word "except".

A non-record roll call was requested.

The ayes were 58, nays 10.

Amendment H-6123 was adopted.

Tauke of Dubuque moved the adoption of amendment H-6110, as amended.

Roll call was requested by Koogler of Mahaska and Crabb of Crawford.

Rule 69 was invoked.

On the question "Shall amendment H-6110, as amended, be adopted?"

The ayes were, 54:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brockett	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Crabb	Crawford	Cusack	Davitt
Dieleman	Dunton	Egenes	Fitzgerald
Gettings	Gilloon	Griffiee	Hargrave
Harvey	Horn	Howell	Hullinger
Jesse	Jochum	Junker	Koogler
Krause	Krewson	Lind	Lipsky
Lonergan	Middleswart	Miller, K.D.	Monroe
Oxley	Pavich	Poncy	Rinas
Scheelhaase	Schroeder	Shimanek	Small
Spear	Svoboda	Tauke	Walter
Wells	Mr. Speaker		

The nays were, 29:

Bennett	Branstad	Conlon	Evans
Gentleman	Gilson	Hansen	Harbor
Hinkhouse	Hoffmann	Husak	Lageschulte
Lindeen	Menke	Millen	Miller (Sergeant)
Pellett	Pelton	Perkins	Schnekloth
Spencer	Stephens	Thompson	Tofte
Varley	Welden	West	Woods
Wyckoff			

Absent or not voting: 17:

Bina	Byerly	Daggett	Danker
Den Herder	Doyle	Dyrland	Garrison
Halvorson	Hines	Newhard	Nielsen
Norland	O'Halloran	Patchett	Smalley
Stromer			

Amendment H—6110, as amended, was adopted.

Monroe of Des Moines asked and received unanimous consent that the new section of the bill, provided in amendment H—6110, be included in Section 18 of the bill to make that provision effective January 1, 1979.

Fitzgerald of Webster asked and received unanimous consent to temporarily defer action on House File 2426.

HOUSE INSISTS
(House File 248)

Jesse of Polk called up for consideration **House File 248**, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties, and moved that the House insist on its amendment.

A non-record roll call was requested.

The ayes were 56, nays 16.

The motion prevailed and the House insists on its amendment.

On motion by Fitzgerald of Webster, the House was recessed until 2:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk for the afternoon session on request of Evans of Grundy.

INTRODUCTION OF BILLS

House File 2430, by committee on education, a bill for an act to prohibit discrimination on the basis of sex in certain educational institutions receiving or benefiting from state financial assistance.

Read first time and referred to the sifting committee.

House File 2431, by committee on education, a bill for an act to provide multipurpose service centers for displaced homemakers.

Read first time and referred to the sifting committee.

House File 2432, by committee on education, a bill for an act relating to the employment and payment by the state board of regents of attorneys and counselors as its authorized bargaining representatives for purposes of collective bargaining.

Read first time and referred to the sifting committee.

House File 2433, by committee on state government, a bill for an act making technical corrections and relating to chapter ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977 Session.

Read first time and referred to the sifting committee.

House File 2434, by committee on county government, a bill for an act making statutory changes which affect the duties, responsibilities and procedures of county treasurers with regard to tax sales, collection of taxes and fees, tax levies, maintenance of records and disposition of county funds.

Read first time and referred to the sifting committee.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

POINT OF ORDER

Clark of Lee rose on a point of order and invoked Rule 32 on House File 2255.

The Speaker ruled the point not well taken and Rule 32 not in order.

CONSIDERATION OF BILLS

The House resumed consideration of **House File 2426**, a bill for an act relating to certain public retirement systems; including the Iowa public employees' retirement system relating to administration, contribution rates, coverage, and changes in benefits; and including the judicial retirement system relating to contribution assessed as court costs; and to make an appropriation.

Speaker pro tempore Nielsen of Polk in the chair at 2:40 p.m.

Lipsky of Linn offered the following amendment H—6102 filed by her and moved its adoption:

H—6102

- 1 Amend House File 2426 as follows:
- 2 1. Page 10, by striking lines 24 through 35.
- 3 2. Page 11, by striking lines 1 through 23.

Roll call was requested by Tauke of Dubuque and Clark of Lee.

On the question "Shall amendment H—6102 be adopted?"

The ayes were, 35:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Harbor	Harvey	Hoffmann
Junker	Krewson	Lageschulte	Lind
Lindeen	Lipsky	Menke	Pellett
Schnekloth	Schroeder	Shimanek	Stephens
Svoboda	Tauke	Thompson	Tofte
Walter	Wells	Mr. Speaker	
		(Nielsen)	

The nays were, 48:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Chiодо
Cochran	Connors	Davitt	Dieleman
Dunton	Fitzgerald	Garrison	Gettings
Gilloon	Gilson	Griffee	Hansen
Hargrave	Hinkhouse	Horn	Howell
Hullinger	Husak	Koogler	Krause
Lonergan	Middleswart	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	Oxley
Patchett	Pavich	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Spear
Spencer	Welden	West	Wyckoff

Absent or not voting, 17:

Bina	Byerly	Cusack	Den Herder
Doyle	Dyrland	Halvorson	Hines
Jesse	Jochum	Millen	O'Halloran
Small	Smalley	Stromer	Varley
Woods			

Amendment H—6102 lost.

Monroe of Des Moines offered the following amendment H—6122 filed by him and moved its adoption:

H—6122

- 1 Amend House File 2426 as follows:
- 2 1. Page 11, line 11, by inserting after the word
- 3 "liabilities" the words "for future benefits for
- 4 active members in excess of the projected contributions
- 5 by contributing judges and the state".
- 6 2. Page 11, line 11, by inserting after the word
- 7 "amount" the words "for the period beginning January
- 8 1, 1979 and ending December 31, 1998,".
- 9 3. Page 11, line 18, by striking the words "clerk
- 10 of the supreme court" and inserting in lieu thereof
- 11 the words "court administrator of the judicial
- 12 department".

Amendment H—6122 was adopted.

Schroeder of Pottawattamie asked and received unanimous consent to withdraw amendment H—6126, to page 11, filed by him on April 19, 1978.

Welden of Hardin asked and received unanimous consent to temporarily defer action on the motion to reconsider amendment H-6103A.

Welden of Hardin called up for consideration the motion to reconsider amendment H-6103B filed by him on April 19, 1978 and moved to reconsider the vote by which amendment H-6103B failed to be adopted by the House on April 19, 1978.

Roll call was requested by Welden of Hardin and Lipsky of Linn.

Rules 69 and 70 were invoked.

On the question "Shall the motion to reconsider amendment H-6103B prevail?"

The ayes were, 41:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Hansen	Harbor	Harvey
Hoffmann	Junker	Krewson	Lageschulte
Lind	Lindeen	Lipsky	Menke
Millen	Miller, K.D.	Pellett	Pelton
Schneklath	Shimanek	Spear	Spencer
Stephens	Svoboda	Tauke	Thompson
Tofte	Varley	Welden	West
Wyckoff			

The nays were, 48:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Dunton	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Griffie
Hargrave	Hines	Hinkhouse	Horn
Howell	Hullinger	Husak	Jesse
Jochum	Koogler	Krause	Lonergan
Middleswart	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Patchett	Pavich
Perkins	Poncy	Rinas	Scheelhaase
Walter	Wells	Woods	Mr. Speaker (Nielsen)

Absent or not voting, 11:

Bina	Byerly	Den Herder	Doyle
Dyrland	Halvorson	O'Halloran	Schroeder
Small	Smalley	Stromer	

The motion lost.

Welden of Hardin asked and received unanimous consent to withdraw the motion to reconsider amendment H—6103A filed by him on April 19, 1978.

West of Marshall moved to reconsider the vote by which amendment H—6106B failed to be adopted by the House on April 20, 1978.

Roll call was requested by Pelton of Clinton and Thompson of Polk.

Rule 70 was invoked.

On the question "Shall the motion to reconsider amendment H—6106B prevail?"

The ayes were, 42:

Bennett	Branstad	Brockett	Clark, B.J.
Clark, J.H.	Conlon	Crabb	Crawford
Daggett	Danker	Egenes	Evans
Gentleman	Gilson	Hansen	Harbor
Harvey	Hoffmann	Junker	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Menke	Millen	Pellett	Pelton
Schneklath	Schroeder	Shimanek	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Varley	Welden	West
Woods	Wyckoff		

The nays were, 47:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Brunow	Chiodo
Cochran	Connors	Cusack	Davitt
Dieleman	Dunton	Fitzgerald	Garrison
Gettings	Gilloon	Griffiee	Hargrave
Hines	Hinkhouse	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krause	Loneragan	Middleswart
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard

Oxley	Patchett	Pavich	Perkins
Poncy	Rinas	Scheelhaase	Svoboda
Walter	Wells	Mr. Speaker (Nielsen)	

Absent or not voting, 11:

Bina	Byerly	Den Herder	Doyle
Dyrland	Halvorson	Norland	O'Halloran
Small	Smalley	Stromer	

The motion lost.

By unanimous consent the following amendment H—6163, filed by Monroe of Des Moines from the floor, was adopted:

H—6163

- 1 Amend House File 2426 as follows:
- 2 1. Title page, by striking lines 1 through 7 and
- 3 inserting in lieu thereof the following:
- 4 "An Act relating to certain public retirement systems
- 5 and making an appropriation."

Brandt of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Under the provisions of Rule 71, Lindeen of Henry refrained from voting.

On the question "Shall the bill pass?" (H.F. 2426)

The ayes were, 78:

Anderson	Arnould	Avenson	Baker
Binneboese	Brandt	Branstad	Brockett
Brunow	Chiodo	Clark, B.J.	Clark, J.H.
Cochran	Conlon	Connors	Crabb
Crawford	Cusack	Daggett	Davitt
Dieleman	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffiee	Hansen
Hargrave	Harvey	Hines	Hinkhouse
Hoffmann	Horn	Howell	Hullinger
Husak	Jesse	Jochum	Junker
Koogler	Krause	Krewson	Lageschulte
Lipsky	Lonerган	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard

Norland	Oxley	Patchett	Pavich
Pelton	Perkins	Poncy	Rinas
Scheelhaase	Shimanek	Small	Stephens
Svoboda	Tauke	Thompson	Tofte
Walter	Wells	West	Woods
Wyckoff	Mr. Speaker (Nielsen)		

The nays were, 10:

Bennett	Danker	Harbor	Lind
Menke	Pellett	Schneklath	Spear
Spencer	Welden		

Absent or not voting, 12:

Bina	Byerly	Den Herder	Doyle
Dyrland	Halvorson	Lindeen	O'Halloran
Schroeder	Smalley	Stromer	Varley

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

MOTION TO RECONSIDER LOST (House File 2426)

Monroe of Des Moines asked for unanimous consent that House File 2426 be immediately messaged to the Senate.

Objection was raised.

Monroe of Des Moines moved to reconsider the vote by which House File 2426 passed the House on April 20, 1978.

A non-record roll call was requested.

The ayes were 33, nays 38.

The motion lost.

SENATE FILE 2229 SUBSTITUTED FOR HOUSE FILE 2424

Horn of Linn asked and received unanimous consent to substitute Senate File 2229 for House File 2424.

Senate File 2229, a bill for an act relating to and appropriating funds for capital projects relating to educational agencies, was taken up for consideration.

Crawford of Story offered the following amendment H—6098 filed by him and moved its adoption:

H—6098

- 1 Amend Senate File 2229 as passed by the
- 2 Senate as follows:
- 3 1. Page 2, by inserting after line 24 the
- 4 following:
- 5 "For renovation of the
- 6 Quadrangle building.....\$3,885,000."

Roll call was requested by Koogler of Mahaska and Pavich of Pottawattamie.

On the question "Shall amendment H—6098 be adopted?"

The ayes were, 23:

Bennett	Brockett	Clark, J.H.	Conlon
Crawford	Egenes	Evans	Gentleman
Hansen	Harbor	Hines	Hoffmann
Krewson	Lipsky	Millen	Pellett
Pelton	Schneklath	Shimanek	Stephens
Tauke	Thompson	Tofte	

The nays were, 55:

Anderson	Avenson	Baker	Binneboese
Brandt	Brunow	Clark, B.J.	Cochran
Connors	Crabb	Cusack	Danker
Davitt	Dieleman	Fitzgerald	Garrison
Gettings	Gilloon	Gilson	Hargrave
Harvey	Horn	Howell	Husak
Jesse	Jochum	Junker	Koogler
Krause	Lageschulte	Lind	Lindeen
Lonergan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Moñroe	Newhard	Norland
Oxley	Patchett	Pavich	Poncy
Rinas	Scheelhaase	Spear	Spencer
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker (Nielsen)	

Absent or not voting, 22:

Arnould	Bina	Branstad	Byerly
Chiodo	Daggett	Den Herder	Doyle
Dunton	Dyrland	Griffee	Halvorson
Hinkhouse	Hullinger	O'Halloran	Perkins
Schroeder	Small	Smalley	Stromer
Svoboda	Varley		

Amendment H—6098 lost.

Horn of Linn offered the following amendment H—6149 filed by Horn, Cusack, Koogler, Wells, Avenson, Jesse, Dunton, Welden, Norland and Den Herder from the floor and moved its adoption:

H—6149

- 1 Amend Senate File 2229 as follows:
- 2 1. Page 2, by inserting after line 35 the
- 3 following:
- 4 "However, funds appropriated by this
- 5 subsection shall not be used for
- 6 planning the construction of new
- 7 buildings or major additions to
- 8 existing buildings."

Amendment H—6149 was adopted.

Horn of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2229)

The ayes were, 85:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffee	Hansen	Harbor
Hargrave	Hines	Hinkhouse	Hoffmann
Horn	Howell	Hullinger	Husak
Jochum	Junker	Koogler	Krause
Krewson	Lageschulte	Lind	Lindeen

Lipsky	Loneragan	Menke	Middleswart
Millen	Miller, K.D.	Miller (Sergeant)	Monroe
Newhard	Norland	Oxley	Patchett
Pavich	Pellet	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklöth
Schroeder	Shimanek	Small	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 1:

Crabb

Absent or not voting, 14:

Bina	Branstad	Brockett	Byerly
Den Herder	Doyle	Dyrland	Halvorson
Harvey	Jesse	O'Halloran	Smalley
Stromer	Varley		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 1978, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 2074, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2231, a bill for an act changing the exemptions for the state sales tax in section four hundred twenty-two point forty-five (422.45), subsections five (5) and seven (7), of the Code.

KEVIN P. LIGHT, Acting Secretary

HOUSE INSISTS
(House File 2074)

Avenson of Fayette called up for consideration **House File 2074**, a bill for an act relating to the holding of meetings by governmental bodies expressly created by statute or executive order, local governmental bodies, and other groups created by such governmental bodies, in open session, unless otherwise exempted by statute, and providing remedies and damages, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

SENATE AMENDMENT CONSIDERED

Wyckoff of Benton called up for consideration **House File 2174**, a bill for an act making appropriations to the department of justice, amended by the Senate amendment H—6068, found on page 1560 of the House Journal, and moved that the House concur in the Senate amendment H—6068.

The motion prevailed and the House concurred in the Senate amendment H—6068.

Wyckoff of Benton moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2174)

The ayes were, 80:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Cochran
Conlon	Connors	Crabb	Crawford
Cusack	Daggett	Danker	Davitt
Dieleman	Dunton	Egenes	Evans
Fitzgerald	Garrison	Gentleman	Gettings
Gilloon	Gilson	Griffee	Hansen
Harbor	Hargrave	Hines	Hinkhouse
Hoffmann	Horn	Howell	Husak

Jesse	Junker	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Loneragan	Menke	Middleswart	Miller, K.D.
Miller (Sergeant)	Newhard	Norland	Oxley
Patchett	Pavich	Pellett	Pelton
Perkins	Poncy	Scheelhaase	Schneklloth
Schroeder	Shimanek	Small	Spear
Spencer	Stephens	Tauke	Thompson
Tofte	Walter	Welden	Wells
West	Woods	Wyckoff	Mr. Speaker (Nielsen)

The nays were, none.

Absent or not voting, 20:

Bina	Branstad	Brockett	Byerly
Den Herder	Doyle	Dyrland	Halvorson
Harvey	Hullinger	Jochum	Koogler
Millen	Monroe	O'Halloran	Rinas
Smalley	Stromer	Svoboda	Varley

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2424 WITHDRAWN

Horn of Linn asked and received unanimous consent to withdraw House File 2424 from further consideration by the House.

HOUSE FILE 2175 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2175 be deferred and that the bill retain its place on the calendar.

CONSIDERATION OF BILLS

House File 2404, a bill for an act relating to child abuse, was taken up for consideration.

Gentleman of Polk asked for unanimous consent that action on House File 2404 be deferred.

Objection was raised.

Lonergan of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2404)

The ayes were, 81:

Anderson	Arnould	Baker	Bennett
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Cochran	Conlon
Connors	Crabb	Crawford	Cusack
Daggett	Danker	Davitt	Dieleman
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gettings	Gilloon	Gilson
Griffee	Hansen	Harbor	Hargrave
Hines	Hinkhouse	Hoffmann	Horn
Howell	Hullinger	Jesse	Jochum
Junker	Krause	Krewson	Lageschulte
Lindeen	Lipsky	Lonergan	Menke
Middleswart	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Norland	Patchett
Pavich	Pellett	Pelton	Perkins
Poncy	Rinas	Scheelhaase	Schneklath
Schroeder	Shimaneck	Small	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Walter	Welden
Wells	West	Woods	Wyckoff
Mr. Speaker (Nielsen)			

The nays were, 2:

Gentleman	Lind
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Absent or not voting, 17:

Avenson	Bina	Branstad	Brockett
Byerly	Den Herder	Doyle	Dyrland
Halvorson	Harvey	Husak	Koogler
O'Halloran	Oxley	Smalley	Stromer
Varley			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER LOST
(House File 2404)

Loneragan of Boone moved to reconsider the vote by which House File 2404 passed the House on April 20, 1978.

A non-record roll call was requested.

The ayes were 25, nays 39.

The motion lost.

Speaker Cochran in the chair at 5:22 p.m.

HOUSE INSISTS
(Senate File 2054)

Davitt of Warren called up for consideration **Senate File 2054**, a bill for an act relating to the deposit of school district income surtax moneys, and moved that the House insist on its amendment.

The motion prevailed and the House insists on its amendment.

CONFERENCE COMMITTEES APPOINTED
(Senate File 2054)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2054: Davitt of Warren, Chair; Miller of Buchanan, Wells of Linn, Daggett of Adams and Menke of O'Brien.

(Senate File 244)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 244: Monroe of Des Moines, Chair; Avenson of Fayette, Brandt of Black Hawk, Harvey of Scott and Welden of Hardin.

(House File 248)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate

concerning House File 248: Jesse of Polk, Chair; Anderson of Jasper, Jochum of Dubuque, Gentleman of Polk and Branstad of Winnebago.

HOUSE FILE 2275 WITHDRAWN

Hines of Story asked and received unanimous consent to withdraw House File 2275 from further consideration by the House.

APPOINTMENT OF SIFTING COMMITTEE NONCONTROVERSIAL CALENDAR COMMITTEE

The Speaker announced the appointment of the following sifting committee members to the sifting noncontroversial calendar committee: Koogler of Mahaska, Chair; Davitt of Warren and Schroeder of Pottawattamie.

HOUSE CONCURRENT RESOLUTION 122

By Fitzgerald, Millen Rinas, Tauke,
Lonergan, Hargrave, Koogler and Harvey

- 1 *Whereas*, the general assembly exercises the lawmaking
2 function of the state of Iowa pursuant to article III of
3 the Constitution of the state of Iowa; and
4 *Whereas*, inherent in that lawmaking power is the
5 power to oversee executive agencies and conduct investi-
6 gations, including the powers to subpoena witnesses, and
7 documents, put witnesses under oath and to punish for
8 contempt; and
9 *Whereas*, the organization and procedures of the Iowa
10 national guard has been called into question; and
11 *Whereas*, serious questions have arisen as to use of
12 state funds appropriated by the general assembly to the
13 Iowa national guard; and
14 *Whereas*, serious questions have also arisen with
15 respect to the liability of the state for the alleged
16 improper expenditures of federal funds by the Iowa national
17 guard; and
18 *Whereas*, the general assembly is charged in article III
19 of the constitution with the expenditure of these funds; and
20 *Whereas*, the general assembly deems it necessary,
21 appropriate and advisable to investigate the foregoing
22 actions of the Iowa national guard so that the general
23 assembly can determine more accurately any future appropria-
24 tion levels, or need for legislation, *Now Therefore*,
25 *Be It Resolved by the House of Representatives, the*
26 *Senate Concurring*,
27 1. That there is established a joint committee of the
28 general assembly. The committee shall be called the govern-
29 ment operations committee. The committee shall be composed
30 of five members appointed from the house and five members

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1 appointed from the senate.

2 2. That the members from the senate shall be appointed
3 by the senate majority leader. The members from the house
4 shall be appointed by the speaker of the house. Not more
5 than three members from each house shall be appointed from
6 the same political party.

7 3. That the committee shall continue in existence
8 from the date of appointment to January 8, 1979.

9 4. That the committee is authorized and empowered to
10 exercise all of the inherent and statutory investigative
11 powers of the general assembly, including the power to sub-
12 poena documents and witnesses, put witnesses under oath and
13 punish for contempt within the authorized scope of its
14 investigations.

15 5. That the committee shall select from its membership
16 a chairperson and vice-chairperson. The committee shall
17 adopt rules of procedure governing its proceedings. The
18 chairperson or the vice-chairperson in the chairperson's
19 absence shall preside over the committee. Vacancies in
20 the membership shall be filled in the same manner as the
21 original appointment and shall not affect the authority of
22 the remaining members to execute the functions with which
23 the committee is empowered.

24 6. That a majority of the members of the committee
25 shall constitute a quorum for the transaction of business,
26 but the committee may fix a lesser number as a quorum for
27 the purpose of taking testimony or taking depositions.

28 7. That the general assembly expressly authorizes
29 and directs the committee to make a complete investigation
30 and study of all activities of any and all persons or

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1 groups of persons or organizations of any kind (including
2 governmental agencies) which investigation may reveal the
3 full facts in respect to the following matters or questions:

4 a. The misappropriation of state funds, materials and
5 supplies for personal use.

6 b. The misuse of federal equipment and funds for
7 personal use for which the state may be required to reimburse
8 the federal government.

9 c. The misuse of federal equipment for unauthorized use
10 for which the state may be required to reimburse the federal
11 government.

12 d. The filing of duplicate claims for travel reimburse-
13 ment with both federal and state authorities.

14 e. The use of non-appropriated state funds.

15 f. The use of training time of guard personnel for
16 personal purposes.

17 g. The expenditures by the national guard of all moneys

- 18 appropriated to the body by the state of Iowa, or by the
 19 federal government.
- 20 h. The accounting procedures of the guard.
- 21 i. All other matters which affect or relate to the above.
- 22 8. That the general assembly hereby empowers and directs
 23 the legislative council as an agency of the general assembly
 24 and pursuant to section two point twelve (2.12) of the Code
 25 to employ and fix the compensation of such clerical, investi-
 26 gative, legal, technical and other assistants as the council
 27 deems necessary and appropriate to the committee's investi-
 28 gation.
- 29 9. That, with respect to the investigation by the govern-
 30 ment operations committee authorized by this resolution, the

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- 1 legislative council shall exercise all those powers and
 2 duties not otherwise inconsistent with this resolution, which
 3 powers and duties the council is authorized with respect to
 4 interim committees pursuant to chapter two (2) of the Code.
- 5 10. That the committee as an agency of the general
 6 assembly and with the approval of the legislative council
 7 is hereby empowered and directed:
- 8 a. To sit and act at any time or place during sessions,
 9 recesses, and interims between sessions of the general
 10 assembly.
- 11 b. To hold hearings and take testimony under oath or
 12 to receive documentary or physical evidence relating to
 13 the matters and questions it is authorized to investigate.
- 14 c. To require by subpoena or otherwise the attendance
 15 of witnesses who the committee believes have knowledge or
 16 information concerning any matters or questions it is
 17 authorized to investigate and study.
- 18 d. To require by subpoena or order any departments,
 19 agency, officer, or employee of the executive branch of the
 20 state, or any private person, firm, or corporation, or any
 21 officers thereof to produce for the committees considera-
 22 tion—evidence, books, records, recordings, tapes, or
 23 material in obedience to any subpoena or order.
- 24 e. To take depositions and other testimony under oath
 25 within this state.
- 26 f. To obtain the temporary or intermittent services
 27 of individual consultants subject to approval of the legis-
 28 lative council.
- 29 g. To hold hearings and conduct other committee action
 30 in closed session when the witness requests and when the

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- 1 committee determines that in the interest of justice
 2 such meetings should be closed.
- 3 h. To have access, through the agency of any member of
 4 the committee, counsel of the committee, or any other person

5 upon written authorization of the committee chair, to any
6 data, evidence, information, reports, documents or analysis
7 of the matters or questions which it is authorized and
8 directed to investigate and study in the custody or under
9 the control of any department agency, officer, or employee
10 of the executive branch having the power under the laws of
11 this state to investigate alleged criminal activities or to
12 prosecute persons charged with crimes against the state
13 which will aid the committee to prepare for or conduct the
14 investigation and study authorized and directed by this
15 resolution unless such information is prohibited to it
16 pursuant to law.

17 i. Subpoenas may be issued by the committee acting
18 through the chairperson or any other member designated by
19 the chair and may be served as provided for subpoenas in
20 civil actions in the district court. The chairperson or
21 any member authorized by such person is hereby authorized
22 to administer oaths to any witnesses appearing before the
23 committee.

24 11. That the committee shall recommend to the general
25 assembly any legislation which the investigation reveals
26 is necessary or desirable.

Referred to committee on state government.

HOUSE RESOLUTION 138
By Avenson, Griffee and Bina

1 *Whereas*, the city of Protivin is a Czech settle-
2 ment with its origin dating back to the 1850's; and
3 *Whereas*, the Holy Trinity Church was dedicated
4 on May 29, 1878 and was the first structure forming
5 the settlement of Protivin; and
6 *Whereas*, the city of Protivin was platted in June,
7 1878 and is named after Protivin, Bohemia; and
8 *Whereas*, the city of Protivin is now a modern city
9 which provides many services to the surrounding rural
10 community and yet maintains its pride in its heritage;
11 and
12 *Whereas*, the city of Protivin, Iowa is nearing the
13 centennial celebration of its founding as a city,
14 *Now Therefore*
15 *Be It Resolved By The House of Representatives,*
16 That the membership of the House of Representatives
17 of the Sixty-seventh General Assembly of the State
18 of Iowa extends its heartiest congratulations to the
19 city of Protivin, Iowa in commemoration of the
20 centennial anniversary of its founding in this year
21 of 1978; and
22 *Be It Further Resolved,* That a copy of this

- 23 resolution be forwarded to the mayor, the city council,
- 24 and the citizens of Protivin who are in charge of
- 25 making preparations for the centennial celebration.

Laid over under Rule 25.

UNANIMOUS CONSENT CALENDAR (House Resolution 133)

We hereby respectfully request that House Resolution 133, filed on April 11, 1978 and found on page 1463 of the House Journal, be placed on the unanimous consent calendar.

LONERGAN of Boone
EGENES of Story
ANDERSON of Jasper

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred twenty students from Pella High School, Pella, Iowa, accompanied by Kevin O'Hare and Norris Hale. By Dieleman of Marion.

Forty-five ninth grade students from Fairfield Junior High School, Fairfield, Iowa. By Millen of Van Buren.

Seventy-eight seniors from Belle Plaine High School, Belle Plaine, Iowa. By Husak of Tama.

Eighty-five seniors from Johnston High School, Johnston, Iowa, accompanied by Dave Pitz and Jack Finley. By Krewson of Polk.

Fifty fifth grade Camp Fire Girls from Cedar Rapids, Iowa, accompanied by Mrs. Deane Spieler, Mrs. Pat Arenas, Mrs. Nada Geitz, Mrs. Marlene Miller, Mrs. Susan Moser and Mrs. Jill Robins. By Lipsky of Linn.

Twenty-eight eighth grade students from Arnolds Park Elementary School, Arnolds Park, Iowa. By Hansen of O'Brien.

Forty-five fifth grade students from Franklin Elementary School, Muscatine, Iowa. By Hoffman of Muscatine.

Seventy fourth grade students from Lake Mills Elementary School, Lake Mills, Iowa. By Branstad of Winnebago.

Forty sixth grade students from Villisca Community School, Villisca, Iowa, accompanied by Mrs. Elmer Simpson. By Daggett of Adams.

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 492 Budget

Appropriating funds to the state department of health to implement a program to regulate the installation and use of radiation emitting equipment and materials.

REPORT OF COMMITTEE MEETING

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following report of a committee meeting has been received and is on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON STATE GOVERNMENT

Scheduled: 1:00 p.m., April 19, 1978

Convened: 1:15 p.m.

Adjourned: 2:15 p.m.

Present: Monroe, chair; Woods, vice-chair; Harvey, ranking member; Avenson, Brandt, Crawford, Dieleman, Griffie, Hansen, Middleswart, Patchett, Poncy, Shimanek, Stromer, Tauke and West.

Absent: Arnould, Jesse, and Junker.

Excused: Walter.

Senate File 94, a bill for an act relating to moving expenses for employees of the state department of transportation.

Recommended Amend and Do Pass.

Fiscal note is required.

Aye: Monroe, Woods, Harvey, Brandt, Crawford, Griffee, Middleswart, Shimanek, Stromer, Tauke and West.

Nay: None.

Absent or not voting: Arnould, Avenson, Dieleman, Hansen, Jesse, Junker, Patchett, Poncey and Walter.

Study Bill 393, a bill for an act making technical corrections and relating to chapter ninety-five (95) of the Acts of the Sixty-seventh General Assembly, 1977 Session.

Recommended Do Pass.

Fiscal note is not required.

Aye: Monroe, Harvey, Brandt, Crawford, Dieleman, Griffee, Hansen, Middleswart, Patchett, Poncey, Shimanek, Stromer, Tauke and West.

Nay: None.

Absent or not voting: Arnould, Avenson, Woods, Jesse, Junker and Walter.

House Concurrent Resolution 118, relating to modernization of Chapter 252 **failed to pass.**

AMENDMENTS FILED

H-6146	H.F. 72	Committee on Ways and Means
H-6147	S.F. 221	Committee on Ways and Means
H-6148	H.F. 2175	Hargrave of Johnson
H-6150	H.F. 419	Connors of Polk
Egenes of Story		Jochum of Dubuque
Small of Johnson		Smalley of Polk
Wells of Linn		Crabb of Crawford
Hines of Story		Pavich of Pottawattamie
Thompson of Polk		Lageschulte of Bremer
Poncey of Wapello		Brockett of Marshall
Horn of Linn		Branstad of Winnebago
Chiodo of Polk		Gilloon of Dubuque

H-6151	H.F. 2175	Baker of Buena Vista Harvey of Scott Wyckoff of Benton
H-6152	H.F. 2417	Shimanek of Jones Krause of Kossuth
H-6155	H.F. 2417	Newhard of Jones
H-6156	H.F. 2417	Tauke of Dubuque
H-6157	S.F. 2216	Evans of Grundy
H-6158	H.F. 2388	Dieleman of Marion
H-6159	H.F. 2175	Committee on State Government
H-6160	H.F. 2175	Junker of Woodbury
H-6161	S.F. 2221	Spear of Lee
H-6162	H.F. 2417	Newhard of Jones

On motion by Fitzgerald of Webster, the House adjourned at 5:30 p.m., until 9:00 a.m., Friday, April 21, 1978.

JOURNAL OF THE HOUSE

One Hundred Third Calendar Day—Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 21, 1978

The House met pursuant to adjournment, Speaker Cochran in the chair.

Prayer was offered by the Reverend David Sholes, pastor of the First Friends Church, Des Moines, Iowa.

The Journal of Thursday, April 20, 1978 was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Rhodes, Sr., Pocahontas, Iowa.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Smalley of Polk and Brockett of Marshall on request of Evans of Grundy; Byerly of Polk on request of Baker of Buena Vista; Harbor of Mills on request of Wyckoff of Benton.

UNANIMOUS CONSENT

Fitzgerald of Webster asked and received unanimous consent to defer action on House File 2423 and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 79, a bill for an act relating to the withdrawal of a city from a county library district.

Also: That the Senate has on April 18, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 356, a bill for an act relating to the licenses and certificates for the taking of fish and game.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 570, a bill for an act relating to inspections by insurance companies of any place of employment.

Also: That the Senate has on April 18, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 593, a bill for an act relating to procedures for nomination of candidates and elections.

Also: That the Senate has on April 19, 1978, receded from its amendment to, and passed the following bill:

House File 2170, a bill for an act making appropriations to the department of general services for operating purposes.

Also: That the Senate has on April 20, 1978, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2277, a bill for an act relating to the sale by area schools of student-constructed buildings and certain property.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the Senate was asked:

House File 2354, a bill for an act relating to the implementation in Iowa of the initial regulatory program developed under the Federal Surface Mining Control and Reclamation Act of 1977.

Also: That the Senate has on April 19, 1978, insisted on its amendment to House File 2382, a bill for an act relating to flight from the state to avoid prosecution and providing a penalty, and the members of the conference committee on the part of the Senate, appointed April 20, 1978, are:

The Senator from Pocahontas, Senator Scott, Chair; the Senator from Sioux, Senator DeKoster; the Senator from Osceola, Senator Ramsey; the Senator from Linn, Senator Rush; and the Senator from Polk, Senator Willits.

Also: That the Senate has on April 20, 1978, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 112, requesting the President of the United States, the Secretary of Transportation, the Interstate Commerce Commission, the Federal Railroad Administration and Congress to act on a solution to the midwest rail crisis.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2076, a bill for an act relating to the training and certification of and the services performed by advanced emergency medical technicians and paramedics.

Also: That the Senate has on April 20, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems.

KEVIN P. LIGHT, Acting Secretary

SENATE AMENDMENT TO
HOUSE FILE 2277

H-6165

1 Amend House File 2277 as follows:
2 1. Page 1, line 9, by inserting after the word
3 "board." the following: "If a student-constructed
4 building and the property it is located on is sold
5 by any procedure other than the bid procedure pur-
6 suant to sections two hundred ninety-seven point
7 twenty-two (297.22) through two hundred ninety-
8 seven point twenty-four (297.24), Code 1977,
9 the building and property shall not be sold to any
10 person directly related, within the third degree of
11 consanguinity, to any member of the board, or the
12 spouse of any member, or to any employee of the
13 area school, or the spouse of any employee. If
14 a student-constructed building and the property
15 it is located on is sold by a real estate broker,
16 the broker shall not be directly related, within
17 the third degree of consanguinity, to any member of
18 the board, or the spouse of any member, or to any
19 employee of the area school, or the spouse of any
20 employee. Neither shall the broker with whom the
21 building and property are listed have any business
22 or financial relationship with a member of the
23 board, or the spouse of any member, or any employee
24 of the area school directly involved in teaching or
25 supervision of the construction of the house, or
26 the spouse of any such employee."

SENATE AMENDMENT TO HOUSE FILE 593

H-6153

1 Amend House File 593, as amended, passed
2 and reprinted by the House as follows:

3 1. By striking all after the enacting clause
4 and inserting in lieu thereof the following:

5 "Section 1. Section thirty-nine point three
6 (39.3), Code 1977, is amended by adding the following
7 new subsection:

8 **NEW SUBSECTION.** "Ballot issue" means any
9 question, other than the retention in office of a
10 judge, which is lawfully submitted to the voters at
11 any election for determination by a yes or no vote.

12 Sec. 2. Section forty-three point sixty-
13 six (43.66), Code 1977, is amended to read as follows:

14 43.66 **WRITE-IN CANDIDATES.** The fact that
15 the candidate who receives the highest number of votes
16 cast for any party's nomination for an office to which
17 section 43.52 or 43.65 is applicable is a person whose
18 name was not printed on the official primary election
19 ballot shall not affect the validity of the person's
20 nomination as a candidate for that office in the
21 general election. However, if there is no candidate
22 on the official primary ballot of a political party
23 for nomination to a particular office, a write-in
24 candidate may obtain the party's nomination to that
25 office in the primary if the candidate receives a
26 number of votes equal to at least thirty-five percent
27 of the total vote cast for all of that party's
28 candidates for that office in the last preceding
29 primary election for which the party had candidates
30 on the ballot for that office. If there have been
31 no candidates from a political party for a seat in
32 the general assembly since the most recent
33 redistricting of the general assembly, a write-in
34 candidate shall be considered nominated who receives
35 a number of votes equal to at least thirty-five percent
36 of the total votes cast, in the last preceding primary
37 election in the precincts where that seat is on the
38 ballot, for all of that party's candidates for
39 governor. When two or more nominees are required,
40 the division procedure prescribed in section 43.52
41 shall be applied to establish the minimum number of
42 write-in votes necessary for nomination. If the
43 primary is inconclusive, the necessary nominations
44 shall be made in accordance with section 43.78,
45 subsection 1.

46 Sec. 3. Section forty-three point seventy-
47 eight (43.78), subsection one (1), paragraph c, Code
48 1977, is amended to read as follows:

49 c. For senator or representative in the
50 general assembly, by the party precinct committee

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1 members whose precincts lie within the senatorial
2 or representative district involved, who shall be
3 convened or reconvened as appropriate by the state
4 party chairperson. The party's state constitution
5 or bylaws may allow shall require that the voting
6 strength of each precinct represented at such a
7 convention to be made proportionate to the vote cast
8 for the party's candidate for the office in question
9 governor in the respective precincts at the last
10 general election for that office.

11 Sec. 4. Section forty-three point eighty-
12 eight (43.88), Code 1977, is amended by adding the
13 following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. Nominations
15 certified to the proper official under this section
16 shall be accompanied by an affidavit executed by the
17 nominee in substantially the form required by section
18 forty-three point sixty-seven (43.67) of the Code.

19 Sec. 5. Section forty-three point ninety-
20 two (43.92), Code 1977, is amended to read as follows:
21 43.92 DATE OF CAUCUS PUBLISHED. The date,
22 time, and place of each precinct caucus of a political
23 party shall be published at least twice in at least
24 one newspaper of general circulation in the precinct.
25 Such The first publication shall be made not more
26 than thirty fifteen days and not nor less than five
27 seven days before the date of the caucus and the
28 second shall be made not more than seven days before
29 and not later than the date of the caucus. Such
30 publication shall also state in substance that each
31 voter affiliated with the specified political party
32 may attend the precinct caucus. Publication in a
33 news item or advertisement in such newspaper shall
34 constitute publication for the purposes of this
35 section. The cost of such publication, if any, shall
36 be paid by the political party.

37 Sec. 6. Section forty-three point ninety-
38 three (43.93), Code 1977, is amended to read as
39 follows:

40 43.93 PLACE OF HOLDING CAUCUS. Each precinct
41 caucus shall be held in a building which is publicly
42 owned or is suitable for and from time to time made
43 available for holding public meetings wherever it
44 is possible to do so. A county political party
45 chairperson may apply to the appropriate authority
46 for use of suitable facilities in a public building
47 for a precinct caucus of that political party. The
48 application shall be made as provided by section
49 forty-nine point twenty-one (49.21) of the Code.
50 Any damage to the building or furniture resulting

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1 from the caucus shall be paid by the political party
2 holding the caucus.

3 Sec. 7. Section forty-three point one hundred
4 seventeen (43.117), Code 1977, is amended to read
5 as follows:

6 43.117 PLURALITY VOTE NOMINATES AND ELECTS.

7 A plurality shall nominate the party candidate for
8 all offices filled by elections authorized by section
9 43.112, and a plurality shall elect the precinct
10 ~~committeemen~~ committee members.

11 Sec. 8. Section forty-five point one (45.1),
12 Code 1977, is amended to read as follows:

13 45.1 NOMINATIONS BY PETITION. Nominations
14 for candidates for state offices may be made by
15 nomination paper or papers signed by not less than
16 one thousand eligible electors of the state; for
17 candidates for offices filled by the voters of a
18 county, district or other division by such papers
19 signed by eligible electors residing in the county,
20 district or division equal in number to at least two
21 percent of the total vote received by all candidates
22 for president of the United States or governor, as
23 the case may be, at the last preceding general election
24 in such county, district or division; and for township,
25 city or ward, by such papers signed by ~~not less than~~
26 ~~twenty five~~ eligible electors, residents of such
27 township, city or ward who are (or would be, if
28 registered) entitled to vote to fill the office in
29 question, equal in number to at least two percent
30 of those who voted to fill the office in question
31 at the last preceding election at which the office
32 was on the ballot, but in no case fewer than ten
33 persons.

34 Sec. 9. Chapter forty-seven (47), Code 1977,
35 is amended by adding the following new section:

36 NEW SECTION. COUNTY COMMISSIONERS ADVISORY
37 COMMITTEE. There is established the county
38 commissioners advisory committee, for the purpose
39 of providing to the state voter registration
40 commission, the state commissioner and the campaign
41 finance disclosure commission liaison and advice
42 concerning implementation of the state's laws and
43 rules governing elections, and of the campaign
44 disclosure— income tax checkoff Act, at the local
45 level. The county commissioners advisory committee
46 shall consist of six county commissioners; one chosen
47 by and serving at the pleasure of the voter
48 registration commission from each of the districts
49 in the state defined by the Iowa state association
50 of counties. Each appointment to the advisory

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1 committee shall be made from a list of nominees
2 submitted by the association. The commissioners so
3 designated may be reimbursed from funds of the voter
4 registration commission for travel and other actual
5 and necessary expenses incurred in attending not more
6 than three meetings of the advisory committee each
7 fiscal year.

8 Sec. 10. Section forty-eight point two
9 (48.2), Code 1977, is amended by striking the section
10 and inserting in lieu thereof the following:

11 48.2 REGISTRATION PROCEDURE.

12 1. Any person who is an eligible elector
13 may register to vote by one of the following methods:

14 a. By personally submitting a completed
15 voter registration form to the commissioner, or an
16 employee of that officer, in the eligible elector's
17 county of residence.

18 b. By personally completing a voter
19 registration form with a mobile registrar according
20 to the provisions of section forty-eight point twenty-
21 seven (48.27) of the Code.

22 c. By submitting a completed postcard voter
23 registration form to the commissioner by one of the
24 following procedures:

25 (1) By United States mail, postage paid
26 by the sender.

27 (2) In person, either by the registrant
28 or by the county chairperson of a political party
29 as defined in section forty-three point two (43.2)
30 of the Code or of a nonparty political organization,
31 or the chairperson of the candidate's committee as
32 defined by section fifty-six point two (56.2) of the
33 Code designated by a candidate nominated under chapter
34 forty-five (45) of the Code. However, any such
35 chairperson may designate one particular individual
36 to act in lieu of that chairperson for the purpose
37 of this subparagraph.

38 A county or committee chairperson or such
39 chairperson's designee, or anyone who accepts delivery
40 of a completed postcard voter registration form,
41 either from the person who is intending to be
42 registered by this procedure or from someone else,
43 and who willfully fails to deliver or delays in
44 delivering any other person's completed postcard voter
45 registration form to the commissioner and thereby
46 causes that person to be ineligible to vote in an
47 election commits a public offense punishable as a
48 simple misdemeanor.

49 d. By the method prescribed in section
50 fifty-three point thirty-eight (53.38) of the Code,

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1 if the registrant is entitled to vote according to
2 the provisions of sections fifty-three point thirty-
3 seven (53.37) through fifty-three point fifty-two
4 (53.52) of the Code.

5 2. Any person who is an eligible elector
6 in all respects except age may, at any time during
7 the six months next preceding his or her eighteenth
8 birthday, register to vote.

9 3. An improperly addressed or delivered
10 registration form shall be forwarded to the appropriate
11 commissioner within five working days after it is
12 received by any other official.

13 4. No qualified elector shall be required
14 to re-register as a voter solely by reason of a change
15 of the street name or house number identifying the
16 place where that qualified elector resides.

17 Sec. 11. Section forty-eight point three
18 (48.3), Code 1977, is amended by striking the section
19 and inserting in lieu thereof the following:

20 48.3 EFFECTIVE DATE OF REGISTRATION. The
21 effective date of a registration to vote shall be:

22 1. The tenth day after the date of
23 registration if the registration was received pursuant
24 to section forty-eight point two (48.2), subsection
25 one (1), paragraphs a or b of the Code as amended
26 by this Act, except that the effective date shall
27 be eleven days after the date of registration if a
28 registration taken by a mobile registrar is completed
29 after 5:00 o'clock p.m. or received after 6:00 o'clock
30 p.m. and before 12:00 o'clock midnight on the tenth
31 day preceding an election occurring in the precinct
32 where the registrant lives.

33 2. The twenty-fifth day after the date of
34 the postmark on the registration card or the envelope
35 in which the card was enclosed, or the twenty-fifth
36 day after the day the registration was delivered in
37 person to the commissioner, if the registration was
38 received pursuant to section forty-eight point two
39 (48.2), subsection one (1), paragraph c of the Code
40 as amended by this Act.

41 Subsections one (1) and two (2) of this
42 section notwithstanding, the effective date of a
43 registration shall be the eighteenth birthday of the
44 registrant if that date is later than the date
45 specified in subsections one (1) or two (2) of this
46 section.

47 Sec. 12. Section forty-eight point five
48 (48.5), subsection two (2), paragraphs d and e, Code
49 1977 Supplement, is amended to read as follows:

50 d. The state chairperson and the county

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1 chairperson of each qualified political party, as
2 defined in section 48.4 and the chairperson of each
3 state political party central committee or nonparty
4 political organization, and each qualified candidate
5 nominated under chapter forty-five (45) of the Code
6 for a partisan office, may each request and shall
7 receive without charge three lists or reports during
8 the two-year period prior to each general election,
9 in the order and form requested. However, the actual
10 preparation cost of the lists to which any one
11 requester is entitled over such two-year period,
12 including the cost of special programming necessary
13 to comply with each particular request, shall not
14 exceed a total of two cents per qualified elector
15 in the state or in the county or district for which
16 the requester is entitled to receive lists. The lists
17 or data requested by the county chairpersons shall
18 pertain only to qualified electors of that county.
19 The lists or reports requested under this paragraph
20 shall be delivered on or before the date specified
21 by the requester, if the requester gives at least
22 thirty days advance notice of that date and the timing
23 of the request and the order and form specified do
24 not conflict with the restrictions of paragraph "c"
25 of this subsection. For the purposes of this
26 paragraph:

27 (1) A qualified political party, nonparty
28 political organization or candidate nominated under
29 chapter forty-five (45) of the Code for a partisan
30 office is one which has shown significant support
31 by having raised or expended not less than four cents
32 per qualified elector in the state in the two-year
33 period immediately preceding the most recent statewide
34 general election, or not less than three cents per
35 qualified elector in the state in the period since
36 the most recent statewide general election.

37 (2) A political party, nonparty political
38 organization or candidate nominated under chapter
39 forty-five (45) of the Code for a partisan office
40 which is not qualified at the state level under
41 subparagraph one (1) of this paragraph may obtain
42 lists or reports as provided by this paragraph for
43 the county or district, as the case may be with respect
44 to the partisan office being sought, if it has shown
45 significant support by having raised or expended not
46 less than four cents per qualified elector in that
47 district or county in the two-year period immediately
48 preceding the most recent statewide general election,
49 or not less than three cents per qualified elector
50 in that district or county in the period since the

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1 most recent statewide general election.
2 (3) The campaign finance disclosure
3 commission, or the secretary of state in the case
4 of a candidate for federal office, shall promptly
5 inform the registrar when the amount of money raised
6 or expended by any political party, nonparty political
7 organization or candidate nominated under chapter
8 forty-five (45) of the Code for a partisan office
9 entitles that party, organization or candidate to
10 free lists under this paragraph.

11 (4) A partisan office is one for which
12 candidates are listed on the general election ballot
13 under political party labels.
14 e. A periodic updating of the registration
15 lists showing all additions, changes and deletions
16 since the previous updating shall be provided at least
17 once each fourteen days month except during the two
18 three weeks prior to the close of registration before
19 any election, when it shall be provided daily every
20 second day if requested. Each requester under this
21 paragraph shall receive the updating data at the same
22 time, which shall be determined by the registrar,
23 but in an order and form specified by the requester.
24 Each requester, except those who obtained the initial
25 list of qualified electors under paragraph "d" of
26 this subsection, shall pay the cost of duplicating
27 the updating data before receiving a copy thereof.
28 Each requester who receives lists under paragraph
29 d of this subsection shall also receive updateings
30 of those lists without charge under this paragraph,
31 so long as the cost of the lists provided to that
32 requester, including the cost of any updating under
33 this paragraph and any associated administrative
34 costs, has not exceeded the two cents per qualified
35 elector maximum cost limitation of paragraph d.

36 Sec. 13. Section forty-eight point six
37 (48.6), Code 1977, is amended by striking the last
38 unnumbered paragraph.

39 Sec. 14. Section forty-eight point seven
40 (48.7), Code 1977, is amended by striking the section
41 and inserting in lieu thereof the following:

42 48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.

43 1. A qualified elector may record a legal
44 change of name or a change of address, for voter
45 registration purposes, by one of the following methods:

46 a. The qualified elector may submit to the
47 commissioner a written notice of the change of name
48 or address, bearing the elector's signature. Upon
49 receipt of the notice, the commissioner shall change
50 the registration records accordingly and the change

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1 shall be reflected in the election registers prepared
2 for the next election held ten or more days after
3 receipt of the qualified elector's notice. If the
4 notice received by the commissioner does not contain
5 the information necessary to properly update the
6 registration records, the commissioner shall
7 immediately send notice to the elector, by forwardable
8 mail directed to the elector's last known address,
9 that the elector's registration is defective. The
10 commissioner's notice shall advise the elector of
11 the corrections necessary.

12 b. A qualified elector who fails to notify
13 the commissioner of a change of name or address ten
14 or more days before an election may do so on the day
15 of that election at the polling place for the precinct
16 in which the elector currently resides, to the extent
17 permitted by subsection three (3) of this section.
18 The precinct election officials shall furnish such
19 a qualified elector a postcard registration form,
20 as prescribed for use under section forty-eight point
21 two (48.2), subsection one (1), paragraph c of the
22 Code as amended by this Act. The elector shall
23 complete the form and submit it to the precinct
24 election officials, who shall return it to the
25 commissioner with the election supplies.

26 2. A qualified elector who has recorded
27 a change of name or address at a polling place pursuant
28 to subsection one (1), paragraph b of this section
29 may then cast a ballot as follows:

30 a. If the qualified elector's name and
31 address under the former registration appear on the
32 election register of that polling place for the
33 election being held that day, the elector may cast
34 a ballot in the same manner as those whose names and
35 addresses appear correctly in the election register.

36 b. If the qualified elector claims to be
37 registered in some other precinct in the same county,
38 the elector may cast a ballot under section forty-
39 nine point eighty-one (49.81) of the Code. The
40 notation "recorded change of address at polls" shall
41 be placed by a precinct election official in the space
42 provided for stating the reason for challenge, and
43 the sealed ballot envelope shall be processed as
44 required by section fifty point twenty (50.20) of
45 the Code as amended by this Act.

46 3. The provisions of subsection one (1)
47 of this section shall not apply to:

48 a. Any person who has not registered or
49 whose registration has been canceled pursuant to
50 section forty-eight point thirty-one (48.31) of the

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1 Code; nor

2 b. Any person previously a qualified elector
3 who has failed to complete a new registration after
4 moving to a county in this state other than that in
5 which the person most recently registered, except
6 that a qualified elector may record a change of address
7 to a new county at a polling place on election day
8 and may then cast a ballot as provided by subsection
9 two (2), paragraph a of this section of the qualified
10 elector's name and address under the former
11 registration appear on an election register at that
12 polling place for the election being held that day.
13 In such cases, the registration form completed by
14 the qualified elector shall be forwarded to the
15 commissioner of the elector's current county of
16 residence by the commissioner conducting the election.

17 Sec. 15. Section forty-eight point eight
18 (48.8), unnumbered paragraph one (1), Code 1977, is
19 amended to read as follows:

20 The ~~county~~ commissioner of registration shall
21 prepare an election register for each county precinct
22 between the time of the closing of registration and
23 election day. The election register shall be a copy
24 of the list of all qualified electors of the precinct
25 and shall be in a form prescribed by the state
26 ~~commissioner of elections~~ voter registration
27 ~~commission.~~

28 Sec. 16. Section forty-eight point ten
29 (48.10), Code 1977, is amended by striking the section
30 and inserting in lieu thereof the following:

31 48.10 DECEASED PERSONS—RECORD. The state
32 registrar of vital statistics shall transmit or cause
33 to be transmitted to the state registrar of voters,
34 on or before the tenth day of each month, a certified
35 list of all persons seventeen and one-half years of
36 age and older in the state whose deaths have been
37 reported to the records and statistics division of
38 the department of health since the previous list of
39 decedents was certified to the state registrar of
40 voters. The list shall be submitted according to
41 the specifications of the state registrar of voters,
42 who shall determine whether each listed decedent was
43 registered to vote in this state. If the decedent
44 was registered in a county which uses its own data
45 processing facilities for voter registration record-
46 keeping, the registrar shall notify the commissioner
47 in that county who shall cancel the decedent's
48 registration. If the decedent was registered in a
49 county for which voter registration record-keeping
50 is performed under contract by the registrar, the

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1 registrar shall immediately cancel the registration
2 and request the commissioner of the county in which
3 the decedent was registered to vote to remove that
4 person's registration from the manual files.

5 Sec. 17. Section forty-eight point eleven
6 (48.11), Code 1977, is amended by striking the section
7 and inserting in lieu thereof the following:

8 **48.11 WHEN COMMISSIONER'S OFFICE TO BE OPEN.**

9 The office of the commissioner shall be open from
10 8:00 a.m. until at least 6:00 p.m. on the tenth day
11 prior to each general election, and also prior to
12 any other election if so requested by a petition
13 signed by twenty-five or more eligible electors of
14 the political subdivision in which the election is
15 being held and filed in the commissioner's office
16 at least fifteen days prior to that election.

17 Sec. 18. Section forty-eight point twelve
18 (48.12), Code 1977, is amended by adding the following
19 new unnumbered paragraph:

20 **NEW UNNUMBERED PARAGRAPH.** Within five working
21 days after receiving a registration in any manner
22 provided by section forty-eight point two (48.2),
23 subsection one (1), paragraph c of the Code as amended
24 by this Act, the commissioner shall send the registrant
25 a receipt of the registration by first class mail
26 marked "do not forward". If the receipt is returned
27 by the postal service the commissioner shall treat
28 the registration as prescribed by section forty-eight
29 point thirty-one (48.31), subsection eight (8) of
30 the Code.

31 Sec. 19. Section forty-eight point fifteen
32 (48.15), Code 1977, is amended by striking the section
33 and inserting in lieu thereof the following:

34 **48.15 CHALLENGES OF VOTER REGISTRATIONS.**

35 1. Any person may challenge the registration
36 to vote of any other person, by filing an individual
37 challenge in writing with the commissioner of the
38 county in which the person challenged is registered.
39 The written challenge need not be in detail, but must
40 allege one or more reasons why, under law, the
41 registration of the person challenged should not have
42 been accepted or should be canceled.

43 2. A challenge of a person's registration
44 filed less than seventy days prior to a regularly
45 scheduled election need not be processed by the
46 commissioner prior to that election unless the
47 registration, change of name or change of address
48 has been recorded within twenty days prior to the
49 date of the challenge.

50 3. The commissioner shall immediately give

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1 five days' notice of a hearing, by certified mail,
2 to the person whose registration is challenged and
3 to the challenger. The notice shall set forth the
4 reason for the challenge as stated by the challenger.
5 The person challenged may either appear in person
6 at the hearing, or respond in writing addressed to
7 the commissioner and delivered by mail or otherwise
8 prior to the time set for the hearing. However, if
9 the person challenged notifies the commissioner prior
10 to the date set for the hearing that such person
11 wishes to appear in person but will be unable to do
12 so on the date specified, the commissioner may
13 reschedule the hearing. On the basis of the evidence
14 presented by the challenger and the challenged elector,
15 the commissioner shall either cancel the registration
16 of the challenged elector or reject the challenge.
17 Either party may appeal to the district court of the
18 county in which the challenge is made, and a date
19 for the hearing shall be fixed and the decision of
20 such court shall be final.

21 Sec. 20. Section forty-eight point thirty-
22 one (48.31), subsection one (1), Code 1977, is amended
23 to read as follows:

24 1. The elector fails to vote once in the
25 last preceding next succeeding four consecutive
26 calendar years after the elector's most recent
27 registration or change of name or address or after
28 the elector most recently voted.

29 Sec. 21. Section forty-eight point thirty-
30 one (48.31), Code 1977, is amended by striking
31 subsection three (3).

32 Sec. 22. Section forty-nine point ten
33 (49.10), Code 1977, is amended by adding the following
34 new subsection:

35 NEW SUBSECTION. The residents of any precinct
36 may, at any time except within sixty days prior to
37 an election to be held in that precinct, petition
38 the commissioner to change the polling place for the
39 precinct. A petition submitted under this subsection
40 must briefly state how the proposed change would
41 facilitate voter access to the appropriate polling
42 place, and must bear the signatures of eligible
43 electors of the precinct equal in number to ten percent
44 of those registered to vote in that precinct. Within
45 thirty days after receipt of such a petition the
46 commissioner shall either comply with the request
47 made in the petition or reply in writing that the
48 request has been denied and state the reasons for
49 the denial.

50 Sec. 23. Chapter forty-nine (49), Code 1977,

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1 is amended by inserting after section forty-nine point
2 thirteen (49.13) the following new section:

3 **NEW SECTION. SUBSTITUTE PRECINCT ELECTION**
4 **OFFICIALS.**

5 1. The commissioner may appoint substitute
6 precinct election officials as alternates for election
7 board members. A majority of the original election
8 board members shall be present at the precinct polling
9 place at all times; at partisan elections such majority
10 shall include at least one precinct election official
11 from each political party. If the chairperson leaves
12 the polling place, he or she shall designate another
13 member of the board to serve as chairperson until
14 the chairperson returns. The responsibilities and
15 duties of a precinct election official present at
16 the time the polling place was opened on the day of
17 an election may be assumed at any later time that
18 day by a substitute appointed as an alternate. The
19 substitute shall serve either for the balance of that
20 election day or for such shorter period of time as
21 the commissioner may designate.

22 2. Substitute precinct election officials
23 shall be appointed and shall serve in accordance with
24 sections forty-nine point twelve (49.12), forty-nine
25 point thirteen (49.13), forty-nine point fifteen
26 (49.15) and forty-nine point sixteen (49.16) of the
27 Code, and shall receive compensation as provided by
28 sections forty-nine point nineteen (49.19), forty-
29 nine point twenty (49.20) and forty-nine point one
30 hundred twenty-five (49.125) of the Code. Upon
31 arriving at the polling place and prior to performing
32 any official duty, a substitute precinct election
33 official shall take the oath required by section
34 forty-nine point seventy-five (49.75) of the Code.

35 3. The commissioner shall not employ
36 substitute precinct election officials in a partisan
37 election unless:

38 a. The election board panel drawn up pursuant
39 to section forty-nine point fifteen (49.15) of the
40 Code contains the names of a sufficient number of
41 political party designees to permit appointment of
42 both the regular precinct election officials and any
43 substitute precinct election officials from that
44 panel; or

45 b. The commissioner has informed the county
46 chairpersons of the political parties referred to
47 in section forty-nine point thirteen (49.13),
48 subsection two (2) of the Code, thirty days prior
49 to the date of the election, of intent to appoint
50 substitute precinct election officials and has allowed

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1 ten days thereafter for the respective county
2 chairpersons to provide additional names of persons
3 from whom the substitute precinct election officials
4 shall be appointed. If a county chairperson fails
5 to provide additional names after being so notified,
6 the commissioner may appoint persons known to be
7 members of the appropriate political party or parties.

8 Sec. 24. Section forty-nine point twenty
9 (49.20), Code 1977, is amended to read as follows:

10 49.20 COMPENSATION OF MEMBERS. The members
11 of election boards shall receive two dollars per hour
12 compensation at an hourly rate established by the
13 board of supervisors, which shall not be less than
14 the hourly rate of pay established for pay grade ten,
15 step one, under the state merit system, while engaged
16 in the discharge of their duties and shall be
17 reimbursed for actual and necessary travel expense,
18 except that persons whom the commissioner has been
19 advised prior to their appointment to the election
20 board are willing to serve without pay at elections
21 conducted for any school district or a city of three
22 thousand five hundred or less population shall receive
23 no compensation for service at those elections.
24 Compensation shall be paid to members of election
25 boards only after the vote has been canvassed and
26 it has been determined in the course of such canvass
27 that the election record certificate has been properly
28 executed by the election board.

29 Sec. 25. Section forty-nine point twenty-
30 one (49.21), unnumbered paragraph two (2), Code 1977,
31 is amended to read as follows:

32 Upon the application of the commissioner
33 or a county political party chairperson, the authority
34 which has control of any buildings or grounds supported
35 by taxation under the laws of this state shall make
36 available the necessary space therein for the purpose
37 of holding elections, without charge for the use
38 thereof.

39 Sec. 26. Section forty-nine point seventy-
40 two (49.72), Code 1977, is amended to read as follows:

41 49.72 ABSENTEE VOTERS DESIGNATED BEFORE
42 POLLING PLACE OPENED. The commissioner shall deliver
43 to each precinct election board not less than one
44 hour before the time at which the polls are to open
45 for any election the list of all qualified electors
46 of that precinct who have been given or sent an
47 absentee ballot for that election, and the election
48 board shall immediately designate those qualified
49 electors who are so listed and therefore not entitled
50 to vote in person at the polls, as required by except

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1 pursuant to section 53.19. The designation shall
2 be different from the mark made to indicate that an
3 elector has actually voted.

4 Prior to recording the date a qualified
5 elector has most recently voted, on the permanent
6 registration records, the commissioner shall perfect
7 the election register by further designating those
8 electors who requested an absentee ballot but did
9 not return it nor vote pursuant to section fifty-three
10 point nineteen (53.19) of the Code. Such electors
11 shall not be recorded as having voted.

12 Sec. 27. Section forty-nine point seventy-
13 seven (49.77), Code 1977, is amended by striking
14 subsection four (4) and inserting in lieu thereof
15 the following:

16 4. A person whose name does not appear on
17 the election register of the precinct in which that
18 person claims the right to vote shall be permitted
19 to vote there in the usual manner only if the
20 commissioner informs the precinct election officials
21 that an error has occurred and that the person is
22 a qualified elector of that precinct. However, a
23 person may cast a ballot in the manner prescribed
24 by section forty-nine point eighty-one (49.81) of
25 the Code if:

26 a. That person insists that he or she is
27 a qualified elector of the precinct, although the
28 commissioner finds no record of the person's
29 registration; or

30 b. That person is a qualified elector who
31 is entitled to do so under section forty-eight point
32 seven (48.7) subsection two (2), paragraph b of the
33 Code as amended by this Act.

34 Sec. 28. Section forty-nine point eighty-
35 one (49.81), Code 1977, is amended to read as follows:

36 49.81. PROCEDURE FOR CHALLENGED VOTER TO
37 CAST BALLOT.

38 1. A prospective voter who is prohibited
39 under section forty-eight point seven (48.7),
40 subsection two (2), paragraph b, 49.77, subsection
41 4, or 49.80 from voting except under this section
42 shall be permitted to cast a special paper ballot.
43 If a booth meeting the requirement of section 49.25
44 is not available at that polling place, the precinct
45 election officials shall make alternative arrangements
46 to insure the challenged each voter required to use
47 a special paper ballot the opportunity to vote in
48 secret. The marked ballot, folded as required by
49 section 49.84, shall be delivered to a precinct
50 election official who shall immediately seal it in

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1 an envelope of the type prescribed by subsection 4.
 2 The sealed envelope shall be deposited in a special
 3 envelope marked "ballots for special precinct" and
 4 shall be considered as having been cast in the special
 5 precinct established by section 53.20 for purposes
 6 of the postelection canvass.

7 2. Each person who casts a challenged special
 8 paper ballot under this section shall receive a printed
 9 statement in substantially the following form: "Your
 10 qualifications as an elector have been challenged
 11 for the following reasons:

- 12 1.
- 13 2.
- 14 3.

15 Your right to vote will be reviewed by the special
 16 precinct counting board on You have the
 17 right and are encouraged to make a written statement
 18 and submit additional written evidence to this board
 19 supporting your qualifications as an elector. This
 20 written statement and evidence may be given to an
 21 election official of this precinct on election day
 22 or mailed or delivered to the county commissioner
 23 of elections, but must be received prior to noon on
 24 at If your ballot is not counted
 25 you will receive notification of this fact."

26 3. Any elector may present written statements
 27 or documents, supporting or opposing the counting
 28 of any challenged special paper ballot, to the precinct
 29 election officials on election day, until the hour
 30 for closing the polls. Any statements or documents
 31 so presented shall be delivered to the commissioner
 32 when the election supplies are returned.

33 4. The individual envelopes used for each
 34 special paper ballot cast pursuant to subsection 1
 35 shall have printed upon them:

36 "Challenged Elector's Special Paper Ballot

37 I believe I am a qualified elector of this
 38 precinct. I registered to vote in this county on
 39 or about at I have not moved
 40 to a different precinct since that time without
 41 recording the new address with the commissioner,
 42 except as noted hereon. I am a United States citizen,
 43 at least eighteen years of age.

44
 45 (signature of elector) (address of elector)

46
 47 (signature of precinct election official) (date)

48
 49 Reason for challenge:
 50

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1"

2 Sec. 29. Section forty-nine point eighty-
3 three (49.83), Code 1977, is amended to read as
4 follows:

5 49.83 NAMES TO BE MARKED ON ELECTION
6 REGISTER. The name of each voter shall be marked
7 on the election register by a precinct election
8 official when the voter's declaration of eligibility
9 has been ~~approved~~ received by the officials. The
10 name and address of each person who casts a paper
11 ballot pursuant to section forty-nine point eighty-
12 one (49.81) of the Code shall be clearly printed in
13 a special election register by a precinct election
14 official, and the elector casting the ballot shall
15 sign the special election register opposite his or
16 her name. The special election register so compiled
17 shall serve to meet the requirements of section fifty
18 point twenty (50.20) of the Code.

19 Sec. 30. Section forty-nine point one hundred
20 four (49.104), Code 1977, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. Any persons expressing an
23 interest in a ballot issue to be voted upon at any
24 election except a general or primary election. Any
25 such person shall file a notice of intent to serve
26 as an observer with the commissioner prior to election
27 day. If more than three such persons file a notice
28 of intent with respect to any issue or issues on the
29 ballot at any election, the commissioner shall appoint
30 from those submitting a notice of intent three persons
31 to serve as observers. The appointees, whenever
32 possible, shall include both opponents and proponents
33 of the ballot issue or issues.

34 Sec. 31. Section forty-nine point one hundred
35 twenty-five (49.125), Code 1977, is amended to read
36 as follows:

37 49.125 COMPENSATION OF TRAINEES. All
38 election personnel attending such training course
39 shall be paid for attending such course for a period
40 not to exceed two hours, and shall be reimbursed for
41 travel to and from the place where the training is
42 given at the rate specified in section 79.9 if the
43 distance involved is more than five miles. The wages
44 shall be two dollars per hour computed at the hourly
45 rate established pursuant to section forty-nine point
46 twenty (49.20) of the Code, and payment of wages and
47 mileage for attendance shall be made at the time that
48 payment is made for duties performed on election day.

49 Sec. 32. Section fifty point seventeen
50 (50.17), Code 1977, is amended by striking the section

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1 and inserting in lieu thereof the following:
2 50.17 RETURN OF ELECTION MATERIALS. All
3 precinct election registers, all ballots, the signed
4 and attested tally sheets, and all other election
5 supplies required by law to be returned to the
6 commissioner from the respective precinct polling
7 places shall be delivered to the commissioner by one
8 of the precinct election officials, designated for
9 that purpose by the commissioner, not later than noon
10 of the day following the election.

11 Sec. 33. Section fifty point twenty (50.20),
12 Code 1977, is amended to read as follows:

13 50.20 NOTICE OF NUMBER OF CHALLENGED SPECIAL
14 PAPER BALLOTS—REVIEW OF CERTAIN BALLOT ENVELOPES.

15 1. The commissioner shall compile a list
16 of the number of challenged special paper ballots
17 cast under section 49.81 in each precinct. The list
18 shall be made available to the public as soon as
19 possible, but in no case later than nine o'clock a.m.
20 on the second day following the election. Any elector
21 may examine the list during normal office hours, and
22 may also examine the affidavit envelopes bearing the
23 ballots of challenged electors cast under section
24 forty-nine point eighty-one (49.81) of the Code until
25 the reconvening of the special precinct board as
26 required by this chapter section fifty point twenty-
27 one (50.21) of the Code. Only those persons so
28 permitted by section 53.23, subsection 4, shall have
29 access to the affidavits ballot envelopes while that
30 board is in session. Any elector may present written
31 statements or documents, supporting or opposing the
32 counting of any challenged special paper ballot, at
33 the commissioner's office until the reconvening of
34 the special precinct board.

35 2. Prior to the reconvening of the special
36 precinct board, pursuant to section fifty point twenty-
37 one (50.21) of the Code, the commissioner shall examine
38 the registration records for each elector who cast
39 a special paper ballot under section forty-eight point
40 seven (48.7), subsection two (2), paragraph b of the
41 Code as amended by this Act, and the precinct election
42 register in which that elector's name appeared under
43 the former registration, and shall report the findings
44 without conclusions or recommendations to the special
45 precinct board. The special precinct board shall
46 count the ballot unless it concludes that the qualified
47 elector has voted more than once in that election,
48 or that the person who cast the sealed ballot is not
49 a qualified elector.

50 Sec. 34. Section fifty point twenty-three

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1 (50.23), Code 1977, is amended to read as follows:

2 50.23 MESSENGERS FOR MISSING TALLY LISTS.

3 The commissioner shall send messengers for all tally
4 lists and other election materials not received in
5 the commissioner's office by noon of the day following
6 the election the time required by section fifty point
7 seventeen (50.17) of the Code. The expense of securing
8 such tally lists shall be paid by the county.

9 Sec. 35. Chapter fifty (50), Code 1977,

10 is amended by adding the following new section:

11 **NEW SECTION. GENERAL RECOUNT PROVISIONS.**

12 1. The county board of canvassers shall
13 order a recount of the votes cast for a particular
14 office or nomination in one or more specified election
15 precincts in that county if a written request therefor
16 is made not later than five o'clock p.m. on the third
17 day following the county board's canvass of the
18 election in question. The request shall be filed
19 with the commissioner of that county, or with the
20 commissioner responsible for conducting the election
21 if section forty-seven point two (47.2), unnumbered
22 paragraph two (2), of the Code is applicable, and
23 shall be signed by:

24 a. A candidate for that office or nomination
25 whose name was printed on the ballot of the precinct
26 or precincts where the recount is requested; or

27 b. Any other person who receives votes for
28 that particular office or nomination in the precinct
29 or precincts where the recount is requested and who
30 is legally qualified to seek and to hold the office
31 in question.

32 This section shall not apply to any election
33 held by a city which is not the final election for
34 the office in question.

35 2. The candidate requesting a recount under
36 this section shall post a bond, unless the abstracts
37 prepared pursuant to section fifty point twenty-four
38 (50.24) of the Code, or section forty-three point
39 forty-nine (43.49) of the Code in the case of a primary
40 election, indicate that the difference between the
41 total number of votes cast for the apparent winner
42 and the total number of votes cast for the candidate
43 requesting the recount is less than the greater of
44 fifty votes or one percent of the total number of
45 votes cast for the office or nomination in question.
46 Where votes cast for that office or nomination were
47 canvassed in more than one county, the abstracts
48 prepared by the county boards in all of those counties
49 shall be totaled for purposes of this subsection.
50 If a bond is required, it shall be filed with the

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1 state commissioner for recounts involving a state
2 office, including a seat in the general assembly,
3 or a seat in the United States Congress, and with
4 the commissioner responsible for conducting the
5 election in all other cases, and shall be in the
6 following amount:

7 a. For an office filled by the electors
8 of the entire state, one thousand dollars.

9 b. For United States representative, five
10 hundred dollars.

11 c. For senator in the general assembly,
12 three hundred dollars.

13 d. For representative in the general
14 assembly, one hundred fifty dollars.

15 e. For an office filled by the electors
16 of an entire county having a population of fifty
17 thousand or more, two hundred dollars.

18 f. For any elective office to which
19 paragraphs a through e of this subsection are not
20 applicable, one hundred dollars.

21 After all recount proceedings for a particular
22 office are completed and the official canvass of votes
23 cast for that office is corrected or completed pursuant
24 to subsections five (5) and six (6) of this section,
25 if necessary, any bond posted under this subsection
26 shall be returned to the candidate who requested the
27 recount if the apparent winner before the recount
28 is not the winner as shown by the corrected or
29 completed canvass. In all other cases, the bond shall
30 be deposited in the general fund of the state if filed
31 with the state commissioner or in the election fund
32 of the county with whose commissioner it was filed.

33 3. The recount shall be conducted by a board
34 which shall consist of:

35 a. A designee of the candidate requesting
36 the recount, who shall be named in the written request
37 when it is filed.

38 b. A designee of the apparent winning
39 candidate, who shall be named by that candidate at
40 or before the time the board is required to convene.

41 c. A person chosen jointly by the members
42 designated under paragraphs a and b of this subsection.

43 The county commissioner shall convene the
44 persons designated under paragraphs a and b of this
45 subsection not later than nine o'clock a.m. on the
46 seventh day following the county board's canvass of
47 the election in question. If those two members cannot
48 agree on the third member by eight o'clock a.m. on
49 the ninth day following the canvass, they shall
50 immediately so notify the chief judge of the judicial

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1 district in which the canvass is occurring, who shall
2 appoint the third member not later than five o'clock
3 p.m. on the eleventh day following the canvass.
4 4. When all members of the recount board
5 have been selected, the board shall undertake and
6 complete the required recount as expeditiously as
7 reasonably possible. Any member of the recount board
8 may at any time during the recount proceedings extend
9 the recount of votes cast for the office or nomination
10 in question to any other precinct or precincts in
11 the same county, or from which the returns were
12 reported to the commissioner responsible for conducting
13 the election, without the necessity of posting
14 additional bond. At the conclusion of the recount,
15 the recount board shall make and file with the
16 commissioner a written report of its findings, which
17 shall be signed by at least two members of the recount
18 board. The recount board shall complete the recount
19 and file its report not later than the eighteenth
20 day following the county board's canvass of the
21 election in question.

22 5. If the recount board's report is that
23 the abstracts prepared pursuant to the county board's
24 canvass were incorrect as to the number of votes cast
25 for the candidates for the office or nomination in
26 question, in that county or district, the commissioner
27 shall at once so notify the county board. The county
28 board shall reconvene within three days after being
29 so notified, and shall correct its previous
30 proceedings.

31 6. The commissioner shall promptly notify
32 the state commissioner of any recount of votes for
33 an office to which section fifty point thirty (50.30)
34 of the Code, or section forty-three point sixty (43.60)
35 of the Code in the case of a primary election, is
36 applicable. If necessary, the state canvass required
37 by section fifty point thirty-eight (50.38) of the
38 Code, or by section forty-three point sixty-three
39 (43.63) of the Code, as the case may be, shall be
40 delayed with respect to the office or the nomination
41 to which the recount pertains. The commissioner shall
42 subsequently inform the state commissioner at the
43 earliest possible time whether any change in the
44 outcome of the election in that county or district
45 resulted from the recount.

46 Sec. 36. Section fifty-three point seventeen
47 (53.17), Code 1977, is amended to read as follows:

48 53.17 MAILING OR DELIVERING BALLOT. The
49 sealed envelope containing the absentee ballot shall
50 be enclosed in a carrier envelope which shall be

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1 securely sealed. The sealed carrier envelope shall
2 be delivered by the qualified elector or his or her
3 designee to the commissioner or a deputy in his or
4 her office, or mailed, postage paid, to the office
5 of the commissioner. The carrier envelope shall be
6 received by the commissioner until ~~eight o'clock p.m.~~
7 the time the polls are closed on election day. The
8 commissioner shall contact the post office serving
9 the commissioner's office at the latest practicable
10 hour on election day, and shall seek to arrange for
11 any absentee ballots received in that post office
12 but not yet delivered to the commissioner's office
13 to be brought to the commissioner's office prior to
14 the time the polls are closed.

15 Sec. 37. Section fifty-three point twenty-
16 two (53.22), subsection one (1), paragraph c, Code
17 1977, is amended to read as follows:

18 c. The special precinct election officers
19 shall both notarize each absent voter's affidavit
20 as required by section 53.16; any such officer who
21 is not a notary public shall be provided with a stamp
22 containing that person's name and the words "special
23 precinct election officer" and may notarize the
24 absentee affidavits so delivered by signing them and
25 applying the stamp. The special precinct election
26 officers shall travel together in the same vehicle
27 and both shall be present when an applicant casts
28 his or her absentee ballot. If either or both of
29 the special election officers fails to appear at the
30 time the duties set forth in this section are to be
31 performed, the commissioner shall at once appoint
32 some other person, giving preference to persons
33 designated by the respective county chairpersons of
34 the political parties described in section 49.13,
35 to carry out the requirements of this section. The
36 persons authorized by this subsection to deliver an
37 absentee ballot to an applicant may assist the
38 applicant in filling out the ballot as permitted by
39 section 49.90. The voted absentee ballots shall be
40 deposited in a sealed container which shall be returned
41 to the commissioner on the same day. On election
42 day the officers shall return the sealed container
43 by the time the polls are closed.

44 Sec. 38. Section fifty-six point eighteen
45 (56.18), Code 1977, is amended to read as follows:

46 56.18 CHECKOFF—INCOME TAX. Any person
47 whose state income tax liability for any taxable year
48 is one dollar or more may designate one dollar of
49 such liability to be paid over to the Iowa election
50 campaign fund for the account of any specified

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1 political party, as defined by section 43.2 when
2 submitting his or her state income tax return to the
3 department of revenue. In the case of a joint return
4 of husband and wife having a state income tax liability
5 of two dollars or more, each spouse may designate
6 that one dollar be paid to any such account in the
7 fund. The director of revenue shall revise the income
8 tax form to allow the designation of political
9 contributions to a political party provide a space
10 on the face of the tax return and immediately above
11 the signature lines which the taxpayer may use to
12 designate contributions under this section to a
13 specified political party as defined by section forty-
14 three point two (43.2) of the Code, or to the Iowa
15 election campaign fund without specifying a political
16 party to receive the contribution.

17 Sec. 39. Section fifty-six point nineteen
18 (56.19), Code 1977, is amended to read as follows:
19 56.19 FUND CREATED. The "Iowa election
20 campaign fund" is created within the office of the
21 treasurer of state. The fund shall consist of funds
22 paid by persons having an Iowa income tax liability
23 as provided in section 56.18. The treasurer of state
24 shall maintain within the fund a separate account
25 for each political party as defined in section forty-
26 three point two (43.2) of the Code. The director
27 of revenue shall remit funds collected as provided
28 in section 56.18 to the treasurer of state who shall
29 deposit such funds in the appropriate account within
30 the Iowa election campaign fund, and shall divide
31 all contributions designated to the fund without
32 specifying a political party equally among each account
33 currently maintained in the fund. However, at any
34 time when more than two accounts are being maintained
35 within the fund contributions designated without
36 specifying a political party shall be divided among
37 the accounts in the same proportion as the number
38 of qualified electors declaring affiliation with each
39 political party for which an account is maintained
40 bears to the total number of qualified electors who
41 have declared such an affiliation. Any interest
42 income received by the treasurer of state from
43 investment of moneys deposited in the fund shall be
44 deposited in the Iowa election campaign fund. Such
45 funds shall be subject to payment to the chairperson
46 of the specified political party by the state
47 comptroller in the manner provided by section 56.22.

48 Sec. 40. Section fifty-six point twenty-
49 five (56.25), Code 1977, is amended to read as follows:
50 56.25 INCOME TAX FORM - CHECKOFF SPACE.

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1 The director of revenue shall provide space for this
2 campaign finance income tax checkoff on the most
3 frequently used Iowa income tax form. An explanation
4 shall be included which clearly states that this
5 checkoff does not constitute an additional tax
6 liability. The form shall provide for the taxpayer
7 to designate that the checkoff shall go either to
8 the political party of his or her choice or be divided
9 among all political parties as prescribed by section
10 fifty-six point nineteen (56.19) of the Code.

11 Sec. 41. Chapter fifty-six (56), Code 1977,
12 is amended by adding the following new section:
13 **NEW SECTION. CONTRIBUTIONS AND CERTAIN**
14 **SERVICES AND ITEMS AUTHORIZED.** A person, except
15 persons prohibited by section fifty-six point twenty-
16 nine (56.29) of the Code, may make contributions as
17 defined in subsection four (4) of section fifty-six
18 point two (56.2) of the Code and may provide services
19 and refreshments which are excluded from the definition
20 of contributions for reporting purposes by subsection
21 four (4) of section fifty-six point two (56.2) of
22 the Code, to any candidate or committee. This section
23 shall supersede any general provision of the Code
24 which relates to contributing or giving any thing
25 of value to a campaign or candidate.

26 Sec. 42. Chapter fifty-six (56), Code 1977,
27 is amended by adding the following new section:
28 **NEW SECTION. POLITICAL ADVERTISING.** Whenever
29 any person makes an expenditure for the purpose of
30 financing communications either advocating the election
31 or defeat of a candidate or ballot issue or soliciting
32 political contributions, through any radio or
33 television broadcasting facility, newspaper, magazine,
34 outdoor advertising device, direct mail or any other
35 type of advertising directed to the general public,
36 the communication so financed shall state the name
37 of the person who authorized and financed the
38 expenditure. If the expenditure was authorized by
39 a person other than the person making the expenditure,
40 the names of both persons shall be given. This notice
41 is not required on bumper stickers, pins, buttons
42 or similar small items specified by rule of the
43 campaign finance disclosure commission. The provisions
44 of section fifty-six point seventeen (56.17),
45 subsection one (1), of the Code shall apply to this
46 section.

47 Sec. 43. Section fifty-seven point one
48 (57.1), subsection two (2), paragraph c, Code 1977,
49 is amended to read as follows:

50 c. That prior to the election the incumbent

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1 had been duly convicted of an infamous crime, and
2 that the judgment had not been reversed, annulled
3 or set aside, nor the incumbent pardoned or restored
4 to the rights of citizenship by the governor under
5 section two hundred forty-eight point twelve (248.12)
6 of the Code, at the time of the election.

7 Sec. 44. Section sixty-nine point eight
8 (69.8), Code 1977, is amended by striking subsection
9 five (5).

10 Sec. 45. Section sixty-nine point twelve
11 (69.12), unnumbered paragraph one (1), Code 1977,
12 is amended to read as follows:

13 When a vacancy occurs in any nonpartisan
14 elective office of a political subdivision of this
15 state, and the statutes governing the office in which
16 the vacancy occurs require that it be filled by
17 election or are silent as to the method of filling
18 the vacancy, it shall be filled pursuant to this
19 section. As used in this section, "pending election"
20 means any election at which there will be on the
21 ballot either the office in which the vacancy exists,
22 or any other office to be filled or any public question
23 to be decided by the voters of the same political
24 subdivision.

25 Sec. 46. Section two hundred seventy-five
26 point twelve (275.12), subsection one (1), Code 1977,
27 is amended to read as follows:

28 1. A petition describing the boundaries,
29 or accurately describing the area included therein
30 by legal descriptions, of the proposed district, which
31 boundaries or area described shall conform to plans
32 developed or the petition shall request change of
33 the plan, shall be filed with the area education
34 agency administrator of the area education agency
35 in which the greatest number of electors reside.
36 Such petition shall be signed by voters eligible
37 electors who are (or would be, if registered) entitled
38 to vote for members of the board of directors in each
39 existing school district affected or portion thereof
40 equal in number to at least twenty percent of the
41 number of eligible voters or four hundred voters five
42 percent of the number of persons who voted at the
43 last preceding regular election at which candidates
44 for the office of school district director were on
45 the ballot, or fifty persons, whichever is the smaller
46 greater number. School districts affected or portion
47 thereof shall be defined to mean that area to be
48 included in the plan of the proposed new school
49 district.

50 Sec. 47. Section two hundred seventy-five

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1 point eighteen (275.18), Code 1977, is amended to
2 read as follows:
3 275.18 SPECIAL ELECTION CALLED—TIME. When
4 the boundaries of the territory to be included in
5 a proposed school corporation and the number and
6 method of the election of the school directors of
7 such proposed school corporation have been determined
8 as herein provided, the area education agency
9 administrator with whom such petition is filed shall
10 call a special election in such proposed school
11 corporation within thirty days from the date of the
12 final determination of such boundaries and serve give
13 written notice on of the proposed date of the election
14 to the county commissioner of elections of the county
15 in the proposed school corporation which has the
16 greatest taxable base in the proposed school
17 corporation therein. The proposed date shall be as
18 soon as possible pursuant to sections thirty-nine
19 point two (39.2), subsections one (1) and two (2),
20 and forty-seven point six (47.6), subsections one
21 (1) and two (2), of the Code, but not later than
22 December thirty-first. The county commissioner of
23 elections shall give notice of the election by one
24 publication in the same newspaper in which previous
25 notices have been published regarding the proposed
26 school reorganization, and in addition thereto, if
27 more than one county is involved, by one publication
28 in a legal newspaper in each county other than that
29 of the first publication, which publication shall
30 be not less than four nor more than twenty days prior
31 to the election. In the case of districts located
32 in more than one county, no notice for an election
33 shall be published until the time for appeal, which
34 shall be the same as that provided in section 285.12,
35 has expired; and in the event of an appeal, not until
36 the same has been disposed of.

37 Sec. 48. Section two hundred seventy-seven
38 point two (277.2), Code 1977, is amended to read as
39 follows:

40 277.2 SPECIAL ELECTION. The board of
41 directors in any school corporation may call a special
42 election at which election the voters shall have the
43 powers exercised at the regular election with reference
44 to the sale of school property and the application
45 to be made of the proceeds, the authorization of seven
46 members on the board of directors, the authorization
47 to establish or change the boundaries of directors
48 districts, and the authorization of a schoolhouse
49 tax or indebtedness, as provided by law, for the
50 purchase of a site and the construction of a necessary

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1 schoolhouse, and for obtaining roads thereto.

2 Sec. 49. Section two hundred seventy-nine
3 point six (279.6), Code 1977, is amended to read as
4 follows:

5 279.6 VACANCIES—QUALIFICATION-TENURE.

6 1. Vacancies occurring among the appointive
7 officers or members of a school board district shall
8 be filled by the board by appointment. A person so
9 appointed to fill a vacancy in an elective office
10 shall hold office until a successor is elected and
11 qualified pursuant to section 69.12. A person
12 appointed to fill a vacancy in an appointive office
13 shall hold such office for the residue remainder of
14 the unexpired term and until his or her successor
15 is appointed and qualified. Any person so appointed
16 shall qualify within ten days thereafter in the manner
17 required by section 277.28.

18 2. A vacancy in an elective school district
19 office during a term of office shall be filled, at
20 the board's option, by one of the two following
21 procedures.

22 a. By appointment by the remaining members
23 of the board, provided such remaining members
24 constitute a quorum of the full membership. The
25 appointment shall be for the period until the next
26 pending election as defined in section sixty-nine
27 point twelve (69.12) of the Code, and shall be made
28 within thirty days after the vacancy occurs. If the
29 board chooses to proceed under this paragraph, it
30 shall publish notice of its intent to fill the vacancy
31 in a newspaper of general circulation in the district.
32 The board may publish such notice in advance if a
33 board member submits a resignation to take effect
34 at a future date. The board may make an appointment
35 to fill the vacancy after the notice is published
36 or after the vacancy occurs, whichever date is later.
37 However, if within ten days after publication of the
38 notice the board is presented with a petition which
39 requests a special election to fill the vacancy and
40 which is signed by eligible electors who are (or would
41 be, if registered) entitled to vote to fill the office
42 in question, equal in number to two percent of those
43 who voted for candidates for the office at the last
44 preceding regular election at which the office was
45 on the ballot, but not less than twenty-five persons,
46 any appointment to fill the vacancy shall be temporary
47 and the board shall call a special election to fill
48 the vacancy permanently, under paragraph b of this
49 subsection. Any appointment made under this subsection
50 is permanent unless the board is presented with a

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1 petition requesting a special election.

2 b. By a special election held to fill the
3 office for the remaining balance of the unexpired
4 term, which may be held concurrently with any pending
5 election as provided by section sixty-nine point
6 twelve (69.12) of the Code if by so doing the vacancy
7 will be filled not more than ninety days after it
8 occurs. Otherwise, a special election to fill the
9 office shall be called at the earliest practicable
10 time after the board so opts, or is required to do
11 so under paragraph a of this subsection.

12 However, if 3. If a member of a school board
13 resigns from the board prior to the time for filing
14 nomination papers for office as a school board member,
15 as provided in section 277.4, and he specifies in
16 his the resignation that the resignation it will be
17 effective on the date the next term of office for
18 elective school officials begins, the president of
19 the board shall declare the office vacant as of that
20 date and nomination papers shall be received for the
21 unexpired term of the resigning member. The person
22 elected at the next regular school election to fill
23 the vacancy shall take office at the same time and
24 place as the other elected school board members.

25 Sec. 50. Chapter three hundred three (303),
26 Code 1977, is amended by adding to the historical
27 preservation districts division the following new
28 section:

29 NEW SECTION. A district may annex additional
30 area or reduce its size by holding an election within
31 the district or, in the case of an annexation, in
32 both the district and in the area proposed to be
33 annexed. Such elections shall be held following the
34 procedures for the establishment of a historic
35 preservation district in sections three hundred three
36 point twenty-one (303.21) through three hundred three
37 point twenty-four (303.24) of the Code.

38 A person shall be allowed to vote at the
39 referendum if the person is a qualified elector of
40 the historical preservation district or the area
41 proposed for annexation.

42 If a majority of those voting favor the
43 proposal, or in the case of an annexation, a majority
44 of both those in the district and in the area proposed
45 to be annexed are in favor, the referendum shall pass.

46 A vote under this section may occur no more
47 than once in a two year period.

48 Sec. 51. Chapter three hundred thirty-one
49 (331), Code 1977, is amended by inserting after section
50 three hundred thirty-one point nine (331.9) the

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1 following new section:

2 NEW SECTION. VACANCIES ON BOARD. A vacancy
3 on the county board of supervisors during a term of
4 office shall be filled, at the board's option, by
5 one of the two following procedures.

6 1. By appointment by the remaining members
7 of the board, provided such remaining members
8 constitute a quorum of the full membership. If the
9 board chooses to proceed under this subsection, the
10 appointment shall be for the period until the next
11 pending election as defined in section sixty-nine
12 point twelve (69.12) of the Code, and shall be made
13 within thirty days after the vacancy occurs, but only
14 after publication in a newspaper of general circulation
15 in the county of notice of the board's intent to fill
16 the vacancy. The board may publish such notice in
17 advance if a board member submits a resignation to
18 take effect at a future date. The board may make
19 an appointment to fill the vacancy after the notice
20 is published or after the vacancy occurs, whichever
21 date is later. However, if within ten days after
22 publication of the notice the board is presented with
23 a petition which requests a special election to fill
24 the vacancy and which is signed by eligible electors
25 who are (or would be, if registered) entitled to vote
26 to fill the office in question, equal in number to
27 two percent of those who voted for candidates for
28 the office at the last preceding regular election
29 at which the office was on the ballot, but not less
30 than twenty-five persons, any appointment to fill
31 the vacancy shall be temporary and the board shall
32 call a special election to fill the vacancy
33 permanently, under subsection two (2) of this section.
34 Any appointment made under this subsection is permanent
35 unless the board is presented with a petition
36 requesting a special election.

37 2. By a special election held to fill the
38 office for the remaining balance of the unexpired
39 term, which may be held concurrently with any pending
40 election as provided by section sixty-nine point
41 twelve (69.12) of the Code if by so doing the vacancy
42 will be filled not more than ninety days after it
43 occurs. Otherwise, a special election to fill the
44 office shall be called at the earliest practicable
45 time after the board so opts, or is required to do
46 so under subsection one (1) of this section. If a
47 special election is called, nominations for the vacant
48 office may be made by political parties in the manner
49 provided by section forty-three point seventy-eight
50 (43.78) of the Code for filling general election

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1 ballot vacancies for the office of county supervisor.

2 Sec. 52. Chapter three hundred thirty-one
3 (331), Code 1977, is amended by inserting before
4 section three hundred thirty-one point twelve (331.12)
5 the following new section:

6 NEW SECTION. CONCURRENT VACANCIES. If
7 concurrent vacancies at any time reduce the membership
8 of the county board of supervisors below a quorum
9 of the full membership, the vacancies shall be filled
10 on an interim basis by the auditor, the clerk of the
11 district court and the recorder of the county on whose
12 board the vacancies exist. The county commissioner
13 of elections shall call a special election at the
14 earliest practicable time to fill the vacancies for
15 the balance of the unexpired term, unless the vacancies
16 occur within sixty days of the next succeeding general
17 election. Nominations to the vacant offices shall
18 be made for the special election in the manner provided
19 by section forty-three point seventy-eight (43.78),
20 subsection one (1), paragraph e of the Code.

21 Sec. 53. Section three hundred thirty-one
22 point twenty-six (331.26), subsection one (1), Code
23 1977, is amended to read as follows:

24 1. The board of supervisors shall, before
25 November 1, 1969, and before November 1 first of the
26 nonelection year following each federal decennial
27 census thereafter, if necessary, divide the county
28 into a number of supervisor districts corresponding
29 to the number of supervisors in such county. However,
30 if such plan is selected pursuant to section 331.9,
31 the board shall so divide the county before March
32 15 fifteenth of the election year. The board shall
33 make a goodfaith effort to achieve precise mathematical
34 equality in the population of such districts as
35 indicated by the most recent federal decennial census.

36 Such supervisor districts may be drawn on
37 the basis of existing natural or artificial divisions
38 and boundaries of the county; township and voting
39 precinct lines may be crossed; but in no event shall
40 the existence of convenient district boundaries justify
41 the designation of supervisor districts which are
42 not of as nearly precise mathematical equality in
43 population as is practicable, nor which do not consist
44 of contiguous territory.

45 Sec. 54. Section three hundred forty-seven
46 point twenty-five (347.25), unnumbered paragraph one
47 (1), Code 1977, is amended to read as follows:

48 The election of hospital trustees whose
49 offices are established by this chapter or chapter
50 145A or 347A shall take place at the general election

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1 on ballots which shall not reflect a nominee's
2 political affiliation. Nomination shall be made by
3 petition in accordance with chapter 45. The petition
4 form shall be furnished by the county commissioner
5 of elections, signed by eligible electors of the
6 county equal in number to one percent of the vote
7 cast for president of the United States or governor,
8 as the case may be, by both political parties at least
9 two percent of those who voted to fill the office
10 of hospital trustee in the last previous general
11 election, and at which the office was on the ballot,
12 but in no case fewer than ten persons. The petition
13 shall be filed with the county commissioner of
14 elections at least fifty-five days prior to the date
15 of said general election. A plurality shall be
16 sufficient to elect hospital trustees, it being the
17 intent that there be no primary election.

18 Sec. 55. Section three hundred sixty-four
19 point two (364.2), subsection four (4), paragraph
20 b, Code 1977, is amended to read as follows:

21 b. No such ordinance shall become effective
22 unless approved at an election. The proposal may
23 be submitted by the council on its own motion to the
24 voters at any city election. Upon receipt of a valid
25 petition as defined in section 362.4 requesting that
26 a proposal be submitted to the voters, the council
27 shall submit the proposal at the next regular city
28 election or at a special election called for that
29 purpose prior to the next regular city election.
30 If a majority of those voting on the ballot issue
31 approves the proposal the city may proceed as proposed.

32 Sec. 56. Section three hundred seventy-two
33 point thirteen (372.13), subsection two (2), Code
34 1977, is amended by striking the subsection and
35 inserting in lieu thereof the following:

36 2. A vacancy in an elective city office
37 during a term of office shall be filled, at the
38 council's option, by one of the two following
39 procedures.

40 a. By appointment by the remaining members
41 of the council, provided such remaining members
42 constitute a quorum of the full membership. The
43 appointment shall be for the period until the next
44 pending election as defined in section sixty-nine
45 point twelve (69.12) of the Code, and shall be made
46 within thirty days after the vacancy occurs. If the
47 council chooses to proceed under this paragraph, it
48 shall publish notice of its intent to fill the vacancy
49 in the manner prescribed by section three hundred
50 sixty-two point three (362.3) of the Code. The council

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1 may publish notice in advance if a council member
2 submits a resignation to take effect at a future date.
3 The council may make an appointment to fill the vacancy
4 after the notice is published or after the vacancy
5 occurs, whichever is later. However, if within ten
6 days after publication of the notice the council is
7 presented with a petition which requests a special
8 election to fill the vacancy and which is signed by
9 eligible electors who are (or would be, if registered)
10 entitled to vote to fill the office in question, equal
11 in number to two percent of those who voted for
12 candidates for the office at the last preceding regular
13 election at which the office was on the ballot, but
14 not less than twenty-five persons, any appointment
15 to fill the vacancy shall be temporary and the council
16 shall call a special election to fill the vacancy
17 permanently, under paragraph b of this subsection.
18 Any appointment made under this paragraph is permanent
19 unless the council is presented with a petition
20 requesting a special election.

21 b. By a special election held to fill the
22 office for the remaining balance of the unexpired
23 term, which may be held concurrently with any pending
24 election as provided by section sixty-nine point
25 twelve (69.12) of the Code if by so doing the vacancy
26 will be filled not more than ninety days after it
27 occurs. Otherwise, a special election to fill the
28 office shall be called at the earliest practicable
29 time after the council so opts, or is required to
30 do so under paragraph a of this subsection. A special
31 election held under this subsection is subject to
32 neither a primary nor run-off election even if such
33 an election is required when the office in question
34 is filled at a regular city election, and the candidate
35 receiving a plurality of the vote shall be declared
36 elected.

37 Sec. 57. Sections forty-three point fifty-
38 six (43.56), forty-three point fifty-seven (43.57),
39 forty-three point fifty-eight (43.58), forty-three
40 point one hundred three (43.103), and two hundred
41 seventy-nine point seven (279.7), Code 1977, are
42 repealed.

43 Sec. 58. This Act, being deemed of immediate
44 importance, shall take effect and be in force from
45 and after its publication in The Daily Gate City,
46 a newspaper published in Keokuk, Iowa, and in the
47 Muscatine Journal, a newspaper published in Muscatine,
48 Iowa.

49 Sec. 59.

50 1. Sections one (1) through nine (9), fifteen

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1 (15), sixteen (16), nineteen (19) through twenty-three
 2 (23), twenty-six (26), thirty (30), thirty-one (31),
 3 thirty-five (35) through forty (40) and forty-two (42)
 4 through fifty-seven (57) of this Act are effective
 5 July 1, 1978.

6 2. The director of revenue shall implement sections
 7 thirty-eight (38), thirty-nine (39) and forty (40) of
 8 this Act beginning with individual income tax returns
 9 required to be filed on or after January 1, 1979.

10 3. Section twenty-four (24) of this Act is
 11 effective July 1, 1979."

12 2. Title, by striking lines 3 through 6 and
 13 inserting in lieu thereof "to registration of voters,
 14 to the campaign disclosure — income tax checkoff Act,
 15 and to other Iowa election laws and certain related
 16 sections of the Code, and prescribing penalties."

CONSIDERATION OF BILLS**Regular Calendar**

House File 2175, a bill for an act relating to the state military code, with report of committee recommending amendment and passage was taken up for consideration.

Hargrave of Johnson asked and received unanimous consent to withdraw amendment H—5922 filed by the committee on state government on April 5, 1978 and found on page 1386 of the House Journal, placing out of order amendment H—6151 filed by Baker, et al., on April 20, 1978.

Monroe of Des Moines offered amendment H—6159 filed by the committee on state government. Division was requested as follows:

H—6159

1 Amend House File 2175 as follows:

H—6159A

2 1. Page 1, line 25 by inserting after "general"
 3 the words "with the approval of the director of gen-
 4 eral services".

H—6159B

5 2. Page 1, by striking line 31 through page 2,
 6 line 15.

H-6159C

7 3. Page 2, by striking line 18 and inserting in
8 lieu thereof the following:
9 "Sec. . Section two (2) of this Act is
10 effective January 1, 1980."
11 4. By renumbering the sections to conform with
12 this amendment.

On motion by Monroe of Des Moines, the committee amendment H-6159A was adopted.

Monroe of Des Moines moved the adoption of amendment H-6159B.

A non-record roll call was requested.

The ayes were 17, nays 44.

Amendment H-6159B lost.

Baker of Buena Vista offered the following amendment H-6164, to the committee amendment H-6159C, filed by him from the floor and moved its adoption:

H-6164

1 Amend amendment, H-6159 to House File 2175 as
2 follows:
3 1. Page 1, by striking lines 7 through 10 and
4 inserting in lieu thereof the following:
5 "2. Page 1, by striking lines 28 through 30 and
6 inserting in lieu thereof the following: "or leasing
7 shall be deposited with the state treasurer as a Camp
8 Dodge permanent improvement fund." "

A non-record roll call was requested.

The ayes were 33, nays 42.

Amendment H-6164 lost.

On motion by Monroe of Des Moines, the committee amendment H-6159C was adopted.

Tauke of Dubuque offered the following amendment H-6171 filed by him from the floor and moved its adoption:

H—6171

- 1 Amend House File 2175 as follows:
- 2 1. Page 1, by striking lines 5 through 11 and
- 3 inserting in lieu thereof the following:
- 4 "be appointed and commissioned by the governor
- 5 upon the recommendation of a majority of the advisory
- 6 council. When a majority of the members of the
- 7 advisory council are in federal service in time of
- 8 war, said appointment shall be made by the governor
- 9 without such recommendation. The adjutant general
- 10 shall serve at the pleasure of the governor. The rank".
- 11 2. Page 2, by striking lines 16 and 17.

A non-record roll call was requested.

The ayes were 14, nays 54.

Amendment H—6171 lost.

Crabb of Crawford offered the following amendment H—6167 filed by him and Dunton of Keokuk from the floor and moved its adoption:

H—6167

- 1 Amend House File 2175 as follows:
- 2 1. Page 1, lines 15 and 16, by striking the words
- 3 "~~of the national guard~~" and inserting in lieu thereof
- 4 the words "of the national guard".
- 5 2. Page 1, line 35, by striking the words "~~of the~~
- 6 ~~army national guard~~" and inserting in lieu thereof the
- 7 words "of the army national guard".
- 8 3. Page 2, line 1, by striking the words "~~or the~~
- 9 ~~air national guard~~" and inserting in lieu thereof the
- 10 words "or the air national guard".
- 11 4. Page 2, line 3, by striking the words "~~of the~~
- 12 ~~army national guard~~" and inserting in lieu thereof the
- 13 words "of the army national guard".
- 14 5. Page 2, line 5, by striking the words "~~of the air~~
- 15 ~~national guard~~" and inserting in lieu thereof the words
- 16 "of the air national guard".
- 17 6. Page 2, line 10, by striking the words "~~of the~~
- 18 ~~national guard~~" and inserting in lieu thereof the words
- 19 "of the national guard".

A non-record roll call was requested.

The ayes were 28, nays 45.

Amendment H—6167 lost.

Hargrave of Johnson offered the following amendment H—6148 filed by him and moved its adoption:

H—6148

- 1 Amend House File 2175 as follows:
- 2 1. Page 2, by striking lines 14 and 15, and inserting
- 3 in lieu thereof the following: "of a field officer. They
- 4 shall be removed upon termination of their federal recognition.
- 5 They shall serve at the pleasure of the Governor."

Amendment H—6148 was adopted.

Junker of Woodbury offered the following amendment H—6160 filed by him:

H—6160

- 1 Amend House File 2175 as follows:
- 2 1. Page 2, by inserting before line 16 the
- 3 following sections:
- 4 "Sec. . Section twenty-nine A point twenty-
- 5 eight (29A.28), Code 1977, is amended to read as
- 6 follows:
- 7 29A.28 LEAVE OF ABSENT OF CIVIL EMPLOYEES. All
- 8 officers and employees of the state, or a subdivision
- 9 thereof, or a municipality other than employees
- 10 employed temporarily for six months or less, who are
- 11 members of the national guard, organized reserves
- 12 or any component part of the military, naval, or air
- 13 forces or nurse corps of this state or nation, or
- 14 who are or may be otherwise inducted into the military
- 15 service of this state or of the United States, shall,
- 16 when ordered by proper authority to active state or
- 17 federal service, be entitled to a leave of absence
- 18 from such civil employment for the period of such
- 19 active state or federal service, without loss of
- 20 status or efficiency rating, and ~~without loss of pay~~
- 21 during the first thirty days of such leave of absence
- 22 shall receive any loss of pay resulting from the
- 23 difference, if any, between the military salary and
- 24 the civilian occupational salary. The proper
- 25 appointing authority may make a temporary appointment
- 26 to fill any vacancy created by such leave of absence."
- 27 2. By renumbering sections and correcting internal
- 28 references as necessary.

Junker of Woodbury offered the following amendment H—6170, to amendment H—6160, filed by him from the floor and moved its adoption:

H—6170

- 1 Amend amendment H—6160, to House File 2175, as
- 2 follows:
- 3 1. Page 1, line 24, by inserting after the word
- 4 "salary," the words "However, in the event of a
- 5 national emergency, the employee shall be entitled
- 6 to full pay the first thirty days of leave.

Amendment H—6170 was adopted.

Monroe of Des Moines rose on a point of order that amendment H—6160 was not germane.

The Speaker ruled the point not well taken and amendment H—6160 germane.

Junker of Woodbury moved the adoption of amendment H—6160, as amended.

Amendment H—6160, as amended, lost.

Hargrave of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2175)

The ayes were, 71:

Anderson	Arnould	Avenson	Bennett
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crawford	Cusack	Davitt	Dieleman
Dunton	Egenes	Evans	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Gilson	Griffie	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lindeen	Lipsky	Lonergan
Menke	Millen	Miller, K.D.	Miller (Sergeant)
Monroe	Newhard	Nielsen	Oxley

Patchett	Pavich	Pelton	Poney
Scheelhaase	Schneklath	Schroeder	Shimanek
Small	Spear	Spencer	Tauke
Thompson	Tofte	Varley	Walter
Wells	Woods	Mr. Speaker	

The nays were, 13:

Baker	Crabb	Daggett	Danker
Hansen	Harvey	Lind	Middleswart
Pellett	Perkins	Stephens	West
Wyckoff			

Absent or not voting, 16:

Bina	Branstad	Brockett	Byerly
Den Herder	Doyle	Dyrland	Halvorson
Harbor	Norland	O'Halloran	Rinas
Smalley	Stromer	Svoboda	Welden

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

WAYS AND MEANS CALENDAR

SENATE FILE 2194 SUBSTITUTED FOR HOUSE FILE 2340

Pavich of Pottawattamie asked and received unanimous consent to substitute Senate File 2194 for House File 2340.

Senate File 2194, a bill for an act permitting spouses of persons eligible to claim a homestead credit or military service exemption to make and collect such claim for them, with report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered amendment H—5919 filed by the committee on ways and means on April 5, 1978 and found on pages 1382 through 1384 of the House Journal, and moved its adoption.

Amendment H—5919 was adopted.

West of Marshall offered the following amendment H—5944 filed by West, et al., and moved its adoption:

H—5944

- 1 Amend Senate File 2194, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 34 and 35 and
- 4 inserting in lieu thereof the following new section:
- 5 "Sec. . This Act, being deemed of immediate
- 6 importance, shall take effect and be in force from
- 7 and after its publication in The Cedar Rapids Gazette,
- 8 a newspaper published in Cedar Rapids, Iowa, and in
- 9 the Mitchell County Press-News, a newspaper published
- 10 in Osage, Iowa."
- 11 2. Page 4, by striking lines 1 through 4.

Amendment H—5944 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2194)

The ayes were, 83:

Arnould	Avenson	Baker	Bennett
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Hansen	Hargrave	Harvey	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Junker	Koogler	Krause	Krewson
Lageschulte	Lind	Lindeen	Lipsky
Lonerган	Menke	Middleswart	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Norland	Oxley	Patchett	Pavich
Pellett	Pelton	Perkins	Poncy
Scheelhaase	Schneklloth	Schroeder	ShimaneK
Small	Spear	Stephens	Svoboda
Tauke	Thompson	Tofte	Varley
Walter	Welden	Wells	West
Woods	Wyckoff	Mr. Speaker	

The nays were, none.

Absent or not voting, 17:

Anderson	Bina	Branstad	Brockett
Byerly	Den Herder	Doyle	Dyrland
Griffee	Halvorson	Harbor	Nielsen
O'Halloran	Rinas	Smalley	Spencer
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE
(Senate File 2194)

Pavich of Pottawattamie asked and received unanimous consent that Senate File 2194 be immediately messaged to the Senate.

HOUSE FILE 2340 WITHDRAWN

Pavich of Pottawattamie asked and received unanimous consent to withdraw House File 2340 from further consideration by the House.

HOUSE FILE 2250 WITHDRAWN

Tofte of Winneshiek asked and received unanimous consent to withdraw House File 2250 from further consideration by the House.

REGULAR CALENDAR

House File 2381, a bill for an act providing for the appearance by political subdivisions as intervenors in proceedings before the Iowa commerce commission under section four hundred seventy-six point six (476.6) of the Code and providing for the payment of the costs of such intervention by the customers of the utilities involved in such proceedings, was taken up for consideration.

Small of Johnson offered the following amendment H-5920 filed by him and moved its adoption:

H-5920

- 1 Amend House File 2381 as follows:
- 2 1. Page 1, line 3, by inserting before the word
- 3 "INTERVENORS" the word "FUNDED".

4 2. Page 3, by inserting after line 22 the
5 following:
6 "8. Nothing contained in this section shall be
7 construed to prevent any city from intervening as
8 a matter of right as provided in section two (2) of
9 this Act, but a city shall not be entitled to
10 reimbursement for any costs incurred as a result of
11 intervention except as specifically provided in this
12 section.

13 Sec. 2. Chapter four hundred seventy-six (476),
14 Code 1977, is amended by adding the following new
15 section:

16 NEW SECTION. INTERVENTION. Subject to rules
17 promulgated by the commission, including such rules
18 as are in effect on the effective date of this Act
19 and are not inconsistent with the provisions of this
20 Act, any person may be permitted in the discretion
21 of the commission to intervene in any proceeding
22 before the commission under this chapter; provided
23 that in the case of any inquiry, investigation or
24 hearing on any matter relating to rates or other
25 charges or to services within any city, that city
26 shall be entitled to intervene by filing with the
27 commission its written appearance."

28 2. By renumbering sections of the bill as
29 necessary.

Amendment H—5920 was adopted.

West of Marshall offered the following amendment H—5934 filed by him and moved its adoption:

H—5934

- 1 Amend House File 2381 as follows:
- 2 1. Page 1, line 12, by striking the words "two
- 3 or more" and inserting in lieu thereof the words "not
- 4 more than three".
- 5 2. Page 2, lines 8 and 9, by striking the words "the
- 6 broadest feasible range of representation" and in-
- 7 serting in lieu thereof the words "broad representation
- 8 of customers affected by the proceeding".

Amendment H—5934 was adopted.

Small of Johnson offered the following amendment H—6011 filed by him:

H-6011

- 1 Amend House File 2381 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "petition" the following: "; or an entity or
- 4 association which has a membership consisting of any
- 5 two or more counties, cities or townships, or any
- 6 combination thereof, may submit a petition to be
- 7 designated as intervenor on behalf of the members
- 8 of that entity or association".

Welden of Hardin offered the following amendment H-6093, to amendment H-6011, filed by him and moved its adoption:

H-6093

- 1 Amend amendment H-6011 to House File 2381 as
- 2 follows:
- 3 1. Page 1, by striking lines 3 through 8 and
- 4 inserting in lieu thereof the following: "petition."
- 5 the following: The league of Iowa municipalities,
- 6 or the Iowa state association of counties may upon
- 7 petition by a majority of its affected members submit a
- 8 petition to be designated as intervenor on behalf of
- 9 its members."

A non-record roll call was requested.

The ayes were 26, nays 35.

Amendment H-6093 lost.

On motion by Small of Jonnson, amendment H-6011 was adopted.

Bennett of Ida offered the following amendment H-6016 filed by him and moved its adoption:

H-6016

- 1 Amend House File 2381 as follows:
- 2 1. Page 1, line 32, by inserting after the
- 3 word "intervene" the following: "and for separately
- 4 reporting with the utility bills of either the in-
- 5 habitants of the intervenor or intervenors or for
- 6 specified customers of the utility the portion of
- 7 each utility bill representing expenses paid by a
- 8 utility under the provisions of subsections four (4)
- 9 and six (6) of this section".

- 10 2. Page 2, by inserting after line 9 the
 11 following:
 12 "e. The method of allocating the expenses pro-
 13 posed by the petitioner. The commerce commission
 14 shall establish rules specifying acceptable methods
 15 for allocating intervention expenses to utility cus-
 16 tomers."

A non-record roll call was requested.

The ayes were 30, nays 37.

Amendment H—6016 lost.

Tauke of Dubuque offered the following amendment H—6007 fil-
 ed by him and moved its adoption:

H—6007

- 1 Amend House File 2381 as follows:
 2 1. Page 2, line 17, by striking the word "total".
 3 2. Page 2, by striking lines 18, 19, 20 and 21
 4 and inserting in lieu thereof the words "intervenors
 5 for attorney fees exceed the amount the utility spends
 6 in its own behalf for attorney fees as a result of
 7 the proceeding, and in no event shall the amount paid
 8 to all intervenors for any other class of direct or
 9 indirect expense exceed the amount the utility spends
 10 for that same purpose, nor shall the amount paid for
 11 attorney fees or any other class of direct or indirect
 12 expense exceed the amount the utility estimates it will
 13 spend in its own behalf for similar purposes as pro-
 14 vided in subsection five (5) of this section."

A non-record roll call was requested.

The ayes were 40, nays 31.

Amendment H—6007 was adopted.

Evans of Grundy offered the following amendment H—5938 fil-
 ed by him and moved its adoption:

H—5938

- 1 Amend House File 2381 as follows:
 2 1. Page 3, line 20, by inserting after the word
 3 "section" the words "plus reasonable interest charges".

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 46, nays 34.

Amendment H—5938 was adopted.

Evans of Grundy offered the following amendment H—6080 filed by Harbor of Mills and moved its adoption:

H—6080

- 1 Amend House File 2381 as follows:
- 2 1. Page 3, line 22, by inserting after the period
- 3 the following: "All amounts so paid shall be divided
- 4 equally among the customers of the utility and shall
- 5 be separately itemized and included in the customers'
- 6 bills within one billing period. The itemized amount
- 7 shall be designated on the customer billing as
- 8 "customer's share of intervenor expenses paid on
- 9 behalf of _____ (utility to insert
- 10 name of intervenor)".

A non-record roll call was requested.

The ayes were 31, nays 45.

Amendment H—6080 lost.

Small of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 70 was invoked.

On the question "Shall the bill pass?" (H.F. 2381)

The ayes were, 44:

Anderson	Arnould	Avenson	Binneboese
Brandt	Chiodo	Connors	Crawford
Cusack	Dunton	Egenes	Fitzgerald
Garrison	Gentleman	Gettings	Gilloon
Griffiee	Hargrave	Hines	Horn
Howell	Husak	Jesse	Jochum

Krause	Krewson	Lindéen	Lonergan
Miller, K.D.	Monroe	Newhard	Nielsen
Norland	Patchett	Poncy	Shimanek
Spear	Spencer	Stephens	Svoboda
Tauke	Wells	Woods	Mr. Speaker

The nays were, 39:

Baker	Bennett	Clark, B.J.	Clark, J.H.
Conlon	Crabb	Daggett	Danker
Davitt	Dieleman	Evans	Gilson
Hansen	Harvey	Hinkhouse	Hoffmann
Hullinger	Junker	Lageschulte	Lind
Lipsky	Menke	Millen	Miller (Sergeant)
Oxley	Pavich	Pellett	Pelton
Perkins	Scheelhaase	Schnekloth	Schroeder
Small	Thompson	Tofte	Walter
Welden	West	Wyckoff	

Absent or not voting, 17:

Bina	Branstad	Brockett	Brunow
Byerly	Den Herder	Doyle	Dyrland
Halvorson	Harbor	Koogler	Middleswart
O'Halloran	Rinas	Smalley	Stromer
Varley			

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

On motion by Fitzgerald of Webster, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Cochran in the chair.

PETITION FILED

The following petition was received and placed on file:

By Krause of Kossuth from nineteen constituents expressing concern over House inactivity on major issues concerning education and teachers.

INTRODUCTION OF BILLS

House File 2435, by committee on labor and industrial relations, a bill for an act relating to providing additional funding for the second injury fund under workers's compensation.

Read first time and referred to the **sifting committee**.

House File 2436, by committee on budget, a bill for an act relating to the accrual and costs of sick leave.

Read first time and referred to the **budget calendar**.

House File 2437, by committee on education, a bill for an act relating to elementary and secondary education providing for the calculation of the state percent of growth and the weighted enrollment for the budget year in September in the base year, for modifying the adjusted enrollment for the school years beginning July 1, 1979 and July 1, 1980, for inclusion of funds raised for the tort liability insurance as miscellaneous income, for modifying the state cost per pupil in the 1979 school year for 1978 budget year offsets, for modifying the reduction to area education agency XIII, for appropriating eight hundred thousand dollars to the school budget review committee and allowing the school budget review committee to modify allowable growth only for the 1978 school year and for an interim subcommittee to study educational funding modifications.

Read first time and referred to the **sifting committee**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the members of the conference committee on the part of the Senate, appointed April 21, 1978, for House File 248, a bill for an act relating to a complete revision of the juvenile justice laws and subjecting persons to existing penalties, are:

The Senator from Lee, Senator Junkins, Chair; the Senator for Johnson, Senator Doderer; the Senator from Wapello, Senator Glenn; the Senator from Polk, Senator Hill; and the Senator from Clarke, Senator Ramsey.

Also: That the Senate has on April 18, 1978, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 121, providing for the authorization of the construction of an addition to the general hospital of the state university of Iowa.

Also: That the members of the conference committee on the part of the Senate, appointed April 21, 1978, for Senate File 2054, a bill for an act relating to the deposit of school district income surtax moneys, are:

The Senator from Dallas, Senator Rodgers, Chair; the Senator from Cherokee,

Senator Curtis; the Senator from Black Hawk, Senator Nolting; the Senator from Linn, Senator Robinson; and the Senator from Clinton, Senator Shaff.

KEVIN P. LIGHT, Acting Secretary

SENATE MESSAGES CONSIDERED

Senate File 2076, a bill for an act relating to the training and certification of and the services performed by advanced emergency medical technicians and paramedics, authorizing the department of health and the board of medical examiners to make rules pursuant to this Act with the advice of an advanced emergency medical care council, and imposing penalties.

Read first time and referred to the **sifting committee**.

Senate File 2209, a bill for an act providing an exemption from property taxation for solar energy systems and methane gas production systems.

Read first time and **passed on file**.

Senate File 2231, a bill for an act changing the exemptions for the state sales tax in section four hundred twenty-two point forty-five (422.45), subsections five (5) and seven (7), of the Code by eliminating the requirement that funds be derived from appropriations or allotments of funds raised by the levying and collection of taxes and clarifying the exemption for municipally-owned solid waste facilities which sell processed waste as fuel to municipally-owned public utilities.

Read first time and referred to committee on **ways and means**.

SENATE CONCURRENT RESOLUTION 121

By Budget Subcommittee on Education

- 1 A concurrent resolution authorizing the construction
- 2 of an addition to the general hospital of the state
- 3 university of Iowa.
- 4 *Whereas*, chapter two hundred sixty-three A (263A)
- 5 of the Code, provides that the state board of regents
- 6 after authorization by a constitutional majority of
- 7 the general assembly may carry out any project as
- 8 defined in that chapter of the Code at the state
- 9 university of Iowa; and
- 10 *Whereas*, chapter two hundred sixty-three A (263A)

11 of the Code, authorizes the state board of regents
12 to borrow money and to issue and sell negotiable bonds
13 or notes to pay all or any part of the cost of carrying
14 out such projects at the institution payable solely
15 and only from and secured by an irrevocable pledge
16 of a sufficient portion of the university hospital
17 income; and

18 *Whereas*, many of the facilities of the hospitals
19 at the state university of Iowa were built
20 approximately fifty years ago and are inadequate to
21 meet present and future demands for statewide specialty
22 care and teaching services; and

23 *Whereas*, five hundred nine beds of the hospitals
24 at the state university of Iowa have been determined
25 by the state department of health to be "nonconforming"
26 and no longer meet modern hospital building codes
27 and standards and, further, detailed studies have
28 shown that upgrading these facilities to modern
29 standards would be prohibitive because of the cost;
30 and

Page 2

1 *Whereas*, one hundred nine of the five hundred nine
2 nonconforming beds remain in large open wards, some
3 consisting of twenty-six beds, and do not meet the
4 present day standards relating to infection control,
5 patient privacy, and spatial requirements of a modern
6 tertiary level teaching hospital, and further, detailed
7 studies have shown that remodeling these existing
8 large wards into smaller units would be prohibitive
9 because of the cost while not resolving the basic
10 spatial deficiencies; and

11 *Whereas*, the growing emphasis on ambulatory care
12 has resulted in an expansion in utilization of
13 outpatient clinic facilities, exceeding the capacity
14 of existing facilities; and

15 *Whereas*, to alleviate these conditions, the state
16 board of regents requests authorization to construct
17 a vertical addition to the Roy J. Carver Pavilion
18 of approximately one hundred thirty thousand gross
19 square feet to house outpatient clinics and inpatient
20 facilities for one hundred thirty-three beds, and
21 to construct supporting mechanical facilities at an
22 estimated total cost of thirteen million one hundred
23 thirty-five thousand (13,135,000) dollars of which
24 not more than twelve million (12,000,000) dollars
25 would be financed by borrowing under the provisions
26 of chapter two hundred sixty-three A (263A) of the
27 Code, and the remainder to be financed by other funds;
28 *Now Therefore*,

- 29 *Be It Resolved by the Senate, the House Concurring,*
30 That the state board of regents is authorized to

Page 3

1 construct an addition of one hundred thirty thousand
2 gross square feet of floor space, more or less, to
3 the Roy J. Carver Pavilion of the general hospital
4 of the state university of Iowa to house outpatient
5 clinics and inpatient facilities and to construct
6 supporting mechanical facilities at an estimated total
7 cost of thirteen million one hundred thirty-five
8 thousand (13,135,000) dollars of which not more than
9 twelve million (12,000,000) dollars would be financed
10 by borrowing through the issuance of bonds as
11 authorized by the provisions of chapter two hundred
12 sixty-three A (263A) of the Code.

Referred to the committee on budget.

The House stood at ease until the fall of the gavel.

The House resumed session, Speaker Cochran in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2228, a bill for an act providing for a guaranteed student loan program, changing the name of the higher education facilities commission and increasing its membership by two members and making an appropriation.

Also: That the Senate has on April 21, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2246, a bill for an act making an appropriation to the judicial department.

Also: That the Senate has on April 21, 1978, passed the following bill in which the concurrence of the House is asked:

Senate File 2247, a bill for an act relating to credit for accrued sick leave and providing an appropriation.

KEVIN P. LIGHT, Acting Secretary

CONSIDERATION OF BILLS
Regular Calendar

House File 2041, a bill for an act to authorize cities to utilize chapter four hundred nineteen (419) of the Code in providing housing for the elderly or handicapped or for low or moderate-income families, with report of committee recommending passage was taken up for consideration.

Hines of Story offered the following amendment H—5901 filed by him and moved its adoption:

H—5901

- 1 Amend House File 2041 as follows:
- 2 1. Page 1, line 9, by striking the numeral "8" and
- 3 inserting in lieu thereof the numerals "84".

Amendment H—5901 was adopted.

Miller of Buchanan offered the following amendment H—5930 filed by Miller, et al. :

H—5930

- 1 Amend House File 2041 as follows:
- 2 1. Page 1, line 11, by striking the words
- 3 "low or moderate income" and inserting in lieu
- 4 thereof the words "lower income families".

Miller of Buchanan offered the following amendment H—5931, to amendment H—5930, filed by him and moved its adoption:

H—5931

- 1 Amend amendment H—5930, to House File 2041, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "families".

Amendment H—5931 was adopted.

On motion by Miller of Buchanan, amendment H—5930, as amended, was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Junker of Woodbury for the remainder of the day on request of Wyckoff of Benton.

Small of Johnson offered the following amendment H-5902 filed by him:

H-5902

- 1 Amend House File 2041 as follows:
- 2 1. Page 1 by striking lines 15 through 21 and
- 3 inserting in lieu thereof the following: "or
- 4 university, or barge facilities".

Clark of Lee rose on a point of order that amendment H-5902 was not germane.

The Speaker ruled the point not well taken and amendment H-5902 germane.

Small of Johnson moved the adoption of amendment H-5902.

Amendment H-5902 lost.

Small of Johnson offered the following amendment H-5924 filed by him and moved its adoption:

H-5924

- 1 Amend House File 2041 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "industries" the words "located within the municipality
- 4 issuing the bonds and which employs fifteen or fewer
- 5 full-time or equivalent employees at the time of
- 6 issuance of the bonds".

Roll call was requested by Small of Johnson and Svoboda of Iowa.

On the question "Shall amendment H-5924 be adopted?"

The ayes were, 7:

Hargrave
Poney

Harvey
Small

Koogler
Svoboda

Patchett

The nays were, 71:

Arnould	Avenson	Baker	Bennett
Binneboese	Brandt	Brunow	Chiodo
Clark, B.J.	Clark, J.H.	Conlon	Connors
Crabb	Crawford	Cusack	Daggett
Danker	Davitt	Dieleman	Dunton
Egenes	Evans	Fitzgerald	Garrison
Gentleman	Gettings	Gilloon	Gilson
Griffee	Hansen	Hines	Hinkhouse
Hoffmann	Horn	Hullinger	Husak
Jochum	Lageschulte	Lind	Lindee
Lipsky	Lonergan	Menke	Miller, K.D.
Miller (Sergeant)	Monroe	Newhard	Nielsen
Norland	Oxley	Pavich	Pellet
Pelton	Perkins	Scheelhaase	Schnekloth
Schroeder	Shimanek	Spear	Spencer
Stephens	Tauke	Thompson	Tofte
Varley	Walter	Wells	West
Woods	Wyckoff	Mr. Speaker	

Absent or not voting, 22:

Anderson	Bina	Bransfad	Brockett
Byerly	Den Herder	Doyle	Dyrland
Halvorson	Harbor	Howell	Jesse
Junker	Krause	Krewson	Middleswart
Millen	O'Halloran	Rinas	Smalley
Stromer	Welden		

Amendment H — 5924 lost.

Evans of Grundy offered the following amendment H—5882 filed by him and moved its adoption:

H—5882

- 1 Amend House File 2041 as follows:
- 2 1. Page 2, by inserting following line 6 the
- 3 following new section:
- 4 "Sec. . Section four hundred nineteen point
- 5 ten (419.10), Code 1977, is amended to read as follows:
- 6 419.10 DEFAULT. In the case of a default in the
- 7 payment of any revenue bonds, issued pursuant to the
- 8 provisions of this chapter, the municipality which
- 9 defaulted in such payment shall be precluded from
- 10 entering into any activity of its own except to re-
- 11 lease the property for some industrial or housing
- 12 activity authorized by this chapter."

Amendment H — 5882 was adopted.

Evans of Grundy offered the following amendment H—5883 filed by him and moved its adoption:

H—5883

1 Amend House File 2041 as follows:
 2 1. Page 2, by inserting following line 6 the
 3 the following new section:
 4 "Sec. Section four hundred nineteen point
 5 sixteen (419.16), Code 1977, is amended to read as
 6 follows:
 7 419.16 INTENT OF LAW. In order to provide
 8 available alternatives to enable municipalities to
 9 accomplish the purposes of this chapter in the manner
 10 deemed most advisable by the governing body, it is
 11 the intent of this chapter that a lessee or contracting
 12 party under a sale contract or loan agreement is not
 13 required to be the eventual user of a project; pro-
 14 vided, that any sublessee, other than a tenant of res-
 15 idential housing, or assignee shall assume all of the
 16 obligations of the lessee or contracting party under
 17 the lease, sale contract or loan agreement, the lessee
 18 or contracting party remains primarily liable for all
 19 of its obligations under the lease, sale contract or
 20 loan agreement, and the use of the project is consis-
 21 tent with the purposes of this chapter."

Amendment H—5883 was adopted.

Evans of Grundy asked and received unanimous consent to withdraw amendment H—5899 filed by him on April 4, 1978.

Hines of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2041)

The ayes were, 68:

Anderson	Arnould	Avenson	Baker
Bennett	Binneboese	Brandt	Brunow
Chiodo	Clark, B.J.	Clark, J.H.	Connors
Crawford	Cusack	Davitt	Dieleman
Dunton	Fitzgerald	Garrison	Gentleman
Gettings	Hansen	Hargrave	Hines
Hinkhouse	Hoffmann	Horn	Howell
Hullinger	Husak	Jesse	Jochum
Koogler	Krewson	Lind	Lindeen

Lipsky	Loneragan	Menke	Millen
Miller, K.D.	Miller (Sergeant)	Monroe	Newhard
Nielsen	Norland	Oxley	Patchett
Pavich	Pelton	Perkins	Poncy
Scheelhaase	Shimanek	Small	Spear
Spencer	Stephens	Svoboda	Tauke
Thompson	Tofte	Varley	Walter
Wells	West	Woods	Mr. Speaker

The nays were, 14:

Conlon	Crabb	Daggett	Danker
Evans	Gilloon	Gilson	Harvey
Lageschulte	Pellett	Schneklöth	Schroeder
Welden	Wyckoff		

Absent or not voting, 18:

Bina	Branstad	Brockett	Byerly
Den Herder	Doyle	Dyrland	Egenes
Griffie	Halvorson	Harbor	Junker
Krause	Middleswart	O'Halloran	Rinas
Smalley	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2045 DEFERRED

Fitzgerald of Webster asked and received unanimous consent that House File 2045 be deferred and that the bill retain its place on the calendar.

IMMEDIATE CONSIDERATION

Fitzgerald of Webster asked and received unanimous consent for the immediate consideration of House File 356.

SENATE AMENDMENT CONSIDERED

Wyckoff of Benton called up for consideration **House File 356**, a bill for an act relating to the licenses and certificates for the taking of fish and game; repealing sections one hundred nine point seventy-four (109.74) and one hundred ten point eighteen (110.18) of the Code; the taking and possession of migratory birds; and removing authorization for the payment of bounties on wolf, wildcat or bobcat, lynx, crow and fox, amended by the Senate amendment H—6166 as follows:

H—6166

1 Amend House File 356 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section one hundred nine point
6 thirty-eight (109.38), subsection two (2), Code 1977,
7 is amended to read as follows:

8 2. If following an investigation the
9 commission finds that the number of hunters licensed
10 to take deer or wild turkey should be limited or
11 further regulated, the commission shall conduct a
12 drawing to determine which applicants shall receive
13 a license. Applications for licenses shall be received
14 and accepted during a ~~fifteen-day~~ thirty-day period
15 established by the commission. At the end of such
16 period the drawing shall be conducted. If the quota
17 has not been filled, licenses shall then be issued
18 in the order in which such applications are received
19 and shall continue to be issued until such quota has
20 been met or until a date fifteen days prior to the
21 opening day of the season, whichever first occurs.
22 If an applicant fails to receive a deer license by
23 either of the methods provided herein, such applicant
24 shall receive a certificate at the time his application
25 and monetary remittance is returned to him which shall
26 entitle him to a license the following year before
27 the drawing is conducted by the commission. If an
28 applicant receives a deer license which is more
29 restrictive than licenses issued to others for the
30 same period and place, the applicant shall receive
31 a certificate with his or her license entitling the
32 applicant to priority in the drawing for the less
33 restrictive deer licenses the following year. The
34 certificate must accompany that person's application
35 the following year, or the applicant will not receive
36 this priority. Persons purchasing a deer license
37 for the gun season as provided under this section
38 and under section one hundred ten point one (110.1)
39 of the Code shall not be eligible for a deer-hunting
40 license under the provisions of section one hundred
41 ten point seventeen (110.17) of the Code. This
42 subsection shall not apply to the hunting of wild
43 turkey on game breeding and shooting preserves licensed
44 under chapter 110A."

45 2. Page 1, by inserting after line 12 the
46 following:

47 "Sec. . Chapter one hundred nine (109),
48 Code 1977, is amended by adding the following new
49 section:

50 NEW SECTION. A person who is hunting shall

Page 2

1 not use a mobile radio transmitter to communicate
2 the location or direction of game or to coordinate
3 the movement of other hunters. This section shall
4 not apply to the hunting of coyotes."

5 3. Page 1, by striking lines 13 and 14 and
6 inserting in lieu thereof the following:

7 "Sec. . Section one hundred nine point
8 seventy-four (109.74), Code 1977, is amended by
9 striking the section and inserting in lieu thereof
10 the following:

11 109.74 WHERE PERMITTED. Trotlines and throw
12 lines may be used in the border rivers of the state
13 and in the inland waters. However, the commission
14 may by rule prohibit the use of trotlines or throw
15 lines in certain inland waters."

16 4. Page 1, by inserting before line 15 the
17 following new section:

18 "Sec. . Section one hundred nine point
19 one hundred twenty-three (109.123), Code 1977, is
20 amended to read as follows:

21 109.123 PROHIBITED HUNTING NEAR BUILDINGS.
22 A person shall not hunt any game within ~~one~~ two hundred
23 yards of any building unless the owner or tenant has
24 given consent."

25 5. Page 2, line 3, by striking the figure
26 "10.00" and inserting in lieu thereof the figure
27 "12.50".

28 6. Page 2, by inserting after line 23 the
29 following:

30 "n. Nonresidents pheasant stamp.....\$5.00"

31 7. Page 5, by striking lines 9 through 14
32 and inserting in lieu thereof the following:

33 "Sec. . Section one hundred ten point
34 three (110.3), Code 1977, is amended to read as
35 follows:

36 110.3 ISSUANCE OF LICENSE. All licenses
37 other than hunting, fishing, and trapping licenses,
38 shall be issued by the director upon application to
39 the departmental office at Des Moines. Hunting,
40 fishing, and trapping licenses shall be issued by
41 the recorder of each county depositories designated
42 by the director.

43 Sec. . Section one hundred ten point
44 four (110.4), Code 1977, is amended to read as follows:

45 110.4 DEPOSITARIES - BOND. The county
46 recorder may designate various depositories for the
47 sale of such licenses other than the office of the
48 county recorder. The director may shall designate
49 depositories other than those designated by the
50 recorders of the various in all the counties of the

Page 3

1 state but in so doing the interest of the state shall
2 be fully protected either by a sufficient cash deposit
3 or a satisfactory bond. Depositories designated by
4 the county recorder or the director may have the
5 privilege of charging an additional five per cent of
6 the cost of each license to be retained for the service
7 rendered in issuing the license. If the depository
8 is a county officer, the five percent shall be
9 deposited in the county general fund. The county
10 officer shall have the discretion to determine whether
11 or not to be the depository. In no event shall county
12 tax funds be used to finance the administration and
13 collection of licenses.

14 Sec. . Section one hundred ten point
15 six (110.6), Code 1977, as amended by Acts of the
16 Sixty-seventh General Assembly, 1977 Session, chapter
17 sixty-six (66), section seven (7), is amended to read
18 as follows:

19 110.6 LOST OR DESTROYED BLANKS. When license
20 blanks in the possession of the county recorder or
21 depositories are accidentally destroyed, the holder
22 of such blanks shall only be relieved from
23 accountability upon the presentation of satisfactory
24 explanation and the filing of a bond to the director
25 that such blanks have actually been so destroyed.
26 The commission may determine by rule what shall
27 constitute a satisfactory explanation of such
28 occurrence.

29 Sec. . Section one hundred ten point
30 seven (110.7), Code 1977, is amended to read as
31 follows:

32 110.7 DUPLICATE LICENSES AND PERMITS.
33 Whenever any license, certificate or permit, for which
34 a fee has been set, has been lost, destroyed or stolen,
35 the director or the county recorder depository where
36 the license was issued in the first instance, may
37 issue a certificate to replace said license, if written
38 evidence is filed with either director or recorder
39 depository, in affidavit form, by the person to whom
40 the original was issued, setting forth the
41 circumstances and accompanied by a fee of one dollar,
42 said fee to be kept by the county recorder for the
43 use of the county depository, if issued by him or
44 her, and placed in the fish and game protection fund
45 if issued by the director. If, on examination of
46 the evidence, the director or the recorder depository,
47 as the case may be, is satisfied that said license
48 has been lost, destroyed or stolen, he or she shall
49 issue a duplicate license which shall be plainly
50 marked "duplicate" and said duplicate shall serve

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1 in lieu of the original license and it shall contain
2 the same information and signature as the original.

3 Sec. . Section one hundred ten point
4 eight (110.8), Code 1977, is amended to read as
5 follows:

6 110.8 ACCOUNTING. Within five days after
7 the end of each month, each county recorder depository
8 shall remit to the director, all duplicate licenses
9 and all fees for licenses issued during the previous
10 month. On or before the thirty-first of January each
11 year, each county recorder depository shall remit
12 to the director all unused license blanks for the
13 previous year, and he or she shall make a final
14 accounting for all license fees received for that
15 period.

16 Sec. . Section one hundred ten point
17 nine (110.9), Code 1977, is amended to read as follows:

18 110.9 DUPLICATE ISSUANCE—OLD RECORDS
19 DESTROYED. All licenses shall be issued in duplicate,
20 one copy of which shall be given to the applicant,
21 one shall be forwarded to the director, and the license
22 stub shall be retained in the office of the county
23 recorder by the depository.

24 The board of supervisors director may order
25 the county recorder depositories to destroy all
26 triplicate copies of hunting, fishing and trapping
27 licenses which have been on file in the recorder's
28 office for five years or more.

29 Sec. . Section one hundred ten point
30 five (110.5), Code 1977, is repealed."

31 8. Page 5, by inserting before line 15 the
32 following:

33 "Sec. . Section one hundred ten point
34 fourteen (110.14), Code 1977, is amended by adding
35 the following new unnumbered paragraph:

36 NEW UNNUMBERED PARAGRAPH. The magistrate
37 shall revoke the hunting license or suspend the
38 privilege of procuring a hunting license for a period
39 of one year of any person who has been convicted twice
40 within a year of trespassing while hunting. If the
41 hunting privileges of a hunting and fishing combined
42 license are revoked, the fishing privileges of the
43 license shall still be valid and the magistrate shall
44 enter on the license that the hunting privileges are
45 revoked."

46 9. Page 5, by inserting after line 27 the
47 following:

48 "Sec. . Section one hundred ten point
49 eighteen (110.18), Code 1977, is amended to read as
50 follows:

Page 5

1 110.18 COURTESY NONRESIDENT LICENSES. The
2 commission is hereby authorized to issue a courtesy
3 nonresident license for the taking of any fish or
4 game, except deer. Such licenses may be issued by
5 the director of the commission, without charge, to
6 dignitaries and officials of other states, countries,
7 or the United States who are in the state as guests
8 of the governor or the commission. Such licenses
9 shall be issued for a specific number of days. The
10 commission shall establish policies for the issuance
11 of each license and such policies shall be subject
12 to review by the administrative rules review committee
13 pursuant to section seventeen A (17A), Code 1977.
14 The commission shall approve each license within one
15 month of issuance and shall enter each approval in
16 its minutes. The number of licenses to be issued
17 for any one season or species of fish or game shall
18 not exceed one hundred fifty."

19 10. Page 5, by inserting after line 29 the
20 following:

21 "NEW SECTION. Hunting licenses shall be
22 issued with a form providing spaces for the signatures
23 of a landowner or tenant and the dates upon which
24 the landowner or tenant consents to that person hunting
25 on his or her land. Any person who hunts upon the
26 privately owned land of another who does not have
27 the written consent of the owner or tenant in his
28 or her possession shall be presumed to be unduly
29 interfering with the lawful use of the property by
30 the owner."

31 11. Page 6, line 9, by striking the word
32 "fund" and inserting in lieu thereof the word "fund."

33 12. Page 6, by striking lines 10 through
34 20 and inserting in lieu thereof the following: "The
35 revenue may be used for the matching of federal funds.
36 The revenues and any matched federal funds shall be
37 used for acquisition of land, leasing of land or
38 obtaining of easements from willing sellers for use
39 as wildlife habitats. Notwithstanding the exemption
40 provided by section four hundred twenty-seven point
41 one (427.1) of the Code, any land acquired with the
42 revenues and matched federal funds shall be subject
43 to the full consolidated levy of property taxes which
44 shall be paid from those revenues. In addition such
45 revenue may be used for the development, management
46 and enhancement of wildlife lands and habitat areas."

47 13. Page 6, by striking line 21 through
48 page 7, line 11.

49 14. Page 7, by striking lines 19 through
50 23.

Page 6

1 15. Page 7, line 26, by inserting after
2 the word "wolf" the words "except coyote".

3 16. Page 7, by inserting after line 35 the
4 following:

5 "NEW SECTION.

6 1. A nonresident shall not hunt pheasants
7 unless the pheasant stamp is purchased and affixed
8 to the nonresident hunting license and the nonresident
9 hunter possesses unused pheasant tags. A nonresident
10 shall not possess an untagged pheasant.

11 2. The pheasant stamp shall permit the
12 license holder to hunt pheasants. The stamps shall
13 be issued with tags in the amount of twice the
14 possession limit established by the commission for
15 pheasant. The tags shall bear the same number as
16 the stamp and shall be designed to be used only once.
17 A nonresident may purchase another pheasant stamp
18 and tags when the tags of the previous stamp are
19 exhausted."

20 17. Page 8, line 17, by striking the word
21 "two" and inserting in lieu thereof the word "five".

22 18. Page 8, by striking lines 19 and 20.

23 19. Page 8, by inserting before line 21
24 the following:

25 "Sec. . . INTENT.

26 1. It is the intent of the general assembly
27 that the succeeding general assembly appropriate funds
28 for the additional field officers for the state
29 conservation commission with the funds made available
30 by the license fee increases provided in this Act.

31 2. It is the intent of the general assembly
32 that the state conservation commission temporarily
33 assign its personnel who are qualified as peace
34 officers, regardless of their permanent assignments,
35 to enforce the game laws during the days of greatest
36 hunting activity."

37 20. Renumbering the sections to conform
38 with this amendment.

39 21. Amend the title, by striking lines 1
40 through 7 and inserting in lieu thereof the following:

41 "An Act relating to the taking of fish and game."

Scheelhaase of Woodbury offered the following amendment
H-6172, to the Senate amendment H-6166, filed by him from the
floor and moved its adoption:

H-6172

1 Amend Senate amendment H-6166 to House File 356

- 2 as amended, passed and reprinted by the House as
3 follows:
4 1. Page 1 by striking lines 45 through 50.
5 2. Page 2 by striking lines 1 through 4.

A non-record roll call was requested.

Rule 70 was invoked.

The ayes were 35, nays 44.

Amendment H—6172 lost.

Pelton of Clinton offered the following amendment H—6188, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H—6188

- 1 Amend the Senate amendment, H—6166, to House File
2 356 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 1, line 49, by striking the word "section"
5 and inserting in lieu thereof the word "sections".
6 2. Page 1, by inserting after line 49 the follow-
7 ing:
8 "NEW SECTION. TAKING DEER UNLAWFULLY. Any person
9 who takes a deer in violation of the open season,
10 bag limits, possession limits or territorial limits
11 established by the commission for the taking of deer
12 shall be guilty of a serious misdemeanor and shall
13 be fined not less than five hundred dollars and
14 imprisoned not less than thirty days. Any weapon
15 or vehicle used in a violation of this section is
16 declared to be a public nuisance and shall be seized
17 by the peace officer and delivered for confiscation
18 to a magistrate as provided in sections one hundred
19 ten point nineteen (110.19) through one hundred ten
20 point twenty-two (110.22) of the Code and Code
21 Supplement."

Amendment H—6188 lost.

Gilson of Guthrie offered the following amendment H—6176, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H-6176

- 1 Amend Senate amendment H-6166 to House File 356
- 2 as follows:
- 3 1. Page 2 by striking lines 3 and 4 and inserting
- 4 in lieu thereof the words "the movement of other
- 5 hunters."

A non-record roll call was requested.

The ayes were 47, nays 24.

Amendment H-6176 was adopted.

Avenson of Fayette offered amendment H-6178, to the Senate amendment H-6166, filed by Avenson, Middleswart, Wyckoff, Evans, Shimanek, Perkins, Gilson and Garrison from the floor and requested division as follows:

H-6178

- 1 Amend the Senate amendment, H-6166, to House File
- 2 356 as amended, passed and reprinted by the House
- 3 as follows:

H-6178A

- 4 1. Page 2, by striking lines 25 through 27.

H-6178B

- 5 2. Page 2, by inserting after line 27 the follow-
- 6 ing:
- 7 " . Page 2, line 21, by striking the figure
- 8 "40.00" and inserting in lieu thereof the figure
- 9 "30.00"."

H-6178C

- 10 3. Page 5, by striking lines 19 through 30.

H-6178D

- 11 4. Page 5, line 46, by inserting after the word
- 12 "areas." the words "Not less than fifty percent of
- 13 all revenue from the sale of wildlife habitat stamps
- 14 shall be used by the commission to enter into
- 15 agreements with county conservation boards or other
- 16 public or private agencies in order to carry out the
- 17 purposes of this section."

H-6178E

- 18 5. Page 5, by striking lines 49 and 50.
 19 6. By renumbering the sections to conform with
 20 this amendment.

On motion by Avenson of Fayette, amendment H-6178A was adopted.

On motion by Avenson of Fayette, amendment H-6178B was adopted.

On motion by Avenson of Fayette, amendment H-6178C was adopted.

On motion by Avenson of Fayette, amendment H-6178D was adopted.

On motion by Avenson of Fayette, amendment H-6178E was adopted.

Middleswart of Warren offered the following amendment H-6187, to the Senate amendment H-6166, filed by him from the floor:

H-6187

- 1 Amend the Senate amendment, H-6166, to House File
 2 356 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 2, by striking line 31 through page 4,
 5 line 30, and inserting in lieu thereof the following:
 6 " . . . Page 5, line 11, by striking the word "five"
 7 and inserting in lieu thereof the word "three"."

Middleswart of Warren asked and received unanimous consent to defer action on amendment H-6187.

Hargrave of Johnson offered the following amendment H-6189, to the Senate amendment H-6166, filed by him from the floor:

H-6189

- 1 Amend the Senate amendment H-6166, to House File 356,
 2 as passed by the House and reprinted, as follows:
 3 1. Page 2, by striking lines 31 through 50.
 4 2. Page 3, by striking lines 1 through 50.
 5 3. Page 4, by striking lines 1 through 28.

Griffie of Chickasaw asked and received unanimous consent to defer action on amendment H—6189.

Schroeder of Pottawattamie offered the following amendment H—6175, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H—6175

- 1 Amend Senate amendment H—6166 to House File 356 as
- 2 amended, passed and reprinted by the House as follows:
- 3 1. Page 4, line 45, by inserting after the word
- 4 "revoked." the following: "A person shall not pur-
- 5 chase a license that was revoked or for a privilege
- 6 that was suspended during the period of revocation
- 7 or suspension."

Amendment H—6175 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Patchett of Johnson on request of Walter of Pottawattamie; Small of Johnson on request of Evans of Grundy; Pellett of Cass on request of Danker of Pottawattamie; Binneboese of Plymouth on request of Wyckoff of Benton; Varley of Adair and Crabb of Crawford on request of Millen of Van Buren, all for the remainder of the day; Lipsky of Linn for the remainder of the day and the week of April 24 on request of Millen of Van Buren.

Spencer of Clay offered the following amendment H—6186, to the Senate amendment H—6166, filed by him and Nielsen of Polk from the floor and moved its adoption:

H—6186

- 1 Amend the Senate amendment, H—6166, to House File
- 2 356 as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 4, by striking line 46 through page 5,
- 5 line 18.
- 6 2. Page 6, by striking line 22.
- 7 3. By renumbering the sections to conform with
- 8 this amendment.

Amendment H—6186 was adopted.

Howell of Floyd offered the following amendment H-6190, to the Senate amendment H-6166, filed by him from the floor and moved its adoption:

H-6190

1 Amend the Senate amendment, H-6166, to House File
 2 356 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 5, by adding after line 30 the follow-
 5 ing:
 6 "NEW SECTION. RECIPROCITY FOR SENIOR CITIZENS
 7 OF OTHER STATES. A nonresident, who is sixty-five
 8 years of age or more, may obtain a fishing license
 9 in this state in the same manner and at the same cost
 10 as a resident of this state, who is sixty-five years
 11 of age or more, may obtain a fishing license in the
 12 state of the nonresident."

A non-record roll call was requested.

The ayes were 20, nays 36.

Amendment H-6190 lost.

Hinkhouse of Cedar offered the following amendment H-6173, to the Senate amendment H-6166, filed by Hinkhouse, Wyckoff and Husak from the floor and moved its adoption:

H-6173

1 Amend H-6166 to House File 356 as follows:
 2 1. Page 4, by inserting after line 45 the follow-
 3 ing:
 4 "1. Page 5, by inserting after line 27 the
 5 following:
 6 "Sec. . Chapter one hundred ten (110), Code
 7 1977, is amended by adding the following new section:
 8 NEW SECTION. The deer hunting license shall be
 9 accompanied by a tag designed to be used only once
 10 and separable into two parts. When a deer is taken,
 11 the deer shall be tagged with one part of the tag
 12 and both parts of the tag shall be dated. A person
 13 may lawfully continue to hunt on the day that the
 14 person has taken and tagged a deer if that person
 15 is accompanying another person who is lawfully hunt-
 16 ing deer and that person does not otherwise violate
 17 the laws for the taking of game."

Amendment H—6173 was adopted.

Scheelhaase of Woodbury offered the following amendment H—6179, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H—6179

- 1 Amend the Senate amendment, H—6166, to House File
- 2 356 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 6, line 36, by striking the word
- 5 "activity." " and inserting in lieu thereof the word
- 6 "activity."
- 7 2. Page 6, by inserting after line 36 the follow-
- 8 ing:
- 9 "Sec. . There is appropriated from the general
- 10 fund of the state to the state conservation commission
- 11 for the fiscal period beginning July 1, 1978 and
- 12 ending June 30, 1979, the sum of five thousand (5,000)
- 13 dollars or so much thereof as may be necessary for
- 14 the purchase of forty channel citizens band radios
- 15 and the installation of those radios in the vehicles
- 16 used by the field officers of the commission." "
- 17 3. Page 6, line 41, by inserting after the word
- 18 "game" the words "and making an appropriation".

A non-record roll call was requested.

The ayes were 27, nays 33.

Amendment H—6179 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Menke of O'Brien on request of Danker of Pottawattamie; Hansen of O'Brien on request of Miller (Sergeant) of Calhoun; Stephens of Plymouth on request of Miller of Buchanan, all for the remainder of the day.

Pelton of Clinton offered the following amendment H—6193, to the Senate amendment H—6166, filed by him from the floor and moved its adoption:

H—6193

- 1 Amend the Senate amendment H—6166, to House File

- 2 356, as passed by the House and reprinted, as follows:
 3 1. Page 1, line 49, by striking the word "section"
 4 and inserting in lieu thereof the word "sections".
 5 2. Page 1, by inserting after line 49 the follow-
 6 ing:
 7 "NEW SECTION. TAKING DEER UNLAWFULLY. Any person
 8 who takes a deer in violation of the open season, bag
 9 limits, possession limits or territorial limits estab-
 10 lished by the commission for the taking of deer shall
 11 be guilty of a serious misdemeanor.

Amendment H—6193 was adopted.

Chiodo of Polk offered the following amendment H—6199, to the Senate amendment H—6166, filed by him and Schroeder of Pottawattamie from the floor and moved its adoption:

H—6199

- 1 Amend the Senate amendment H—6166, to House File
 2 356, as passed by the Senate and reprinted, as follows:
 3 1. Page 2, by inserting after line 30 the following:
 4 " . Page 4, by inserting after line 27 the follow-
 5 ing:
 6 "Sec. . Chapter one hundred ten (110), Code 1977,
 7 is amended by adding the following new section:
 8 NEW SECTION. The commission shall not limit the
 9 number of applications submitted for consideration or
 10 the number of projects under construction with respect
 11 to United States bureau of outdoor recreation projects."

Amendment H—6199 was adopted.

Hargrave of Johnson offered the following amendment H—6183, to the Senate amendment H—6166, filed by Lipsky of Linn and him from the floor and moved its adoption:

H—6183

- 1 Amend the Senate amendment H—6166 to House
 2 File 356, as passed by the House and reprinted, as
 3 follows:
 4 1. Page 6, by inserting after line 36 the
 5 following:
 6 "3. It is the intent of the general assembly
 7 that the state conservation commission provide from
 8 funds received under this Act for family recreation
 9 projects and facilities designed to implement family
 10 recreation."

Amendment H—6183 lost.

Fitzgerald of Webster asked and received unanimous consent that House File 356 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—6166, as amended, pending.)

CONFERENCE COMMITTEES APPOINTED
(House File 2382)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2382: Newhard of Jones, Chair; Jesse of Polk, Nielsen of Polk, Clark of Cerro Gordo and Branstad of Winnebago.

(House File 2074)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2074: Avenson of Fayette, Chair; Anderson of Jasper, Shimanek of Jones, Evans of Grundy and Griffee of Chickasaw.

SENATE AMENDMENT CONSIDERED
House Refuses to Concur

Jesse of Polk called up for consideration **House File 2223**, a bill for an act to provide that a separate termination of parental rights proceeding shall not be required in cases of step-parent adoptions, amended by the Senate amendment H—6067, found on page 1561 of the House Journal, and moved that the House concur in the Senate amendment H—6067.

The motion lost and the House refused to concur in the Senate amendment H—6067.

INTRODUCTION OF BILL

House File 2438, by committee on ways and means, a bill for an act to provide reimbursement for special assessments, for property taxes paid, and for rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled.

Read first time and placed on the **ways and means calendar**.

HOUSE RESOLUTION 139
By Miller (Sergeant) of Calhoun
and Bennett

1 *Whereas*, the Lake View-Auburn High School Boys'
2 Basketball team has won second place in the Class A
3 Boys' State Basketball tournament; and
4 *Whereas*, in the pursuit of these accomplishments
5 the Hawks displayed the utmost in spirit, citizenship,
6 dedication and athletic talent, *Now Therefore*,
7 *Be It Resolved by the House of Representatives*, That
8 the members of the Sixty-seventh General Assembly of the
9 state of Iowa extend their heartiest congratulations to
10 the Lake View-Auburn Hawks, their coaches Bernard Van Roekel
11 and Frank Kraft for their excellence and sportsmanship, and
12 to the cheerleaders, faculty and administration, families
13 and all loyal fans who encouraged and supported them; and
14 *Be It Further Resolved*, That copies of this resolution
15 be sent to Superintendent Charles Ferguson and coaches
16 Bernard Van Roekel and Frank Kraft of Lake View-Auburn
17 High School, Lake View, Iowa.

Laid over under Rule 25.

HOUSE RESOLUTION 140
By Pavich and Walter

1 *Whereas*, the Motor Club of Iowa has promoted school
2 safety for the students of Iowa; and
3 *Whereas*, Bloomer School of Council Bluffs has been
4 chosen as the winner of the Fifth Congressional District
5 Safety Patrol Contest of Iowa, sponsored by the Motor Club
6 of Iowa; and
7 *Whereas*, Bloomer School of Council Bluffs has been chosen
8 as the first place award winner of the 30th Annual School
9 Safety Patrol Contest, sponsored by the Motor Club of Iowa;
10 *Now Therefore*,
11 *Be It Resolved by the House of Representatives*, That
12 the House requests that congratulations and best wishes of
13 the people of the state of Iowa be bestowed upon the students,
14 faculty and parents of the students of Bloomer School of
15 the Council Bluffs Community Schools; and
16 *Be It Further Resolved*, That a copy of this Resolution
17 be sent to Mrs. Maxine Kostopulos, Safety Patrol supervisor
18 of Bloomer School; and
19 *Be It Further Resolved*, That a copy of this Resolution
20 be forwarded to Mr. James Howard, Principal of Bloomer School.

Laid over under Rule 25.

MOTIONS TO RECONSIDER
(House File 2381)

I move to reconsider the vote by which House File 2381 failed to pass the House on April 21, 1978.

SMALL of Johnson

(Amendment H—6172 to House File 356)

I move to reconsider the vote by which amendment H—6172, to the Senate amendment H—6166, to House File 356 failed to be adopted by the House on April 21, 1978.

HULLINGER of Decatur

UNANIMOUS CONSENT CALENDAR
(House Resolution 137)

We hereby respectfully request that House Resolution 137, filed on April 20, 1978 and found on page 1669 of the House Journal, be placed on the unanimous consent calendar.

HUSAK of Tama
WYCKOFF of Benton
CRABB of Crawford

STUDY BILL COMMITTEE ASSIGNMENT

S.B. 493 Ways and Means

Relating to local governing body of a city designating area of the city as revitalization area.

PRESENTATION OF VISITORS

Anderson of Jasper presented to the House foreign exchange student Meike Horstmann from Hamborg, Germany. Meike is attending Newton Community School, Newton, Iowa.

Evans of Grundy presented to the House Senor Canga and Senor Aparicio from Maracaibo, Venezuela. They are visiting Iowa with the Friendship Force.

The Speaker announced that the following visitors were present in the House chamber:

Thirteen members of the National Honor Society of Ackley-Geneva, High School Ackley, Iowa. By Welden of Hardin.

Thirty fifth grade students from Clive Elementary School, West Des Moines, Iowa, accompanied by Mrs. Sauerman. By Thompson of Polk.

Twenty fifth grade students from Colorado Elementary School, Muscatine, Iowa. By Hoffmann of Muscatine.

Sixty sixth grade students from Dunkerton Community School, Dunkerton, Iowa, accompanied by Mrs. John Scott. By Miller of Buchanan.

Twenty-five fifth grade students from Union-Whitten Community School, Union, Iowa, accompanied by Nancy Meredith. By West of Marshall.

SUBCOMMITTEE ASSIGNMENTS

House File 2385

Judiciary and Law Enforcement: Scheelhaase, Chair; Spencer and Branstad.

House File 2403

Judiciary and Law Enforcement: Patchett, Chair; Jesse and Shimanek.

House File 2412

Judiciary and Law Enforcement: Branstad, Chair; Clark of Cerro Gordo and Spencer.

Senate File 2031

Judiciary and Law Enforcement: Gentleman, Chair; Lipsky and Arnould.

Senate File 2104

Judiciary and Law Enforcement: Nielsen, Chair; Doyle and Smalley.

Senate File 2107

County Government: Brandt, Chair; Danker and Hinkhouse.

Senate File 2198

Judiciary and Law Enforcement: Dyrland, Chair; Arnould and Newhard.

Senate File 2199

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Senate File 2200

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

Senate File 2202

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

Senate File 2205

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

Senate File 2206

Judiciary and Law Enforcement: Patchett, Chair; Pelton and Shimanek.

Senate File 2213

Judiciary and Law Enforcement: Jesse, Chair; Branstad, Newhard, Gentleman and Nielsen.

Senate File 2216

State Government: Monroe, Chair; Avenson, Harvey, Griffee and West.

STUDY BILL SUBCOMMITTEE ASSIGNMENTS

Study Bill 489

State Government: Griffee, Chair; Avenson and West.

REPORTS OF COMMITTEE MEETINGS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following reports of committee meetings have been received and are on file in the office of the Chief Clerk.

DAVID L. WRAY
Chief Clerk of the House

COMMITTEE ON EDUCATION

Scheduled: 1:00 p.m., April 20, 1978

Convened: 1:00 p.m.

Adjourned: 2:15 p.m.

Present: Patchett, chair; Miller (Sergeant) of Calhoun, vice-chair; Daggett, ranking member; Baker, Brockett, Crawford, Gilson, Horn, Koogler, Krewson, Lind, Norland, Poncey, Small, Spear and Thompson.

Absent: Byerly.

Excused: Dyrland, Hansen and Stromer.

Study Bill 319, a bill for an act relating to elementary and secondary education and providing an appropriation.

Recommended Do Pass.

Aye: Patchett, Miller (Sergeant) of Calhoun, Daggett, Baker, Crawford, Gilson, Horn, Koogler, Krewson, Norland, Poney, Small, Spear and Thompson.

Nay: Brockett and Lind.

Absent or not voting: Byerly, Dyrland, Hansen and Stromer.

COMMITTEE ON WAYS AND MEANS

Scheduled: 12:30 p.m., April 21, 1978

Convened: 12:47 p.m.

Adjourned: 1:55 p.m.

Present: Norland, chair; Miller of Buchanan, vice-chair; West, ranking member; Anderson, Bennett, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Gilloon, Hines, Horn, Howell, Husak, Jochum, Lind, Menke, Oxley, Pavich, Schnekloth, Wells and Wyckoff.

Absent: Branstad, Dunton (arrived 1:00 p.m.), Egenes, Harbor, Harvey (arrived 1:07 p.m.), Junker, O'Halloran, Rinas, Spencer (arrived 1:10 p.m.), Svoboda (arrived 1:05 p.m.), Thompson (arrived 12:53 p.m.) and Varley (arrived 1:44 p.m.).

Excused: Bina and Den Herder.

Senate File 2173, a bill for an act providing for exemption certificates for exempt purchases under the sales tax law and assigning responsibility for the tax on nonexempt purchases subject to penalties provided by law.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Gilloon, Hines, Horn, Howell, Husak, Jochum, Lind, Menke, Oxley, Pavich, Schnekloth, Thompson, Wells and Wyckoff.

Nay: None.

Absent or not voting: Bina, Branstad, Den Herder, Dunton, Egenes, Harbor, Harvey, Junker, O'Halloran, Rinas, Spencer, Svoboda and Varley.

Senate File 2210, a bill for an act relating to the method of deducting net operating losses in computing the income tax liability of individuals and corporations.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Gilloon, Hines, Horn, Howell, Husak, Jochum, Lind, Menke, Oxley, Pavich, Schnekloth, Spencer, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: None.

Absent or not voting: Bina, Branstad, Den Herder, Egenes, Harbor, Harvey, Junker, O'Halloran and Rinas.

Study Bill 415, a bill for an act to impose a tax upon freight line and equipment car companies and providing penalties for violations.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Brandt, Clark of Lee, Conlon, Davitt, Dieleman, Dunton, Gilloon, Hines, Horn, Howell, Husak, Jochum, Lind, Menke, Pavich, Schnekloth, Svoboda, Thompson, Varley, Wells and Wyckoff.

Nay: Bennett and Daggett.

Absent or not voting: Bina, Branstad, Cusack, Den Herder, Egenes, Harbor, Harvey, Junker, O'Halloran, Oxley, Rinas and Spencer.

Study Bill 491, a bill for an act to provide reimbursement for property taxes paid and rent constituting property taxes paid for persons sixty-five years of age or older, a surviving spouse fifty-five years of age or older, or totally disabled.

Recommended Amend and Do Pass.

Aye: Norland, Miller of Buchanan, West, Anderson, Bennett, Brandt, Clark of Lee, Conlon, Cusack, Daggett, Davitt, Dieleman, Dunton, Gilloon, Harvey, Hines, Horn, Howell, Husak, Jochum, Lind, Oxley, Pavich, Spencer, Svoboda, Thompson, Wells and Wyckoff.

Nay: Menke.

Absent or not voting: Bina, Branstad, Den Herder, Egenes, Harbor, Junker, O'Halloran, Rinas, Schnekloth and Varley.

AMENDMENTS FILED

H-6168	H.F. 2423	Jesse of Polk
H-6169	H.F. 2423	Thompson of Polk
H-6174	S.F. 2202	Committee on Judiciary and Law Enforcement
H-6177	H.F. 2423	Wyckoff of Benton Cusack of Scott
H-6180	H.F. 2434	Spear of Lee
H-6181	H.F. 2417	Jesse of Polk
H-6182	H.F. 2417	Jesse of Polk
H-6184	S.F. 94	Committee on State Government
H-6191	H.F. 2423	Jesse of Polk
H-6192	H.F. 2434	Hullinger of Decatur

H-6194	H.F. 2045	Lipsky of Linn Clark of Cerro Gordo
H-6195	S.F. 2216	Welden of Hardin
H-6196	H.F. 455	Spear of Lee
H-6197	H.F. 2432	Patchett of Johnson Crawford of Story Lind of Black Hawk Hargrave of Johnson Garrison of Black Hawk Small of Johnson Egenes of Story
H-6198	H.F. 2423	Schroeder of Pottawattamie
H-6200	H.F. 356	Griffee of Chickasaw
		Avenson of Fayette Howell of Floyd Clark of Cerro Gordo Perkins of Greene Middleswart of Warren Hullinger of Decatur West of Marshall Anderson of Jasper
		Nielsen of Polk Walter of Pottawattamie Nielsen of Polk Monroe of Des Moines Jochum of Dubuque Brunow of Appanoose Jochum of Dubuque Walter of Pottawattamie Baker of Buena Vista Newhard of Jones
H-6201	H.F. 2417	
H-6202	H.F. 2417	
H-6203	H.F. 2417	
H-6204	H.F. 2417	
H-6205	H.F. 2417	
H-6206	S.F. 2066	
		Norland of Worth Millen of Van Buren Gilson of Guthrie Koogler of Mahaska Schroeder of Pottawattamie Avenson of Fayette Nielsen of Polk Hullinger of Decatur Lageschulte of Bremer
		West of Marshall Fitzgerald of Webster Miller of Buchanan Dieleman of Marion Anderson of Jasper Griffee of Chickasaw Tauke of Dubuque Hines of Story Dunton of Keokuk

Lonergan of Boone
Perkins of Greene
Husak of Tama
Varley of Adair
Horn of Linn
Chiodo of Polk
Egenes of Story
Binneboese of Plymouth
Pavich of Pottawattamie
Gettings of Wapello
Cusack of Scott
Crawford of Story
Daggett of Adams
Stromer of Hancock
Clark of Cerro Gordo
Schnekloth of Scott
Bennett of Ida
Hoffmann of Muscatine
Danker of Pottawattamie
Clark of Lee
Welden of Hardin
Stephens of Plymouth
Miller (Sergeant) of Calhoun
Junker of Woodbury

Oxley of Linn
Spencer of Clay
Wyckoff of Benton
Poncy of Wapello
Woods of Polk
Evans of Grundy
Middleswart of Warren
Krause of Kossuth
Brunow of Appanoose
Connors of Polk
Wells of Linn
Patchett of Johnson
Crabb of Crawford
Lind of Black Hawk
Conlon of Muscatine
Pelton of Clinton
Shimanek of Jones
Menke of O'Brien
Hansen of O'Brien
Tofte of Winneshiek
Howell of Floyd
Lindeen of Henry
Jesse of Polk
Krewson of Polk

On motion by Fitzgerald of Webster, the House adjourned at 4:50 p.m., until 10:00 a.m., Monday, April 24, 1978.