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JOURNAL OF THE SENATE

1981

REGULAR SESSION SIXTY-NINTH GENERAL ASSEMBLY

Convened January 12, 1981

Adjourned May 22, 1981

**Volume II
May 4—May 22**

**June Extraordinary Session
August Extraordinary Session**

**TERRY E. BRANSTAD, President of the Senate
DELWYN STROMER, Speaker of the House**

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JOURNAL OF THE SENATE

ONE HUNDRED TENTH CALENDAR DAY
SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 1, 1981

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend John Phyllaier, pastor of the Horton Baptist Church, Waverly, Iowa.

The Journal of Thursday, April 30, 1981, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Donald Boldt, Ackley, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Small for the day on request of Senator Junkins; Senators Murray, Nystrom and Bisenius for the day on request of Senator Hultman.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED (Deferred April 29, 1981)

Senate File 289

The Senate resumed consideration of Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty, and House amendment S—3582, deferred on April 29, 1981.

Senator Junkins asked and received unanimous consent to withdraw amendment S—3610 filed by Senators Junkins and Baugher on April 29, 1981, to House amendment S—3582.

Senator Tieden moved that the Senate concur in House amendment S—3582.

A non record roll call was requested.

The ayes were 8, nays 34.

The motion lost and the Senate **refused to concur** in the House amendment.

UNFINISHED BUSINESS (Deferred April 30, 1981)

House File 786

The Senate resumed consideration of House File 786, a bill for an act permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads and amendment S—3622 by Senators DeKoster and Small, deferred on April 30, 1981.

Senator Deluhery took the chair at 9:45 a.m.

Senator DeKoster offered amendment S—3627 filed by Senators DeKoster, Dreeszen and Hester from the floor to page 1 of the bill, moved its adoption and requested a non record roll call.

* The ayes were 40, nays 2.

Amendment S—3627 was adopted.

With the adoption of amendment S—3627, the Chair ruled amendment S—3622 to page 1 of the bill deferred on April 30, 1981, out of order.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 786) the vote was:

Ayes, 38:

Anderson	Briles	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen

Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Palmer
Ramsey	Readinger	Rodgers	Schwengels
Slater	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, 3:

Gallagher	Husak	Priebe
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Absent or not voting, 9:

Baughner	Bisenius	Brown	Murray
Nystrom	Rush	Small	Taylor
Yenger			

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

MOTION TO RECONSIDER ADOPTED AND BILL REFERRED TO COMMITTEE

Senate File 503

Senator Priebe withdrew the motion to reconsider Senate File 503, a bill for an act relating to procedures to be followed by drainage districts, filed by him on April 13, 1981, and found on page 1250 of the Senate Journal.

Senator Waldstein withdrew the motion to reconsider Senate File 503 filed by him on April 13, 1981, and found on page 1250 of the Senate Journal.

Senator Hultman asked unanimous consent that Senate File 503 be referred to the committee on Natural Resources.

Senator Hultman withdrew his request.

Senator Junkins asked and received unanimous consent to suspend the rules for the purpose of taking up Senate File 503 for reconsideration.

President Branstad took the chair at 10:25 a.m.

Senator Priebe filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 503 passed the Senate on April 13, 1981.

On the question "Shall the motion to reconsider be adopted?" (S.F. 503) the vote was:

Ayes, 40:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, 1:

Tieden

Absent or not voting, 9:

Baughner	Bisenius	Kinley	Murray
Nystrom	Rush	Small	Taylor
Yenger			

The motion prevailed.

Senator Priebe moved to reconsider the vote by which Senate File 503 went to its last reading, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent that **Senate File 503** be referred to the committee on **Natural Resources**.

MOTION TO RECONSIDER ADOPTED

Senator Drake called up the motion to reconsider Senate File 323 filed by him on April 30, 1981, found on page 1521 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 323) the vote was:

Ayes, 37:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Palmer
Ramsey	Readinger	Rodgers	Schwengels
Slater	Vande Hoef	Van Gilst	Waldstein
Wells			

Nays, 2:

Gallagher	Tieden
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Absent or not voting, 11:

Baughner	Bisenius	Comito	Kinley
Murray	Nystrom	Priebe	Rush
Small	Taylor	Yenger	

The motion prevailed.

Senator Drake moved to reconsider the vote by which Senate File 323 went to its last reading, which motion prevailed by a voice vote.

Senate File 323

On motion of Senator Rodgers, Senate File 323, a bill for an act relating to mobile homes by providing that the semi-annual mobile home tax is due and payable and delinquent at the same time as real property taxes, that mobile homes may be sold for delinquent taxes in the same manner as real property, that title shall not be transferred if taxes are owing, that mobile homes are not subject to annual registration, and that before mobile homes can be transported a tax clearance that taxes are not owing must be obtained, requiring that present owners who are not titled in the county where their mobile homes are located must notify the county treasurer and providing a January 1 effective date, was taken up for consideration.

Senator Drake offered amendment S—3628 filed by Senators Drake and Rodgers from the floor to pages 4 and 10 of the bill and moved its adoption.

Amendment S—3628 was adopted by a voice vote.

Senator Rodgers moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 323) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Vande Hoef	Van Gilst	Waldstein	

Nays, 3:

Holden	Tieden	Wells
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Absent or not voting, 8:

Baughner	Bisenius	Murray	Nystrom
Rush	Small	Taylor	Yenger

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

MOTIONS TO RECONSIDER WITHDRAWN

House File 822

Senator Ramsey withdrew the motion to reconsider House File 822, a bill for an act relating to the administration of small estates, filed by him on April 24, 1981, and found on page 1422 of the Senate Journal.

House File 767

Senator Gentleman withdrew the motion to reconsider House File 767, a bill for an act relating to the satisfaction of debts owed to the holders of mechanic's liens, and providing that the lien of a subcontractor is not enforceable against an owner-occupied dwelling except to the extent of the amount owed to the principal

contractor at the time the subcontractor serves a written notice of the claim on the owner, and providing that a subcontractor may be awarded exemplary damages from the principal contractor, filed by her on April 30, 1981, and found on page 1516 of the Senate Journal.

Senator Ramsey withdrew the following motion to reconsider filed by him on April 30, 1981:

MR. PRESIDENT: I move to reconsider the vote by which House File 767 passed the Senate on April 30, 1981.

House File 816

Senator Junkins withdrew the motion to reconsider House File 816, a bill for an act regulating the offer and sale of business opportunities and providing penalties for violations, filed by him on April 30, 1981, and found on page 1499 of the Senate Journal.

MOTION TO RECONSIDER ADOPTED

Senator Gentleman called up the motion to reconsider House File 303 filed by her on April 16, 1981, found on pages 1301-1302 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 303) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Anderson	Brown	Carney	Carr
Comito	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Palmer
Ramsey	Readinger	Slater	Vande Hoef
Waldstein	Wells		

Nays, 14:

Briles	Craft	Gallagher	Gratias
Husak	Hutchins	Junkins	Lura
Miller, A.V.	Miller, C.P.	Priebe	Schwengels
Tieden	Van Gilst		

Absent or not voting, 10:

Baughner
Nystrom
Taylor

Bisenius
Rodgers
Yenger

Coleman
Rush

Murray
Small

The motion prevailed.

Senator Gentleman moved to reconsider the vote by which House File 303 went to its last reading, which motion prevailed by a voice vote.

House File 303

On motion of Senator Vande Hoef, House File 303, a bill for an act relating to the registration of group day care home providers, was taken up for reconsideration.

Senator Kudart called up the motion to reconsider the vote by which amendment S—3416 was adopted by the Senate on April 15, 1981, filed by him on April 16, 1981, found on page 1310 of the Senate Journal and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 21, nays 19.

The motion prevailed and amendment S—3416 by Senator Hutchins to page 2 of the bill, was taken up for reconsideration.

PRESENTATION OF PELLA TULIP QUEEN

Senator Brown appeared on the rostrum and presented Kathleen Lucas, Queen of the Forty-sixth Annual Tulip Time Festival from Pella, Iowa, who in turn introduced the members of her court: Sandi De Zwarte, Laura Rosenblom, Lori Vroom and Valerie Newendorp.

The Queen presented President Branstad with a kiss and a package of the famous Pella Dutch cookies and invited the Senate to attend the Tulip Time Festival in Pella on May 7, 8 and 9, 1981.

BUSINESS PENDING

House File 303

The Senate resumed consideration of House File 303.

Senator Briles moved that House File 303 be laid on the table.

Senator Briles withdrew his motion.

Senator Hultman asked and received unanimous consent that action on **House File 303** and amendment S—3416 be **deferred**.

Senator Craft took the chair at 11:35 a.m.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 526

Senator Miller of Cerro Gordo withdrew the motion to reconsider the vote by which the Senate refused to concur in House amendment S—3586 to Senate File 526 on April 29, 1981, filed by him on April 30, 1981, and found on page 1521 of the Senate Journal.

Senate File 517

Senator Ramsey withdrew the motion to reconsider Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties, filed by him on April 30, 1981, and found on page 1521 of the Senate Journal.

The following motions to reconsider were out of order:

The motion to reconsider the vote by which the Senate concurred in House amendment S—3545 to Senate File 517 on April 29, 1981, filed by Senator Ramsey on April 30, 1981, and found on page 1521 of the Senate Journal.

The motion to reconsider the vote by which amendment S—3616 to House amendment S—3545 to Senate File 517 was adopted by the Senate on April 29, 1981, filed by Senator Ramsey on April 30, 1981, and found on page 1521 of the Senate Journal.

REQUEST FOR UNANIMOUS CONSENT WITHDRAWN

Senator Briles asked unanimous consent that House File 303 be referred to the committee on County Government.

Senator Briles withdrew his request.

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

The Senate resumed session, Senator Craft presiding.

INTRODUCTION OF BILLS

Senate File 560, by Committee on Ways and Means, a bill for an act relating to the imposition of local option income surtax, earnings tax, or vehicle tax by a city or county and providing for penalties.

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

Senate File 561, by Committee on Ways and Means, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation.

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

Senate File 562, by Committee on Appropriations, a bill for an act relating to the publication of the federal census report.

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

Senate File 563, by Committee on Appropriations, a bill for an act providing for the appropriation of federal funds received in the form of block grants or categorical grants by the general assembly.

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

Senate File 564, by Hultman and Junkins, a bill for an act relating to the housing of inmates for either security or medical reasons at the Iowa security and medical facility.

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

Senate File 565, by Committee on Ways and Means, a bill for an act relating to the tax status of the sale and use of newsprint and ink in newspapers and the sale of newspapers.

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

Senate File 566, by Committee on Appropriations, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983.

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

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 550

Commerce
Holden, Chairperson
Craft
Deluhery

HOUSE FILE 761

Appropriations
Jensen, Chairperson
Rush
Gratias
Hulse
C. Miller

SSB 408

Appropriations
Schwengels, Chairperson
Bisenius
Junkins

SSB 415

Ways and Means
Readinger, Chairperson
Hultman
Junkins

SENATE RESOLUTION 15

Rules and Administration
Hultman, Chairperson
Holden
Junkins

**HOUSE CONCURRENT
RESOLUTION 29**

Rules and Administration
Ramsey, Chairperson
Junkins
Holden

SSB 414

Ways and Means
Rush, Chairperson
Lura
Ramsey

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 30, 1981, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 469—Relating to tuition payments for attendance of certain Iowa pupils in public schools outside the state.

S.F. 507—Permitting cities to issue and sell pledge orders to refund revenue bonds, pledge orders, and other obligations, and taking effect upon publication.

S.F. 520—To strike portions of the Code providing for reductions in state aid during a school year due to reductions in special education weighting factors.

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate:

IOWA MERIT EMPLOYMENT DEPARTMENT

A copy of the 1980 Annual Report of the Merit Employment Department. Additional copies are available to members of the Senate upon request.

BILLS ASSIGNED TO COMMITTEE

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

S. C.R.	26	Rules and Administration
S. F.	557	Transportation
H.F.	843	Appropriations

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of May, 1981:

Senate Files 28, 158, 283, 299, 325, 435 and 489.

LINDA HOWARTH MACKAY
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 30, 1981, 4:00 p.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member; Anderson, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey (arrived 4:10 p.m.), Schwengels, Slater (arrived 4:10 p.m.), Small, Van Gilst and Waldstein.

Members Absent: Baugher, Rush and Yenger (all excused).

Final Bill Action: Senate File 562, a bill for an act relating to the publication of the federal census report.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Murray, Tieden, Palmer, Anderson, Bisenius, Carney, Hultman, Jensen, Junkins, Ramsey, Schwengels, Slater, Small, Van Gilst and Waldstein. Nays, 1: Deluhery. Absent or not voting, 3: Baugher, Rush and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate File 563, a bill for an act providing for the appropriation of federal funds received in the form of block grants or categorical grants by the general assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Murray, Tieden, Palmer, Anderson, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Schwengels, Slater, Small, Van Gilst and Waldstein. Nays, none. Absent or not voting, 3: Baugher, Rush and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 761, a bill for an act to appropriate funds credited in the account of the state of Iowa in the unemployment trust fund for the purchase of a building.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Murray, Tieden, Palmer, Anderson, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Schwengels, Slater, Small, Van Gilst and Waldstein. Nays, none. Absent or not voting, 3: Baugher, Rush and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 831, a bill for an act making a supplemental appropriation to the board of medical examiners and the licensing and certification division of the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Murray, Tieden, Palmer, Anderson, Bisenius, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Schwengels, Slater, Small, Van Gilst and Waldstein. Nays, none. Absent or not voting, 3: Baugher, Rush and Yenger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 407 as a committee bill.

Adjourned: 5:20 p.m.

APPROPRIATIONS

Convened: May 1, 1981, 11:42 a.m.

Members Present: Tieden, Vice Chairperson; Anderson, Carney, Deluhery, Hultman, Jensen, Junkins, Schwengels, Slater and Waldstein.

Members Absent: Murray, Chairperson (excused); Palmer, Ranking Member; Baugher (excused), Rush (excused), Small (excused), Bisenius (excused), Van Gilst, Ramsey and Yenger.

Final Bill Action: Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Anderson, Carney, Deluhery, Hultman, Jensen, Junkins, Schwengels, Slater, Tieden and Waldstein. Nays, none. Absent or not voting, 9: Murray, Palmer, Baugher, Rush, Yenger, Small, Bisenius, Van Gilst and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 11:45 a.m.

WAYS AND MEANS

Convened: May 1, 1981, 8:10 a.m.

Members Present: Craft, Chairperson; Readinger Vice Chairperson (arrived 8:20 a.m.); Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Van Gilst and Ramsey.

Members Absent: Rush and Taylor.

Final Bill Action: Senate File 560, a bill for an act relating to the imposition of local option income surtax, earnings tax, or vehicle tax by a city or county and providing for penalties.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 10: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Palmer and Ramsey. Nays, 3: Lura, Priebe and Van Gilst. Absent or not voting, 2: Rush and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for

refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Craft, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Ramsey and Van Gilst. Nays, none. Absent or not voting, 4: Readinger, Priebe, Rush and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate File 565, a bill for an act relating to the tax status of the sale and use of newsprint and ink in newspapers and the sale of newspapers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Junkins, Lura, Palmer, Ramsey and Van Gilst. Nays, 2: Husak and Priebe. Absent or not voting, 2: Rush and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Senate File 347 failed recommendation for passage.

Adjourned: 8:50 a.m.

PRESENTATION OF VISITORS

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

Fifty students from Harris-Lake Park Elementary School, Harris, Iowa, accompanied by Judy Arends, Mick Starcevich, Art Schumacher, Deb Morrow, Peg Gunderson and Maxine Elser. Senator Vande Hoef.

Eleven students from Bedford Community High School, Bedford, Iowa, accompanied by Tim Gallagher. Senator Briles.

Forty students from Waverly School, Waverly, Iowa, accompanied by Nate Frazee. Senator Jensen.

Fifty-one students from South Hamilton Community School and Jewell Elementary School, Jewell, Iowa. Senator Nystrom.

Forty-eight students from Sacred Heart School, Waterloo, Iowa, accompanied by Don Kruse. Senator Comito.

AMENDMENTS FILED

S—3626	H.F.	303	Charles P. Miller
S—3627	H.F.	786	Lucas J. DeKoster Elvie Dreeszen Jack W. Hester
S—3628	S. F.	323	Richard F. Drake Norman Rodgers

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 11:55 a.m., until 10:00 a.m., Monday, May 4, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED ELEVENTH CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 4, 1981

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Stephen Engelstad, pastor of the First Lutheran Church, St. Ansgar, Iowa.

The Journal of Friday, May 1, 1981, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murray for the morning session on request of Senator Hultman.

MOTION TO RECONSIDER WITHDRAWN

House File 642

Senator Hutchins withdrew the motion to reconsider House File 642, a bill for an act relating to boiler inspections, filed by him on April 30, 1981, and found on page 1521 of the Senate journal.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bisenius for May 4, 5, 6, 7 and 8 on request of Senator Hultman.

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

The Senate resumed session, President Branstad presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:45 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

BILL REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **Senate File 521** be referred from the unfinished business calendar to the committee on **Education**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the remainder of the day on request of Senator Gallagher.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 548

On motion of Senator Jensen, Senate File 548, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards, and commissions, was taken up for consideration.

Senator Brown offered amendment S—3630 filed by him from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3630 be adopted?" (S.F. 548) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Anderson	Baughner	Brown	Carr
Comito	Doyle	Dreeszen	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Rodgers	Slater	Small
Van Gilst	Wells		

Nays, 24:

Briles	Carney	Craft	DeKoster
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Murray	Nystrom
Readinger	Rush	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 4:

Bisenius	Coleman	Deluhery	Kudart
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Amendment S—3630 lost.

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

The Senate resumed session, President Branstad presiding.

Senator Jensen offered amendment S—3634 filed by him from the floor to page 2 of the bill.

Senator Carr asked and received unanimous consent that action on amendment S—3634 be deferred.

Senator Hutchins offered amendment S—3635 filed by Senators Hutchins and Brown from the floor to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3635 be adopted?" (S.F. 548) the vote was:

Ayes, 19:

Anderson	Brown	Carr	Deluhery
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Husak	Hutchins	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Slater	Taylor	Tieden
Van Gilst	Waldstein	Wells	

Nays, 28:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Murray
Nystrom	Ramsey	Readinger	Rush
Schwengels	Small	Vande Hoef	Yenger

Absent or not voting, 3:

Bisenius	Coleman	Rodgers
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Amendment S—3635 lost.

Senator Murray offered amendment S—3522 filed by Senators Murray and Jensen on April 21, 1981, to page 3 of the bill and moved its adoption.

Amendment S—3522 was adopted by a voice vote.

Senator Van Gilst offered amendment S—3632 filed by him from the floor to pages 4 and 5 of the bill and moved its adoption.

Amendment S—3632 was adopted by a voice vote.

Senator Priebe offered amendment S—3633 filed by him from the floor to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3633 be adopted?" (S.F. 548) the vote was:

Ayes, 22:

Anderson	Brown	Carr	Comito
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Rodgers	Slater	Taylor
Van Gilst	Wells		

Nays, 24:

Briles	Carney	Craft	DeKoster
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Jensen	Kudart	Murray	Nystrom
Readinger	Rush	Schwengels	Small
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 4:

Baughner	Bisenius	Coleman	Hulse
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Amendment S—3633 lost.

Senator Rush offered amendment S—3637 filed by him from the floor to page 5 of the bill, moved its adoption and requested a non record roll call.

The ayes were 17, nays 28.

Amendment S—3637 lost.

Senator Rush offered amendment S—3639 filed by him from the floor to pages 5 and 6 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3639 be adopted?" (S.F. 548) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Anderson	Brown	Carr	Deluhery
Doyle	Gallagher	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Slater	Small	Tieden	Van Gilst
Wells			

Nays, 25:

Briles	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hultman	Jensen	Kudart	Lura

Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 4:

Baughner	Bisenius	Coleman	Hulse
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Amendment S—3639 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hulse for the remainder of the day on request of Senator Hultman.

BUSINESS PENDING

Senate File 548

The Senate resumed consideration of Senate File 548.

Senator Rush offered amendment S—3636 filed by him from the floor to page 7 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3636 be adopted?” (S.F. 548) the vote was:

Ayes, 19:

Anderson	Brown	Carr	Deluhery
Doyle	Gallagher	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Rodgers	Rush	Slater
Taylor	Van Gilst	Wells	

Nays, 26:

Carney	Comito	Craft	DeKoster
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Jensen	Kudart	Lura	Murray
Nystrom	Priebe	Ramsey	Readinger
Schwengels	Small	Tieden	Vande Hoef
Waldstein	Yenger		

Absent or not voting, 5:

Baughner
Hulse

Bisenius

Briles

Coleman

Amendment S—3636 lost.

The Senate resumed consideration of amendment S—3634 by Senator Jensen to page 2 of the bill, previously deferred.

Senator Husak called for a division of amendment S—3634: lines 2 through 4 as division S—3634A; lines 5 through 7 as division S—3634B.

Senator Hutchins asked and received unanimous consent that action on divisions S—3634A and S—3634B be deferred.

Senator Ramsey withdrew amendment S—3644 filed by him from the floor to page 8 of the bill.

Senator Ramsey offered amendment S—3649 filed by him from the floor to page 8 of the bill and moved its adoption.

Amendment S—3649 was adopted by a voice vote.

Senator Hultman asked and received unanimous consent that action on **Senate File 548** and divisions S—3634A and S—3634B be temporarily **deferred**.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 552

On motion of Senator Carney, Senate File 552, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on **Senate File 552** be **deferred**.

BUSINESS PENDING

Senate File 548

The Senate resumed consideration of Senate File 548 and divisions S—3634A and S—3634B, previously deferred.

Senator Jensen withdrew divisions S—3634A and S—3634B to page 2 of the bill.

Senator Carr withdrew amendments S—3643 and S—3652 filed by him from the floor to page 2 of the bill.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 548) the vote was:

Ayes, 42:

Baughner	Briles	Carney	Carr
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hultman	Husak	Jensen
Junkins	Kinley	Kudart	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 5:

Anderson	Brown	Hutchins	Miller, C.P.
Rush			

Absent or not voting, 3:

Bisenius	Coleman	Hulse
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 552

The Senate resumed consideration of Senate File 552, previously deferred.

Senator Van Gilst offered amendment S—3656 filed by Senators Van Gilst, et al., moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S—3656 be adopted?" (S.F. 552) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Briles	Brown	Carr
Deluhery	Doyle	Gentleman	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Readinger
Rodgers	Rush	Slater	Small
Tieden	Van Gilst	Wells	

Nays, 24:

Baugher	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Holden
Hultman	Jensen	Kudart	Lura
Murray	Nystrom	Ramsey	Schwengels
Taylor	Vande Hoef	Waldstein	Yenger

Absent or not voting, 3:

Bisenius	Coleman	Hulse
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Amendment S—3656 lost.

Senator Slater offered amendment S—3657 filed by him from the floor to page 9 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3657 be adopted?" (S.F. 552) the vote was:

Ayes, 20:

Anderson	Brown	Carr	Deluhery
Doyle	Hester	Husak	Hutchins

Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Slater	Small	Van Gilst	Wells

Nays, 27:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Holden	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 3:

Bisenius	Coleman	Hulse
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Amendment S—3657 lost.

Senator DeKoster offered amendment S—3640 filed by him from the floor to page 9 of the bill, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S—3640 be adopted?" (S.F. 552) the vote was:

Ayes, 15:

Anderson	Brown	DeKoster	Deluhery
Doyle	Dreeszen	Holden	Husak
Kinley	Miller, C.P.	Palmer	Priebe
Rodgers	Slater	Wells	

Nays, 32:

Baughner	Briles	Carney	Carr
Comito	Craft	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hultman	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Murray
Nystrom	Ramsey	Readinger	Rush
Schwengels	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Absent or not voting, 3:

Bisenius	Coleman	Hulse
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Amendment S—3640 lost.

Senator Yenger took the chair at 5:05 p.m.

Senator Holden offered amendment S—3655 filed by Senators Holden and Dreeszen from the floor to page 10 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 30.

Amendment S—3655 lost.

(Senate File 552 pending on adjournment.)

INTRODUCTION OF BILL

Senate File 567, by Hultman and Junkins, a bill for an act relating to the legalization of acts and agreements of north Iowa municipal electric cooperative association and other persons, with respect to the authority granted under that Act, to take effect upon publication but to be retroactive in effect to April 26, 1979.

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

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in preparing the Senate Amendment to House File 155, the following technical correction was made:

1. Amendment S—3619, lines 4 through 9, all underlining was deleted.

LINDA HOWARTH MACKAY
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 1, 1981, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 114—To provide for the reversion of all unencumbered balances in the depreciation fund of the state vehicle dispatcher as of November 30, 1980 to the general fund of the State.

H.F. 292—Providing that domestic fire and casualty insurers may engage in certain options transactions.

H.F. 465—Relating to the preparation of the farm unit soil conservation folder and plan.

H.F. 547—Relating to permissible loans and real property purchases by a life insurance company.

H.F. 565—Authorizing foreign insurance corporations doing business under Chapter 515 of the Code to reincorporate as Iowa corporations.

H.F. 729—To extend the temporary operating authority to forty-five days for commercial vehicles.

H.F. 731—Relating to criminal investigative data, criminal history data, intelligence data, and the confidentiality of peace officers' investigative reports.

H.F. 746—Relating to the issuance by the Commissioner of Health of citations to health care facilities.

H.F. 806—To delay implementation of administrative rules establishing minimum standards for county jails.

ALSO:

That on May 4, 1981, the Governor approved and transmitted to the Secretary of State the following bills:

S.J.R. 10—Proposing a compact between the states of Iowa, Kansas, Missouri and Nebraska regarding the Missouri River.

S.F. 199—Authorizing the appointment of legal counsel for county officers under certain circumstances.

S.F. 235—To prohibit the possession and operation of a radar jamming device and providing a penalty.

S.F. 292—Relating to the deposit of public funds by officers of political subdivisions of the state.

S.F. 358—Relating to exemptions from the Iowa Uniform Securities Act for cooperative associations, cooperative housing corporations, and mutual or cooperative organizations.

S.F. 515—Relating to a limitation on the time period for the filing of estates.

S.F. 529—Relating to material donated to a public library, museum or archive.

S.F. 533—Relating to administrative positions within the Department of Social Services.

S.F. 545—To legalize the proceedings of the Board of Directors of the Fort Dodge Community School District relating to a contract for repairs to real property.

H.F. 164—To authorize the State Department of Transportation to transfer unused right of way by quit claim deed to a county for the use and benefit of the county conservation board.

H.F. 304—Including energy conservation and solar access as objectives of city and county zoning regulations.

H.F. 438—Relating to laws which restrict the receipt of gifts by employees of the Department of Banking.

H.F. 724—To modify the requirement that boards of directors of districts proposing to issue general obligation bonds for school building construction or renovation must hold a meeting with the area education agency boards and boards of adjoining school districts.

H.F. 727—To allow the permits to practice for certified public accountants, public accountants, and accounting practitioners to be multi-year permits.

H.F. 728—Relating to the movement of mobile homes and factory-built structures with a width not exceeding sixteen feet under permit.

H.F. 730—Exempting certain security information of adult correctional institutions from public disclosure.

H.F. 745—For the legislation of the proceedings of the Board of Supervisors of Jones County relating to the sale of certain real estate.

H.F. 756—Relating to nonresident exemptions from the state motor vehicle licensing requirements.

H.F. 765—Relating to the use of Chapter 663 and 663A of the Code of persons convicted of, or sentenced for, a public offense.

H.F. 768—Requiring the Commissioner of Insurance to adopt rules relating to minimum standards for group medicare supplement contracts that are consistent with rules adopted with respect to individual medicare supplement contracts.

H.F. 789—Relating to unemployment compensation.

H.F. 794—Relating to the Iowa Probate Code.

H.F. 821—Relating to substance abuse programs.

REPORT OF COMMITTEE

TRANSPORTATION

Final Bill Action: Senate File 557, a bill for an act to provide that a volunteer firefighter shall not be classified as a chauffeur when operating fire apparatus.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Drake, Jensen, Coleman, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none. Absent or not voting, 1: Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. F. 564 Human Resources

PETITIONS

The following petitions were presented and placed on file by:

Senator Gallagher from seventeen residents of Buchanan County supporting Senate File 289 as amended and passed by the Senate, a bill relating to trespass on private property and imposing a penalty.

Senator Hulse from one hundred twenty-two residents of Cedar, Scott, Linn and Johnson Counties favoring legislation providing that earth sheltered and other energy efficient housing receive a state tax energy credit and lower interest rates for home loans.

The following petitions supporting the negotiated salary increase contract between the state of Iowa and its employees were filed and presented by:

Senator Gratias from twenty-two residents of Floyd, Chickasaw, Worth and Mitchell Counties.

Senator Carr from fifty-four residents of Dubuque County.

PRESENTATION OF VISITORS

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

Forty students from Peet Junior High School, Cedar Falls, Iowa, accompanied by Carolyn Haurum. Senator Anderson.

AMENDMENTS FILED

S—3629	S. F.	560	George R. Kinley
S—3630	S. F.	548	Joe Brown
S—3631	S. F.	553	Mick Lura Dale L. Tieden Dick Ramsey Berl E. Priebe Edgar H. Holden
S—3632	S. F.	548	Bass Van Gilst
S—3633	S. F.	548	Berl E. Priebe
S—3634	S. F.	548	John W. Jensen
S—3635	S. F.	548	C.W. Bill Hutchins Joe Brown
S—3636	S. F.	548	Bob Rush
S—3637	S. F.	548	Bob Rush
S—3638	S. F.	563	Arthur A. Small, Jr. Forrest V. Schwengels

S—3639	S. F.	548	Bob Rush
S—3640	S. F.	552	Lucas J. DeKoster
S—3641	S. F.	558	Bass Van Gilst
S—3642	S. F.	565	Richard F. Drake
S—3643	S. F.	548	Bob Carr
S—3644	S. F.	548	Dick Ramsey
S—3645	S. F.	566	Arne Waldstein Tom Slater Richard Vande Hoef Joe Brown Rolf V. Craft
S—3646	S. F.	566	Arne Waldstein Tom Slater Joe Brown
S—3647	S. F.	566	Arne Waldstein Richard Vande Hoef Joe Brown Rolf V. Craft
S—3648	S. F.	566	Arne Waldstein Richard Vande Hoef Joe Brown Rolf V. Craft
S—3649	S. F.	548	Dick Ramsey
S—3650	S. F.	566	Arne Waldstein Berl E. Priebe Emil J. Husak Norman Rodgers Alvin V. Miller Arthur L. Gratias A.R. (Bud) Kudart James E. Briles Forrest V. Schwengels Ray Taylor John W. Jensen Sue Yenger Rolf V. Craft Dale L. Tieden Elvie L. Dreeszen Richard Vande Hoef
S—3651	S. F.	565	Emil J. Husak Berl E. Priebe

S—3652	S. F.	548	Bob Carr
S—3653	S. F.	566	Richard Vande Hoef Forrest V. Schwengels Berl E. Priebe
S—3654	S. F.	552	Julia Gentleman
S—3655	S. F.	552	Edgar H. Holden Elvie L. Dreeszen
S—3656	S. F.	552	Bass Van Gilst David M. Readinger William D. Palmer James E. Briles
S—3657	S. F.	552	Tom Slater
S—3658	S. F.	552	Tom Slater
S—3659	S. F.	552	Mick Lura
S—3660	S. F.	561	Mick Lura
S—3661	S. F.	561	Mick Lura
S—3662	S. F.	552	Tom Slater
S—3663	S. F.	552	William D. Palmer Gary L. Baugher

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:15 p.m., until 9:00 a.m., Tuesday, May 5, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SEVENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 5, 1981

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Jill Carlson, pastor of the United Methodist Church, Panora, Iowa.

The Journal of Monday, May 4, 1981, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. R.L. Bendixen, M.D., Denison, Iowa.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

UNFINISHED BUSINESS (Appropriations Calendar) (Pending May 4, 1981)

Senate File 552

The Senate resumed consideration of Senate File 552, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state, pending on May 4, 1981.

Senator Palmer offered amendment S—3663 filed by Senators Palmer and Baugher on May 4, 1981, to page 7 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3663 be adopted?" (S.F. 552) the vote was:

Ayes, 23:

Anderson	Baughner	Brown	Carr
Coleman	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Readinger	Rodgers	Rush	Slater
Small	Van Gilst	Wells	

Nays, 26:

Briles	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Absent or not voting, 1:

Bisenius

Amendment S—3663 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gallagher for the remainder of the morning session on request of Senator Junkins.

BUSINESS PENDING

Senate File 552

The Senate resumed consideration of Senate File 552.

Senator Lura withdrew amendment S—3659 filed by him on May 4, 1981, to pages 10 through 13 of the bill.

Senator Lura offered amendment S—3665 filed by him from the floor to pages 2, 10, 11 and 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3665 be adopted?" (S.F. 552) the vote was:

Ayes, 14:

Baughner	Comito	Craft	Dreeszen
Gentleman	Gratias	Holden	Lura
Ramsey	Rodgers	Taylor	Tieden
Vande Hoef	Waldstein		

Nays, 34:

Anderson	Briles	Brown	Carney
Carr	Coleman	DeKoster	Deluhery
Doyle	Drake	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rush
Schwengels	Slater	Small	Van Gilst
Wells	Yenger		

Absent or not voting, 2:

Bisenius	Gallagher
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Amendment S—3665 lost.

Senator Small offered amendment S—3621 filed by Senators Small, et al., on April 30, 1981, to pages 10, 11 and 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3621 be adopted?" (S.F. 552) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Briles	Brown	Carr
Coleman	DeKoster	Deluhery	Doyle
Hulse	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Nystrom
Palmer	Rodgers	Rush	Slater
Small	Van Gilst	Wells	

Nays, 25:

Baughner	Carney	Comito	Craft
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Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hultman
Jensen	Kudart	Lura	Murray
Priebe	Ramsey	Readinger	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 2:

Bisenius Gallagher

Amendment S—3621 lost.

Senator Hutchins offered amendment S—3668 filed by him from the floor to page 9 of the bill, moved its adoption and requested a non record roll call.

A record roll call was requested.

On the question "Shall amendment S—3668 be adopted?" (S.F. 552) the vote was:

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Slater	Small	Van Gilst	Wells
Yenger			

Nays, 26:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 3:

Bisenius Drake Gallagher

Amendment S—3668 lost.

Senator Baughner offered amendment S—3670 filed by him from the floor to pages 2, 10, 11 and 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3670 be adopted?" (S.F. 552) the vote was:

Ayes, 15:

Baughner	Comito	Craft	Dreeszen
Gentleman	Gratias	Holden	Lura
Ramsey	Rodgers	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	

Nays, 34:

Anderson	Briles	Brown	Carney
Carr	Coleman	DeKoster	Deluhery
Doyle	Drake	Gallagher	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rush	Slate	Small	Van Gilst
Wells	Yenger		

Absent or not voting, 1:

Bisenius

Amendment S—3670 lost.

Senator Taylor offered amendment S—3669 filed by Senators Taylor and Baughner from the floor to page 10 of the bill.

Senator Small raised the point of order that amendment S—3669 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3669 out of order.

Senator Jensen offered amendment S—3571 filed by him on April 27, 1981, to page 11 of the bill.

Senator Carney raised the point of order that amendment S—3571 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3571 in order.

Senator Brown asked unanimous consent that action on amendment S—3571 be deferred for preparation of an amendment to amendment S—3571.

Senator Brown withdrew his request.

Senator Jensen moved the adoption of amendment S—3571.

A record roll call was requested.

On the question “Shall amendment S—3571 be adopted?” (S.F. 552) the vote was:

Ayes, 31:

Baughner	Briles	Carr	Coleman
Comito	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gratias
Holden	Hultman	Husak	Hutchins
Jensen	Kinley	Kudart	Lura
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Taylor	Tieden	Vande Hoef
Van Gilst	Wells	Yenger	

Nays, 17:

Anderson	Brown	Carney	Gentleman
Goodwin	Hester	Hulse	Junkins
Miller, A.V.	Murray	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Waldstein			

Absent or not voting, 2:

Bisenius Drake

Amendment S—3571 was adopted.

(Senate File 552 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., Senator Craft presiding.

INTRODUCTION OF BILL

Senate File 568, by Hultman and Junkins, a bill for an act relating to the regulation of boxing or wrestling matches and providing a penalty.

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

QUORUM CALL

Senator Holden requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

BUSINESS PENDING

Senate File 552

The Senate resumed consideration of Senate File 552, pending on recess.

Senator Murray offered amendment S—3675 filed by Senators Murray, Gentleman and Dreeszen from the floor to page 13 of the bill.

Senator Lura raised the point of order that amendment S—3675 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3675 in order.

Senator Murray moved the adoption of amendment S—3675.

A record roll call was requested.

On the question "Shall amendment S—3675 be adopted?" (S.F. 552) the vote was:

Ayes, 17:

Carney	DeKoster	Drake	Dreeszen
Gentleman	Gratias	Hester	Holden
Hultman	Jensen	Junkins	Murray
Schwengels	Taylor	Tieden	Vande Hoef
Yenger			

Nays, 30:

Anderson	Baughner	Briles	Brown
Carr	Coleman	Comito	Craft
Deluhéry	Doyle	Gallagher	Goodwin
Hulse	Husak	Hutchins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Van Gilst
Waldstein	Wells		

Absent or not voting, 3:

Bisenius	Kinley	Palmer
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Amendment S—3675 lost.

Senator Gratias offered amendment S—3625 filed by him on April 30, 1981, to page 13 of the bill and moved its adoption.

Amendment S—3625 was adopted by a voice vote.

Senator Slater withdrew amendment S—3658 filed by him on May 4, 1981, to page 14 of the bill.

Senator Priebe offered amendment S—3666 filed by him from the floor to page 14 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3666 be adopted?” (S.F. 552) the vote was:

Ayes, 21:

Anderson	Briles	Brown	Carr
Coleman	DeKoster	Deluhery	Doyle
Dreeszen	Hester	Husak	Hutchins
Junkins	Miller, A.V.	Miller, C.P.	Priebe
Rodgers	Vande Hoef	Van Gilst	Wells
Yenger			

Nays, 26:

Baughner	Carney	Comito	Craft
Drake	Gallagher	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Jensen	Kudart	Lura	Murray
Nystrom	Ramsey	Readinger	Rush

Schwengels	Slater	Small	Taylor
Tieden	Waldstein		

Absent or not voting, 3:

Bisenius	Kinley	Palmer
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Amendment S—3666 lost.

Senator Slater offered amendment S—3662 filed by him on May 4, 1981, to pages 14 and 15 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3662 be adopted?" (S.F. 552) the vote was:

Ayes, 8:

Anderson	Baughner	Coleman	Craft
Deluhery	Miller, C.P.	Rush	Slater

Nays, 38:

Briles	Brown	Carney	Carr
Comito	DeKoster	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Small
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Absent or not voting, 4:

Bisenius	Kinley	Palmer	Taylor
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Amendment S—3662 lost.

Senator Comito offered amendment S—3682 filed by him from the floor to page 10 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3682 be adopted?" (S.F. 552) the vote was:

Ayes, 12:

Baughner	Coleman	Comito	Drake
Gentleman	Gratias	Jensen	Lura
Priebe	Ramsey	Taylor	Vande Hoef

Nays, 35:

Anderson	Briles	Brown	Carney
Carr	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Junkins	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Tieden	Van Gilst
Waldstein	Wells	Yenger	

Absent or not voting, 3:

Bisenius	Kinley	Palmer
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Amendment S—3682 lost.

Senator Carr offered amendment S—3681 filed by Senators Carr, et al., from the floor to page 14 of the bill and called for a division of the amendment: line 2 as division S—3681A; lines 3, 4 and 5 as division S—3681B.

Senator Carr asked and received unanimous consent to withdraw division S—3681A.

Senator Carr moved the adoption of division S—3681B and requested a record roll call.

On the question "Shall division S—3681B be adopted?" (S.F. 552) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Anderson	Baughner	Briles	Brown
Coleman	Deluhery	Doyle	Husak
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Priebe	Rodgers	Rush	Slater
Small	Tieden	Vande Hoef	Van Gilst
Wells			

Nays, 25:

Carney	Carr	Craft	DeKoster
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Waldstein
Yenger			

Absent or not voting, 4:

Bisenius	Comito	Kinley	Palmer
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Division S—3681B lost.

Senator Gentleman offered amendment S—3654 filed by her on May 4, 1981, to page 15 of the bill and moved its adoption.

Amendment S—3654 was adopted by a voice vote.

Senator Coleman offered amendment S—3671 filed by him from the floor to page 10 of the bill.

Senator Coleman asked and received unanimous consent that action on amendment S—3671 be deferred.

Senator Yenger filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3571 to Senate File 552 was adopted by the Senate on May 5, 1981.

A non record roll call was requested.

The ayes were 20, nays 27.

The motion lost.

Senator Carr withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which division S—3681B to Senate File 552 failed to be adopted by the Senate on May 5, 1981.

The Chair ruled amendment S—3684 filed by Senator Yenger from the floor to page 11 of the bill, out of order.

Senator Coleman withdrew amendment S—3671 to page 10 of the bill, previously deferred.

President Branstad took the chair at 3:30 p.m.

Senator Coleman offered amendment S—3685 filed by him from the floor to pages 10 and 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3685 be adopted?" (S.F. 552) the vote was:

Ayes, 16:

Anderson	Carr	Coleman	Comito
Doyle	Dreeszen	Holden	Husak
Hutchins	Junkins	Lura	Miller, A.V.
Miller, C.P.	Priebe	Slater	Vande Hoef

Nays, 30:

Baughner	Briles	Brown	Carney
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Jensen
Kudart	Murray	Nystrom	Ramsey
Readinger	Rush	Schwengels	Small
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Absent or not voting, 4:

Bisenius	Kinley	Palmer	Rodgers
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Amendment S—3685 lost.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 552) the vote was:

Ayes, 42:

Baughner	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen

Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rush	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 4:

Anderson	Comito	Gentleman	Slater
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Absent or not voting, 4:

Bisenius	Kinley	Palmer	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 552 passed the Senate on May 5, 1981.

LOWELL L. JUNKINS

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 563.

Senate File 563

On motion of Senator Carney, Senate File 563, a bill for an act providing for the appropriation of federal funds received in the form of block grants or categorical grants by the general assembly, was taken up for consideration.

Senator Small offered amendment S—3638 filed by Senators Small and Schwengels on May 4, 1981, to page 1 of the bill and moved its adoption.

Amendment S—3638 was adopted by a voice vote.

Senator Carney offered amendment S—3686 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—3686 was adopted by a voice vote.

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

The Senate resumed session, President Branstad presiding.

Senator Drake offered amendment S—3689 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—3689 was adopted by a voice vote.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 563) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Kinley	Lura	Palmer
Rodgers			

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

APPENDIX**MOTION TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which Senate File 548 passed the Senate on May 4, 1981.

BASS VAN GILST

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 4, 1981, when the final vote was taken on Senate File 548.

Had I been present, I would have voted "aye" on this bill.

MERLIN D. HULSE

MR. PRESIDENT: I was necessarily absent from the Senate chamber April 29, 30, and May 1, 1981.

Had I been present, I would have voted "aye" as follows: Senate File 146, Senate File 323 and the motion to reconsider; Senate Files 400, 425, 503, 517, 523, 524, 549 and 551; House Files 154, 155, 350, 440, 468, 470, 504, 642, 734, 762, 767, amendment S—3615 to House File 782, final passage of House File 782, House Files 786, 816 and 826.

I would have voted "nay" as follows: amendment S—3569 to amendment S—3500 to House File 767 and House File 766.

RAY TAYLOR

EXPLANATION OF SPONSORSHIP

MR. PRESIDENT: I acknowledge the requirements of Senate Rule 12; however, had it been permissible, I would have withdrawn my name as a sponsor of Senate amendment S—3647 to Senate File 566.

JOE BROWN

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of May, 1981:

Senate Files 13, 80, 87, 220, 230, 278 and 355.

LINDA HOWARTH MACKAY
Secretary of the Senate

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. F. 567 Judiciary

COMMUNICATIONS

The following communication has been received and placed on file in the office of the Secretary of the Senate:

**REPORT
OF THE
TEMPORARY REDISTRICTING ADVISORY COMMISSION
TO THE
GENERAL ASSEMBLY**

Dated May 5, 1981

Pursuant to section 42.6, Code of Iowa 1981, the Temporary Redistricting Advisory Commission submits a report to the General Assembly regarding the plan issued April 22, 1981, for congressional and legislative redistricting submitted by the Legislative Service Bureau to the General Assembly.

Copies have been distributed to all members of the Senate.

ALSO:

The following communication has been received and placed on file in the office of the Secretary of the Senate:

DEPARTMENT OF JUSTICE

Pursuant to the provisions of the Iowa Consumer Credit Code, the Attorney General has reported to the General Assembly a combined report of: "1980 Annual Statistics and Report - Consumer Protection Division; 1980 Consumer Credit Code Report - Consumer Credit Protection Bureau". Copies are available to the members of the Senate upon request.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON CLAIMS

Convened: May 5, 1981, 8:30 a.m.

Members Present: Murray, Chairperson; Briles and Comito (arrived 8:45 a.m.).

Members Absent: Small, Ranking Member.

Other Committee Business: Completed action on claims previously denied by State Appeals Board.

Adjourned: 9:15 a.m.

PRESENTATION OF VISITORS

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

Twenty-five students from Oskaloosa Christian School, Oskaloosa, Iowa, accompanied by Dale Westra. Senator Van Gilst.

Fifty-five students from Adair-Casey Elementary School, Adair, Iowa, accompanied by Mrs. Olson and Mrs. Ruhl. Senators Briles, Hutchins and Rodgers.

Twenty-nine students from Bennett Jr.-Sr. High School, Bennett, Iowa, accompanied by Bill Huckstadt. Senator Hulse.

AMENDMENTS FILED

S—3664	S. F.	561	Rolf V. Craft
S—3665	S. F.	552	Mick Lura
S—3666	S. F.	552	Berl E. Priebe
S—3667	S. F.	553	William D. Palmer
S—3668	S. F.	552	C.W. Bill Hutchins
S—3669	S. F.	552	Ray Taylor Gary L. Baugher
S—3670	S. F.	552	Gary L. Baugher
S—3671	S. F.	552	C. Joseph Coleman
S—3672	S. F.	555	Ray Taylor Berl E. Priebe
S—3673	S. F.	560	Mick Lura
S—3674	S. F.	561	Richard F. Drake
S—3675	S. F.	552	John S. Murray Julia Gentleman Elvie L. Dreeszen

S-3676	S. F.	553	Edgar H. Holden
S-3677	S. F.	553	Dale L. Tieden
S-3678	S. F.	553	Dale L. Tieden
S-3679	S. F.	553	Dale L. Tieden
S-3680	S. F.	553	Dale L. Tieden
S-3681	S. F.	552	Bob Carr Gary L. Baugher Bass Van Gilst George R. Kinley C.W. Bill Hutchins
S-3682	S. F.	552	Richard Comito
S-3683	S. F.	566	Richard Vande Hoef Forrest V. Schwengels Berl E. Priebe
S-3684	S. F.	552	Sue Yenger
S-3685	S. F.	552	C. Joseph Coleman
S-3686	S. F.	563	Clarence S. Carney
S-3687	S. F.	566	Tom Slater
S-3688	S. F.	566	Tom Slater
S-3689	S. F.	563	Richard F. Drake
S-3690	S. F.	561	Jack W. Hester Bass Van Gilst Rolf V. Craft
S-3691	S. F.	553	Mick Lura

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:45 p.m., until 10:00 a.m., Wednesday, May 6, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 6, 1981

The Senate met in regular session at 10:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Carl Klompien, pastor of the Sully Christian Reformed Church, Sully, Iowa.

The Journal of Tuesday, May 5, 1981, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. John Hubiak, M.D., Odebolt, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 394, a bill for an act increasing corporate and uniform commercial code filing fees.

ALSO: That the House has on May 4, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 532, a bill for an act authorizing the Iowa family farm development authority to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of chapter 175.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Rodgers and Anderson for the morning session on request of Senator Junkins.

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 566.

Senate File 566

On motion of Senator Waldstein, Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, was taken up for consideration.

Senator Waldstein offered amendment S—3645 filed by Senators Waldstein, et al., on May 4, 1981, to page 1 of the bill and moved its adoption.

Amendment S—3645 was adopted by a voice vote.

Senator Slater offered amendment S—3693 filed by him from the floor to pages 1, 8 and 13 of the bill.

Senator Slater asked and received unanimous consent that action on amendment S—3693 be deferred.

Senator Waldstein offered amendment S—3647 filed by Senators Waldstein, et al., on May 4, 1981, to pages 1, 5 and 6 of the bill.

Senator Slater called for a division of amendment S—3647: lines 2 through 20 as division S—3647A; lines 21 through 47 as division S—3647B.

Senator Waldstein called for a further division of amendment S—3647: lines 2 through 20 as division S—3647A; lines 21 through 33 and lines 44 through 47 as division S—3647B; lines 34 through 43 as division S—3647C.

Senator Waldstein moved the adoption of division S—3647A, which motion prevailed by a voice vote.

Senator Waldstein asked and received unanimous consent that Tim Faller, Legislative Fiscal Analyst from the Legislative Fiscal Bureau, be allowed in the Senate chamber during discussion of Senate File 566.

Senator Waldstein moved the adoption of division S—3647B.

A non record roll call was requested.

The ayes were 26, nays 21.

Division S—3647B was adopted.

Senator Waldstein moved the adoption of division S—3647C.

A record roll call was requested.

On the question "Shall division S—3647C be adopted?" (S.F. 566) the vote was:

Ayes, 32:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Nays, 13:

Brown	Carr	Coleman	Deluhery
Doyle	Junkins	Kinlèy	Palmer
Rush	Slater	Small	Van Gilst
Wells			

Absent or not voting, 5:

Anderson	Bisenius	Dreeszen	Husak
Rodgers			

Division S—3647C was adopted.

Senator Slater offered amendment S—3687 filed by him on May 5, 1981, to pages 2, 5, 6, 11 and 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3687 be adopted?" (S.F. 566) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Brown	Carr	Coleman	DeKoster
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Readinger	Rush	Schwengels	Slater
Small	Van Gilst	Wells	

Nays, 23:

Baughner	Briles	Carney	Comito
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Lura
Nystrom	Ramsey	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 4:

Anderson	Bisenius	Craft	Rodgers
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Amendment S—3687 lost.

Senator Slater offered amendment S—3688 filed by him on May 5, 1981, to pages 2 and 9 of the bill.

(Senate File 566 and amendment S—3688 pending on recess.)

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 563** be immediately messaged to the House.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Kudart presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

Senator Craft took the chair at 1:35 p.m.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 841, a bill for an act relating to transactions involving the storage or sale of grain, and providing penalties.

Read first time and passed on file.

BUSINESS PENDING

Senate File 566

The Senate resumed consideration of Senate File 566 and amendment S—3688 by Senator Slater to pages 2 and 9 of the bill, pending on recess.

Senator Gratias called for a division of amendment S—3688: lines 2 through 17 as division S—3688A; lines 18 through 32 as division S—3688B.

President Branstad took the chair at 2:00 p.m.

Senator Slater moved the adoption of division S—3688A.

A record roll call was requested.

On the question “Shall division S—3688A be adopted?” (S.F. 566) the vote was:

Ayes, 23:

Anderson	Brown	Carr	Coleman
DeKoster	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Slater	Small
Van Gilst	Wells	Yenger	

Nays, 26:

Baughner	Briles	Carney	Comito
Craft	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein		

Absent or not voting, 1:

Bisenius

Division S—3688A lost.

Senator Slater moved the adoption of division S—3688B.

A record roll call was requested.

On the question “Shall division S—3688B be adopted?” (S.F. 566) the vote was:

Ayes, 31:

Anderson	Baughner	Brown	Carr
Coleman	Comito	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gratias
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Ramsey
Rodgers	Rush	Slater	Taylor
Van Gilst	Wells	Yenger	

Nays, 17:

Briles	Carney	Craft	Drake
Gentleman	Goodwin	Hester	Holden
Hulse	Kudart	Murray	Priebe
Readinger	Schwengels	Tieden	Vande Hoef
Waldstein			

Absent or not voting, 2:

Bisenius	Small
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Division S—3688B was adopted.

Senator Carr offered amendment S—3699 filed by him from the floor to pages 2 and 7 of the bill and called for a division of the amendment: lines 2 through 10 and line 13 as division S—3699A; lines 11 and 12 as division S—3699B.

Senator Carr withdrew division S—3699B.

Senator Carr moved the adoption of division S—3699A.

A record roll call was requested.

On the question “Shall division S—3699A be adopted?” (S.F. 566) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Anderson	Brown	Carr	Coleman
DeKoster	Deluhery	Doyle	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Wells

Nays, 28:

Briles	Carney	Comito	Craft
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Absent or not voting, 2:

Baughner Bisenius

Division S—3699A lost.

Senator Holden took the chair at 3:25 p.m.

Senator Priebe offered amendment S—3700 filed by him from the floor to pages 3, 4 and 5 of the bill.

Action on amendment S—3700 was temporarily deferred.

The Senate resumed consideration of amendment S—3693 by Senator Slater to pages 1, 8 and 13 of the bill, previously deferred.

Senator Ramsey raised the point of order that amendment S—3693 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3693 in order.

Senator Comito asked and received unanimous consent that action on amendment S—3693 be temporarily deferred for preparation of an amendment.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 27 present, 23 absent and a quorum present.

BUSINESS PENDING

Senate File 566

The Senate resumed consideration of Senate File 566.

Senator Hultman asked and received unanimous consent that action on **Senate File 566** and amendment S—3693 be **deferred**.

**CONSIDERATION OF BILLS
(Appropriations Calendar)**

Senator Hultman asked and received unanimous consent to take up out of order Senate File 554.

Senate File 554

On motion of Senator Jensen, Senate File 554, a bill for an act reducing appropriated funds by four point six percent, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 554) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Nays, 4:

Anderson	Kinley	Palmer	Rodgers
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Absent or not voting, 18:

Bisenius	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Miller, A.V.	Miller, C.P.
Priebe	Rush	Slater	Small
Van Gilst	Wells		

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

Senator Hultman asked and received unanimous consent to take up out of order Senate File 562.

Senate File 562

On motion of Senator Jensen, Senate File 562, a bill for an act relating to the publication of the federal census report, was taken up for consideration.

Senator Junkins asked and received unanimous consent that action on **Senate File 562** be deferred.

APPENDIX**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on May 5, 1981, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 28—To allow instructional staff of a professional school to serve on the licensing board of that profession.

S.F. 158—Relating to the disposition of unused highway right of way.

S.F. 283—Relating to mileage expense for witnesses and jurors.

S.F. 299—Relating to the duties of the statutory committee with respect to establishing the interest rates on public deposits and obligations.

S.F. 325—Relating to licensure of speech pathologists and audiologists.

S.F. 435—Relating to the regulation of savings and loan associations.

S.F. 489—Legalizing certain city waterworks.

H.F. 143—Relating to the authority of school districts to levy a tax for public educational and recreational purposes.

H.F. 462—Relating to the withdrawal of land from a benefited fire district.

H.F. 559—Relating to offenses and penalties under the Iowa Unauthorized Insurers Act and the Insurance Trade Practices Act.

H.F. 641—Providing for the establishment and operation of forestry nurseries by the Director of Adult Corrections on state owned land under the control of the Department of Social Services.

H.F. 643—Relating to strategy discussions by a governmental body in negotiating with employees of the governmental body who are not under a collective bargaining agreement.

H.F. 726—Relating to nonconforming facilities under the state elevator code.

H.F. 757—Relating to easements for certain sewer, water, or gas or power lines within a city.

H.F. 769—Relating to meetings and payment for service on county commissions of veteran affairs, changing certain benefits provided by the county commissions, and clarifying and correcting certain references.

H.F. 778—Relating to the disclaimer of succession to property and providing a January 1 effective date.

H.F. 784—Relating to reports of reportable disease.

H.F. 787—To legalize the sale of certain property in Sioux City, Woodbury County, Iowa.

H.F. 790—Relating to the time the lien for rates or charges for utility services attaches.

H.F. 795—Relating to nonprofit marketing associations regulated under Chapter 500.

H.F. 802—Relating to gifts allowed under the Uniform Gifts to Minors Act.

H.F. 825—Relating to the rights of residents of health care facilities and providing penalties.

H.F. 837—To repeal the requirement that a county recorder retain a copy of a declaration of value for public inspection.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 552 passed the Senate on May 5, 1981.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which Senate File 552 passed the Senate on May 5, 1981.

CALVIN O. HULTMAN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3687 to Senate File 566 failed to be adopted by the Senate on May 6, 1981.

SUE YENGER

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

S. F. 568 State Government

PRESENTATION OF VISITORS

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

Forty-five students from West Central Jr-Sr. High School, Maynard, Iowa, accompanied by Ron Rausch and Ron Miller. Senator Craft.

Thirty students from Greenbrier School, Waterloo, Iowa, accompanied by Barbara Sallis. Senator Comito.

Twenty-five students from Exira Elementary School, Exira, Iowa, accompanied by Charlotte Smetana. Senator Hutchins.

Forty-eight students from Amana Middle School, Middle, Iowa, accompanied by Beverly Merritt and Bernice Lannom. Senator Husak.

Twenty students from Hubbard Elementary School, Hubbard, Iowa, accompanied by Juanita Faust. Senator Lura.

The following visitors were present in the Senate gallery:

One hundred students from Forest City High School, Forest City, Iowa, accompanied by Cliff Howlett and Ron Sanderson. Senator Priebe.

AMENDMENTS FILED

S-3692	S. F.	566	Ray Taylor George R. Kinley Richard Vande Hoef
S-3693	S. F.	566	Tom Slater
S-3694	S. F.	553	Mick Lura Edgar H. Holden Berl E. Priebe Dale L. Tieden Dick Ramsey
S-3695	S. F.	566	Bob Carr Richard F. Drake
S-3696	S. F.	561	Richard F. Drake
S-3697	S. F.	566	Julia Gentleman

S—3698	S. F.	566	Sue Yenger Tom Slater
S—3699	S. F.	566	Bob Carr
S—3700	S. F.	566	Berl E. Priebe
S—3701	S. F.	566	Berl E. Priebe
S—3702	S. F.	566	Berl E. Priebe
S—3703	S. F.	415	Donald V. Doyle

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:45 p.m., until 9:00 a.m., Thursday, May 7, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTEENTH CALENDAR DAY
SEVENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 7, 1981

The Senate met in regular session at 9:15 a.m., President Branstad presiding.

Prayer was offered by the Reverend Eugene F. Kramer, pastor of the Imanuel Lutheran Church, Waterloo, Iowa.

The Journal of Wednesday, May 6, 1981, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Milt Van Gundy, M.D., Marshalltown, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rodgers for the day on request of Senator Junkins; Senator Kudart for the day on request of Senator Hultman.

UNFINISHED BUSINESS (Appropriations Calendar) (Deferred May 6, 1981)

Senate File 566

The Senate resumed consideration of Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, and amendment S—3693 by Senator Slater to pages 1, 8 and 13 of the bill, deferred May 6, 1981.

Senator Slater moved the adoption of amendment S—3693.

A record roll call was requested.

On the question "Shall amendment S—3693 be adopted?" (S.F. 566) the vote was:

Ayes, 41:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Tieden	Van Gilst	Waldstein	Wells
Yenger			

Nays, 5:

Baughner	Gratias	Lura	Taylor
Vande Hoef			

Absent or not voting, 4:

Bisenius	Kinley	Kudart	Rodgers
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Amendment S—3693 was adopted.

With the adoption of amendment S—3693, the Chair ruled amendment S—3701 filed by Senator Priebe on May 6, 1981, to page 1 of the bill, out of order.

Senator Taylor offered amendment S—3692 filed by Senators Taylor, Kinley and Vande Hoef on May 6, 1981, to page 3 of the bill and called for a division of the amendment: line 2 as division S—3692A; line 3 as division S—3692B; line 4 as division S—3692C.

Senator Gentleman offered amendment S—3697 filed by her on May 6, 1981, to division S—3692A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3697 to division S—3692A be adopted?" (S.F. 566) the vote was:

Ayes, 13:

Briles	Craft	Gentleman	Goodwin
Hester	Holden	Murray	Nystrom
Readinger	Rush	Small	Waldstein
Yenger			

Nays, 31:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Comito	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gratias	Hulse	Hultman
Hutchins	Jensen	Junkins	Lura
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	

Absent or not voting, 6:

Bisenius	Husak	Kinley	Kudart
Rodgers	Slater		

Amendment S—3697 lost.

Senator Taylor moved the adoption of division S—3692A and requested a record roll call.

On the question "Shall division S—3692A be adopted?" (S.F. 566) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Baughner	Carr	Coleman	Comito
Deluhery	Doyle	Dreeszen	Gallagher
Gratias	Hester	Husak	Hutchins
Jensen	Lura	Miller, C.P.	Palmer
Priebe	Taylor	Tieden	Vande Hoef
Van Gilst	Wells		

Nays, 24:

Anderson	Briles	Brown	Carney
Craft	DeKoster	Drake	Gentleman
Goodwin	Holden	Hulse	Hultman
Junkins	Miller, A.V.	Murray	Nystrom
Ramsey	Readinger	Rush	Schwengels
Slater	Small	Waldstein	Yenger

Absent or not voting, 4:

Bisenius	Kinley	Kudart	Rodgers
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Division S—3692A lost.

Senator Taylor moved the adoption of division S—3692B and requested a record roll call.

On the question “Shall division S—3692B be adopted?” (S.F. 566) the vote was:

Ayes, 16:

Baughner	Carr	Coleman	Comito
Gratias	Hester	Holden	Hultman
Kinley	Lura	Priebe	Taylor
Tieden	Vande Hoef	Van Gilst	Wells

Nays, 30:

Anderson	Briles	Brown	Carney
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Hulse	Husak	Hutchins
Junkins	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Ramsey	Readinger
Rush	Schwengels	Slater	Small
Waldstein	Yenger		

Absent or not voting, 4:

Bisenius	Jensen	Kudart	Rodgers
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Division S—3692B lost.

The Chair ruled division S—3692C out of order.

Senator Waldstein offered amendment S—3646 filed by Senators Waldstein, Slater and Brown on May 4, 1981, to pages 3 and 12 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 27, nays 19.

Amendment S—3646 was adopted.

Senator Vande Hoef asked and received unanimous consent to withdraw amendment S—3653 filed by Senators Vande Hoef, Schwengels and Priebe on May 4, 1981, to pages 4 and 13 of the bill.

Senator Vande Hoef offered amendment S—3683 filed by Senators Vande Hoef, Schwengels and Priebe on May 5, 1981, to page 4 of the bill and moved its adoption.

Amendment S—3683 was adopted by a voice vote.

Senator Holden took the chair at 11:00 a.m.

Senator Yenger offered amendment S—3698 filed by Senators Yenger and Slater on May 6, 1981, to page 7 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3698 be adopted?" (S.F. 566) the vote was:

Ayes, 30:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	DeKoster
Deluhery	Drake	Dreeszen	Goodwin
Gratias	Hester	Hulse	Husak
Hutchins	Jensen	Lura	Miller, C.P.
Murray	Nystrom	Ramsey	Schwengels
Slater	Small	Taylor	Van Gilst
Waldstein	Yenger		

Nays, 15:

Craft	Doyle	Gallagher	Gentleman
Holden	Junkins	Kinley	Miller, A.V.
Palmer	Pricbe	Readinger	Rush
Tieden	Vande Hoef	Wells	

Absent or not voting, 5:

Baughner	Bisenius	Hultman	Kudart
Rodgers			

Amendment S—3698 was adopted.

The Chair ruled amendment S—3650 filed by Senators Waldstein, et al., on May 4, 1981, to pages 7 and 8 of the bill, out of order.

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

Senator Holden took the chair at 11:55 a.m.

Senator Ramsey offered amendment S—3705 filed by Senators Ramsey, Vande Hoef and Murray from the floor to page 9 of the bill.

(Senate File 566 and amendment S—3705 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., Senator Holden presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

BUSINESS PENDING

Senate File 566

The Senate resumed consideration of Senate File 566 and amendment S—3705 by Senators Ramsey, Vande Hoef and Murray to page 9 of the bill, pending on recess.

Senator Ramsey asked and received unanimous consent that action on amendment S—3705 be deferred.

Senator Waldstein offered amendment S—3648 filed by Senators Waldstein, et al., on May 4, 1981, to page 11 of the bill.

Senator Priebe raised the point of order that amendment S—3648 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3648 out of order.

President Branstad took the chair at 1:55 p.m.

Senator Carr offered amendment S—3695 filed by Senators Carr and Drake on May 6, 1981, to page 12 of the bill.

Senator Carr asked and received unanimous consent that action on amendment S—3695 be deferred.

Senator Priebe withdrew amendment S—3700 to pages 3, 4 and 5 of the bill, deferred on May 6, 1981.

Senator Yenger called up the motion to reconsider the vote by which amendment S—3687 failed to be adopted by the Senate on May 6, 1981, filed by her on May 6, 1981, and found on page 1587 of the Senate Journal.

Senator Waldstein asked and received unanimous consent that action on the motion to reconsider be temporarily deferred.

Senator Priebe filed the following motion to reconsider from the floor, moved its adoption and requested a record roll call.

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3693 to Senate File 566 was adopted by the Senate on May 7, 1981.

On the question "Shall the motion to reconsider be adopted?" (S.F. 566) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Baughner	Brown	Coleman	Comito
Doyle	Drake	Gallagher	Holden
Husak	Hutchins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Priebe	Ramsey
Schwengels	Taylor	Van Gilst	

Nays, 25:

Anderson	Briles	Carney	Carr
Craft	DeKoster	Deluhery	Dreeszen
Gentleman	Goodwin	Hester	Hulse
Jensen	Murray	Nystrom	Palmer
Readinger	Rush	Slater	Small
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Absent or not voting, 6:

Bisenius	Gratias	Hultman	Junkins
Kudart	Rodgers		

The motion lost.

The Chair ruled amendment S—3709 filed by Senator Priebe from the floor to amendment S—3693, out of order.

The Senate resumed consideration of amendment S—3695 by Senators Carr and Drake to page 12 of the bill.

Senator Carr offered amendment S—3710 filed by him from the floor to amendment S—3695 and moved its adoption.

Amendment S—3710 was adopted by a voice vote.

Senator Carr moved the adoption of amendment S—3695 as amended, which motion prevailed by a voice vote.

Senator Ramsey asked and received unanimous consent to withdraw amendment S—3705 to page 9 of the bill, previously deferred.

Senator Ramsey offered amendment S—3711 filed by Senators Ramsey, Van Gilst and Murray from the floor to page 9 of the bill and moved its adoption.

Amendment S—3711 was adopted by a voice vote.

Senator Priebe withdrew amendment S—3702 filed by him on May 6, 1981, to pages 3, 4 and 5 of the bill.

Senator Yenger moved the adoption of the motion to reconsider amendment S—3687, previously deferred.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 24, nays 22.

The motion prevailed and amendment S—3687 to pages 2, 5, 6, 11 and 12 of the bill, was taken up for reconsideration.

Senator Lura offered amendment S—3713 filed by him from the floor to amendment S—3687 and moved its adoption.

Amendment S—3713 was adopted by a voice vote.

Senator Slater moved the adoption of amendment S—3687 as amended.

A non record roll call was requested.

The ayes were 26, nays 17.

Amendment S—3687 as amended was adopted.

Senator Hutchins offered amendment S—3712 filed by him from the floor to page 12 of the bill.

Senator Waldstein raised the point of order that amendment S—3712 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3712 in order.

Senator Hutchins moved the adoption of amendment S—3712.

A record roll call was requested.

On the question “Shall amendment S—3712 be adopted?” (S.F. 566) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Baugher	Briles	Brown
Carr	Coleman	Comito	Doyle
Dreeszen	Husak	Hutchins	Jensen
Junkins	Lura	Miller, A.V.	Miller, C.P.
Priebe	Ramsey	Schwengels	Slater
Taylor	Tieden	Yenger	

Nays, 24:

Carney	Craft	DeKoster	Deluhery
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Kinley	Murray	Nystrom
Palmer	Readinger	Rush	Small
Vande Hoef	Van Gilst	Waldstein	Wells

Absent or not voting, 3:

Bisenius	Kudart	Rodgers
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Amendment S—3712 lost.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 566) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Ramsey	Readinger
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 5:

Comito	Kinley	Palmer	Priebe
Rush			

Absent or not voting, 3:

Bisenius	Kudart	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 566 passed the Senate on May 7, 1981.

LOWELL L. JUNKINS

MR. PRESIDENT: I move to reconsider the vote by which Senate File 566 passed the Senate on May 7, 1981.

ARNE WALDSTEIN

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 553

On motion of Senator Tieden, Senate File 553, a bill for an act relating to and 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 responsibility relate to agricultural affairs, economic development, and energy and natural resources management, was taken up for consideration.

Senator Dreeszen took the chair at 4:08 p.m.

Senator Tieden offered amendment S—3677 filed by him on May 5, 1981, to pages 1, 8 and 9 of the bill.

Senator Priebe called for a division of amendment S—3677: lines 2 through 7 as division S—3677A; lines 8 through 18 as division S—3677B.

President Branstad took the chair at 4:25 p.m.

Senator Tieden moved the adoption of division S—3677A and requested a non record roll call.

The ayes were 15, nays 31.

Division S—3677A lost.

(Senate File 553 and division S—3677B pending on adjournment.)

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of May, 1981:

Senate Files 408, 420, 423, 439, 468 and 480.

LINDA HOWARTH MACKAY
Secretary of the Senate

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

H.F. 841 Ways and Means

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 554 passed the Senate on May 6, 1981.

CALVIN O. HULTMAN

COMMUNICATION

The following correspondence has been received:

TO: Secretary of the Senate Linda Howarth Mackay
and Chief Clerk of the House Pat Harper

FROM: Serge H. Garrison, Director, Legislative
Service Bureau

DATE: May 7, 1981

RE: Correction of Statement of Commissioner
Wiley Mayne contained in final report of
the Temporary Redistricting Advisory
Commission

Mr. Wiley Mayne has requested that in his statement submitted to the General Assembly as part of the report of the Temporary Redistricting Advisory Commission a correction be made on page 1, 8 lines from the bottom of the page, by striking the word "regard" and inserting in lieu thereof the word "rigid." He wishes to make known to members of the General Assembly the fact that a typographical error was made.

It should be noted that the Legislative Service Bureau did not retype the reports of the commissioners, but merely recopied the individual reports and attached them as part of the final report.

STUDY BILL RECEIVED

S.S.B. 417 State Government

Providing for congressional and legislative redistricting effective for the 1982 general election.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: May 7, 1981, 12:00 noon.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Kinley, Ranking Member; Junkins, Ramsey and Holden.

Members Absent: none.

Final Bill Action: Senate Concurrent Resolution 6, a resolution recognizing 1981 as the International Year of Disabled Persons.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Junkins, Holden and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 12:10 p.m.

WAYS AND MEANS

Convened: May 6, 1981, 8:11 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: Rodgers, Ranking Member (excused).

Other Committee Business: SSB 406 failed recommendation for passage; deferred action on SSB 291.

Adjourned: 9:35 a.m.

PRESENTATION OF VISITORS

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

Forty-eight students from Robert Hansen School, Marshalltown, Iowa, accompanied by Duane Meyer, Sally Leuthold, Don Crow and Paul Thompson. Senator Lura.

Fifteen students from St. Benedict School, Wesley, Iowa, accompanied by Mrs. Nancy Pelzel. Senator Priebe.

Twenty students from Plainfield Jr-Sr. High School, Plainfield, Iowa, accompanied by Lorraine Dietz and Don DeVries. Senator Jensen.

Sixty-five students from Williamsburg Junior High School, Williamsburg, Iowa, accompanied by Terry Curtis. Senator Husak.

Twenty-two students from Clarion Elementary School, Clarion, Iowa, accompanied by L.J. Smith, Mrs. Heimstra, Mrs. Putney and Jon Watne. Senator Taylor.

Twenty-five students from Clarion Elementary School, Clarion, Iowa, accompanied by Carol Rohrer. Senator Taylor.

Thirty students from Elk Horn-Kimballton Elementary School, Elk Horn, Iowa, accompanied by Norma Nelson and Bob Maertz. Senators Hester and Hutchins.

Twenty students from Abraham Lincoln High School, Council Bluffs, Iowa, accompanied by Lee Spann. Senator Slater.

AMENDMENTS FILED

S-3704	S. F.	560	Elvie L. Dreeszen
S-3705	S. F.	566	Dick Ramsey

			Richard Vande Hoef
			John S. Murray
S-3706	S. F.	560	David M. Readinger
S-3707	S. F.	555	Lucas J. DeKoster
			Dick Ramsey
S-3708	S. F.	560	Bass Van Gilst
S-3709	S. F.	566	Berl E. Priebe
S-3710	S. F.	566	Bob Carr
S-3711	S. F.	566	Dick Ramsey
			Bass Van Gilst
			John S. Murray
S-3712	S. F.	566	C.W. Bill Hutchins
S-3713	S. F.	566	Mick Lura
S-3714	S. F.	553	Berl E. Priebe

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:30 p.m., until 9:00 a.m., Friday, May 8, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTEENTH CALENDAR DAY
SEVENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 8, 1981

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Robert Ruppert, pastor of the Asbury United Methodist Church, Bettendorf, Iowa.

The Journal of Thursday, May 7, 1981, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kudart for the day on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 6, 1981, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 155, a bill for an act to provide for the filing of applications to claim the personal property tax credit in even-numbered years.

House File 186, a bill for an act relating to the permissible use of proceeds of property sold by a county board of hospital trustees.

House File 348, a bill for an act relating to the licensing of real estate salespersons, associate brokers and brokers.

House File 466, a bill for an act relating to the creation of conservancy district wards.

House File 504, a bill for an act relating to the enforcement of distress warrants issued by the director of revenue.

House File 509, a bill for an act limiting refunds of the state insurance retaliatory tax.

House File 739, a bill for an act relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents.

House File 751, a bill for an act to provide for special arson inspection warrants for the inspection of property destroyed by fire for the purpose of determining the cause, origin and circumstances of the fire.

House File 766, a bill for an act relating to access to and use of solar energy.

House File 779, a bill for an act relating to the rules of evidence.

House File 816, a bill for an act regulating the offer and sale of business opportunities and providing penalties for violations.

House File 822, a bill for an act relating to the administration of small estates.

ALSO: That the House has on May 6, 1981, concurred in Senate amendment as amended, and passed the following bills in which the concurrence of the House was asked:

House File 472, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors.

House File 836, a bill for an act relating to honoring county warrants.

ALSO: That the House has on May 6, 1981, concurred in the Senate amendment to House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 116, a bill for an act relating to the state fair board convention.

Senate File 425, a bill for an act relating to the Iowa housing finance authority and its records, loans, lending practices, and quorum requirements.

ALSO: That the House has on May 6, 1981, refused to concur in Senate amendment to the following bills in which the concurrence of the House was asked:

House File 572, a bill for an act relating to the duties of the board of review.

House File 734, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state.

House File 743, a bill for an act to amended the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act.

ALSO: That the House has on May 6, 1981, refused to concur in Senate amendment to House amendment to the following bill in which the concurrence of the House was asked:

Senate File 517, a bill for an act relating to certain crimes including accessory after the fact which may result from the use of force.

ALSO: That the House has on May 6, 1981, receded from House amendment to, and passed the following bills in which the concurrence of the House was asked:

Senate File 479, a bill for an act relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

Senate File 526, a bill for an act relating to the registration and operation of snowmobiles.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 557.

Senate File 557

On motion of Senator Drake, Senate File 557, a bill for an act to provide that a volunteer firefighter shall not be classified as a chauffeur when operating fire apparatus, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 557) the vote was:

Ayes, 45:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Baughner	Bisenius	Kinley	Kudart
Tieden			

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

Senator Hultman asked and received unanimous consent that **Senate File 557** be **immediately messaged** to the House.

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

The Senate resumed session, President Branstad presiding.

UNFINISHED BUSINESS
(Appropriations Calendar)
(Pending May 7, 1981)

Senate File 553

The Senate resumed consideration of Senate File 553, a bill for an act relating to and 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 responsibility relate to agricultural affairs, economic development, and energy and natural resources management, and division S—3677B by Senator Tieden to page 9 of bill, pending on May 7, 1981.

Senator Tieden withdrew division S—3677B.

Senator Tieden offered amendment S—3680 filed by him on May 5, 1981, to page 6 of the bill and moved its adoption.

Amendment S—3680 was adopted by a voice vote.

Senator Tieden offered amendment S—3717 filed by him from the floor to pages 8 and 9 of the bill and moved its adoption.

Amendment S—3717 was adopted by a voice vote.

With the adoption of amendment S—3717, the Chair ruled amendment S—3678 filed by Senator Tieden on May 5, 1981, to page 9 of the bill and amendment S—3679 filed by Senator Tieden on May 5, 1981, to page 8 of the bill, out of order.

Senator Lura offered amendment S—3691 filed by him on May 5, 1981, to page 8 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 21, nays 26.

Amendment S—3691 lost.

Senator Priebe offered amendment S—3714 filed by him on May 7, 1981, to page 9 of the bill and moved its adoption.

Amendment S—3714 was adopted by a voice vote.

Senator Holden offered amendment S—3676 filed by him on May 5, 1981, to page 10 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 13, nays 31.

Amendment S—3676 lost.

Senator Lura offered amendment S—3719 filed by him from the floor to page 8 of the bill.

Senator Tieden raised the point of order that amendment S—3719 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3719 in order.

Senator Lura moved the adoption of amendment S—3719.

A non record roll call was requested.

The ayes were 25, nays 23.

Amendment S—3719 was adopted.

Senator Priebe asked unanimous consent that action on Senate File 553 be deferred.

Objection was raised by Senator Murray.

President pro tempore Ramsey took the chair at 11:05 a.m.

Senator Junkins offered amendment S—3718 filed by Senators Junkins and Gallagher from the floor to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3718 be adopted?” (S.F. 553) the vote was:

Ayes, 25:

Anderson	Briles	Carr	Coleman
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rodgers	Rush
Slater	Small	Van Gilst	Wells
Yenger			

Nays, 20:

Carney	Comito	Craft	DeKoster
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Lura	Murray	Ramsey	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein

Absent or not voting, 5:

Baughner	Bisenius	Brown	Kudart
Nystrom			

Amendment S—3718 was adopted.

Senator Lura asked and received unanimous consent to withdraw amendment S—3631 filed by Senators Lura, et al., on May 4, 1981, to page 12 of the bill.

Senator Lura asked and received unanimous consent to withdraw amendment S—3694 filed by Senators Lura, et al., on May 6, 1981, to page 12 of the bill.

Senator Palmer offered amendment S—3667 filed by him on May 5, 1981, to page 12 of the bill.

Senator Comito asked and received unanimous consent that action on amendment S—3667 be deferred for preparation of an amendment to amendment S—3667.

Senator Miller of Des Moines filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3719 to Senate File 553 was adopted by the Senate on May 8, 1981.

Action on the motion to reconsider was temporarily deferred.

Senator Palmer moved the adoption of amendment S—3667 to page 12 of the bill, previously deferred and requested a non record roll call.

A record roll call was requested.

On the question “Shall amendment S—3667 be adopted?” (S.F. 553) the vote was:

Ayes, 19:

Anderson	Baughner	Brown	Carr
Coleman	Comito	Craft	Deluhery
Gentleman	Holden	Junkins	Kinley
Lura	Palmer	Readinger	Rush
Slater	Small	Wells	

Nays, 28:

Briles	Carney	DeKoster	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe

Ramsey	Rodgers	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Yenger

Absent or not voting, 3:

Bisenius	Kudart	Waldstein
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Amendment S—3667 lost.

Senator Comito offered amendment S—3720 filed by Senators Comito and Junkins from the floor to page 12 of the bill.

Senator Junkins asked and received unanimous consent that action on amendment S—3720 be deferred.

Senator Miller of Des Moines moved the adoption of the motion to reconsider amendment S—3719, previously deferred, and requested a record roll call.

On the question “Shall the motion to reconsider be adopted?” (S.F. 553) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Briles	Carr	Coleman	Comito
Doyle	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Hulse
Husak	Hutchins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Slater	Small	Vande Hoef	Van Gilst
Waldstein			

Nays, 22:

Anderson	Baughner	Brown	Carney
Craft	DeKoster	Deluhery	Gentleman
Holden	Hultman	Jensen	Junkins
Lura	Nystrom	Ramsey	Readinger
Rodgers	Rush	Schwengels	Taylor
Tieden	Wells		

Absent or not voting, 3:

Bisenius	Kudart	Yenger
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The motion prevailed and amendment S—3719 by Senator Lura to page 8 of the bill, was taken up for reconsideration.

Senator Lura asked and received unanimous consent that action on amendment S—3719 be deferred for preparation of an amendment.

Senator Hultman asked and received unanimous consent that action on **Senate File 553** be deferred.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SENATE FILE 564

Human Resources
Hulse, Chairperson
Carr
Slater

SENATE FILE 568

State Government
Briles, Chairperson
Hutchins
C. Miller

HOUSE FILE 843

Appropriations
Waldstein, Chairperson
Slater
Craft
Vande Hoef
Brown

**HOUSE CONCURRENT
RESOLUTION 26**

Rules and Administration
Ramsey, Chairperson
Hulse
Kinley

SSB 417

State Government
Nystrom, Chairperson
Schwengels
Lura
Hutchins
Slater

SENATE FILE 567

Judiciary
Doyle, Chairperson
Kudart
Dreeszen

**SENATE CONCURRENT
RESOLUTION 26**

Rules and Administration
Hultman, Chairperson
Junkins
Holden

**HOUSE CONCURRENT
RESOLUTION 13**

Rules and Administration
Holden, Chairperson
Hultman
Junkins

**HOUSE CONCURRENT
RESOLUTION 30**

Rules and Administration
Ramsey, Chairperson
Junkins
Hulse

COMMUNICATION FROM THE SECRETARY OF STATE

May 7, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

I hereby certify that Senate File 542 was published in the Storm Lake Register, Storm Lake, Iowa, on May 2, 1981, and in the Ankeny Press-Citizen, Ankeny, Iowa, on April 30, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

COMMUNICATION

The following communication was received in the office of the Secretary of the Senate:

A card from Mrs. Thelma Burns conveying to the Iowa Senate appreciation for the gift and card received on behalf of her husband, Francis (Bud) Burns, Senate doorkeeper, who is in the hospital.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3646 to Senate File 566 was adopted by the Senate on May 7, 1981.

ARNE WALDSTEIN

STUDY BILL RECEIVED

S.S.B. 418 Ways and Means

Providing that passive solar energy systems added as improvements to buildings shall not increase the actual assessed and taxable value of the property for designated assessment years and making the Act retroactive.

PRESENTATION OF VISITORS

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

Sixty students from West Elementary School, Knoxville, Iowa, accompanied by Mrs. Nichols, Mrs. Sween and Mrs. Vitermarkt. Senator Van Gilst.

Thirty-five students from Willow Community High School, Quimby, Iowa, accompanied by Marlene Baumann, Dave Gustafson and Bill Walsh. Senator Carney.

Nine students from Danville School, Danville, Iowa, accompanied by Brian Carter. Senator C. Miller.

Forty students from Waverly School, Waverly, Iowa, accompanied by Mrs. Borglum, Mr. Wangberg and Nate Frazee. Senator Jensen.

AMENDMENTS FILED

S—3715	H.F.	472	House Amendment
S—3716	H.F.	836	House Amendment
S—3717	S. F.	553	Dale L. Tieden
S—3718	S. F.	553	Lowell L. Junkins James V. Gallagher
S—3719	S. F.	553	Mick Lura
S—3720	S. F.	553	Richard Comito Lowell L. Junkins
S—3721	S. F.	553	Richard Comito

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:20 p.m., until 10:00 a.m., Monday, May 11, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTIETH CALENDAR DAY
SEVENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 11, 1981

The Senate met in regular session at 10:00 a.m., Senator Carney presiding.

Prayer was offered by the Reverend Calvin Schumacher, pastor of the St. John's United Church of Christ, Clarence, Iowa.

The Journal of Friday, May 8, 1981, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Anderson for the day on request of Senator Junkins; Senator Bisenius for the week of May 11, 1981, on request of Senator Hultman.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 8, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Sarah H. Van Wert, Hampton, Franklin County, Iowa, for appointment as a member of the State Board of Physical and Occupational Therapy Examiners pursuant to Section 147.14(10), 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1982.

Sincerely,
ROBERT D. RAY
Governor

Communication was read and referred to the committee on **Rules and Administration**.

WITHDRAWN

Senator DeKoster asked and received unanimous consent that

Senate File 433 be withdrawn from further consideration of the Senate.

President Branstad took the chair at 10:08 a.m.,

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

MOTION TO RECONSIDER ADOPTED

Senator Waldstein called up the motion to reconsider Senate File 566 filed by him on May 7, 1981, found on page 1599 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 566) the vote was:

Ayes, 44:

Baughner	Brown	Carney	Carr
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Tieden

Absent or not voting, 5:

Anderson	Bisenius	Briles	Rush
Schwengels			

The motion prevailed.

Senator Waldstein moved to reconsider the vote by which Senate File 566 went to its last reading, which motion prevailed by a voice vote.

Senate File 566

On motion of Senator Waldstein, Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, was taken up for reconsideration.

Senator Waldstein called up the motion to reconsider the vote by which amendment S—3646 to Senate File 566 was adopted by the Senate on May 7, 1981, filed by him on May 8, 1981, found on page 1613 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—3646 by Senators Waldstein, Slater and Brown to pages 3 and 12 of the bill, was taken up for reconsideration.

Senator Waldstein called for a division of amendment S—3646: lines 2 through 14 and lines 16 through 20 division S—3646A; line 15 as division S—3646B.

Senator Waldstein asked and received unanimous consent to withdraw division S—3646B.

Senator Waldstein moved the adoption of division S—3646A, which motion prevailed by a voice vote.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 566) the vote was:

Ayes. 41:

Baughner	Brown	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester

Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 3:

Comito	Kinley	Palmer
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Absent or not voting, 6:

Anderson	Bisenius	Briles	Holden
Rush	Schwengels		

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

The Chair ruled the motion to reconsider the vote by which Senate File 566 passed the Senate on May 7, 1981, filed by Senator Junkins on May 7, 1981, and found on page 1599 of the Senate Journal, out of order.

RECESS

On motion of Senator Murray, the Senate recessed at 12:03 p.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., Senator Carney presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 842, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

This bill was read first time and **passed on file**.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

BILLS REFERRED TO COMMITTEE

Senator Hultman asked and received unanimous consent that **House Files 303** and **788** be referred from the unfinished business calendar to the committee on **Human Resources**.

President Branstad took the chair at 1:40 p.m.

UNFINISHED BUSINESS (Appropriations Calendar) (Deferred May 6, 1981)

Senate File 562

The Senate resumed consideration of Senate File 562, a bill for an act relating to the publication of the federal census report, deferred May 6, 1981.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 562) the vote was:

Ayes, 40:

Briles	Brown	Carney	Carr
Coleman	Comito	Craft	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Ramsey	Readinger	Rodgers
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 1:

Deluhery

Absent or not voting, 9:

Anderson	Baughner	Bisenius	DeKoster
Kudart	Palmer	Rush	Schwengels
Slater			

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

CONSIDERATION OF BILLS (Appropriations Calendar)

House File 761

On motion of Senator Jensen, House File 761, a bill for an act to appropriate funds credited in the account of the state of Iowa in the unemployment trust fund for the purchase of a building, with report of committee recommending passage, was taken up for consideration.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 761) the vote was:

Ayes, 45:

Baughner	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Anderson	Bisenius	DeKoster	Kudart
Schwengels			

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

House File 831

On motion of Senator Yenger, House File 831, a bill for an act making a supplemental appropriation to the board of medical examiners and the licensing and certification division of the state department of health for the fiscal year beginning July 1, 1980, and ending June 30, 1981, with report of committee recommending passage, was taken up for consideration.

Senator Junkins raised the point of order that House File 831 was out of order because the same subject matter has previously been considered in Senate File 305.

The Chair ruled the point not well taken under Section 159 of Mason's Manual.

Senator Yenger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 831) the vote was:

Ayes, 31:

Briles	Brown	Carney	Carr
Coleman	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hulse	Husak	Hutchins
Junkins	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Rodgers	Rush	Slater	Small
Van Gilst	Wells	Yenger	

Nays, 14:

Baughner	Comito	Craft	Hester
Hultman	Jensen	Kinley	Lura
Ramsey	Readinger	Taylor	Tiedens
Vande Hoef	Waldstein		

Absent or not voting, 5:

Anderson	Bisenius	DeKoster	Holden
Schwengels			

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

UNFINISHED BUSINESS
(Appropriations Calendar)
(Deferred May 8, 1981)

Senate File 553

The Senate resumed consideration of Senate File 553, a bill for an act relating to and 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 responsibility relate to agricultural affairs, economic development, and energy and natural resources management, and amendment S—3719 by Senator Lura to page 8 of the bill, deferred on May 8, 1981.

Senator Lura withdrew amendment S—3719.

Senator Lura offered amendment S—3723 filed by Senators Lura, Small and Junkins from the floor to page 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3723 be adopted?" (S.F. 553) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Baughner	Brown	Carney	Carr
Coleman	Craft	DeKoster	Deluhery
Doyle	Hultman	Junkins	Lura
Nystrom	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Wells	Yenger		

Nays, 24:

Briles	Comito	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Husak	Hutchins
Jensen	Kinley	Kudart	Miller, A.V.

Miller, C.P. Tieden	Murray Vande Hoef	Palmer Van Gilst	Priebe Waldstein
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Absent or not voting, 4:

Anderson	Bisenius	Holden	Schwengels
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Amendment S—3723 lost.

Senator Comito asked and received unanimous consent to withdraw amendment S—3720 by Senators Comito and Junkins to page 12 of the bill, deferred on May 8, 1981.

Senator Comito withdrew amendment S—3721 filed by him on May 8, 1981, to page 12 of the bill.

Senator Comito offered amendment S—3722 filed by him from the floor to page 12 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3722 be adopted?” (S.F. 553) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Baughner	Briles	Brown	Carr
Coleman	Comito	Craft	Deluhery
Gentleman	Junkins	Kinley	Lura
Palmer	Ramsey	Readinger	Rush
Slater	Small	Waldstein	Wells

Nays, 25:

Carney	DeKoster	Doyle	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Rodgers
Taylor	Tieden	Vande Hoef	Van Gilst
Yenger			

Absent or not voting, 5:

Anderson	Bisenius	Drake	Holden
Schwengels			

Amendment S—3722 lost.

Senator Yenger filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3718 to Senate File 553 was adopted by the Senate on May 8, 1981.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 553) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Briles	Carney	Craft	DeKoster
Drake	Dreeszen	Gentleman	Goodwin
Hester	Hulse	Hultman	Lura
Murray	Nystrom	Ramsey	Readinger
Taylor	Vande Hoef	Yenger	

Nays, 27:

Baugher	Brown	Carr	Coleman
Comito	Deluhery	Doyle	Gallagher
Gratias	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Tieden
Van Gilst	Waldstein	Wells	

Absent or not voting, 4:

Anderson	Bisenius	Holden	Schwengels
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The motion lost.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 553) the vote was:

Ayes, 45:

Baugher	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster

Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

Comito

Absent or not voting, 4:

Anderson	Bisenius	Holden	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 553 passed the Senate on May 11, 1981.

DALE L. TIEDEN

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

House File 472

Senator Waldstein called up for consideration House File 472, a bill for an act relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3715 to Senate amendment H—3824 filed May 8, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Waldstein moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 472) the vote was:

Ayes, 46:

Baughner	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Anderson	Bisenius	Holden	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

House File 836

Senator Wells called up for consideration House File 836, a bill for an act relating to honoring county warrants, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3716 to Senate amendment H—3856 filed May 8, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Wells moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 836) the vote was:

Ayes, 46:

Baughner	Briles	Brown	Carney
Carr	Coleman	Comito	Craft

DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Anderson	Bisenius	Holden	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 555.

Senate File 555

On motion of Senator Craft, Senate File 555, a bill for an act relating to the inheritance tax by reducing the time period for filing and paying the tax, by increasing the individual exemptions allowed for a surviving spouse, son, daughter, father, mother, and other lineal descendants, by increasing the size of the estate under which no tax is owed, providing for payment by the transfer of property and providing a January 1 effective date for some provisions, was taken up for consideration.

Senator Taylor asked and received unanimous consent to withdraw amendment S-3573 filed by Senators Taylor and Priebe on April 27, 1981, to pages 1 through 5 of the bill.

Senator Taylor offered amendment S-3672 filed by Senators Taylor and Priebe on May 5, 1981, to pages 1 through 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3672 be adopted?" (S.F. 555) the vote was:

Ayes, 14:

Brown	Carr	Coleman	Deluhery
Gallagher	Husak	Hutchins	Junkins
Miller, A.V.	Miller, C.P.	Priebe	Rodgers
Taylor	Wells		

Nays, 32:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Kinley	Kudart	Lura
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Absent or not voting, 4:

Anderson	Bisenius	Schwengels	Slater
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Amendment S—3672 lost.

Senator DeKoster offered amendment S—3707 filed by Senators DeKoster and Ramsey on May 7, 1981, to page 3 of the bill and moved its adoption.

Amendment S—3707 was adopted by a voice vote.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 555) the vote was:

Ayes, 42:

Baughner	Briles	Brown	Carney
Coleman	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Slater	Taylor

Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 5:

Carr	Kinley	Palmer	Rush
Small			

Absent or not voting, 3:

Anderson	Bisenius	Schwengels
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 552

Senator Junkins withdrew the motion to reconsider Senate File 552, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state, filed by him on May 5, 1981, and found on page 1570 of the Senate Journal.

Senator Taylor withdrew the motion to reconsider Senate File 552 filed by him on May 6, 1981, and found on page 1587 of the Senate Journal.

Senator Hultman withdrew the motion to reconsider Senate File 552 filed by him on May 6, 1981, and found on page 1587 of the Senate Journal.

Senate File 548

Senator Van Gilst withdrew the motion to reconsider Senate File 548, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards, and commissions, filed by him on May 5, 1981, and found on page 1572 of the Senate Journal.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 5, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 844, a bill for an act relating to the filing of a claim for the homestead credit or military service tax exemption only once and providing that the credit or exemption will be granted without refiling a claim for as long as the person or the person's spouse owns the property designated for the credit or exemption on July 1, providing for a civil penalty, and providing for a January 1 effective date.

This bill was read first time and **passed on file**.

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

The Senate resumed session, Senator Small presiding.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of May, 1981:

Senate Files 121, 170, 225, 244, 485 and 492.

LINDA HOWARTH MACKAY
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 8, 1981, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 13—Relating to the maximum rate of interest on investments of public funds in banks.

S.F. 80—Relating to the administration of judicial district departments of correctional services.

S.F. 87—Providing for the designation of handicapped parking spaces and providing a penalty.

S.F. 220—Prohibiting the revoking of an anatomical gift by a person other than the donor.

S.F. 230—Relating to the person to whom notice of garnishment is served in a school district.

S.F. 278—Relating to the effective date of new rates for services provided to medical assistance recipients by licensed health care facilities.

S.F. 355—Requiring the Iowa Housing Finance Authority to expend at least fifty percent of proceeds from bond sales for the construction of new housing.

H.F. 773—Relating to the penalty to be imposed on licensees who tender the Department of Beer and Liquor Control three or more insufficient funds checks within a twelve-month period for the purchase of alcoholic beverages.

H.F. 826—Relating to certain obligations under Chapter 258A of licensees under Chapter 116.

ALSO:

That on May 11, 1981, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 408—Relating to the production and sale of dairy products by updating certain standards and changing internal references required by the interstate milk shippers compact and by striking or repealing inconsistent provisions.

S.F. 420—Relating to the siting of hazardous waste treatment, storage and disposal facilities, providing penalties and imposing a surcharge on the fee for land burial of hazardous waste.

S.F. 423—Establishing definitions and rules of construction to be applied in connection with the interpretation of laws relating to real property loans.

S.F. 439—Relating to the retail sale of beer by manufacturers of beer on the premises of the manufacturing facility for on or off premises consumption.

S.F. 468—Relating to the payment of tuition and transportation costs of certain children receiving foster care.

S.F. 480—Relating to properties that are exempt from judicial process.

H.F. 350—Relating to the computation of interest on overpayments made under the individual income, corporate income and franchise taxes and providing for its effect upon publication for overpayments resulting from returns due on or after April 30, 1981.

H.F. 468—Relating to the taxation of certain optional service or maintenance contracts which provide for the furnishing of labor and materials for a fixed price.

H.F. 470—Relating to the statute of limitations on assessment of the income and franchise taxes.

H.F. 762—Relating to inspections of state and local correctional facilities and the state juvenile facilities.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 566, the following technical corrections were made:

1. Amendment S—3645, page 1, line 37, the word "colocate" was changed to "colocate".

2. Page 14, lines 8 and 9, of Senate File 566, "sections 9 through 13" were changed to "sections 11 through 15".

3. Page 14, line 14, of Senate File 566, "subsection 2" was changed to "subsection 1".

4. Page 14, line 15, of Senate File 566, "pargraphs c and d" were changed to "paragraph c", ("d" was stricken by amendment).

LINDA HOWARTH MACKAY
Secretary of the Senate

STUDY BILLS RECEIVED

S.S.B. 419 Appropriations

Relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

S.S.B. 420 Appropriations

Relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 555 passed the Senate on May 11, 1981.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which Senate File 555 passed the Senate on May 11, 1981.

ROLF V. CRAFT

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: May 11, 1981, 9:30 a.m.

Members Present: DeKoster, Chairperson; Kudart, Vice Chairperson; Rush, Ranking Member; Carr, Coleman, Doyle, Dreeszen and Small.

Members Absent: Baugher, Deluhery, Lura, Murray, Ramsey and Taylor.

Final Bill Action: Senate File 567, a bill for an act relating to the legalization of acts and agreements of north Iowa municipal electric cooperative association and other persons, with respect to the authority granted under that Act, to take effect upon publication but to be retroactive in effect to April 26, 1979.

Recommendation: DO PASS.

Final Vote: Ayes, 8: DeKoster, Kudart, Rush, Carr, Coleman, Doyle, Dreeszen and Small. Nays, none. Absent or not voting, 6: Baugher, Deluhery, Lura, Murray, Ramsey and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 9:40 a.m.

PETITIONS

The following petitions supporting the negotiated salary increase contract between the state of Iowa and its employees were filed and presented by:

Senator Junkins from eleven residents of Henry, Jefferson and Des Moines Counties.

Senator Holden from thirty-three residents of Scott County.

Senator Miller of Des Moines from eleven residents of Henry, Jefferson and Des Moines Counties.

Senator Yenger from twenty-six residents of southeast Iowa.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Forty-one students from Malcolm Price Laboratory School, University of Northern Iowa, Cedar Falls, Iowa, accompanied by Dave Christensen and Mrs. Maribelle H. Betterton. Senators Anderson and Comito.

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

Twenty-three students from McCallsburg Elementary School, McCallsburg, Iowa, accompanied by Mrs. Rita Mills. Senator Nystrom.

Forty students from Peet Junior High School, Cedar Falls, Iowa, accompanied by Carolyn Harm and Virginia Johnson. Senator Anderson.

Nineteen students from West Bend Middle School, West Bend, Iowa, accompanied by Connie Wendel and Greg Stewart. Senator Priebe.

Fourteen special olympian students from West Delaware Schools, Manchester, Iowa. Senator Tieden.

AMENDMENTS FILED

S—3722	S. F.	553	Richard Comito
S—3723	S. F.	553	Mick Lura
			Arthur A. Small, Jr.
			Lowell L. Junkins
S—3724	S. F.	560	Mick Lura
S—3725	S. F.	561	Richard F. Drake
S—3726	S. F.	547	Jack W. Hester
S—3727	S. F.	560	Ray Taylor

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:00 p.m., until 10:00 a.m., Tuesday, May 12, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST CALENDAR DAY
SEVENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 12, 1981

The Senate met in regular session at 10:10 a.m., President Branstad presiding.

Prayer was offered by Dr. Gordon Shipp, President of Faith Baptist Bible College, Ankeny, Iowa.

The Journal of Monday, May 11, 1981, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 1981, passed the following bills in which the concurrence of the Senate is asked:

House File 833, a bill for an act changing the beginning and ending dates of the Vietnam Conflict for purposes of the military service property tax exemption.

This bill was read first time and **passed on file**.

House File 847, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

This bill was read first time and referred to the committee on **Appropriations**.

House File 850, 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.

This bill was read first time and referred to the committee on **Appropriations**.

House File 851, a bill for an act relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations.

This bill was read first time and referred to the committee on **Appropriations**.

House File 853, a bill for an act relating to motor fuel, special fuel, and distillate fuels by providing for the measurement of gallonages, providing for reduced allowances granted to distributors on motor fuel, providing for the computation of motor fuel taxes in situations where blending errors have occurred on gasohol, and making certain provisions retroactive to July 1, 1978.

This bill was read first time and **passed on file**.

ALSO: That the House has on May 8, 1981, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 632, a bill for an act to require a permit for drilling operations for metallic minerals exploration.

ALSO: That the House has on May 8, 1981, passed the following bills in which the concurrence of the House was asked:

Senate File 263, a bill for an act authorizing the department of revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

Senate File 546, a bill for an act relating to the sale by the department of social services of the Peck day care center in Newton, Iowa and the Sanford day care center in Sioux City, Iowa.

ALSO: That the House has on May 8, 1981, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 237, a bill for an act providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive.

Senate File 466, a bill for an act relating to the processing exemption in the state sales, services, and use tax by including in the definition of services used in processing of tangible personal property.

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 561.

Senate File 561

On motion of Senator Craft, Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation, was taken up for consideration.

Senator Drake offered amendment S—3696 filed by him on May 6, 1981, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3696 be adopted?" (S.F. 561) the vote was:

Ayes, 34:

Baughner	Briles	Carney	Carr
Comito	Craft	DeKoster	Doyle
Drake	Dreeszen	Goodwin	Gratias
Hester	Holden	Hulse	Jensen
Kinley	Kudart	Lura	Miller, A.V.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Schwengels	Small
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 15:

Anderson	Brown	Coleman	Deluhery
Gallagher	Gentleman	Hultman	Husak
Hutchins	Junkins	Miller, C.P.	Priebe
Rodgers	Slater	Tieden	

Absent or not voting, 1:

Bisenius

Amendment S—3696 was adopted.

With the adoption of amendment S—3696, the Chair ruled amendment S—3660 filed by Senator Lura on May 4, 1981, to pages 1 and 3 of the bill, out of order.

Senator Craft offered amendment S—3664 filed by him on May 5, 1981, to pages 2 through 4 of the bill and moved its adoption.

Amendment S—3664 was adopted by a voice vote.

Senator Hester asked and received unanimous consent to withdraw amendment S—3690 filed by Senators Hester, Van Gilst and Craft on May 5, 1981, to page 2 of the bill.

Senator Gratias offered amendment S—3732 filed by him from the floor to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 29.

Amendment S—3732 lost.

Senator Gratias offered amendment S—3731 filed by him from the floor to page 3 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3731 be adopted?” (S.F. 561) the vote was:

Ayes, 17:

Baughner	Brown	Coleman	Comito
Doyle	Gallagher	Gentleman	Goodwin
Gratias	Lura	Priebe	Ramsey
Rodgers	Rush	Taylor	Tieden
Wells			

Nays, 32:

Anderson	Briles	Carney	Carr
Craft	DeKoster	Deluhery	Drake
Dreeszen	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Readinger	Schwengels	Slater	Small
Vande Hoef	Van Gilst	Waldstein	Yenger

Absent or not voting, 1:

Bisenius

Amendment S—3731 lost.

Senator Ramsey offered amendment S—3734 filed by Senators Ramsey, et al., from the floor to page 1 of the bill.

Senator Small asked and received unanimous consent that action on amendment S—3734 be deferred.

Senator Lura offered amendment S—3661 filed by him on May 4, 1981, to page 4 of the bill.

Senator Craft raised the point of order that amendment S—3661 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3661 in order.

Senator Lura moved the adoption of amendment S—3661.

A record roll call was requested.

On the question “Shall amendment S—3661 be adopted?” (S.F. 561) the vote was:

Ayes, 12:

Baughner	Dreeszen	Gallagher	Gratias
Hutchins	Junkins	Lura	Ramsey
Small	Taylor	Tieden	Yenger

Nays, 36:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft

DeKoster	Deluhery	Doyle	Drake
Gentleman	Goodwin	Hester	Holden
Hulse	Hultman	Husak	Jensen
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Readinger
Rodgers	Rush	Schwengels	Slater
Vande Hoef	Van Gilst	Waldstein	Wells

Absent or not voting, 2:

Bisenius Priebe

Amendment S—3661 lost.

(Senate File 561 and amendment S—3734 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 27

By: Kinley

- 1 *Whereas*, the existing railway carriers in the state are
- 2 in the process of bidding on the purchase and right to operate
- 3 railway lines and facilities of the bankrupt railway carriers
- 4 and the lines and facilities to be bid on are the most
- 5 economically viable ones; and
- 6 *Whereas*, there exists a serious problem in this state re-
- 7 garding the ability of agricultural producers to transport
- 8 farm products economically to traditional markets because
- 9 of the abandonment and possible abandonment of railway lines
- 10 and facilities within the state which may not be acquired
- 11 by existing carriers; and

12 *Whereas*, this condition is making it more and more difficult
 13 for farmers and farm related business to survive in the pre-
 14 sent state of the economy thus threatening the very heart
 15 blood of Iowa; *Now Therefore*,

16 *Be It Resolved by the Senate, the House Concurring*, That
 17 the governor shall appoint a committee consisting of members
 18 from agricultural shippers, manufacturing shippers, railroad
 19 personnel, railroad labor, Iowa department of transportation
 20 staff and the public to study and identify areas or communi-
 21 ties within the state that need rail service and that will
 22 not be served by the private sector's "economic rationaliza-
 23 tion" of the Iowa rail system. The president of the senate
 24 and speaker of the house shall appoint legislative members
 25 to serve on the committee.

26 This committee shall develop solutions or alternatives
 27 that will provide rail service to areas or communities found
 28 to be without necessary rail service and submit a report
 29 containing its solutions with recommendations for any legis-
 30 lation needed to the general assembly by January of 1982.

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

BUSINESS PENDING

Senate File 561

The Senate resumed consideration of Senate File 561 and amendment S—3734 by Senators Ramsey, et al., to page 1 of the bill, pending on recess.

Senator Small offered amendment S—3735 filed by him from the floor to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3735 be adopted?" (S.F. 561) the vote was:

Ayes, 6:

Brown	Gallagher	Hultman	Rush
Small	Wells		

Nays, 43:

Anderson	Baughner	Briles	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake

Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Slater	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Absent or not voting, 1:

Bisenius

Amendment S—3735 lost.

Senator Coleman withdrew amendment S—3737 filed by him from the floor to page 2 of the bill.

Senator Coleman offered amendment S—3738 filed by him from the floor to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 11, nays 38.

Amendment S—3738 lost.

Senator Drake offered amendment S—3725 filed by him on May 11, 1981, to page 4 of the bill.

Senator Holden offered amendment S—3733 filed by him from the floor to amendment S—3725.

Senator Craft raised the point of order that amendment S—3725 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3725 in order.

Senator Holden moved the adoption of amendment S—3733 to amendment S—3725, which motion prevailed by a voice vote.

Senator Drake moved the adoption of amendment S—3725 as amended.

A non record roll call was requested.

The ayes were 26, nays 20.

Amendment S—3725 as amended was adopted.

Senator Priebe offered amendment S—3736 filed by Senators Priebe and Hutchins from the floor to page 4 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3736 be adopted?” (S.F. 561) the vote was:

Ayes, 20:

Brown	Carr	Coleman	Deluhery
Doyle	Dreeszen	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Tieden	Van Gilst	Wells

Nays, 27:

Anderson	Baughner	Briles	Carney
Craft	DeKoster	Drake	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Lura
Murray	Nystrom	Ramsey	Readinger
Schwengels	Slater	Small	Taylor
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 3:

Bisenius	Comito	Gentleman
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Amendment S—3736 lost.

Senator Drake offered amendment S—3674 filed by him on May 5, 1981, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3674 be adopted?” (S.F. 561) the vote was:

Ayes, 32:

Baughner	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Doyle	Drake	Dreeszen	Goodwin
Gratias	Hester	Holden	Hulse

Hutchins	Jensen	Kinley	Kudart
Nystrom	Palmer	Readinger	Rodgers
Rush	Schwengels	Small	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Nays, 13:

Anderson	Deluhery	Gallagher	Gentleman
Hultman	Husak	Junkins	Lura
Miller, A.V.	Miller, C.P.	Priebe	Van Gilst
Wells			

Absent or not voting, 5:

Bisenius	Comito	Murray	Ramsey
Slater			

Amendment S—3674 was adopted.

Senator Anderson offered amendment S—3740 filed by him from the floor to page 4 of the bill.

Senator Craft raised the point of order that amendment S—3740 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3740 out of order.

Senator Ramsey asked and received unanimous consent to withdraw amendment S—3734 by Senators Ramsey, et al., to page 1 of the bill, previously deferred.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 561) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Baughner	Briles	Carney	Comito
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kinley
Kudart	Murray	Nystrom	Readinger
Schwengels	Vande Hoef	Waldstein	Yenger

Nays, 25:

Anderson	Brown	Carr	Coleman
Craft	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Lura
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Rodgers	Rush	Slater
Small	Taylor	Tieden	Van Gilst
Wells			

Absent or not voting, 1:

Bisenius

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 561 failed to pass the Senate on May 12, 1981.

ROLF V. CRAFT

MR. PRESIDENT: I move to reconsider the vote by which Senate File 561 failed to pass the Senate on May 12, 1981.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which Senate File 561 failed to pass the Senate on May 12, 1981.

TED ANDERSON

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

SENATE RECEDES

House File 572

Senator Wells called up for consideration, House File 572, a bill for an act relating to the duties of the board of review, amended by the Senate and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate **receded from** its amendment to House File 572.

Senator Wells moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 572) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Comito	Drake	Kinley
Ramsey			

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

INTRODUCTION OF BILL

Senate File 569, by Committee on Appropriations, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

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

APPENDIX**STUDY BILL RECEIVED****S.S.B. 421 Appropriations**

Relating to and making appropriations to various executive, legislative and judicial departments and agencies.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 561 failed to pass the Senate on May 12, 1981.

C.W. BILL HUTCHINS

MR. PRESIDENT: I move to reconsider the vote by which Senate File 561 failed to pass the Senate on May 12, 1981.

EMIL J. HUSAK

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: May 12, 1981, 8:05 a.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member (arrived 8:50 a.m.); Anderson, Baugher, Carney, Deluhery (arrived 8:35 a.m.), Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small (arrived 9:30 a.m.), Van Gilst, Waldstein and Yenger (arrived 8:15 a.m.).

Members Absent: Bisenius (excused).

Final Bill Action: Senate File 569, a bill for an act relating to claims against the state of Iowa making appropriations in settlement of claims against the state of Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Murray, Tieden, Anderson, Baugher, Carney, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 4: Bisenius, Deluhery, Palmer and Small.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Discussed SSBs 391, 401 and 421.

Adjourned: 10:10 a.m.

APPROPRIATIONS

Convened: May 12, 1981, 4:40 p.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member; Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger.

Members Absent: Bisenius (excused) and Ramsey.

Final Bill Action: House File 847, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3744.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Jensen, Junkins, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein, Yenger and Hultman. Nays, none. Absent or not voting, 2: Bisenius and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 850, 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.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 2: Bisenius and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 851, a bill for an act relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3743.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Jensen, Junkins, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein, Yenger and Hultman. Nays, none. Absent or not voting, 2: Bisenius and Ramsey.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 408, as amended, as a committee bill.

Adjourned: 5:00 p.m.

PRESENTATION OF VISITORS

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

Sixty students from Clegg Park Elementary School, West Des Moines, Iowa, accompanied by Mrs. True and Miss Weber. Senator Gentleman.

Twenty-one students from St. Augustin's School, Des Moines, Iowa, accompanied by Mrs. Sally Calhoun. Senators Gentleman and Kinley.

Sixty students from Immaculate Conception School, Gilbertville, Iowa, accompanied by Sister Danita and Miss Bedard. Senator Gallagher.

AMENDMENTS FILED

S—3728	S. F.	237	House Amendment
S—3729	S. F.	466	House Amendment
S—3730	H.F.	842	Berl E. Priebe
S—3731	S. F.	561	Arthur L. Gratias
S—3732	S. F.	561	Arthur L. Gratias
S—3733	S. F.	561	Edgar H. Holden
S—3734	S. F.	561	Dick Ramsey
			James E. Briles
			Mick Lura
			John W. Jensen
			Gary L. Baugher
			John N. Nystrom
			Arthur A. Small, Jr.

S—3735	S. F.	561	Arthur A. Small, Jr.
S—3736	S. F.	561	Berl E. Priebe
			C.W. Bill Hutchins
S—3737	S. F.	561	C. Joseph Coleman
S—3738	S. F.	561	C. Joseph Coleman
S—3739	H.F.	842	Berl E. Priebe
			John W. Jensen
S—3740	S. F.	561	Ted Anderson
S—3741	S. F.	560	Norman Rodgers
			David M. Readinger
			Gary L. Baugher
			A.R. (Bud) Kudart
			James D. Wells
			Bob Carr
			Tom Slater
			Clarence S. Carney
			Lowell L. Junkins
			Arne Waldstein
			Julia Gentleman
S—3742	S. F.	560	David M. Readinger
S—3743	H.F.	851	Appropriations
			Committee
S—3744	H.F.	847	Appropriations
			Committee

ADJOURNMENT

Senator Hultman moved that the Senate adjourn until 9:00 a.m., Wednesday, May 13, 1981.

A non record roll call was requested.

The ayes were 37, nays 3.

The motion prevailed and the Senate adjourned at 4:15 p.m., until 9:00 a.m., Wednesday, May 13, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND CALENDAR DAY
SEVENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 13, 1981

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Orrin Potter, pastor of the United Methodist Church, DeWitt, Iowa.

The Journal of Tuesday, May 12, 1981, was approved.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 28

By: Junkins

1 *Whereas*, the state's prison system faces severe inmate
2 overcrowding, antiquated facilities, and deteriorating morale
3 for both inmates and correctional officers; and

4 *Whereas*, high employee turnover, one result of low morale,
5 hurts both correctional officer performance as well as inmate
6 security; and

7 *Whereas*, improved correctional officer morale and per-
8 formance will benefit both the officers and the inmates by
9 creating a safer prison environment; and

10 *Whereas*, improved and expanded correctional officer train-
11 ing will promote a more professional approach to correctional
12 officer duties; and

13 *Whereas*, the division of adult corrections of the depart-
14 ment of social services has taken steps to improve employee
15 training in recent months for both newly hired correctional
16 officers as well as the experienced officers; and

17 *Whereas*, the establishment of a permanent correctional
18 officer training academy would greatly enhance the department's
19 training capacity as compared to the present; *Now Therefore*,

20 *Be It Resolved by the Senate the House Concurring*, That
21 the legislative council is requested to appoint a joint
22 subcommittee consisting of the members of the corrections
23 and mental health budget appropriations subcommittees of the
24 house and senate to review proposals on the creation of a
25 training academy for state correctional officers, city and
26 county jail employees, and parole and probation officers;
27 and

28 *Be It Further Resolved*, That the joint subcommittee shall
29 report its recommendations, including legislative bill drafts,
30 if any, to implement the recommendations, to the legislative
31 council and the general assembly meeting in 1982.

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

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 49 present, 1 absent and a quorum present.

MOTION TO RECONSIDER WITHDRAWN

Senate File 553

Senator Tieden withdrew the motion to reconsider Senate File 553, a bill for an act relating to and 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 responsibility relate to agricultural affairs, economic development, and energy and natural resources management, filed by him on May 11, 1981, and found on page 1625 of the Senate Journal.

WITHDRAWN

Senator Anderson asked and received unanimous consent that **Senate File 161** be withdrawn from further consideration of the Senate.

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

The Senate resumed session, President Branstad presiding.

SENATE INSISTS

Senate File 517

Senator Ramsey called up for consideration Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties, amended by the House,

further amended by the Senate and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

SENATE RECEDES

House File 743

Senator Nystrom called up for consideration House File 743, a bill for an act to amend the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the campaign disclosure-income tax checkoff Act, amended by the Senate and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate **receded from** its amendment.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 743) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Deluhery	Doyle	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Yenger	

Nays, 2:

DeKoster	Ramsey
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Absent or not voting, 5:

Bisenius	Craft	Drake	Hutchins
Wells			

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

HOUSE AMENDMENTS CONSIDERED

Senate File 237

Senator Taylor called up for consideration Senate File 237, a bill for an act providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive, amended by the House by House amendment S—3728 filed May 12, 1981.

Senator Rush asked and received unanimous consent that further action on **Senate File 237** and House amendment S—3728 be deferred.

Senate File 466

Senator Holden called up for consideration Senate File 466, a bill for an act relating to the processing exemption in the state sales, services, and use tax by including the definition of services used in processing of tangible personal property, the reconditioning or repairing of tangible property of the type normally sold in the regular course of the retailer's business and which is held for sale upon which the sales, services, or use tax will be paid when the property is sold, amended by the House, and moved that the Senate concur in House amendment S—3729 filed May 12, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Holden moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466) the vote was:

Ayes, 44:

Anderson
Carney
DeKoster
Gallagher

Baughner
Carr
Deluhery
Gentleman

Briles
Coleman
Doyle
Goodwin

Brown
Comito
Dreeszen
Gratias

Hester	Holden	Hulse	Hultman
Husak	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Craft	Drake	Hutchins
Lura	Rodgers		

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

President pro tempore Ramsey took the chair at 10:45 a.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 547.

Senate File 547

On motion of Senator Hester, Senate File 547, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax, was taken up for consideration.

Senator Hester offered amendment S—3726 filed by him on May 11, 1981, to page 1 of the bill and moved its adoption.

Amendment S—3726 was adopted by a voice vote.

Senator Hester asked and received unanimous consent that House File 842 be substituted for Senate File 547.

House File 842

On motion of Senator Hester, House File 842, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax, was taken up for consideration.

Senator Priebe offered amendment S—3730 filed by him on May 12, 1981, to page 1 and the title page of the bill.

(House File 842 and amendment S—3730 pending on recess.)

RECESS

On motion of Senator Murray, the Senate recessed at 11:08 a.m., until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:20 a.m., Senator Murray presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:21 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

BUSINESS PENDING

House File 842

The Senate resumed consideration of House File 842 and amendment S—3730 by Senator Priebe, offered and pending on recess.

Senator Priebe moved the adoption of amendment S—3730 to page 1 and the title page of the bill and requested a record roll call.

On the question "Shall amendment S—3730 be adopted?" (H.F. 842) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Briles	Brown	Carr
Coleman	Deluhery	Doyle	Gallagher
Gratias	Holden	Hulse	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Readinger	Rodgers	Rush
Slater	Waldstein	Wells	

Nays, 24:

Baughner	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Hester	Husak	Hutchins
Jensen	Kudart	Lura	Murray
Nystrom	Ramsey	Schwengels	Small
Taylor	Vande Hoef	Van Gilst	Yenger

Absent or not voting, 3:

Bisenius	Hultman	Tieden
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Amendment S—3730 lost.

Senator Priebe asked and received unanimous consent to withdraw amendment S—3739 filed by Senators Priebe and Jensen on May 12, 1981, to page 1 of the bill.

Senator Priebe offered amendment S—3749 filed by Senators Priebe and Jensen from the floor to page 1 of the bill.

Senator Priebe asked and received unanimous consent that action on **House File 842** and amendment S—3749 be **deferred**.

MOTION TO RECONSIDER WITHDRAWN

Senate File 561

Senator Anderson withdrew the motion to reconsider Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way,

and providing for a study of the state department of transportation, filed by him on May 12, 1981, and found on page 1646 of the Senate Journal.

Senator Nystrom took the chair at 2:35 p.m.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 556.

Senate File 556

On motion of Senator Taylor, Senate File 556, a bill for an act providing for the valuation of forest and fruit-tree reservations at fifteen dollars per acre effective January 1 following enactment, was taken up for consideration.

President Branstad took the chair at 2:45 p.m.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 556) the vote was:

Ayes, 32:

Baughner	Briles	Carney	Carr
Comito	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hultman	Jensen
Lura	Miller, A.V.	Murray	Nystrom
Palmer	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein

Nays, 16:

Anderson	Brown	Coleman	Deluhery
Doyle	Gallagher	Hulse	Husak
Hutchins	Junkins	Kinley	Kudart
Priebe	Rodgers	Wells	Yenger

Voting present, 1:

Miller, C.P.

Absent or not voting, 1:

Bisenius

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

Senate File 559

On motion of Senator Craft, Senate File 559, a bill for an act deleting the population requirement for counties to levy a tax for the operation, maintenance, and management of a health center, was taken up for consideration.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 559) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Doyle	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rush	Schwengels
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	

Nays, 4:

Deluhery	Gallagher	Rodgers	Tieden
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Absent or not voting, 3:

Bisenius	Hultman	Yenger
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 558

On motion of Senator Priebe, Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest whole dollar

the property tax bill for each property taxpayer, was taken up for consideration.

Senator Van Gilst offered amendment S—3641 filed by him on May 4, 1981, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 30, nays 16.

Amendment S—3641 was adopted.

Senator Priebe moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 558) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Van Gilst	Waldstein
Wells	Yenger		

Nays, 7:

Baughner	Gratias	Hulse	Hultman
Miller, C.P.	Tieden	Vande Hoef	

Absent or not voting, 1:

Bisenius

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

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF RESOLUTIONS

SENATE RESOLUTION 16

By: Jenkins

- 1 *Whereas*, the 68th General Assembly adopted
2 Chapter 42 to provide a procedure for redistricting
3 the State; and
4 *Whereas*, Section 42.3(2) requires the body of the
5 general assembly which rejects the plan for constitutional
6 legislative redistricting to communicate its objections
7 to the legislative service bureau; and
8 *Whereas*, the procedure which the Senate uses to
9 convey its sentiments is a Senate resolution; *Now*
10 *Therefore*,
11 *Be It Resolved by the Senate*, That in the event the
12 bill embodying the plan for congressional and
13 legislative redistricting is rejected by the Senate, the
14 Senate shall provide the legislative service bureau
15 the reasons, in detail for rejection of the plan, in
16 order to provide the bureau with guidance in preparing
17 the second plan in conformance with the letter and
18 spirit of section 42.3(2); and
19 *Be It Further Resolved*, That the reasons for
20 rejection of the plan shall be conveyed to the
21 legislative service bureau by a Senate resolution.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 29

By: Priebe and Husak

- 1 *Whereas*, depository financial institutions historically
2 have been the recipients of a significant portion of the
3 money that is invested by individuals and other entities;
4 and
5 *Whereas*, deposits in these institutions have been
6 relatively low-risk investments with dependable earnings,
7 and have provided sources of funding for activities and
8 endeavors that are essential to the well-being of the
9 residents of this state; and
10 *Whereas*, the growth in the magnitude of investment by
11 individuals and other entities in money market mutual
12 funds has resulted in a reduction of investment in
13 depository financial institutions; and
14 *Whereas*, this change in investment practices by
15 individuals and other entities may result in sub-
16 stantially greater risk of loss to these investors,

17 and in a reduction in the availability of funds that
18 are essential to the economy of this state; and
19 *Whereas*, the general assembly traditionally has
20 adopted such laws as have been deemed necessary to
21 protect Iowa investors and to promote and encourage
22 the retention of capital in this state; *Now Therefore*,
23 *Be It Resolved by the Senate, the House Concurring*,
24 That the Legislative Council create a joint subcommittee,
25 composed of members of the appropriate standing committees
26 of the Senate and House of Representatives, to undertake
27 during the 1981-1982 legislative interim a study of the
28 extent and the causes and effects of the shift of funds
29 away from depository financial institutions and into
30 money market mutual funds, and to determine what actions

Page 2

1 the General Assembly should take, if any, to protect
2 Iowa investors and the Iowa economy; and
3 *Be It Further Resolved*, That the subcommittee be
4 directed to submit to the Legislative Council and to
5 the General Assembly meeting in 1982, a report of its
6 findings, conclusions and recommendations, including
7 drafts of proposed legislation.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 570, by Committee on State Government, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election.

Read first time and placed on calendar.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

SENATE INSISTS

House File 734

Senator Craft called up for consideration House File 734, a bill

for an act establishing the rate of interest payable on delinquent taxes owed to the state, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate Concurrent Resolution 6.

Senate Concurrent Resolution 6

On motion of Senator Craft, Senate Concurrent Resolution 6, a resolution recognizing 1981 as the International Year of Disabled Persons and encouraging all citizens to join in the commemoration, filed February 9, 1981, found on pages 352-353 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote.

CONSIDERATION OF BILL (Regular Calendar)

Senate File 567

On motion of Senator Doyle, Senate File 567, a bill for an act relating to the legalization of acts and agreements of north Iowa municipal electric cooperative association and other persons, with respect to the authority granted under that Act, to take effect upon publication, but to be retroactive in effect to April 26, 1979, was taken up for consideration.

Senator Doyle moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 567) the vote was:

Ayes, 45:

Anderson
Carney

Baughner
Carr

Briles
Coleman

Brown
Comito

DeKoster	Deluhery	Doyle	Dreeszen
Gallagher	Gentleman	Goodwin	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Craft	Drake	Gratias
Jensen			

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

Senator Hultman asked and received unanimous consent that **Senate File 567** be **immediately messaged** to the House.

APPENDIX

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the Item Veto of Section 34, of Senate File 305, received from the Governor on March 25, 1981.

JOHN S. MURRAY

MR. PRESIDENT: I move to reconsider the vote by which Senate File 558 passed the Senate on May 13, 1981.

JAMES V. GALLAGHER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 558 passed the Senate on May 13, 1981.

LUCAS J. DE KOSTER

BILLS ASSIGNED TO COMMITTEE

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

S. C.R.	27	Rules and Administration
H.F.	833	Ways and Means
H.F.	844	Ways and Means
H.F.	853	Ways and Means

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: May 13, 1981, 8:37 a.m.

Members Present: Gentleman, Chairperson; Yenger, Vice Chairperson; C. Miller, Ranking Member; Gratias, Hulse, A. Miller, Nystrom and Vande Hoef.

Members Absent: Carr, Coleman, Drake and Slater.

Final Bill Action: Senate File 564, a bill for an act relating to the housing of inmates for either security or medical reasons of the Iowa security and medical facility.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gentleman, Yenger, C. Miller, Gratias, Hulse, A. Miller, Nystrom and Vande Hoef. Nays, none. Absent or not voting, 4: Carr, Coleman, Drake

and Slater.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:47 a.m.

STATE GOVERNMENT

Convened: May 13, 1981, 9:20 a.m.

Members Present: Nystrom, Chairperson; Lura, Vice Chairperson; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Final Bill Action: Senate File 570, a bill for an act providing for Congressional and legislative redistricting effective for the 1982 general election.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: Nystrom, Lura, Briles, Craft, Drake, Gentleman, Schwengels and Tieden. Nays, 6: Slater, Carr, Gallagher, Hutchins, C. Miller and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Committee Business: The State Government Committee approved the following instructions to the Legislative Service Bureau:

REPORT OF THE SENATE COMMITTEE ON STATE GOVERNMENT

Your committee on State Government passes SSB 417, which embodies the Legislative Service Bureau's reapportionment plan No. 1, on to the Senate calendar with no recommendation, as it is the committee's only option pursuant to Ch. 42, the Code. However, your committee would vote to reject LSB No. 1 on the floor of the Senate for the reasons stated by the majority of the Temporary Advisory Redistricting Commission and for additional reasons which the committee wishes LSB to consider in drafting a second reapportionment plan. In the event that SSB 417 should not receive a constitutional majority, this vehicle shall be used to communicate with LSB pursuant to Section 42.3, paragraph 2, the Code. This vehicle would be used to communicate with LSB due to the time constraints imposed by Ch. 42, the Code, which require a second plan to be submitted to the General Assembly 14 days after the first plan is rejected.

A SECOND CONGRESSIONAL REDISTRICTING PLAN SHOULD EMBODY CONSIDERATION OF THE FOLLOWING RECOMMENDATIONS:

1. Recognizing that there may be alternative Congressional plans that contain lesser population deviations and greater geographic compactness than LSB No. 1, we believe that the LSB should submit another reapportionment plan for review by the General Assembly. The LSB, in its report to the General Assembly and in statements made at the public hearings held by the Temporary Redistricting Commission, has indicated that time constraints placed upon it did not permit adequate consideration of LSB No. 1 and any of several possible alternate plans. The committee would request an additional plan, in compliance with the requirements of Ch. 42, the Code, and the U.S. and Iowa Constitutions, from LSB, which has now had an opportunity to consider its initial plan. This would allow the legislative body to go through a comparison process between reapportionment plans.

A SECOND LEGISLATIVE REDISTRICTING PLAN SHOULD EMBODY CONSIDERATION OF THE FOLLOWING RECOMMENDATIONS:

1. LSB No. 2 should strive to minimize the incidents of townships which are isolated and outside of the legislative district within which the township's county is otherwise located. Ch. 42, the Code, requires only that each district have a population as nearly "as practicable" to the ideal district population. Section 4, of Ch. 42, the Code, allows variation in the population of legislative districts "as necessary to comply with one of the other standards enumerated in this section." A state is allowed "broader latitude" under the Equal Protection Clause of the U.S. Constitution for its own legislative redistricting. This is based upon legitimate considerations incident to the effectuation of a rational state policy of preserving the integrity of its political subdivision boundaries.

2. LSB No. 2 should strive to better achieve compliance with the standards of convenient contiguous territory and compactness. Lack of compactness, standing alone, probably would not justify rejection. The overriding objective must be substantial equality of population among districts. However, conflict would not necessarily arise between greater compactness and the other standards in Ch. 42, the Code, because mathematical nicety is not a constitutional requisite. Greater compactness would enhance, not weaken, the standards of convenient contiguous territory. This can be achieved by placing less emphasis on congressional lines and crossing the congressional lines where necessary in order to achieve greater compactness. This would result in as few as possible counties and cities being divided. LSB must avoid achieving compactness to such an extent as to violate the population deviation standard as defined in Ch. 42, the Code. No conflict would arise between compactness and equality of population so long as the plan stays with the 1% average population deviation prescribed by the legislature in Ch. 42, the Code.

3. LSB No. 1 contains an error due to the mis-numbering of several of the Senatorial districts. The committee believes these errors may be substantive, and not merely corrective, due to the impact such numbering may have on whether a Senator is to run in two or four years. Since Ch. 42, the Code, mandates that LSB No. 1 is not amendable, the committee believes that the Senate may not be able to correct such a substantive error by labeling it "corrective."

Lastly, the committee believes that minimum population shifts in redistricting are desirable. Therefore, existing congressional and legislative districts are valid considerations in any new redistricting plan as long as the residence address of an incumbent is not considered.

The following minority report was filed with the committee:

MINORITY REPORT
for
SSB 417

A new era in reapportionment began with the landmark United States Supreme Court case of *Baker v. Carr*. That decision and the decisions that followed have established that population equality is the most important criteria for evaluating a redistricting proposal. Certainly, other factors can be considered, at least in state legislative districting, but population equality is the main one. The previous Iowa General Assembly recognized the importance of population in H.F. 707. The first standard in Chapter 42 is population equality. The Code recognizes the importance of maintaining political subdivision boundaries, of compact and conveniently contiguous districts, but specifically indicates that these criteria are less important than equal population.

We believe that equal population should be the most important factor in evaluating a redistricting plan. The plan before us provides senatorial districts with an average deviation from the ideal population of 6/100 of 1%. We believe a plan with this degree of equality should be adopted, thereby providing almost precise equal representation.

Despite the degree of equality achieved by the Legislative Service Bureau in this plan, it is being rejected by the State Government Committee. The reasons for rejecting the plan are not entirely clear. One reason frequently heard is division of political subdivisions. We believe this is a valid concern and do not object to evaluating the proposed redistricting plan on this criteria. We do, however, reach a different conclusion upon the valuation of the plan on this basis. Only eighteen Iowa cities are split into more than one House district under this plan. Today, thirty-three counties are wholly contained in a Senate district, under this plan that number would increase to fifty. Some believe that in all cases where one township is separated from the rest of the county, that township can simply be added with the rest of the county without harming population equality. This is simply not true. Of the over 1600 townships in the state, we believe it is sufficient that there are only nineteen "dangling" townships. The division of political subdivisions occurs only in legislative districts since all counties are wholly contained in a Congressional district. If this is the problem causing the rejection of the plan, the Legislative Service Bureau should be directed to redraw legislative districts, leaving the Congressional districts intact.

The compactness of this plan has also been criticized. Compactness of the legislative districts is statistically better under the proposed plan than the current

districts. The Senate and House districts in the proposed plan are close to the compactness of the state as a whole. Certainly, perfectly square districts with ideal populations cannot be expected. This plan provides districts with populations near the ideal which are sufficiently compact to comply with law. We believe this is the best one can expect to achieve.

The Legislative Service Bureau would have to utilize data prohibited by the statute to correct many other criticisms of the plan. If this committee believes those factors are important and should be taken into account, then the law should be changed. We do not believe a change in the law is necessary. The procedure in Chapter 42 provides a fair and non-partisan approach to redistricting. We believe the statute should be followed and evaluation of the plan should be on factors which may be considered according to the statute. Without a change, it is likely the second plan would be no more appealing to those objecting to this plan. Preparing such a plan is a waste of the Legislative Service Bureau's time.

If the problem is compactness or division of political subdivisions, then sufficient description of the problems should be provided to the Legislative Service Bureau so that, if possible, the problems can be corrected, to the Committee's satisfaction. Again, we must emphasize, if the problem relates to state legislative districts, the Legislative Service Bureau should be requested to make the necessary changes in the legislative districts while leaving the Congressional districts unchanged; thus, making it more likely that the second plan will be acceptable.

For these reasons, we respectfully dissent from the Committee Report.

TOM SLATER
BOB CARR
JAMES V. GALLAGHER
C.W. BILL HUTCHINS
CHARLES P. MILLER
WILLIAM D. PALMER

Adjourned: 9:50 a.m.

PRESENTATION OF VISITORS

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

Twenty-five students from Walnut Elementary School, Walnut, Iowa, accompanied by Debbie Robinson. Senator Hester.

Twenty-five students from Northwest Webster Community School, Barnum, Iowa, accompanied by Rita Helmers. Senator Coleman.

AMENDMENTS FILED

S-3745	S. F.	560	Rolf V. Craft
S-3746	S. F.	560	David M. Readinger
S-3747	S. F.	560	David M. Readinger
S-3748	S. F.	560	David M. Readinger
S-3749	H.F.	842	Berl E. Priebe John W. Jensen
S-3750	S. F.	560	David M. Readinger
S-3751	H.F.	851	Bob Rush Tom Slater
S-3752	H.F.	842	Elvie L. Dreeszen Berl E. Priebe John W. Jensen
S-3753	H.F.	850	Richard F. Drake John S. Murray
S-3754	H.F.	850	Richard F. Drake John S. Murray
S-3755	S. F.	558	Lucas J. DeKoster
S-3756	H.F.	842	Elvie L. Dreeszen Berl E. Priebe
S-3757	H.F.	850	Richard F. Drake John S. Murray
S-3758	H.F.	850	Richard F. Drake

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 4:25 p.m., until 9:00 a.m., Thursday, May 14, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-THIRD CALENDAR DAY
EIGHTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 14, 1981

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend George Parrish, pastor of the Maple Street Baptist Church, Des Moines, Iowa.

The Journal of Wednesday, May 13, 1981, was approved.

LEGISLATIVE PHYSICIAN FOR THE DAY

Dr. Charles Hawkins, M.D., Clarion, Iowa.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 12, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 849, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, creating a temporary advisory commission on appropriate uses for the women's correctional and juvenile state institutions, and relating to the closing of certain juvenile and correctional institutions.

This bill was read first time and **passed on file**.

ALSO: That the House on May 13, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 563, a bill for an act providing for the appropriations of federal funds received in the form of block grants or categorical grants by the general assembly.

INTRODUCTION OF BILL

Senate File 571, by Committee on Appropriations, a bill for an act relating to district court officers, employees, and filing fees, and making an appropriation.

Read first time and placed on the Appropriations calendar.

Senator Gentleman took the chair at 9:10 a.m.

QUORUM CALL

Senator Junkins requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 49 present, 1 absent and a quorum present.

MOTION FOR OFFICIAL TRANSCRIPT

Senator Junkins asked unanimous consent that the Secretary of the Senate be instructed to keep an official transcript of the Senate debate on Senate File 570.

Objection was raised by Senator Hultman.

Senator Junkins moved that the Secretary of the Senate be instructed to keep an official transcript of the Senate debate on Senate File 570.

A record roll call was requested.

On the question "Shall the motion for official transcript be adopted?" (S.F. 570) the vote was:

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells			

Nays, 28:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 1:

Bisenius

The motion lost.

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

The Senate resumed session, President Branstad presiding.

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 570.

Senate File 570

On motion of Senator Nystrom, Senate File 570, a bill for an act providing for congressional and legislative redistricting effective for the 1982 general election, with report of committee without recommendation, was taken up for consideration.

Senator Nystrom offered amendment S—3760 filed by him from the floor to pages 2, 3, 19, 33, 62 and 63 of the bill.

Senator Rush raised the point of order that under Chapter 42.3, 1981 Code of Iowa, amendment S—3760 was not germane to the bill.

The Chair ruled the point not well taken because Chapter 42.3 of the Code states that amendments of a purely corrective nature are permitted and, therefore, amendment S—3760 was in order.

Senator Nystrom moved the adoption of amendment S—3760, which motion prevailed by a voice vote.

Senator Schwengels offered amendment S—3762 filed by Senators Carney and Doyle from the floor to pages 4, 18, 20, 34, 41, 53, 55, 61 and 66 of the bill.

Senator Gratias raised the point of order that amendment S—3762 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3762 out of order because the amendment made substantive changes that were not of a purely corrective nature.

(Senate File 570 pending on recess.)

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

BUSINESS PENDING

Senate File 570

The Senate resumed consideration of Senate File 570, pending on recess.

Senator Nystrom offered amendment S—3763 filed by him from the floor to page 53 of the bill.

Senator Rush raised the point of order that under Chapter 42.3, 1981 Code of Iowa, amendment S—3763 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3763 in order because the amendment was purely of a corrective nature.

Senator Nystrom moved the adoption of amendment S—3763, which motion prevailed by a voice vote.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 570) the vote was:

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells			

Nays, 28:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 1:

Bisenius

The bill not having received a constitutional majority was declared to have failed to pass the Senate.

REPORT OF COMMITTEE

STATE GOVERNMENT

Final Bill Action: Senate Resolution 17, a resolution stating the reasons why Senate File 570 was not approved by the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 8: Nystrom, Lura, Briles, Craft, Drake, Gentleman, Schwengels and Tieden. Nays, 6: Slater, Carr, Gallagher, Hutchins, C. Miller and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ADOPTION OF RESOLUTION

Senator Nystrom asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION 17

By: Committee on State Government

1 *Be It Resolved by the Senate, The reasons why*
2 Senate File 570 was not approved by the Senate are as
3 follows:
4 1. Recognizing that there may be alternative
5 Congressional plans that contain lesser population
6 deviations and greater geographic compactness than
7 LSB No. 1, we believe that the Legislative Service Bureau
8 should submit another reapportionment plan for review
9 by the General Assembly. The Legislative Service Bureau
10 has indicated, in its report to the General Assembly and
11 in statements made at the public hearings held by the
12 Temporary Redistricting Commission, that time constraints
13 placed upon it did not permit adequate consideration of
14 LSB No. 1 and any of several possible alternate plans. The
15 committee would request an additional plan, in compliance
16 with the requirements of Chapter 42 and of the United States
17 and Iowa Constitutions, from the Legislative Service Bureau
18 which has now had an opportunity to consider its initial
19 plan. This would allow the legislative body to go through
20 a comparison process between reapportionment plans.
21 2. LSB No. 2 should strive to minimize the incidents of
22 townships which are isolated and outside of the legislative
23 district within which the township's county is otherwise
24 located. Chapter 42 requires only that each district have
25 a population as nearly "as practicable" to the ideal
26 district population. Section 42.4 allows variation in the

27 population of legislative districts "as necessary to comply
28 with one of the other standards enumerated in this section."
29 A state is allowed "broader latitude" under the Equal Pro-
30 tection Clause of the U.S. Constitution for its own

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1 legislative redistricting. This is based upon legitimate
2 considerations incident to the effectuation of a rational
3 state policy of preserving the integrity of its political
4 subdivision boundaries.
5 3. LSB No. 2 should strive to better achieve compliance
6 with the standards of convenient contiguous territory
7 and compactness. Lack of compactness, standing alone,
8 probably would not justify rejection. The overriding
9 objective must be substantial equality of population
10 among districts. However, conflict would not necessarily
11 arise between greater compactness and the other standards
12 in Chapter 42 because mathematical nicety is not a
13 constitutional requisite. Greater compactness would
14 enhance, not weaken, the standards of convenient contiguous
15 territory. This can be achieved by placing less emphasis
16 on congressional lines and crossing the congressional
17 lines where necessary in order to achieve greater compactness.
18 This would result in as few as possible counties and
19 cities being divided. The Legislative Service Bureau must avoid
20 achieving compactness to such an extent as to violate
21 the population deviation standard as defined in Chapter 42.
22 No conflict would arise between compactness and equality
23 of population so long as the plan stays with the 1% average
24 population deviation prescribed by the legislature in Chapter 42.
25 4. LSB No. 1 contains an error due to the mis-numbering of
26 several of the Senatorial districts. The committee believes
27 these errors may be substantive, and not merely corrective,
28 due to the impact such numbering may have on whether a Senator
29 is to run in two or four years. Since Chapter 42 mandates
30 that LSB No. 1 is not amendable, the committee believes that the
31 Senate may not be able to correct such a substantive error by
32 labeling it "corrective."
33 5. Lastly, the committee believes that minimum population
34 shifts in redistricting are desirable. Therefore, existing
35 congressional and legislative districts are valid considerations

Page 3

1 in any new redistricting plan as long as the residence
2 address of an incumbent is not considered.

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

The Senate resumed session, President Branstad presiding.

Senator Slater offered amendment S—3767 filed by Senators Slater, et al., from the floor to page 1 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3767 be adopted?" (S.R. 17) the vote was:

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells			

Nays, 28:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 1:

Bisenius

Amendment S—3767 lost.

Senator Slater offered amendment S—3766 filed by Senators Slater, et al., from the floor to page 2 of the resolution, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3766 be adopted?" (S.R. 17) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells			

Nays, 28:

Baugher	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 1:

Bisenius

Amendment S—3766 lost.

Senator Nystrom moved the adoption of Senate Resolution 17.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 17) the vote was:

Ayes, 28:

Baugher	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Murray	Nystrom
Ramsey	Readinger	Schwengels	Taylor
Tieden	Vande Hoef	Waldstein	Yenger

Nays, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells			

Absent or not voting, 1:

Bisenius

The motion prevailed and the resolution was adopted.

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

The Senate resumed session, Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

MOTION TO RECONSIDER CONSIDERED

Senator Craft called up the motion to reconsider Senate File 561 filed by him on May 12, 1981, found on page 1646 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 561) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Anderson	Baughner	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Gratias

Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Murray	Nystrom	Ramsey	Readinger
Rodgers	Schwengels	Vande Hoef	Waldstein
Yenger			

Nays, 20:

Brown	Carr	Coleman	Deluhery
Doyle	Gallagher	Husak	Junkins
Lura	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rush	Slater	Small
Taylor	Tieden	Van Gilst	Wells

Absent or not voting, 1:

Bisenius

The motion prevailed.

Senator Craft moved to reconsider the vote by which Senate File 561 went to its last reading, which motion prevailed by a voice vote.

Senate File 561

On motion of Senator Craft, Senate File 561, a bill for an act relating to highway funding by increasing the excise tax on motor fuel, special fuel, and gasohol, providing for refund of fuel taxes paid by contract carriers for transporting public and nonpublic school pupils, specifying road construction emphasis on rehabilitating and reconstructing existing roads, streets, and bridges, providing for disposal of certain right of way, and providing for a study of the state department of transportation, was taken up for reconsideration.

Senator Lura took the chair at 4:25 p.m.

President Branstad took the chair at 4:40 p.m.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 561) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Anderson	Baughner	Briles	Carney
Comito	Craft	DeKoster	Drake
Dreeszen	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Hutchins	Jensen	Kinley	Kudart
Murray	Nystrom	Ramsey	Readinger
Rodgers	Schwengels	Small	Vande Hoef
Waldstein	Yenger		

Nays, 19:

Brown	Carr	Coleman	Deluhery
Doyle	Gallagher	Husak	Junkins
Lura	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Rush	Slater	Taylor
Tieden	Van Gilst	Wells	

Absent or not voting, 1:

Bisenius

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

The Chair ruled the following motions to reconsider the vote by which Senate File 561 failed to pass the Senate on May 12, 1981, out of order:

By Senator Taylor, filed May 12, 1981, and found on page 1646 of the Senate Journal.

By Senator Hutchins, filed May 12, 1981, and found on page 1648 of the Senate Journal.

By Senator Husak, filed May 12, 1981, and found on page 1648 of the Senate Journal.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 14, 1981

Ms. Linda Howarth Mackay
 Secretary of the Senate
 State Capitol Building
 LOCAL

Dear Ms. Mackay:

It is my pleasure to submit to the Senate for their consideration the name of Stephen C. Gerard, Sigourney, Keokuk County, Iowa, for appointment as a member of the State Board of Public Instruction pursuant to Section 257.1, 1981 Code of Iowa, for an unexpired portion of a term ending April 30, 1984.

Sincerely,
ROBERT D. RAY
Governor

Communication was read and referred to the committee on **Rules and Administration**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 13, 1981, concurred in Senate amendment as amended, and passed the following bills in which the concurrence of the House was asked:

House File 154, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property and mobile homes and to judgments resulting therefrom.

House File 293, a bill for an act creating a revolving farm fund for the department of social services, effective upon publication.

House File 386, a bill for an act to provide for the implementation of agreements to arbitrate disputes and rules for review of arbitration awards.

House File 786, a bill for an act permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads.

ALSO: That the House has on May 13, 1981, refused to concur in Senate amendment to the following bills in which the concurrence of the House was asked:

House File 413, a bill for an act relating to the fee collected for copies of records by the department of health.

House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations.

ALSO: That the House has on May 13, 1981, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 467, a bill for an act relating to the rules of the fire marshal.

INTRODUCTION OF BILL

Senate File 572, by Committee on Appropriations, a bill for an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

Read first time and placed on the **Appropriations Calendar**.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

HOUSE FILE 833

Ways and Means
 Craft, Chairperson
 Hester
 Rush

HOUSE FILE 841

Ways and Means
 Holden, Chairperson
 Taylor
 Priebe

HOUSE FILE 844

Ways and Means
 Priebe, Chairperson
 Lura
 Readinger

HOUSE FILE 853

Ways and Means
 Holden, Chairperson
 Palmer
 Hester

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 528, the following technical correction was made:

1. Page 6, line 25, the word "officer's' " was changed to "officer's".

LINDA HOWARTH MACKAY
 Secretary of the Senate

COMMUNICATION FROM THE SECRETARY OF STATE

May 13, 1981

Ms. Linda Howarth Mackay
 Secretary of the Senate
 State Capitol Building
 LOCAL

I hereby certify that Senate File 507 was published in the Urbandale News, Urbandale, Iowa, on May 7, 1981, and in the Linn News-Letter, Central City, Iowa, on May 6, 1981.

Respectfully submitted,
 MARY JANE ODELL
 Secretary of State

BILLS ASSIGNED TO COMMITTEE

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

S. R.	16	State Government
S. C.R.	28	Rules and Administration
S. C.R.	29	Rules and Administration

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 14, 1981, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 121—Allowing a parent to file a petition to change the name of a minor child of the parent.

S.F. 170—Relating to the payment of salary and expenses of members of the State Functional Classification Review Board.

S.F. 225—Relating to retainage withheld from payment to contractors under contracts for public improvements.

S.F. 244—Relating to mortgage loan disclosure, reporting, and recordkeeping.

S.F. 485—Relating to hazardous waste management, including new prohibited acts and providing penalties for violations.

S.F. 492—Relating to transportation of persons.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration placed the following Governor's appointment on the **En Bloc Confirmation Calendar** on May 14, 1981:

State Board of Physical & Occupational Therapy Examiners—Sarah H. Van Wert

CALVIN O. HULTMAN, Chairperson

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 14th day of May, 1981:

Senate Files 394, 409, 425, 479, 524, 526, 528 and 532.

LINDA HOWARTH MACKAY
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 13, 1981, 3:10 p.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member; Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small (arrived 3:30 p.m.), Waldstein and Yenger.

Members Absent: Bisenius (excused) and Van Gilst.

Final Bill Action: Senate File 571, a bill for an act relating to district court officers, employees, and filing fees, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Rush, Schwengels, Slater, Waldstein and Yenger. Nays, 1: Ramsey. Absent or not voting, 3: Bisenius, Small and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSB 420, as amended, as a committee bill.

Adjourned: 4:00 p.m.

APPROPRIATIONS

Convened: May 14, 1981, 3:40 p.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member; Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Ramsey, Schwengels, Small, Waldstein and Yenger.

Members Absent: Bisenius (excused), Junkins, Rush, Slater and Van Gilst.

Final Bill Action: Senate File 572, a bill for an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Ramsey, Schwengels, Small, Waldstein and Yenger. Nays, none. Absent or not voting, 5: Bisenius, Junkins, Rush, Slater and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:44 p.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Twenty-four students from Lohrville High School, Lohrville, Iowa, accompanied by Art Pixler and Randy Hinkel. Senator Dreeszen.

Nineteen students from Fremont-Mills Jr-Sr. High School, Fremont, Iowa, accompanied by Diane Meredith and Barb Krusemark. Senator Van Gilst.

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

Twenty-five students from Montour Elementary School, Montour, Iowa, accompanied by Ms. Klem. Senator Husak.

Twenty students from Cal Community Middle School, Latimer, Iowa, accompanied by Mick West. Senator Taylor.

AMENDMENTS FILED

S-3759	S. F.	563	House Amendment
S-3760	S. F.	570	John N. Nystrom
S-3761	H.F.	850	Richard F. Drake John S. Murray
S-3762	S. F.	570	Clarence S. Carney Donald V. Doyle
S-3763	S. F.	570	John N. Nystrom
S-3764	H.F.	850	Richard F. Drake Norman Rodgers Forrest V. Schwengels John S. Murray C. Joseph Coleman Ted Anderson

S—3765	H.F.	850	Richard F. Drake
S—3766	S. R.	17	Tom Slater
			C.W. Bill Hutchins
			Bob Rush
			Arthur A. Small, Jr.
S—3767	S. R.	17	Tom Slater
			C.W. Bill Hutchins
			Bob Rush
			Arthur A. Small, Jr.
S—3768	H.F.	851	Arne Waldstein
S—3769	H.F.	851	Sue Yenger
			Emil J. Husak
S—3770	H.F.	154	House Amendment
S—3771	H.F.	293	House Amendment
S—3772	H.F.	386	House Amendment
S—3773	H.F.	786	House Amendment

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:15 p.m., until 9:00 a.m., Friday, May 15, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FOURTH CALENDAR DAY
EIGHTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 15, 1981

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by Kevin J. Vaughn, Senate Page from Colo, Iowa.

The Journal of Thursday, May 14, 1981, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Coleman for the day on request of Senator Junkins; Senators Nystrom, Schwengels and Drake for the day of request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on May 13, 1981, insisted on its amendment to **Senate File 324**, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty, and that the members of the **Conference Committee** on the part of the House are: The Representative from Audubon, Mr. Anderson, Chair; the Representative from Muscatine, Mrs. Hoffmann; the Representative from Pottawattamie, Mr. Schroeder; the Representative from Dubuque, Mr. Welsh and the Representative from Polk, Mr. Renaud.

ALSO: That the House has on May 13, 1981, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 782, a bill for an act relating to the powers and duties of the governor during a disaster emergency.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

MOTIONS TO RECONSIDER ADOPTED

Senator Holden called up the motion to reconsider Senate File 1 filed by him on February 16, 1981, found on page 481 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 1) the vote was:

Ayes, 36:

Baughner	Briles	Brown	Carney
Craft	DeKoster	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Priebe	Ramsey	Readinger	Rodgers
Rush	Slater	Small	Taylor
Vande Hoef	Waldstein	Wells	Yenger

Nays, 6:

Anderson	Deluhery	Doyle	Palmer
Tieden	Van Gilst		

Absent or not voting, 8:

Bisenius	Carr	Coleman	Comito
Drake	Lura	Nystrom	Schwengels

The motion prevailed.

Senator Holden moved to reconsider the vote by which Senate File 1 went to its last reading, which motion prevailed by a voice vote.

Senate File 1

On motion of Senator Holden, Senate File 1, a bill for an act relating to the limitation on garnishment, was taken up for reconsideration.

Senator Holden asked and received unanimous consent that **Senate File 1** be referred to the committee on **Commerce**.

The Chair ruled the motion to reconsider the vote by which Senate File 1 failed to pass the Senate on February 16, 1981, filed by Senator Palmer on February 16, 1981, and found on page 471 of the Senate Journal, out of order.

Senator DeKoster called up the motion to reconsider Senate File 558 filed by him on May 13, 1981, found on page 1666 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 558) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Brown
Carney	Craft	DeKoster	Deluhery
Doyle	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Murray	Palmer
Ramsey	Readinger	Rodgers	Rush
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 2:

Miller, C.P.	Tieden
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Absent or not voting, 8:

Bisenius	Carr	Coleman	Comito
Drake	Nystrom	Priebe	Schwengels

The motion prevailed.

Senator DeKoster moved to reconsider the vote by which Senate File 558 went to its last reading, which motion prevailed by a voice vote.

Senate File 558

On motion of Senator DeKoster, Senate File 558, a bill for an act to authorize the county treasurer to round to the nearest whole dollar the property tax bill for each property taxpayer, was taken up for reconsideration.

Senator DeKoster offered amendment S—3755 filed by him on May 13, 1981, to the title page of the bill and moved its adoption.

Amendment S—3755 was adopted by a voice vote.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 558) the vote was:

Ayes, 35:

Anderson	Baughner	Briles	Brown
Carney	Craft	DeKoster	Deluhery
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hultman	Husak
Hutchins	Jensen	Kinley	Kudart
Lura	Miller, A.V.	Murray	Priebe
Ramsey	Readinger	Rush	Slater
Small	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 8:

Doyle	Gratias	Hulse	Junkins
Miller, C.P.	Palmer	Rodgers	Tieden

Absent or not voting, 7:

Bisenius	Carr	Coleman	Comito
Drake	Nystrom	Schwengels	

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

The Chair ruled the motion to reconsider the vote by which Senate File 558 passed the Senate on May 13, 1981, filed by Senator Gallagher on May 13, 1981, and found on page 1666 of the Senate Journal, out of order.

HOUSE AMENDMENT CONSIDERED
(Deferred May 13, 1981)

Senate File 237

The Senate resumed consideration of Senate File 237, a bill for an act providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive, and House amendment S—3728, deferred on May 13, 1981.

Senator Taylor moved that the Senate concur in House amendment S—3728, which motion prevailed by a voice vote.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 237) the vote was:

Ayes, 40:

Anderson	Briles	Brown	Carney
Comito	DeKoster	Deluhery	Doyle
Dreeszen	Gallagher	Gentleman	Goodwin
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Palmer	Ramsey
Readinger	Rodgers	Rush	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 10:

Baughner	Bisenius	Carr	Coleman
Craft	Drake	Gratias	Nystrom
Priebe	Schwengels		

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 569

On motion of Senator Murray, Senate File 569, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa, was taken up for consideration.

Senator Rush offered amendment S—3774 filed by him from the floor to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 24, nays 20.

Amendment S—3774 was adopted.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 569) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Coleman	Comito	Drake
Nystrom	Schwengels		

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

HOUSE AMENDMENT CONSIDERED

Senate File 563

Senator Carney called up for consideration Senate File 563, a bill for an act providing for the appropriation of federal funds received in the form of block grants or categorical grants by the general assembly, amended by the House by House amendment S—3759 filed May 14, 1981.

Senator Carney asked and received unanimous consent to withdraw amendment S—3775 filed by Senators Carney and Rush from the floor to House amendment S—3759.

Senator Carney moved that the Senate concur in House amendment S—3759.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Carney moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 563) the vote was:

Ayes, 43:

Anderson	Baugher	Briles	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Ramsey	Readinger
Rodgers	Rush	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 7:

Bisenius	Coleman	Comito	Drake
Nystrom	Priebe	Schwengels	

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

Senator Hultman asked and received unanimous consent that the message on Senate File 563 be immediately sent to the House and pursuant to Joint Rules 13 and 15, the bill be immediately transmitted to the Governor.

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

The Senate resumed session, Senator Husak presiding.

SENATE INSISTS

House File 771

Senator Holden called up for consideration House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations, the review of annual reports by the commission, the exemption of certain telephone companies from rate regulation, the exemption of certain water companies from commission regulation, the retroactive refund of excess charges collected after notice to the utility, the requirement that the commission approve temporary rates to be collected during rate-making proceedings, and time limitations for commission decisions in rate-making proceedings, a commerce commission investigation of the practice of allowing a public utility to recover advertising costs from its customers, to take effect upon publication, amended by the Senate, and moved that the Senate insists on its amendment.

A record roll call was requested.

On the question "Shall the motion to insist be adopted?" (H.F. 771) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Briles	Carney	Craft	DeKoster
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Jensen	Kudart
Lura	Miller, A.V.	Murray	Priebe
Ramsey	Readinger	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, 14:

Anderson	Brown	Carr	Deluhery
Doyle	Hutchins	Junkins	Kinley
Miller, C.P.	Palmer	Rush	Slater
Small	Wells		

Absent or not voting, 8:

Baughner	Bisenius	Coleman	Comito
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Drake

Nystrom

Rodgers

Schwengels

The motion prevailed and the Senate **insisted** on its amendment.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order House File 851.

House File 851

On motion of Senator Yenger, House File 851, a bill for an act relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murray offered amendment S—3743 filed by the committee on Appropriations on May 12, 1981, to page 10 of the bill and moved its adoption.

Amendment S—3743 was adopted by a voice vote.

Senator Yenger offered amendment S—3769 filed by Senators Yenger and Husak on May 14, 1981, to page 6 of the bill and moved its adoption.

Amendment S—3769 was adopted by a voice vote.

Senator Rush offered amendment S—3751 filed by Senators Rush and Slater on May 13, 1981, to page 7 of the bill and moved its adoption.

Amendment S—3751 lost by a voice vote.

Senator Waldstein offered amendment S—3768 filed by him on May 14, 1981, to page 9 of the bill and moved its adoption.

Amendment S—3768 was adopted by a voice vote.

President Branstad took the chair at 12:00 noon.

Senator Yenger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 851) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Priebe	Ramsey
Readinger	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Bisenius	Coleman	Comito	Drake
Nystrom	Rodgers	Rush	Schwengels
Taylor			

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

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 851 passed the Senate on May 15, 1981.

SUE YENGER

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 517** on the part of the Senate: Senators Ramsey, Chairperson; Baughner, Small, Dreeszen and Rush.

The Chair announced the following conference committee on **House File 734** on the part of the Senate: Senators Craft,

Chairperson; Readinger, Van Gilst, Rodgers and Hester.

The Chair announced the following conference committee on **Senate File 324** on the part of the Senate: Senators DeKoster, Chairperson; Holden, Wells, Hutchins and Drake.

The Chair announced the following conference committee on **House File 771** on the part of the Senate: Senators Holden, Chairperson; DeKoster, Husak, Deluhery and Jensen.

INTRODUCTIONS OF RESOLUTIONS

SENATE RESOLUTION 18

By: Committee on Rules and Administration

- 1 *Whereas*, the legislative authority of this State
 2 is vested in the general assembly consisting of the
 3 Senate and the House of Representatives; and
 4 *Whereas*, the Senate necessarily incurs substantial
 5 expenses for its daily operations; and
 6 *Whereas*, the Senate is authorized to expend funds
 7 from the state treasury necessary to pay for its
 8 expenses and for expenses incurred jointly by the
 9 Senate and the House of Representatives; and
 10 *Whereas*, it is deemed advisable and proper for the
 11 Senate to make expenditures in accordance with a
 12 budgetary plan; *Now Therefore*,
 13 *Be It Resolved by the Senate of the State of Iowa:*
 14 Section 1. Expenditures of the Senate payable
 15 pursuant to Iowa Code sections 2.10 through 2.14
 16 inclusive for the regular legislative session and the
 17 interim period during the fiscal year beginning July 1,
 18 1981 and ending June 30, 1982, are budgeted to be as
 19 follows:
 20 A. Session expenses including members' and
 21 temporary staff compensation and other current
 22 expenses in an amount not to exceed \$1,531,995.
 23 B. Interim expenses including members' and
 24 staff compensation and other current expenses in
 25 an amount not to exceed \$146,000.
 26 C. Fixed expenses, including permanent employees'
 27 compensation and equipment in an amount not to
 28 exceed \$595,704.
 29 D. Joint session and interim expenses in an
 30 amount not to exceed \$48,500.

Page 2

- 1 Sec. 2. The Secretary of the Senate shall

2 immediately provide written notice to the majority
3 and minority leaders of the Senate and to the chair
4 and ranking member of the Senate appropriations com-
5 mittee if actual expenditures payable pursuant to Iowa
6 Code sections 2.10 through 2.14 inclusive exceed the
7 maximum amount allocated to any category of the budget
8 provided by section one (1) of this resolution. The
9 written notice shall specify the amount of and
10 reasons for any excess expenditure.

11 Sec. 3. The expenditures referred to in section
12 two (2) of this resolution shall consist only of
13 those sums required for payment of the various expenses
14 of the general assembly including such items as legis-
15 lative printing expenses, unpaid expenses incurred
16 during the interim between sessions of the general
17 assembly, joint expenses, expenditures incurred pur-
18 suant to resolutions, expenses for renovation and
19 remodeling of the legislative chamber or offices,
20 expenses for purchases of legislative equipment and
21 supplies necessary to carry out the functions of
22 the general assembly.

23 Sec. 4. If a special session of the general
24 assembly is held, the committee on rules and adminis-
25 tration shall submit for consideration of the Senate
26 a resolution providing for a budget for the special
27 session.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 30
By: Committee on Rules and Administration

1 *Whereas*, many resolutions have been introduced in both
2 the Senate and the House of Representatives calling for interim
3 studies; and

4 *Whereas*, several legislators have indicated a desire to
5 introduce resolutions proposing additional interim studies;
6 and

7 *Whereas*, the time period between the 1981 session and the
8 1982 session of the Sixty-ninth General Assembly is limited
9 and there have been proposals for studies which appear to
10 have merit but, because of their complexity and number, cannot
11 all be properly conducted during the next interim period;
12 and

13 *Whereas*, subcommittees of standing committees may desire
14 to study bills presently before the general assembly which
15 will carry over to the 1982 session of the Sixty-ninth General
16 Assembly; and

17 *Whereas*, it is impractical to debate the relative merits

18 of all proposals; *Now Therefore,*

19 *Be It Resolved by the Senate, the House Concurring,* That
20 all resolutions calling for interim studies which have not
21 been adopted by both houses be delivered by the Secretary
22 of the Senate, on the part of the Senate, and the Chief Clerk
23 of the House, on the part of the House, to the Legislative
24 Council, which shall determine priorities and shall authorize
25 such studies as may be feasible within the limits of the
26 staff, time and funds available; and

27 *Be It Further Resolved,* That any legislators desiring to
28 propose any interim study not already contained in a resolution
29 already filed shall submit a letter to the Secretary of the
30 Senate or the Chief Clerk of the House describing the study;

Page 2

1 and

2 *Be It Further Resolved,* That the Secretary of the Senate
3 and Chief Clerk of the House shall deliver such letters to
4 the Legislative Council with any resolutions already filed.
5 The Legislative Council shall give equal consideration to
6 all studies proposed, whether by letter or resolution.

Read first time and placed on calendar.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

SSB 418

Ways and Means
Readinger, Chairperson
Rodgers
Hester

SSB 420

Appropriations
Appropriations Subcommittee on
Corrections and Mental Health

SSB 422

Ways and Means
Taylor, Chairperson
Hester
Rodgers

**REPORT OF THE COMMITTEE
ON RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointment to a **standing committee** for investigation on May 15, 1981:

State Board of Public Instruction—Stephen C. Gerard—Education

CALVIN O. HULTMAN, Chairperson

**SUBCOMMITTEE ASSIGNMENT FOR
GOVERNOR'S APPOINTMENT**

In accordance with Senate Rule 58, the following Senators were appointed to a subcommittee of a standing committee:

EDUCATION: As a member of the State Board of Public Instruction:

STEPHEN C. GERARD
Anderson, Chairperson
Jensen
Dreeszen

STUDY BILL RECEIVED

S.S.B. 422 Ways and Means

Authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: May 15, 1981, 8:10 a.m.

Members Present: Hultman, Chairperson; Hulse, Vice Chairperson; Kinley, Ranking Member; Holden, Junkins and Ramsey.

Members Absent: none.

Final Bill Action: Senate Resolution 18, a resolution regarding the Senate budget.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hultman, Hulse, Holden, Kinley, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate Concurrent Resolution 30, a resolution regarding interim studies requested.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hultman, Hulse, Holden, Junkins, Kinley and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:40 a.m.

WAYS AND MEANS

Convened: May 15, 1981, 12:00 noon.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Hester, Hultman, Husak, Lura, Palmer, Priebe, Ramsey and Van Gilst.

Members Absent: Rodgers, Ranking Member; Holden, Junkins, Rush and Taylor.

Other Committee Business: Assigned bills to subcommittees.

Adjourned: 12:07 p.m.

BILL ASSIGNED TO COMMITTEE

President Branstad announced the assignment of the following bill to committee:

H.F. 849 Appropriations

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 15th day of May, 1981:

Senate Files 116, 130, 263, 546, 563.

LINDA HOWARTH MACKAY
Secretary of the Senate

PRESENTATION OF VISITORS

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

Twenty-five students from St. Ludmila School, Cedar Rapids, Iowa, accompanied by Sister Cynthia and Mrs. Samiek. Senators Wells, Rush and Kudart.

Sixty students from East Buchanan Jr. High School, Winthrop, Iowa, accompanied by Mary Ann Quint and Mary Donlea. Senator Gallagher.

Ninety students from Lincoln Elementary School, Osage, Iowa. Senator Gratias.

Seventy-five students from Wilson Jr. High School, Cedar Rapids, Iowa, accompanied by Jerry Davenport. Senators Wells, Rush and Kudart.

Seventy-five students from Wilson Jr. High School, Cedar Rapids, Iowa, accompanied by Mark Stewart. Senators Wells, Rush and Kudart.

AMENDMENTS FILED

S—3774	S. F.	569	Bob Rush
S—3775	S. F.	563	Clarence S. Carney Bob Rush
S—3776	H.F.	850	Forrest V. Schwengels Tom Slater
S—3777	H.F.	850	Ray Taylor

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 12:10 p.m., until 10:00 a.m., Monday, May 18, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SEVENTH CALENDAR DAY
EIGHTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, May 18, 1981

The Senate met in regular session at 10:05 a.m., President Branstad presiding.

Prayer was offered by the Reverend John Kissling, pastor of the Catholic Student Center of the University of Northern Iowa, Cedar Falls, Iowa.

The Journal of Friday, May 15, 1981, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Comito for the morning session and Senator Bisenius for the week of May 18, 1981, on request of Senator Hultman.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 14, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 506, a bill for an act redefining the types of projects for which industrial revenue bonds may be issued under chapter 419.

ALSO: That the House has on May 14, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 553, a bill for an act appropriating to various trust funds for various operations relating to agricultural affairs, economic development and energy.

ALSO: That the members of the Conference Committees, appointed May 15, 1981, on the part of the House are:

Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties: The Representative from Clayton, Mr. Halvorson, Chair; the Representative from Jones, Ms. Shimanek; the Representative from Polk, Mrs. Trucano; the Representative from Johnson, Mrs. Doderer; and the Representative from Lee, Mr. Spear.

House File 734, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state: The Representative from Scott, Mr. Schnekloth, Chair; the Representative from Scott, Mr. Conlon; the Representative from Sioux, Mr. Ritsema; the Representative from Black Hawk, Ms. Brandt; and the Representative from Marion, Mr. Dieleman.

House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations, the review of annual reports by the commission, the exemption of certain telephone companies from rate regulation, the exemption of certain water companies from commission regulation, the retroactive refund of excess charges collected after notice to the utility, the requirement that the commission approve temporary rates to be collected during rate-making proceedings, and time limitations for commission decisions in rate-making proceedings, a commerce commission investigation of the practice of allowing a public utility to recover advertising costs from its customers, to take effect upon publication: The Representative from Linn, Mr. Johnson, Chair; the Representative from Warren, Mr. Shull; the Representative from Keokuk, Mr. Swearingen; the Representative from Polk, Mr. Chiodo; and the Representative from Story, Mr. Bruner.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 19

By: Junkins and Hultman

- 1 *Whereas*, the financial markets of the state, the
- 2 nation, and the international community have shown
- 3 evidence of volatility and instability in the recent
- 4 past; and
- 5 *Whereas*, the economies of the United States and

6 the State of Iowa will benefit from increased confidence
7 of the small investor in the avenues of access to the
8 financial markets; and
9 *Whereas*, a significant increase in the use of
10 money market funds has occurred because of their low
11 investment requirements and high rates of return relative
12 to other savings and investment opportunities; and
13 *Whereas*, it is in the interest of investors to be
14 aware of the risks of these investments and the potential
15 for loss that do exist; and
16 *Whereas*, investors have a right to adequate
17 protection from those losses; *Now Therefore*,
18 *Be It Resolved by the Senate*, That the Legislative
19 Council is directed to set up an interim study committee
20 to study money market funds. The study committee shall
21 consist of five members of the Commerce Committee of
22 each house plus the sponsors of Senate File 550. The
23 study committee is directed to consider the following
24 issues:
25 1. The potential for fraud that exists in the
26 operation of money market funds within the state,
27 2. The effect on the financial and business
28 communities within this state resulting from the
29 increased use of these funds as an alternative to other
30 forms of savings and investment,

Page 2

1 3. The need for additional regulation of money
2 market funds on both the state and the national level
3 in order to provide adequate protection for both the
4 investor and the economic well-being of the state,
5 4. The effects on the economy of the outflow of
6 money from the state into international markets as a
7 result of these investments, and
8 5. Any related issues that the committee deems
9 necessary or desirable to consider in relation to these
10 funds; and
11 *Be It Further Resolved*, That the study committee
12 shall submit a report to the Legislative Council and
13 the General Assembly during the 1982 session of the
14 General Assembly.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 573, by Junkins and Hultman, a bill for an act permitting civil service employees employed within the state to be out-of-state residents.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 564.

Senate File 564

On motion of Senator Hulse, Senate File 564, a bill for an act relating to the housing of inmates for either security or medical reasons at the Iowa security and medical facility, with report of committee recommending passage, was taken up for consideration.

Senator Hulse moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 564) the vote was:

Ayes, 44:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells

Nays, none.

Absent or not voting, 6:

Bisenius	Briles	Comito	Hultman
Taylor	Yenger		

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

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up out of order Senate File 571.

Senate File 571

On motion of Senator Schwengels, Senate File 571, a bill for an act relating to district officers, employees, and filing fees, and making an appropriation, was taken up for consideration.

Senator DeKoster offered amendment S—3780 filed by him from the floor to page 2 of the bill.

Senator Coleman called for a division of amendment S—3780: Page 1, page 2 and page 3, lines 1 through 3 as division S—3780A; page 3, lines 4 through 9 as division S—3780B.

The Chair ruled that amendment S—3780 was not divisible.

Senator Nystrom asked and received unanimous consent that action on **Senate File 571** and amendment S—3780 be **deferred**.

Senator Hultman asked and received unanimous consent to take up out of order House File 847.

House File 847

On motion of Senator Schwengels House File 847, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies, with report of committee recommending amendment and passage, was taken up for consideration.

Action on **House File 847** was **deferred**.

BUSINESS PENDING

Senate File 571

The Senate resumed consideration of Senate File 571 and amendment S—3780 by Senator DeKoster, previously deferred.

Senator Coleman offered amendment S—3787 filed by him from the floor to page 3 of amendment S—3780.

Senator Coleman asked and received unanimous consent that action on **Senate File 571**, amendment S—3780 and amendment S—3787 to amendment S—3780 be **deferred**.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 154

Senator Kudart called up for consideration House File 154, a bill for an act relating to the notice given before commencing an action for forcible entry or detention of real property and mobile homes and to judgments resulting therefrom, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3770 to Senate amendment H—3941 filed May 14, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Kudart moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 154) the vote was:

Ayes, 41:

Anderson	Baughner	Brown	Carney
Coleman	Craft	DeKoster	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

Carr

Absent or not voting, 8:

Bisenius	Briles	Comito	Deluhery
Holden	Husak	Jensen	Small

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

SENATE INSISTS

House File 413

Senator Lura called up for consideration, House File 413, a bill for an act relating to the fee collected for copies of records by the department of health, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted on** its amendment.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 786

Senator Hester called up for consideration House File 786, a bill for an act permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3773 to Senate amendment H—3947 filed May 14, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Hester moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 786) the vote was:

Ayes. 40:

Anderson	Baughner	Brown	Carney
Carr	Coleman	Craft	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Hutchins	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef

Van Gilst Waldstein Wells Yenger

Nays, 1:

Ramsey

Absent or not voting, 9:

Bisenius	Briles	Comito	DeKoster
Deluhery	Holden	Husak	Jensen
Priebe			

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

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 564** be immediately messaged to the House.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:45 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 18, 1981, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 38

By: Pope, Avenson and Crabb

1 *Whereas*, Code Editor Wayne A. Faupel this week completes
2 fifty years of service to the state of Iowa in the office
3 of the Code Editor; and
4 *Whereas*, the Code of Iowa, the Session Laws and the
5 Iowa Administrative Code, which are the responsibility of
6 the Code Editor, are crucial to the functioning of the
7 Legislative, the Judicial and the Executive branches of
8 the government; and
9 *Whereas*, the present Code Editor has labored tirelessly
10 for a half century to improve the quality and assure the
11 accuracy of the Code of Iowa; and
12 *Whereas*, these diligent efforts are deeply appreciated
13 by his colleagues, the bench and bar, the members of the
14 General Assembly, and those within the Executive branch,
15 all of whom appreciate faithful and careful attention to
16 detail; and
17 *Whereas*, it is fitting for the General Assembly to
18 salute the Code Editor on the fiftieth anniversary of the
19 day he first joined the office which he now heads; *Now*
20 *Therefore*,
21 *Be It Resolved by the House of Representatives, the*
22 *Senate Concurring*, That the General Assembly expresses its
23 thanks and appreciation to Code Editor Wayne A. Faupel for
24 his service to the state of Iowa since May 15, 1931, and
25 acknowledges the deep esteem in which he is held.

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

President Branstad took the chair at 1:30 p.m.

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

The Senate resumed session, President Branstad presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 413** on the part of the Senate: Senators Lura, Chairperson; Briles, Miller of Des Moines, Husak and Vande Hoef.

BUSINESS PENDING

Senate File 571

The Senate resumed consideration of Senate File 571, amendment S—3780 and amendment S—3787 to amendment S—3780, previously deferred.

Senator Coleman withdrew amendment S—3787 to page 3 of amendment S—3780, previously deferred.

Senator DeKoster withdrew amendment S—3780 to page 2 of the bill, previously deferred.

Senator Rush offered amendment S—3792 filed by him from the floor to pages 1, 3 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3792 be adopted?” (S.F. 571) the vote was:

Ayes, 26:

Anderson	Brown	Carr	Coleman
Comito	Deluhery	Doyle	Dreeszen
Gallagher	Husak	Hutchins	Kinley
Kudart	Lura	Miller, A.V.	Palmer
Priebe	Ramsey	Rush	Schwengels
Slater	Small	Taylor	Tieden
Waldstein	Wells		

Nays, 22:

Briles	Carney	Craft	DeKoster
Drake	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Junkins	Miller, C.P.	Murray
Nystrom	Readinger	Rodgers	Vande Hoef
Van Gilst	Yenger		

Absent or not voting, 2:

Baughner	Bisenius
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Amendment S—3792 was adopted.

Senator Schwengels asked and received unanimous consent that action on **Senate File 571** be deferred.

BUSINESS PENDING

House File 847

The Senate resumed consideration of House File 847, previously deferred.

Senator Murray offered amendment S—3744 filed by the committee on Appropriations on May 12, 1981, to pages 2, 7 and 12 of the bill.

Senator Taylor called for a division of amendment S—3744: lines 3 through 7 as division S—3744A; lines 8 through 28 as division S—3744B.

Senator Murray moved the adoption of division S—3744A.

A record roll call was requested.

On the question “Shall division S—3744A be adopted?” (H.F. 847) the vote was:

Ayes, 40:

Anderson	Briles	Brown	Carney
Carr	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Priebe	Rodgers
Rush	Schwengels	Slater	Small
Tieden	Van Gilst	Wells	Yenger

Nays, 7:

Comito	Lura	Ramsey	Readinger
Taylor	Vande Hoef	Waldstein	

Absent or not voting, 3:

Baugher	Bisenius	Palmer
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Division S—3744A was adopted.

Senator Murray moved the adoption of division S—3744B, which motion prevailed by a voice vote.

Senator Van Gilst offered amendment S—3791 filed by him from the floor to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 25, nays 23.

Amendment S—3791 was adopted.

Senator Kudart offered amendment S—3779 filed by him from the floor to pages 7 and 12 of the bill.

Senator Schwengels called for a division of amendment S—3779: Page 1, lines 3 through 5 as division S—3779A; page 1, lines 6 through 50 as division S—3779B; page 2, line 1 as division S—3779C.

Senator Kudart moved the adoption of division S—3779A.

A non record roll call was requested.

The ayes were 17, nays 27.

Division S—3779A lost.

Senator Kudart withdrew division S—3779B.

The Chair ruled division S—3779C out of order.

Senator Carr offered amendment S—3781 filed by him from the floor to pages 8, 11 and 12 of the bill and moved its adoption.

Amendment S—3781 was adopted by a voice vote.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 847) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius
Taylor

Comito

Husak

Hutchins

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

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 850

On motion of Senator Drake, House File 850, 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, with report of committee recommending passage, was taken up for consideration.

Senator Kinley took the chair at 4:00 p.m.

Senator Drake offered amendment S—3764 filed by Senators Drake, et al., on May 14, 1981, to page 3 of the bill and moved its adoption.

Amendment S—3764 was adopted by a voice vote.

Senator Schwengels offered amendment S—3776 filed by Senators Schwengels and Slater on May 15, 1981, to page 4 of the bill and moved its adoption.

Amendment S—3776 was adopted by a voice vote.

Senator Drake offered amendment S—3757 filed by Senators Drake and Murray on May 13, 1981, to pages 4 and 5 of the bill and moved its adoption.

Amendment S—3757 was adopted by a voice vote.

Senator Drake offered amendment S—3761 filed by Senators Drake and Murray on May 14, 1981, to page 4 of the bill and moved its adoption.

Amendment S—3761 was adopted by a voice vote.

Senator Taylor offered amendment S—3777 filed by him on May 15, 1981, to page 6 of the bill and moved its adoption.

Amendment S—3777 was adopted by a voice vote.

Senator Taylor offered amendment S—3794 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—3794 was adopted by a voice vote.

Senator Taylor withdrew amendment S—3782 filed by him from the floor to page 6 of the bill.

The Chair ruled amendment S—3788 filed by Senator Small from the floor to amendment S—3782, out of order.

Senator Taylor offered amendment S—3793 filed by him from the floor to page 6 of the bill and moved its adoption.

Amendment S—3793 was adopted by a voice vote.

Senator Taylor withdrew amendment S—3783 filed by him from the floor to page 6 of the bill.

Senator Taylor withdrew amendment S—3784 filed by him from the floor to page 6 of the bill.

Senator Taylor offered amendment S—3785 filed by him from the floor to page 6 of the bill.

Senator Hutchins raised the point of order that amendment S—3785 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3785 in order.

Senator Taylor moved the adoption of amendment S—3785.

A non record roll call was requested.

The ayes were 31, nays 15.

Amendment S—3785 was adopted.

Senator Taylor offered amendment S—3786 filed by him from the floor to page 7 of the bill.

Senator Junkins raised the point of order that amendment S—3786 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3786 in order.

Senator Small asked and received unanimous consent that action on amendment S—3786 be deferred for preparation of an amendment.

Senator Drake offered amendment S—3753 filed by Senators Drake and Murray on May 13, 1981, to page 8 of the bill and moved its adoption.

Amendment S—3753 was adopted by a voice vote.

Senator Drake offered amendment S—3754 filed by Senators Drake and Murray on May 13, 1981, to page 8 of the bill and moved its adoption.

Amendment S—3754 was adopted by a voice vote.

Senator Drake offered amendment S—3758 filed by him on May 13, 1981, to page 8 of the bill.

Senator Drake offered amendment S—3765 filed by him on May 14, 1981, to amendment S—3758 and moved its adoption.

Amendment S—3765 was adopted by a voice vote.

Senator Husak raised the point of order that amendment S—3758 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—3758 as amended out of order.

Senator Priebe offered amendment S—3796 filed by Senators Priebe and Gallagher from the floor to pages 8 and 10 of the bill.

Senator Gallagher called for a division of amendment S—3796: lines 3 through 7 as division S—3796A; lines 8 through 10 as division S—3796B.

Senator Priebe moved the adoption of division S—3796A.

A non record roll call was requested.

The ayes were 25, nays 24.

Division S—3796A was adopted.

Senator Priebe asked and received unanimous consent to withdraw division S—3796B.

Senator Carr offered amendment S—3795 filed by him from the floor to page 14 of the bill.

Senator Gallagher raised the point of order that a fiscal note be required on House File 850.

Senator Gallagher withdrew his point of order.

Senator Carr moved the adoption of amendment S—3795 and requested a record roll call.

On the question "Shall amendment S—3795 be adopted?" (H.F. 850) the vote was:

Ayes, 23:

Anderson	Brown	Carr	Coleman
Comito	Deluhery	Doyle	Gallagher
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Ramsey	Rodgers	Rush	Slater
Small	Van Gilst	Wells	

Nays, 25:

Baughner	Briles	Carney	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Jensen	Kudart
Murray	Nystrom	Readinger	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein
Yenger			

Absent or not voting, 2:

Bisenius	Lura
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Amendment S—3795 lost.

Senator Taylor withdrew amendment S—3786 to page 7 of the bill, previously deferred.

The Chair ruled amendment S—3798 filed by Senator Small from the floor to amendment S—3786, out of order.

Senator Taylor offered amendment S—3797 filed by him from the floor to page 7 of the bill.

Senator Small offered amendment S—3799 filed by him from the floor to amendment S—3797.

Senator Drake raised the point of order that amendment S—3799 was not germane to the bill.

Senator Drake withdrew his point of order.

Senator Small withdrew amendment S—3799 to amendment S—3797.

Senator Taylor moved the adoption of amendment S—3797 and requested a record roll call.

On the question “Shall amendment S—3797 be adopted?” (H.F. 850) the vote was:

Ayes, 12:

Craft	Dreeszen	Gratias	Holden
Jensen	Lura	Ramsey	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein

Nays, 36:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
DeKoster	Deluhery	Doyle	Drake
Gallagher	Gentleman	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Wells	Yenger

Absent or not voting, 2:

Bisenius	Junkins
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Amendment S—3797 lost.

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

The Senate resumed session, Senator Kinley presiding.

Senator Drake withdrew amendment S—3801 filed by him from the floor to page 8 of the bill.

Senator Drake offered amendment S—3802 filed by Senators Drake, Small and Junkins from the floor to page 8 of the bill.

Senator Husak raised the point of order that amendment S—3802 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3802 in order.

Senator Drake moved the adoption of amendment S—3802 and requested a record roll call.

On the question "Shall amendment S—3802 be adopted?" (H.F. 850) the vote was:

Ayes, 38:

Anderson	Briles	Brown	Carney
Carr	Comito	DeKoster	Deluhery
Doyle	Drake	Goodwin	Gratias
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Nays, 11:

Baughner	Coleman	Craft	Dreeszen
Gallagher	Gentleman	Hester	Husak
Lura	Ramsey	Vande Hoef	

Absent or not voting, 1:

Bisenius

Amendment S—3802 was adopted.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 850) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 3:

Carr	Comito	Gallagher
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Absent or not voting, 1:

Bisenius

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

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 31

By: Taylor, Tieden and Baughner

- 1 *Whereas*, legislation relating to the regulation of obscenity
- 2 has been before the Iowa General Assembly and is of concern
- 3 to many of its members; and
- 4 *Whereas*, the issue of regulation of obscene material
- 5 according to community standards remains an issue unresolved
- 6 by the General Assembly; and
- 7 *Whereas*, there is not sufficient time remaining in the
- 8 General Assembly to properly consider the regulation of
- 9 materials deemed obscene and there are various viewpoints
- 10 as to what constitutes obscene material; *Now Therefore*,
- 11 *Be It Resolved by the Senate, the House Concurring*, That

12 the legislative council is urged to create a study committee
13 or a joint subcommittee consisting of persons representing
14 appropriate standing committees, both political parties, and
15 both houses for the purpose of conducting a study of the issue
16 of obscenity in order that recommendations related to the
17 unresolved and complex issues can be developed and the public
18 may express its viewpoint in regard to the issues; and
19 *Be It Further Resolved*, That the study committee or joint
20 subcommittee shall submit periodic reports as may be required
21 by the legislative council and a final report to the members
22 of the General Assembly meeting in the year 1982.

Read first time and passed on file.

INTRODUCTION OF BILL

Senate File 574, by Committee on Ways and Means, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property and exempting trades of vehicles subject to registration for other vehicles of equal or lesser value.

Read first time and placed on calendar.

APPENDIX

REPORT OF INVESTIGATING COMMITTEE (Place Nominee on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 58, the Committee on Education assigned to investigate the character and qualifications of Stephen C. Gerard, Sigourney, Keokuk County, Iowa, for appointment as a member of the State Board of Public Instruction under the provisions of Section 257.1, 1981 Code of Iowa, for the unexpired portion of a term ending April 30, 1984, begs leave to report it has made investigation and recommends the appointment be confirmed.

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chairperson

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: May 18, 1981, 11:50 a.m.

Members Present: Gratias, Chairperson; Carney, Vice Chairperson; Brown, Ranking Member; Anderson, Dreeszen, Small and Wells.

Members Absent: DeKoster, Jensen and Taylor.

Other Committee Business: Recommended confirmation of Governor's appointee Stephen C. Gerard as a member of the State Board of Public Instruction.

Adjourned: 11:58 a.m.

WAYS AND MEANS

Convened: May 18, 1981, 9:10 a.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member, Hester, Holden, Hultman, Husak, Palmer, Priebe, Taylor, Van Gilst, Junkins, Lura, Ramsey and Rush.

Members Absent: none.

Final Bill Action: Senate File 574, a bill for an act relating to the calculation of the sales, services, and use tax on transactions involving the trade-in of tangible personal property and exempting trades of vehicles subject to registration for other vehicles of equal or lesser value.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Taylor and Van Gilst. Nays, 3: Husak, Palmer and Priebe. Absent or not voting, 4: Junkins, Lura, Ramsey and Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Deferred action on SSB 341; discussed House File 841.

Adjourned: Recessed at 10:10 a.m. to comply with Senate Rules of no committee action during the floor session; meeting will resume on call.

COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate:

IOWA DEVELOPMENT COMMISSION

A copy of 1981 Statistical Profile of Iowa prepared by the Development Commission.

IOWA COMMISSION ON INTERSTATE COOPERATION

A copy of the report of the Iowa Commission on Interstate Cooperation, 1979-1980, pursuant to Section 28B.4, Code 1981. Copies are available to members of the Senate upon request to the Legislative Service Bureau.

SUBCOMMITTEE ASSIGNMENT

SSB 423

Appropriations
Murray, Chairperson
Hultman
Palmer

STUDY BILL RECEIVED

S.S.B. 423 Appropriations

Providing for a reduction of appropriations from the general fund, except as provided contingent upon the actual receipts to the general fund being less than 5.8 percent during a specified period.

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber for a Conference Committee Meeting on May 18, 1981, when the votes were taken on

House Files 154, 413 and 786.

Had I been present, I would have voted "aye" on the above.

EMIL J. HUSAK

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the final vote was taken on House File 847.

Had I been present, I would have voted "aye".

C.W. BILL HUTCHINS

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3792 to Senate File 571 was adopted by the Senate on May 18, 1981.

FORREST V. SCHWENGELS

MR. PRESIDENT: I move to reconsider the vote by which House File 847 passed the Senate on May 18, 1981.

BOB CARR

MR. PRESIDENT: I move to reconsider the vote by which House File 850 passed the Senate on May 18, 1981.

JOE BROWN

MR. PRESIDENT: I move to reconsider the vote by which House File 850 passed the Senate on May 18, 1981.

RICHARD F. DRAKE

PETITIONS

The following petitions were presented and placed on file by:

Senator Junkins from forty-four residents of Lee County favoring legislation to legalize pari-mutuel betting in Iowa.

Senator Taylor from sixty residents of Johnson County supporting increased levels of funding for the University of Iowa.

Senator Junkins from one hundred seventeen residents of Lee County favoring legislation to legalize pari-mutuel betting in Iowa.

Senator Yenger from three hundred seventy-four residents of southeast Iowa opposing any reductions in unemployment benefits and public assistance programs.

AMENDMENTS FILED

S—3778	S. F.	553	House Amendment
S—3779	H.F.	847	A.R. (Bud) Kudart
S—3780	S. F.	571	Lucas J. DeKoster
S—3781	H.F.	847	Bob Carr
S—3782	H.F.	850	Ray Taylor
S—3783	H.F.	850	Ray Taylor
S—3784	H.F.	850	Ray Taylor
S—3785	H.F.	850	Ray Taylor
S—3786	H.F.	850	Ray Taylor
S—3787	S. F.	571	C. Joseph Coleman
S—3788	H.F.	850	Arthur A. Small, Jr.
S—3789	S. F.	572	Dick Ramsey Tom Slater Rolf V. Craft Calvin O. Hultman
S—3790	S. F.	572	Julia Gentleman
S—3791	H.F.	847	Bass Van Gilst
S—3792	S. F.	571	Bob Rush
S—3793	H.F.	850	Ray Taylor
S—3794	H.F.	850	Ray Taylor
S—3795	H.F.	850	Bob Carr
S—3796	H.F.	850	Berl E. Priebe James V. Gallagher
S—3797	H.F.	850	Ray Taylor
S—3798	H.F.	850	Arthur A. Small, Jr.
S—3799	H.F.	850	Arthur A. Small, Jr.
S—3800	S. F.	572	Sue Yenger
S—3801	H.F.	850	Richard F. Drake
S—3802	H.F.	850	Richard F. Drake Arthur A. Small, Jr. Lowell L. Junkins

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 6:10 p.m., until 9:00 a.m., Tuesday, May 19, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-EIGHTH CALENDAR DAY
EIGHTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 19, 1981

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend Fred Richardson, pastor of the Morley Faith Methodist Church, Morley, Iowa.

The Journal of Monday, May 18, 1981, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Conference Committee, appointed May 18, 1981, on **House File 413**, a bill for an act relating to the fee collected for copies of records by the department of health, on the part of the House are: The Representative from Story, Mr. Crawford, Chair; the Representative from Polk, Mrs. Carpenter; the Representative from Winneshiek, Mr. Tofte; the Representative from Scott, Mr. Arnould; and the Representative from Jasper, Mr. Anderson.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

House File 293

Senator Hulse called up for consideration House File 293, a bill for an act creating a revolving farm fund of the department of social services, effective upon publication, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3771 to Senate amendment H—3726 filed May 14, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Hulse moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 293) the vote was:

Ayes, 44:

Anderson	Briles	Brown	Carney
Carr	Coleman	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Baughner	Bisenius	Kinley	Palmer
Ramsey	Waldstein		

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

House File 386

Senator Baughner called up for consideration House File 386, a bill for an act to provide for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3772 to Senate amendment H—3851 filed May 14, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Baugher moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 386) the vote was:

Ayes, 45:

Anderson	Baugher	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Kinley	Palmer	Ramsey
Waldstein			

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

FURTHER CONSIDERATION OF BILL
(Appropriations Calendar)
(Deferred May 18, 1981)

Senate File 571

The Senate resumed consideration of Senate File 571, a bill for an act relating to district court officers, employees, and filing fees, and making an appropriation, deferred on May 18, 1981.

Senator Schwengels called up the motion to reconsider the vote by which amendment S—3792 to Senate File 571 was adopted by the Senate on May 18, 1981, filed by him on May 18, 1981, found on page 1729 of the Senate Journal and moved its adoption.

A non record roll call was requested.

The ayes were 39, nays 5.

The motion prevailed and amendment S—3792 by Senator Rush to pages 1, 3 and the title page of the bill, was taken up for reconsideration.

Senator Rush asked and received unanimous consent that action on amendment S—3792 be temporarily deferred.

Senator Schwengels offered amendment S—3803 filed by Senators Schwengels, Junkins and DeKoster from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—3803 was adopted by a voice vote.

With the adoption of amendment S—3803, the Chair ruled amendment S—3792 by Senator Rush to pages 1, 3 and the title page of the bill, previously deferred, out of order.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 571) the vote was:

Ayes, 39:

Anderson	Briles	Brown	Carney
Coleman	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Wells	Yenger	

Nays, 8:

Baughner	Carr	Comito	Craft
Holden	Lura	Ramsey	Waldstein

Voting present, 1:

Doyle

Absent or not voting, 2:

Bisenius

Hultman

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 572

On motion of Senator Gentleman, Senate File 572, a bill for an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates, was taken up for consideration.

Senator Yenger offered amendment S—3800 filed by her on May 18, 1981, to page 5 of the bill and moved its adoption.

Amendment S—3800 was adopted by a voice vote.

Senator Gentleman offered amendment S—3790 filed by her on May 18, 1981, to pages 5, 40, 41 and 42 of the bill and moved its adoption.

Amendment S—3790 was adopted by a voice vote.

Senator Ramsey offered amendment S—3789 filed by Senators Ramsey, et al., on May 18, 1981, to page 10 of the bill.

Senator Small asked and received unanimous consent that action on amendment S—3789 be deferred.

Senator Junkins raised the point of order that under Section 159 of Mason's Manual of Legislative Procedure, Senate File 572 was out of order because the same subject matter had previously been considered in Senate File 370.

The Chair ruled the point not well taken because Senate File 572 is substantively different than Senate File 370.

Senator Rush asked and received unanimous consent that action **Senate File 572** and amendment S—3789 be **deferred**.

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

The Senate resumed session, President Branstad presiding.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:45 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the afternoon session on request of Senator Junkins.

INTRODUCTION OF RESOLUTIONS

SENATE CONCURRENT RESOLUTION 32

By: Committee on Rules and Administration

- 1 *Be It Resolved by the Senate, the House Concurring,*
- 2 That as provided by joint rule 3, the business of any
- 3 extraordinary session occurring before the convening
- 4 of the 1982 regular session of the Sixty-ninth General
- 5 Assembly shall consist solely of consideration of a plan
- 6 for congressional and legislative redistricting prepared
- 7 by the legislative service bureau pursuant to chapter
- 8 42 and changes in appropriations necessary because
- 9 of actions of the United States Congress relating to
- 10 block grants and categorical grants.

Read first time and placed on calendar.

SENATE CONCURRENT RESOLUTION 33

By: Husak, Miller of Cerro Gordo and Priebe

- 1 *Whereas, the benefits to the citizens of this state*
- 2 *from a strong and vibrant agricultural economy cannot*

3 be disputed; and

4 *Whereas*, the production, processing and distribution
5 of agricultural products constitute a paramount industry
6 in this state; and

7 *Whereas*, employment and a means of livelihood of a
8 substantial portion of Iowa's citizens are dependent
9 upon this state's agricultural economy; and

10 *Whereas*, the inability of individual producers to
11 secure a reasonable return for their efforts in produc-
12 ing agricultural products and prevents agricultural
13 producers from maintaining a reasonable standard of
14 living and increases economic insecurity in this
15 state; *Now Therefore*,

16 *Be It Resolved by the Senate, the House Concurring*,
17 That the legislative council is requested to appoint a
18 joint subcommittee of the Senate and House standing
19 committees on agriculture to study the feasibility of
20 establishing a procedure for establishing a minimum
21 price for all agricultural products produced in this state
22 through an agricultural stabilization and conservation
23 price support program; and

24 *Be It Further Resolved*, That the joint subcommittee
25 shall report its recommendations, including legislative
26 bill drafts necessary to implement its recommendations
27 to the legislative council and the general assembly
28 meeting in 1982.

Read first time and passed on file.

SENATE CONCURRENT RESOLUTION 34

By: Hultman and Junkins

1 *Whereas*, there is a periodic shortage of funds for invest-
2 ment in loans secured by first lien mortgages on residential
3 property in Iowa; and

4 *Whereas*, there is a growing demand for decent and affordable
5 housing in Iowa; and

6 *Whereas*, the trustee of the Iowa Public Employees' Retire-
7 ment System has authority under section 97B.7, subsection
8 2, paragraph b, Code 1981, to invest moneys in the Iowa Public
9 Employees' Retirement Fund in bonds, notes, obligations, or
10 other evidences of indebtedness secured by mortgages or deeds
11 of trust which are a first lien upon unencumbered real prop-
12 erty when the total indebtedness secured by the lien does
13 not exceed seventy-five percent of the value of the property;
14 and

15 *Whereas*, the trustee has not made such investments; and

16 *Whereas*, the interim period would provide more time in
17 which the trustee could report to the Senate and the House

18 concerning the trustee's reasons for not making such invest-
 19 ments currently and for the trustee to report any further
 20 legislation needed to make such investments feasible; and
 21 *Whereas*, the interim period would also provide more time
 22 in which to study the impact of the lack of funds for
 23 investment in loans secured by residential mortgages on the
 24 Iowa economy; *Now Therefore*,

25 *Be It Resolved by the Senate, the House Concurring*, That
 26 the legislative council is requested to authorize an interim
 27 study by a joint committee consisting of members of the stand-
 28 ing committees on commerce of the senate and the house of
 29 representatives for the purpose of studying the problems of
 30 mortgage investment and especially mortgage investment of

Page 2

1 moneys in the Iowa Public Employees' Retirement Fund, and
 2 recommending necessary legislative changes; and
 3 *Be It Further Resolved*, That the interim committee report
 4 its findings and recommendations to the legislative council
 5 and the members of the general assembly meeting in the year
 6 1982 along with any proposed legislation designed to implement
 7 the interim committee's recommendations.

Read first time and passed on file.

BUSINESS PENDING

Senate File 572

The Senate resumed consideration of Senate File 572 and amendment S—3789 by Senators Ramsey, et al., previously deferred.

Senator Ramsey moved the adoption of amendment S—3789 to page 10 of the bill.

A record roll call was requested.

On the question "Shall amendment S—3789 be adopted?" (S.F. 572) the vote was:

Ayes, 41:

Anderson	Baughner	Briles	Carney
Carr	Comito	Craft	DeKoster
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester

Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Rodgers
Schwengels	Slater	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 5:

Deluhery	Palmer	Readinger	Rush
Small			

Absent or not voting, 4:

Bisenius	Brown	Coleman	Kinley
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Amendment S—3789 was adopted.

Senator Carney took the chair at 1:55 p.m.

Senator Gentleman moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 572) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Carney
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Schwengels
Slater	Small	Taylor	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 6:

Carr	Comito	Junkins	Priebe
Rush	Tieden		

Absent or not voting, 4:

Bisenius	Brown	Coleman	Kinley
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked unanimous consent that Senate Files 571 and 572 be immediately messaged to the House.

Objection was raised by Senator Junkins.

Senator Hultman asked and received unanimous consent that Senate File 571 be immediately messaged to the House.

UNFINISHED BUSINESS (Deferred May 13, 1981)

House File 842

The Senate resumed consideration of House File 842, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax, and amendment S—3749 by Senators Priebe and Jensen, deferred on May 13, 1981.

Senator Priebe asked and received unanimous consent to withdraw amendment S—3749 to page 1 of the bill.

Senator Dreeszen asked and received unanimous consent to withdraw amendment S—3752 filed by Senators Dreeszen, Priebe and Jensen on May 13, 1981, to page 1 of the bill.

Senator Dreeszen asked and received unanimous consent to withdraw amendment S—3756 filed by Senators Dreeszen and Priebe on May 13, 1981, to page 1 of the bill.

Senator Priebe offered amendment S—3805 filed by him from the floor to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3805 be adopted?" (H.F. 842) the vote was:

Ayes, 15:

Briles
Doyle
Palmer
Slater

Carr
Gallagher
Priebe
Small

Comito
Holden
Readinger
Tieden

Deluhery
Miller, A.V.
Rush

Nays, 27:

Anderson	Baughner	Carney	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Hulse
Husak	Hutchins	Jensen	Kudart
Miller, C.P.	Murray	Nystrom	Rodgers
Schwengels	Taylor	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Absent or not voting, 8:

Bisenius	Brown	Coleman	Hultman
Junkins	Kinley	Lura	Ramsey

Amendment S—3805 lost.

Senator Priebe asked unanimous consent that action on House File 842 be deferred.

Objection was raised by Senator Hester.

Senator Priebe moved to defer action on House File 842.

A non record roll call was requested.

The ayes were 23, nays 17.

The motion prevailed and action on **House File 842** was **deferred**.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 324)

A conference committee report signed by the following Senate and House members was filed on May 19, 1981, on Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty:

ON THE PART OF THE SENATE:

RICHARD F. DRAKE
C.W. BILL HUTCHINS
JAMES D. WELLS

ON THE PART OF THE HOUSE:

JAMES O. ANDERSON, Chairperson
BETTY A. HOFFMAN
DENNIS L. RENAUD
LAVERNE W. SCHROEDER
JOSEPH WELSH

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 324

Senator DeKoster called up the conference committee report on Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty, filed on May 19, 1981, and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 29, nays 18.

The motion prevailed and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator DeKoster moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 324) the vote was:

Ayes, 35:

Anderson	Briles	Brown	Carney
Carr	Craft	Deluhery	Doyle
Drake	Gallagher	Goodwin	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Van Gilst	Wells	Yenger	

Nays, 11:

Comito	DeKoster	Dreeszen	Gentleman
Gratias	Holden	Kudart	Lura
Ramsey	Vande Hoef	Waldstein	

Absent or not voting, 4:

Baughner	Bisenius	Coleman	Kinley
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 35

By: Committee on Appropriations

1 *Whereas*, section 262A.3 provides that the state board of
2 regents shall prepare and submit to the general assembly
3 for approval no later than seven days after the convening
4 of each regular annual session of the general assembly a pro-
5 posed ten-year building program for each institution of higher
6 learning under the jurisdiction of the board, the program
7 to contain a list of the buildings and facilities which the
8 board deems necessary to further the educational objectives
9 of the institutions, with an estimate of the cost of each
10 of the buildings and facilities referred to and an estimate
11 of the maximum amount of bonds which the board expects to
12 issue under chapter 262A during each year of the ensuing
13 biennium; and

14 *Whereas*, the state board of regents prepared and within
15 seven days after the convening of the Sixty-ninth General
16 Assembly of the State of Iowa, First Session, submitted to
17 the Sixty-ninth General Assembly, First Session, for approval
18 the proposed ten-year building program for each institution
19 containing a list of the buildings and facilities which the
20 board deems necessary to further the educational objectives
21 of the institutions, together with an estimate of the cost
22 of each of the buildings and facilities referred to and an
23 estimate of the maximum amount of bonds which the board expects
24 to issue under chapter 262A for each year of the fiscal
25 biennium beginning July 1, 1981 and ending June 30, 1983;
26 and

27 *Whereas*, the projects contained in the building program
 28 are deemed necessary for the proper performance of the instruc-
 29 tional, research, and service functions of the institutions;
 30 and

Page 2

1 *Whereas*, section 262A.4 provides that the state board of
 2 regents after authorization by a constitutional majority of
 3 each house of the general assembly and approval by the governor
 4 may undertake and carry out at the institutions of higher
 5 learning under the jurisdiction of the board any project as
 6 defined in chapter 262A; and

7 *Whereas*, chapter 262A authorizes the state board of regents
 8 to borrow money and to issue and sell negotiable revenue bonds
 9 to pay all or any part of the cost of carrying out the projects
 10 at any institution payable solely from and secured by an irre-
 11 vocable pledge of a sufficient portion of the student fees
 12 and charges and institutional income received by the particular
 13 institution; and

14 *Whereas*, to further the educational objectives of the
 15 institutions, the state board of regents requests authorization
 16 to undertake and carry out certain of the projects at this
 17 time and to finance their cost by borrowing money and issuing
 18 negotiable bonds under chapter 262A, in a total amount not
 19 to exceed fifty-six million three hundred thirty-five thousand
 20 (56,335,000) dollars, the remaining cost of the projects to
 21 be financed by capital appropriations or by federal or other
 22 funds lawfully available; *Now Therefore*,

23 *Be It Resolved by the Senate, the House of Representatives*
 24 *Concurring*, That the proposed ten-year building program
 25 submitted by the state board of regents for each institution
 26 of higher learning under its jurisdiction, including the
 27 estimate of the maximum amount of bonds which the board expects
 28 to issue under chapter 262A, is approved as follows:

29 STATE BOARD OF REGENTS
 30 PROPOSED TEN-YEAR BUILDING PROGRAM

Page 3

1	1981-1991	
2	State University of Iowa	\$127,112,000
3	Iowa State University of Science and Technology	109,219,000
4	University of Northern Iowa	<u>48,965,000</u>
5	Total ten-year program 1981-1991	\$285,296,000
6	<i>Be It Further Resolved</i> , That during the fiscal biennium	
7	which commences July 1, 1981, and which ends June 30, 1983,	
8	the maximum amount of bonds which the state board of regents	
9	expects to issue under chapter 262A is fifty-six million three	
10	hundred thirty-five thousand (56,335,000) dollars, of which	

11 twenty million (20,000,000) dollars shall be issued during
 12 the fiscal year ending June 30, 1982 and thirty-six million
 13 three hundred thirty-five thousand (36,335,000) dollars shall
 14 be issued during the fiscal year ending June 30, 1983, which
 15 shall include the initial financing for construction of five
 16 new buildings as listed herein, and this plan of financing
 17 is approved; and
 18 *Be It Further Resolved*, That the state board of regents
 19 is authorized to undertake and carry out the following projects
 20 and to pay all or any part of the cost of carrying out the
 21 projects by borrowing money and issuing negotiable revenue
 22 bonds under chapter 262A in a total amount not to exceed
 23 fifty-six million three hundred thirty-five thousand
 24 (56,335,000) dollars:
 25 State University of Iowa
 26 West campus utility improvements
 27 Fire safety deficiencies
 28 Chilled water plant—phase IV
 29 Handicapped accessibility program
 30 Sanitary and storm sewer system replacements—west campus

Page 4

1 Planning new buildings
 2 Replacements of old armory through construction of a communica-
 3 tions facility and an addition to the university theatre
 4 Law building
 5 Energy management program
 6 Cost of issuance of bonds
 7 Iowa State University of Science and Technology
 8 Library addition construction and equipment
 9 Heating plant improvements
 10 Campus utility improvements
 11 North campus storm sewer
 12 Fire safety deficiencies
 13 Equipment and utilities for renovated quadrangle
 14 Gilman hall renovations
 15 Mechanical engineering building—construction, utilities, and
 16 equipment
 17 Planning old veterinary clinic conversion
 18 Energy management program
 19 Cost of issuance of bonds
 20 University of Northern Iowa
 21 Turbine generator
 22 Electrical system improvements
 23 Fire safety deficiencies
 24 Russell hall renovation
 25 Steam distribution system improvements
 26 Communication arts center—planning and construction

- 27 Energy mangement program
28 Cost of issuance of bonds
29 *Be It Further Resolved*, That the General Assembly declares
30 its intent to provide further financing for construction of

Page 5

- 1 five new buildings authorized in this concurrent resolution
2 during the fiscal year beginning July 1, 1983 to a maximum
3 amount of thirty-two million nine hundred fifteen thousand
4 (32,915,000) dollars with the financing to come from
5 appropriations or further bonding authority or a combination
6 of appropriations and bonding provided by action of the
7 Seventieth General Assembly of the State of Iowa, First
8 Session.

Read first time and placed on Appropriations calendar.

APPENDIX

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 569, the following technical correction was made:

1. Page 2, line 1 of S.F. 569, the figure "9" was changed to "8".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 571, the following technical correction was made:

1. Page 3, line 17 of Senate File 571, "the the additional" was changed to "the additional".

LINDA HOWARTH MACKAY
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 18, 1981, the Governor approved and transmitted to the Secretary of the State the following bills:

S.F. 394—Increasing corporate and uniform commercial code filing fees.

S.F. 409—Relating to the qualifications of the superintendent of a state mental health institute.

S.F. 425—Relating to the Iowa Housing Finance Authority and its records, loans, lending practices, and quorum requirements.

S.F. 479—Relating to the state entomologist, including fees for certificates of inspection, and assessment of costs.

S.F. 524—Establishing a Transportation Regulation Authority to replace the three-member Transportation Regulation Board with a January 1, 1982 effective date.

S.F. 526—Relating to the registration and operation of snowmobiles.

S.F. 528—Concerning certain criminal procedures relating to notice of seized property, nontestimonial identification, trial by jury, and deferred judgments, deferred sentences and suspended sentences.

S.F. 532—Authorizing the Iowa Family Farm Development Authority to establish an additional loan program to beginning farmers and to issue limited obligations therefor and to amend and clarify certain other provisions of Chapter 175.

H.F. 155—To provide for the filing of applications to claim the personal property tax credit in even-numbered years when property is revalued and making the act retroactive to January 1, 1981.

H.F. 504—Relating to the enforcement of distress warrants issued by the Director of Revenue.

H.F. 509—Limiting refunds of the state insurance retaliatory tax.

H.F. 739—Relating to the intestate succession rights of adopted persons, their natural parents, and adoptive parents.

ALSO:

That on May 19, 1981, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 116—Relating to the State Fair Board convention.

S.F. 130—To implement home rule for counties.

S.F. 263—Authorizing the Department of Revenue to credit income and franchise tax refunds against the tax liability of the taxpayer.

S.F. 546—Relating to the sale by the Department of Social Services of the Peck Day Care Center in Newton, Iowa and the Sanford Day Care Center in Sioux City, Iowa.

S.F. 563—Providing for the appropriation of federal funds received in the form of block grants or categorical grants by the General Assembly.

H.F. 186—Relating to the permissible use of proceeds of property sold by a county board of hospital trustees.

H.F. 348—Relating to the licensing of real estate salespersons, associate brokers and brokers.

H.F. 466—Relating to the creation of conservancy district wards.

H.F. 751—To provide for special arson inspection warrants for the inspection of property damaged or destroyed by fire for the purpose of determining the cause, origin, and circumstances of the fire and the availability of information obtained from inspections.

H.F. 761—To appropriate funds credited in the account of the State of Iowa in the unemployment trust fund for the purchase of a building.

H.F. 766—Relating to access to and use of solar energy.

H.F. 779—Relating to the rules of evidence.

H.F. 816—Regulating the offer and sale of business opportunities and providing penalties for violations.

H.F. 822—Relating to the administration of small estates.

H.F. 831—Making a supplemental appropriation to the Board of Medical Examiners and the licensing and certification division of the State Department of Health for the fiscal year beginning July 1, 1980, and ending June 30, 1981.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 15, 1981, when the vote was taken on House File 851, and on May 18, 1981, when the votes were taken on Senate File 564 and House File 847.

Had I been present, I would have voted "aye" on these bills.

RAY TAYLOR

BILLS ASSIGNED TO COMMITTEE

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

S. R.	19	Rules and Administration
S. C.R.	31	Rules and Administration
S. F.	573	Cities
H.C.R.	38	Rules and Administration

SUBCOMMITTEE ASSIGNMENT

SSB 424

Appropriations
Hultman, Chairperson
Murray
Slater

STUDY BILL RECEIVED

S.S.B. 424 Appropriations

To create a department of personnel by transferring the powers and duties of the Iowa merit employment department and the Iowa merit employment commission to the department of personnel, transferring certain powers and duties of the state educational radio and television facility board, the public employment relations board, the Iowa department of job service, the department of public safety, the department of public instruction, the department of social services, the court administrator, the Iowa commission for the blind, the office of state comptroller, and the executive council of the state to the department of personnel, abolishing the Iowa merit employment department and the Iowa merit employment commission, making coordinating amendments to the Code, making an appropriation, and subjecting violators to penalties.

COMMUNICATIONS FROM THE SECRETARY OF STATE

May 18, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

I hereby certify that House File 745 was published in the Anamosa Journal-Eureka, Anamosa, Iowa, on May 13, 1981, and in the Monona Billboard, Monona, Iowa, on May 14, 1981.

ALSO:

I hereby certify that House File 787 was published in the Sioux City Journal, Sioux City, Iowa, on May 12, 1981, and in The Daily Reporter, Sioux City, Iowa, on May 8, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: Senate Concurrent Resolution 32, a resolution regarding an extraordinary session of the General Assembly.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hultman, Hulse, Holden, Junkins, Kinley and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: May 19, 1981, 10:45 a.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member; Anderson (arrived 10:58 a.m.), Baugher, Carney, Deluhery (arrived 10:55 a.m.), Jensen, Junkins, Hultman, Ramsey, Rush (arrived 10:56 a.m.) Schwengels, Slater, Small (arrived 11:00 a.m.), Van Gilst, Waldstein (arrived 10:58 a.m.) and Yenger.

Members Absent: Bisenius (excused).

Final Bill Action: Senate Concurrent Resolution 35, a resolution allowing the board of regents to bond.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 18: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 1: Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 849, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, creating a temporary advisory commission on appropriate uses for the women's correctional and juvenile state institutions, and relating to the closing of certain juvenile and correctional institutions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3804.

Final Vote: Ayes, 15: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Ramsey, Schwengels, Slater, Small, Waldstein and Yenger. Nays, 3: Junkins, Rush and Van Gilst. Absent or not voting, 1: Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Other Committee Business: Approved SSBs 384 and 385, as amended, as committee bills.

Adjourned: 12:15 p.m.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 572 passed the Senate on May 19, 1981.

TOM SLATER

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 517)

A conference committee report signed by the following Senate and House members was filed on May 19, 1981, on Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft and other crimes which may result from the use of force in excess of reasonable force, and providing penalties:

ON THE PART OF THE SENATE:

DICK RAMSEY, Chairperson
GARY L. BAUGHER
ELVIE L. DREESZEN
BOB RUSH
ARTHUR A. SMALL, JR.

ON THE PART OF THE HOUSE:

ROGER HALVORSON, Chairperson
MINNETTE DODERER
NANCY SHIMANEK
CLAY SPEAR
JO ANN TRUCANO

CONFERENCE COMMITTEE REPORT RECEIVED (House File 413)

A conference committee report signed by the following Senate and House members was filed on May 19, 1981, on House File 413, a bill for an act relating to the fee collected for copies of records by the department of health:

ON THE PART OF THE SENATE:

MICK LURA, Chairperson
JAMES E. BRILES
EMIL J. HUSAK
CHARLES P. MILLER
RICHARD VANDE HOEF

ON THE PART OF THE HOUSE:

REID CRAWFORD, Chairperson
ROBERT ANDERSON
ROBERT ARNOULD
DOROTHY CARPENTER
SEMOR TOFTE

PRESENTATION OF VISITORS

President Branstad welcomed the Honorable Vera H. Shivers, now Mrs. Wallace McKee, former member of the Senate from Marion County, who was present in the Senate chamber.

President Branstad welcomed the Honorable Richard Norpel, former member of the House and Senate from Jackson County, who was present in the Senate chamber.

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

Twenty-five students from Chelsea Elementary School, Chelsea, Iowa, accompanied by Bob Good. Senator Husak.

AMENDMENTS FILED

S—3803	S. F.	571	Forrest V. Schwengels Lowell L. Junkins Lucas J. DeKoster
S—3804	H. F.	849	Appropriations Committee
S—3805	H. F.	842	Berl E. Priebe
S—3806	H. F.	842	Berl E. Priebe
S—3807	H. F.	849	Elvie L. Dreeszen Emil J. Husak John W. Jensen Jack W. Hester Merlin D. Hulse Clarence S. Carney Joe Brown Alvin V. Miller

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 5:25 p.m., until 9:00 a.m., Wednesday, May 20, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-NINTH CALENDAR DAY
EIGHTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 20, 1981

The Senate met in regular session at 9:00 a.m., President Branstad presiding.

Prayer was offered by the Reverend P.V. Isaac, pastor of the Trinity United Methodist Church, Waverly, Iowa, and Exchange Minister from Bombay, India.

The Journal of Tuesday, May 19, 1981, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the day on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 18, 1981, passed the following bills in which the concurrence of the Senate is asked:

House File 856, by Committee on Ways and Means, a bill for an act to legalize the proceedings of the city council of Chariton relating to the construction of certain buildings.

This bill was read first time and **passed on file**.

House File 857, by Committee on Ways and Means, a bill for an act to legalize the proceedings of the city council and city engineer of the city of Cresco, Iowa, relating to the execution of a certain contract.

This bill was read first time and **passed on file**.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:55 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 849.

House File 849

On motion of Senator Baugher, House File 849, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, creating a temporary advisory commission on appropriate uses for the women's correctional and juvenile state institutions, and relating to the closing of certain juvenile and correctional institutions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dreeszen offered amendment S—3807 filed by Senators Dreeszen, et al., on May 19, 1981, to strike everything after the enacting clause of the bill.

Senator Junkins rose on a point of parliamentary inquiry to question if amendment S—3807 failed to be adopted by the Senate, would amendments filed later that incorporated some of the same language contained in amendment S—3807 be in order.

The Chair advised that the amendments would be in order.

President Branstad took the chair at 2:00 p.m.

Senator Dreeszen offered amendment S—3810 filed by him from the floor to page 2 of amendment S—3807 and moved its adoption.

Amendment S—3810 was adopted by a voice vote.

Senator Baugher offered amendment S—3811 filed by him from the floor to page 3 of amendment S—3807 and moved its adoption.

A non record roll call was requested.

The ayes were 33, nays 13.

Amendment S—3811 was adopted.

Senator Hulse offered amendment S—3821 filed by him from the floor to page 3 of amendment S—3807 and moved its adoption.

Amendment S—3821 was adopted by a voice vote.

Senator Brown withdrew amendment S—3823 filed by him from the floor to page 3 of amendment S—3807.

Senator Dreeszen moved the adoption of amendment S—3807 as amended.

A record roll call was requested.

On the question "Shall amendment S—3807 as amended be adopted?" (H.F. 849) the vote was:

Ayes, 18:

Briles
Gallagher

Brown
Goodwin

Carney
Gratias

Dreeszen
Hester

Hulse	Hultman	Husak	Hutchins
Lura	Miller, A.V.	Priebe	Rodgers
Schwengels	Vande Hoef		

Nays, 29:

Anderson	Baughner	Carr	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Gentleman	Holden	Jensen
Junkins	Kinley	Kudart	Miller, C.P.
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Slater	Small
Taylor	Tieden	Van Gilst	Wells
Yenger			

Absent or not voting, 3:

Bisenius	Coleman	Waldstein
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Amendment S—3807 as amended lost.

Senator Murray offered amendment S—3804 filed by the committee on Appropriations on May 19, 1981, to pages 2, 3 and 13 of the bill.

President pro tempore Ramsey took the chair at 3:15 p.m.

Senator Miller of Des Moines called for a division of amendment S—3804: lines 3 through 13 as division S—3804A; lines 14 through 16 as division S—3804B.

Senator Murray moved the adoption of division S—3804A, which motion prevailed by a voice vote.

Senator Murray moved the adoption of division S—3804B.

A non record roll call was requested.

The ayes were 37, nays 7.

Division S—3804B was adopted.

Senator Lura offered amendment S—3814 filed by him from the floor to pages 4 and 7 of the bill.

Senator Hutchins called for a division of amendment S—3814: lines 6 through 8 as division S—3814A; lines 3 through 5 as division S—3814B.

Senator Lura moved the adoption of division S—3814A.

A non record roll call was requested.

The ayes were 4, nays 39.

Division S—3814A lost.

Senator Lura withdrew division S—3814B.

Senator Dreeszen withdrew amendment S—3813 filed by him from the floor to pages 4 and 7 of the bill.

Senator Dreeszen offered amendment S—3812 filed by him from the floor to pages 4, 6 and 13 of the bill and called for a division of the amendment: lines 6 through 8 as division S—3812A; lines 3 through 5 and lines 9 through 11 as division S—3812B.

Senator DeKoster called for a further division of amendment S—3812: lines 6 through 8 as division S—3812A; lines 3 through 5 as division S—3812B; lines 9 through 11 as division S—3812C.

Action on divisions S—3812A and S—3812B was deferred.

Senator Dreeszen moved the adoption of division S—3812C.

A non record roll call was requested.

The ayes were 20, nays 26.

Division S—3812C lost.

Senator Baugher withdrew amendment S—3824 filed by him from the floor to page 7 of the bill.

Senator DeKoster offered amendment S—3815 filed by Senators DeKoster and Baugher from the floor to pages 7 and 15 of the bill and called for a division of the amendment: lines 3 through 5 as division S—3815A; lines 6 through 24 as division S—3815B.

Senator DeKoster asked and received unanimous consent that action on division S—3815A be deferred.

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

The Senate resumed session, Senator Carney presiding.

Senator Rush raised the point of order that division S—3815B was not germane to the bill.

The Chair ruled the point not well taken and division S—3815B in order.

Senator DeKoster moved the adoption of division S—3815B and requested a non record roll call.

The ayes were 42, nays 4.

Division S—3815B was adopted.

Senator DeKoster asked and received unanimous consent to withdraw division S—3815A, previously deferred.

The Senate resumed consideration of divisions S—3812A and S—3812B by Senator Dreeszen to pages 4 and 6 of the bill, previously deferred.

Senator Dreeszen asked and received unanimous consent that divisions S—3812A and S—3812B be combined as division S—3812A.

Senator Dreeszen moved the adoption of division S—3812A.

A record roll call was requested.

On the question “Shall division S—3812A be adopted?” (H.F. 849) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Briles	Brown	Carney	DeKoster
Deluhery	Dreeszen	Goodwin	Gratias
Hester	Hulse	Hultman	Husak
Hutchins	Miller, A.V.	Miller, C.P.	Nystrom
Rodgers	Schwengels	Vande Hoef	Waldstein

Nays, 25:

Anderson	Baugher	Carr	Comito
Craft	Gallagher	Gentleman	Holden
Jensen	Junkins	Kinley	Kudart

Lura	Murray	Palmer	Priebe
Ramsey	Readinger	Rush	Slater
Small	Taylor	Tieden	Van Gilst
Yenger			

Absent or not voting, 5:

Eisenius	Coleman	Doyle	Drake
Wells			

Division S—3812A lost.

Senator Rush offered amendment S—3822 filed by Senators Junkins, et al., from the floor to pages 4 through 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3822 be adopted?" (H.F. 849) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Anderson	Brown	Deluhery	Dreeszen
Gallagher	Gratias	Hultman	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Palmer	Priebe
Rodgers	Rush	Small	Taylor
Vande Hoef	Van Gilst	Wells	

Nays, 23:

Baughner	Briles	Carney	Carr
Comito	Craft	DeKoster	Gentleman
Goodwin	Hester	Holden	Hulse
Jensen	Kudart	Murray	Nystrom
Ramsey	Readinger	Schwengels	Slater
Tieden	Waldstein	Yenger	

Absent or not voting, 4:

Bisenius	Coleman	Doyle	Drake
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Amendment S—3822 lost.

President Branstad took the chair at 5:30 p.m.

Senator Brown offered amendment S—3829 filed by him from the floor to pages 3 and 4 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3829 be adopted?” (H.F. 849) the vote was:

Ayes, 16:

Brown	DeKoster	Deluhery	Dreeszen
Gallagher	Gratias	Husak	Hutchins
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Priebe	Rodgers	Van Gilst	Wells

Nays, 30:

Anderson	Baughner	Carney	Carr
Comito	Craft	Drake	Gentleman
Goodwin	Hester	Holden	Hulse
Hultman	Jensen	Kudart	Lura
Murray	Nystrom	Palmer	Ramsey
Readinger	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Absent or not voting, 4:

Bisenius	Briles	Coleman	Doyle
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Amendment S—3829 lost.

The Chair ruled amendment S—3830 by Senators Junkins, et al., from the floor to pages 4 and 6 of the bill, out of order.

Senator Baughner withdrew amendment S—3828 filed by him from the floor to page 7 of the bill.

Senator Rush offered amendment S—3816 filed by him from the floor to pages 7 and 13 of the bill and called for a division of the amendment:

Division S—3816A: lines 3 through 6.

Division S—3816B: lines 7 through 12.

Division S—3816C: lines 13 through 19.

Division S—3816D: line 20.

Senator Rush withdrew division S—3816B.

Senator Rush moved the adoption of division S—3816A.

A record roll call was requested.

On the question “Shall division S—3816A be adopted?” (H.F. 849) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Brown	Craft	Deluhery	Dreeszen
Gallagher	Husak	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Schwengels	Small	Taylor	Vande Hoef
Van Gilst	Wells		

Nays, 23:

Anderson	Baughner	Carney	Carr
Comito	DeKoster	Drake	Gentleman
Goodwin	Gratias	Hester	Hulse
Hultman	Jensen	Lura	Murray
Nystrom	Ramsey	Readinger	Slater
Tieden	Waldstein	Yenger	

Absent or not voting, 5:

Bisenius	Briles	Coleman	Doyle
Holden			

Division S—3816A lost.

Senator Rush moved the adoption of division S—3816C and requested a record roll call.

On the question “Shall division S—3816C be adopted?” (H.F. 849) the vote was:

Ayes, 26:

Brown	Carney	Carr	Craft
Dreeszen	Gallagher	Gratias	Hultman
Husak	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Murray	Nystrom

Palmer	Priebe	Rodgers	Rush
Schwengels	Slater	Small	Vande Hoef
Van Gilst	Wells		

Nays, 20:

Anderson	Baugher	Comito	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hester	Holden	Hulse	Jensen
Kudart	Lura	Ramsey	Readinger
Taylor	Tieden	Waldstein	Yenger

Absent or not voting, 4:

Bisenius	Briles	Coleman	Doyle
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Division S—3816C was adopted.

Senator Rush moved the adoption of division S—3816D, which motion prevailed by a voice vote.

Senator Gentleman offered amendment S—3826 filed by her from the floor to page 9 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 17.

Amendment S—3826 was adopted.

Senator Gentleman offered amendment S—3808 filed by her from the floor to page 13 of the bill and moved its adoption.

Amendment S—3808 was adopted by a voice vote.

Senator Husak took the chair at 6:40 p.m.

Senator Gentleman offered amendment S—3820 filed by her from the floor to page 13 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 8, nays 38.

Amendment S—3820 lost.

Senator Gentleman withdrew amendment S—3819 filed by her from the floor to page 13 of the bill.

Senator Baugher offered amendment S—3809 filed by him from the floor to page 13 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3809 be adopted?" (H.F. 849) the vote was:

Ayes, 20:

Baugher	Comito	Craft	DeKoster
Deluhery	Drake	Gentleman	Goodwin
Hester	Holden	Jensen	Lura
Murray	Nystrom	Ramsey	Readinger
Taylor	Tieden	Waldstein	Yenger

Nays, 26:

Anderson	Brown	Carney	Carr
Dreeszen	Gallagher	Gratias	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Rodgers	Rush
Schwengels	Slater	Small	Vande Hoef
Van Gilst	Wells		

Absent or not voting, 4:

Bisenius	Briles	Coleman	Doyle
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Amendment S—3809 lost.

Senator Schwengels filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3822 to House File 849 failed to be adopted by the Senate on May 20, 1981.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (H.F. 849) the vote was:

Ayes, 25:

Anderson	Brown	Carney	Comito
Deluhery	Drake	Dreeszen	Hulse
Hultman	Husak	Hutchins	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Nystrom

Palmer	Priebe	Rodgers	Rush
Schwengels	Small	Vande Hoef	Van Gilst
Wells			

Nays, 21:

Baughner	Carr	Craft	DeKoster
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Jensen	Kudart
Lura	Murray	Ramsey	Readinger
Slater	Taylor	Tieden	Waldstein
Yenger			

Absent or not voting, 4:

Bisenius	Briles	Coleman	Doyle
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The motion prevailed and amendment S—3822 by Senators Junkins, et al., to pages 4, 5 and 6 of the bill, was taken up for reconsideration.

Senator Rush moved the adoption of amendment S—3822.

A record roll call was requested.

On the question "Shall amendment S—3822 be adopted?" (H.F. 849) the vote was:

Ayes, 29:

Anderson	Brown	Carney	Comito
Deluhery	Drake	Dreeszen	Gallagher
Hester	Hulse	Hultman	Husak
Hutchins	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Nystrom	Palmer
Priebe	Rodgers	Rush	Schwengels
Small	Taylor	Vande Hoef	Van Gilst
Wells			

Nays, 17:

Baughner	Carr	Craft	DeKoster
Gentleman	Goodwin	Gratias	Holden
Jensen	Kudart	Murray	Ramsey
Readinger	Slater	Tieden	Waldstein
Yenger			

Absent or not voting, 4:

Bisenius	Briles	Coleman	Doyle
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Amendment S—3822 was adopted.

The Chair ruled the following motion to reconsider filed by Senator Comito from the floor out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3822 to House File 849 failed to be adopted by the Senate on May 20, 1981.

Senator Schwengels withdrew amendment S—3831 filed by him from the floor to pages 5 and 6 of the bill.

President Branstad took the chair at 7:35 p.m.

Senator Baugher offered amendment S—3833 filed by him from the floor to page 7 of the bill and moved its adoption.

Amendment S—3833 was adopted by a voice vote.

Senator Baugher moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 849) the vote was:

Ayes, 34:

Anderson	Carney	Carr	Craft
Deluhery	Drake	Dreeszen	Gallagher
Goodwin	Gratias	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Tieden	Vande Hoef
Van Gilst	Wells		

Nays, 12:

Baugher	Brown	Comito	DeKoster
Gentleman	Holden	Kudart	Lura
Ramsey	Taylor	Waldstein	Yenger

Absent or not voting, 4:

Bisenius	Briles	Coleman	Doyle
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 555

Senator Taylor withdrew the motion to reconsider Senate File 555, a bill for an act relating to the inheritance tax by reducing the time period for filing and paying the tax, by increasing the individual exemptions allowed for a surviving spouse, son, daughter, father, mother, and other lineal descendants, by increasing the size of the estate under which no tax is owed, providing for payment by the transfer of property and providing a January 1 effective date for some provisions, filed by him on May 11, 1981, and found on page 1633 of the Senate Journal.

Senator Craft withdrew the motion to reconsider Senate File 555, filed by him on May 11, 1981, and found on page 1633 of the Senate Journal.

House File 851

Senator Yenger withdrew the motion to reconsider House File 851, a bill for an act relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations, filed by her on May 15, 1981, and found on page 1699 of the Senate Journal.

House File 850

Senator Brown withdrew the motion to reconsider House File 850, 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, filed by him on May 18, 1981, and found on page 1729 of the Senate Journal.

Senator Drake withdrew the motion to reconsider House File 850, filed by him on May 18, 1981, and found on page 1729 of the Senate Journal.

Senate File 572

Senator Slater withdrew the motion to reconsider Senate File 572, a bill for an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates, filed by him on May 19, 1981, and found on page 1752 of the Senate Journal.

Senator Hultman withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 572 passed the Senate on May 19, 1981.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 849** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 19, 1981, passed the following bills in which the concurrence of the Senate is asked:

House File 852, a bill for an act requiring insurance companies to pay premium taxes on a prepayment basis.

This bill was read first time and referred to the committee on **Ways and Means** under Senate Rule 37.

House File 867, a bill for an act to increase the dollar amount which may be levied for the county agricultural extension education program.

This bill was read first time and **referred to the committee on Ways and Means** under Senate Rule 37.

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

The Senate resumed session, President Branstad presiding.

INTRODUCTION OF BILLS

Senate File 575, by Committee on Appropriations, a bill for an act relating to appropriations for capital projects including making appropriations to the state board of regents for deficiencies in revenue and striking appropriations for planning and completion of certain construction projects.

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

Senate File 576, by Committee on Ways and Means, a bill for an act relating to the state cigarette and little cigar tax by increasing the rate of tax for a two-year period, setting the discount percent for a two-year period on the sale of cigarette and little cigar tax stamps, imposing a one-time inventory tax, and providing a one-time inventory tax refund.

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

APPENDIX

PETITIONS

The following petitions supporting the negotiated salary increase between the state of Iowa and its employees were filed and presented by:

Senator Carr from twenty-two residents of Dubuque County.

Senator Jensen from one hundred ninety-three residents of Black Hawk, Bremer, Butler and Grundy Counties.

The following petitions were presented and placed on file by:

Senator Van Gilst from five hundred seventy-seven residents of Marion County favoring legislation to legalize pari-mutuel betting in Iowa.

Senator Kudart from two hundred sixty-seven residents of Linn County opposing legislation regulating the modification of the height of motor vehicles.

BILLS ASSIGNED TO COMMITTEE

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

S. C.R.	33	Rules and Administration
S. C.R.	34	Rules and Administration
H.F.	856	Judiciary
H.F.	857	Judiciary

STUDY BILL RECEIVED

S.S.B. 425 Ways and Means

Relating to hearing procedures of the state appeal board.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3781 to House File 847 was adopted by the Senate on May 18, 1981.

BOB CARR

PROOFS OF PUBLICATION

Published copy of House File 856 and verified proof of publication of said bill in the Chariton Herald-Patriot, a newspaper published in Chariton, Iowa, on March 5, 1981, and published copy of House File 857 and verified proof of publication of said bill in The Times - Plain Dealer, a newspaper published in Cresco, Iowa, on April 8, 1981, were filed with the Secretary of the Senate prior to the time said bills were placed on passage in the Senate.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 734)

A conference committee report signed by the following Senate and House members was filed on May 20, 1981, on House File 734, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state:

ON THE PART OF THE SENATE

ROLF V. CRAFT, Chairperson
JACK W. HESTER
DAVID M. READINGER
NORMAN RODGERS
BASS VAN GILST

ON THE PART OF THE HOUSE

HUGO SCHNEKLOTH, Chairperson
WALTER CONLON
DOUGLAS RITSEMA
DIANE BRANDT
BILL DIELEMAN

CONFERENCE COMMITTEE REPORT RECEIVED (House File 771)

A conference committee report signed by the following Senate and House members was filed on May 20, 1981, on House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations:

ON THE PART OF THE SENATE

EDGAR H. HOLDEN, Chairperson
LUCAS J. DE KOSTER
EMIL J. HUSAK
JOHN W. JENSEN

ON THE PART OF THE HOUSE

ROBERT M.L. JOHNSON, Chairperson
DOUGLAS SHULL
GEORGE R. SWEARINGEN

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 20, 1981, 7:35 p.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Anderson, Carney, Deluhery, Hultman, Jensen, Ramsey, Slater, Small, Van Gilst, Waldstein and Yenger.

Members Absent: Palmer, Ranking Member; Bisenius (excused), Baugher, Junkins, Rush and Schwengels.

Final Bill Action: Senate File 575, a bill for an act relating to appropriations for capital projects including making appropriations to the state board of regents for deficiencies in revenue and striking appropriations for planning and completion of certain construction projects.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Murray, Tieden, Anderson, Carney, Deluhery, Hultman, Jensen, Ramsey, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, none. Absent or not voting, 6: Palmer, Baugher, Bisenius, Junkins, Rush and Schwengels.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 7:38 p.m.

WAYS AND MEANS

(Reconvened meeting of May 18, 1981.)

Reconvened: May 20, 1981, 7:38 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst.

Members Absent: Rush.

Final Bill Action: Senate File 576, a bill for an act relating to the state cigarette and little cigar tax by increasing the rate of tax, setting the discount percent on the sale of cigarette and little cigar tax stamps and imposing a one-time inventory tax.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Craft, Readinger, Hester, Holden, Hultman, Husak, Junkins, Priebe and Van Gilst. Nays, 5: Rodgers, Lura, Palmer, Ramsey and Taylor. Absent or not voting, 1: Rush.

Fiscal Note: REQUIRED UNDER JOINT RULE 16.

Adjourned: 7:50 p.m.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Twenty-two students from Creston, Iowa, accompanied by Jane Herron. Senators Briles and Ramsey.

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

Forty-five students from Monroe Jr. High School, Mason City, Iowa, accompanied by Bob Stauffer and Ray Reasland. Senator A. Miller.

Sixty students from Underwood Community School, Underwood, Iowa, accompanied by Gale Brown. Senator Hester.

AMENDMENTS FILED

S—3808	H.F.	849	Julia Gentleman
S—3809	H.F.	849	Gary L. Baugher
S—3810	H.F.	849	Elvie L. Dreeszen
S—3811	H.F.	849	Gary L. Baugher
S—3812	H.F.	849	Elvie L. Dreeszen
S—3813	H.F.	849	Elvie L. Dreeszen
S—3814	H.F.	849	Mick Lura
S—3815	H.F.	849	Lucas J. DeKoster Gary L. Baugher
S—3816	H.F.	849	Bob Rush
S—3817	S. C.R.	32	Bob Rush
S—3818	H.F.	842	Berl E. Priebe
S—3819	H.F.	849	Julia Gentleman
S—3820	H.F.	849	Julia Gentleman
S—3821	H.F.	849	Merlin D. Hulse
S—3822	H.F.	849	Lowell L. Junkins Bass Van Gilst Bob Rush Berl E. Priebe Ted Anderson
S—3823	H.F.	849	Joe Brown
S—3824	H.F.	849	Gary L. Baugher
S—3825	S. F.	574	Edgar H. Holden
S—3826	H.F.	849	Julia Gentleman
S—3827	H.F.	847	Bob Carr Forrest V. Schwengels
S—3828	H.F.	849	Gary L. Baugher
S—3829	H.F.	849	Joe Brown
S—3830	H.F.	849	Lowell L. Junkins Bass Van Gilst

			Bob Rush
			Berl E. Priebe
			Ted Anderson
S—3831	H.F.	849	Forrest V. Schwengels
S—3832	S. F.	175	Mick Lura
S—3833	H.F.	849	Gary L. Baugher

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 7:59 p.m., until 9:00 a.m., Thursday, May 21, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTIETH CALENDAR DAY
EIGHTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, May 21, 1981

The Senate met in regular session at 9:10 a.m., President Branstad presiding.

Prayer was offered by the Reverend Don Mars, pastor of the First Federated Church, Des Moines, Iowa.

The Journal of Wednesday, May 20, 1981, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Brown for the morning session on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 19, 1981, passed the following bills in which the concurrence of the Senate is asked:

House File 846, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

This bill was read first time and referred to the committee on **Ways and Means**.

House File 861, a bill for an act to authorize a person who is confined in a hospital or nursing care facility to qualify for claiming the extraordinary property tax credit or reimbursement on the person's homestead, with a January 1 effective date.

This bill was read first time and referred to the committee on **Ways and Means**.

ALSO: That the House has on May 20, 1981, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 42

By: Pope and Avenson

- 1 *Be It Resolved by the House of Representatives, the*
- 2 *Senate Concurring, That Senate Files 48, 300, 384, 519*
- 3 *and 531 be exempted from rule 18 of the Joint Rules*
- 4 *of the Senate and House.*

This resolution was read first time and referred to the committee on **Rules and Administration**.

ALSO: That the House has on May 19, 1981, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 6, a resolution recognizing 1981 as the International Year of Disabled Persons and encouraging all citizens to join in the commemoration.

ALSO: That the House has on May 13, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 548, a bill for an act making appropriations to various state regulatory, administrative and finance departments, boards, and commissions.

ALSO: That the House has on May 15, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 552, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state.

ALSO: That the House has on May 18, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services.

ALSO: That the House has on May 19, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 332, a bill for an act relating to the office of appellate defender.

ALSO: That the House has on May 19, 1981, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 146, a bill for an act relating to procedures for construction, repair and improvement of public buildings.

ALSO: That the House has on May 19, 1981, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 737, a bill for an act including life cycle cost and energy efficiency as criteria to be used in developing state purchasing standards and specifications for energy consuming products.

ALSO: That the House has on May 19, 1981, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 503, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing.

ALSO: That the House has on May 19, 1981, refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked:

House File 767, a bill for an act relating to the satisfaction of debts owed to the holders of mechanic's liens and providing that the lien of a subcontractor is not enforceable against an owner-occupied dwelling.

ALSO: That the House on May 19, 1981, insisted on its amendment to **Senate File 289**, a bill for an act relating to trespass on private property and imposing a penalty, and that the members of the **Conference Committee** on the part of the House are: The Representative from Hardin, Mr. Cook, Chair; the Representative from Cass, Mr. Pellett; the Representative from Polk, Mr. Smalley; the Representative from Polk, Mr. Chiodo; and the Representative from Polk, Mr. Woods.

MOTIONS TO RECONSIDER CONSIDERED

Senator Carr called up the motion to reconsider House File 847 filed by him on May 18, 1981, found on page 1729 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 847) the vote was:

Ayes, 38:

Anderson	Baugher	Briles	Carney
Carr	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley
Kudart	Lura	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Tieden

Voting present, 1:

Doyle

Absent or not voting, 10:

Bisenius	Brown	Coleman	Comito
Craft	Holden	Jensen	Miller, A.V.
Palmer	Readinger		

The motion prevailed.

Senator Carr moved to reconsider the vote by which House File 847 went to its last reading, which motion prevailed by a voice vote.

House File 847

On motion of Senator Schwengels, House File 847, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies, was taken up for reconsideration.

Senator Carr called up the motion to reconsider the vote by which amendment S—3781 to House File 847 was adopted by the Senate on May 18, 1981, filed by him on May 20, 1981, found on page 1770 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—3781 by Senator Carr to pages 8, 11 and 12 of the bill, was taken up for reconsideration.

Senator Carr offered amendment S—3827 filed by Senators Carr and Schwengels on May 20, 1981, to amendment S—3781 and moved its adoption.

Amendment S—3827 was adopted by a voice vote.

Senator Carr moved the adoption of amendment S—3781 as amended, which motion prevailed by a voice vote.

Senator Schwengels moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 847) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Carney
Carr	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Brown	Coleman	Comito
Readinger			

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

Senator Hultman asked and received unanimous consent that House File 847 be immediately messaged to the House.

Senator Hultman called up the motion to reconsider Senate File 554 filed by him on May 7, 1981, found on page 1601 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 554) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Carney
Carr	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Bisenius	Brown	Coleman	Comito
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The motion prevailed.

Senator Hultman moved to reconsider the vote by which Senate File 554 went to its last reading, which motion prevailed by a voice vote.

Senate File 554

On motion of Senator Jensen, Senate File 554, a bill for an act reducing appropriated funds by four point six percent, was taken up for reconsideration.

Senator Jensen moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 554) the vote was:

Ayes, 32:

Baughner	Briles	Carney	Craft
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DeKoster	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Jensen	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Taylor	Tieden	Vande Hoef	Waldstein

Nays, 13:

Anderson	Carr	Deluhery	Doyle
Hutchins	Junkins	Kinley	Palmer
Rush	Slater	Small	Van Gilst
Wells			

Absent or not voting, 5:

Bisenius	Brown	Coleman	Comito
Yenger			

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

Senator Hultman asked and received unanimous consent that **Senate File 554** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Coleman for the day on request of Senator Junkins.

HOUSE AMENDMENT CONSIDERED

Senate File 553

Senator Tieden called up for consideration Senate File 553, a bill for an act relating to and 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 responsibility relate to agricultural affairs, economic development, and energy and natural resources management, amended by the House by House amendment S—3778 filed May 18, 1981.

Senator Gallagher asked and received unanimous consent that action on **Senate File 553** and House amendment S—3778 be **deferred**.

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 517

Senator Ramsey called up the conference committee report on Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties, filed May 19, 1981, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 517) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Carney
Carr	Comito	Craft	Deluhery
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Ramsey
Readinger	Rodgers	Rush	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 6:

DeKoster	Doyle	Gentleman	Palmer
Priebe	Slater		

Absent or not voting, 4:

Bisenius	Brown	Coleman	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 289** on the part of the Senate: Senators Tieden, Chairperson; Kudart, Goodwin, Van Gilst and Carr.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 27, 1981 amended and passed the following bill in which the concurrence of the House was asked:

Senate File 514, a bill for an act relating to the operation of a motor vehicle, and providing penalties.

HOUSE AMENDMENT CONSIDERED

Senate File 552.

Senator Carney called up for consideration Senate File 552, a bill for an act relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for reduction programs of this state, amended by the House, and moved that the Senate concur in House amendment S—3843 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Carney moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 552) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Carney
Carr	DeKoster	Deluhery	Doyle
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Kudart	Lura

Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Van Gilst	Waldstein
Wells	Yenger		

Nays, 4:

Comito	Craft	Dreeszen	Miller, C.P.
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Absent or not voting, 4:

Bisenius	Brown	Coleman	Vande Hoef
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 553

The Senate resumed consideration of Senate File 553 and House amendment S—3778, previously deferred.

Senator Tieden moved that the Senate concur in House amendment S—3778, which motion prevailed by a voice vote.

Senator Tieden moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 553) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Brown
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Husak
Hutchins	Jensen	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Rodgers	Schwengels	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Rush

Absent or not voting, 7:

Bisenius
Junkins

Carney
Palmer

Coleman
Slater

Hultman

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

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: House Concurrent Resolution 42, a resolution exempting Senate Files 48, 300, 384, 519 and 531 from rule 18 of the joint rules of the House and Senate.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Holden, Junkins, Kinley and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ADOPTION OF RESOLUTION

House Concurrent Resolution 42

Senator Murray asked and received unanimous consent to take up for consideration House Concurrent Resolution 42, a resolution exempting Senate Files 48, 300, 384, 519 and 531 from rule 18 of the joint rules, filed May 21, 1981, and found on page 1776 of the Senate Journal.

Senator Murray moved the adoption of House Concurrent Resolution 42, which motion prevailed by a voice vote.

HOUSE AMENDMENTS CONSIDERED

Senate File 566

Senator Waldstein called up for consideration Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social

services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, amended by the House, and moved that the Senate concur in House amendment S—3844 filed May 21, 1981.

The motion lost by a voice vote and the Senate refused to concur in the House amendment.

Senator Hultman asked and received unanimous consent that **Senate File 566** be immediately messaged to the House.

Senate File 548

Senator Jensen called up for consideration Senate File 548, a bill for an act relating to and making appropriations to various state regulatory, administrative and finance departments, boards and commissions, amended by the House by House amendment S—3842 filed May 21, 1981.

Senator Jensen offered amendment S—3847 filed by Senators Jensen, et al., from the floor to House amendment S—3842 and moved its adoption.

Amendment S—3847 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that further action on **Senate File 548** and House amendment S—3842 as amended be deferred.

ADOPTION OF RESOLUTION (Appropriations Calendar)

Senate Concurrent Resolution 35

On motion of Senator Carney, Senate Concurrent Resolution 35, a resolution approving the state board of regents proposed ten-year building program, including the maximum amount of bonds, filed May 19, 1981, and found on pages 1743-1746 of the Senate Journal, was taken up for consideration.

Senator Carney moved the adoption of Senate Concurrent Resolution 35.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 29, nays 18.

The resolution having received a constitutional majority was declared to have been adopted by the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 19, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 868, a bill for an act relating to the state income and franchise taxes by allowing indexing to occur for subsequent tax years, updating references to the internal revenue code, and making certain provisions of the Act retroactive.

Read first time and referred to the committee on **Ways and Means**.

ALSO: That the House has on May 21, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 866, a bill for an act relating to the issuance of general obligation bonds by school districts, effective retroactively.

Read first time and referred to the committee on **Ways and Means**.

ALSO: That the House has on April 27, 1981, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 300, a bill for an act relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements.

Senate File 531, a bill for an act relating to pipelines.

ALSO: That the House has on April 29, 1981, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 48, a bill for an act providing for the joint financing of public agencies of electric power facilities and other facilities.

Senate File 519, a bill for an act related to certain regulated or prohibited activities and providing penalties.

ALSO: That the House has on May 14, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 384, a bill for an act relating to elections by revising the statutes governing the furnishing of nomination papers and registration for elections.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 36

By: Craft, Rodgers and Taylor

1 *Whereas*, a strong and vibrant economy requires that
2 a large percentage of this state's workforce have
3 steady employment; and

4 *Whereas*, unemployment not only hurts the liveli-
5 hood of this state's citizenry but also affects the
6 revenues of this state and its ability to provide
7 services to its citizens; and

8 *Whereas*, this state may be able to provide incentives
9 which will create new and maintain existing jobs in
10 this state; *Now Therefore*,

11 *Be It Resolved by the Senate, the House Concurring*,
12 That the legislative council is requested to appoint
13 an interim study committee consisting of members of
14 the Senate and House standing committees on ways and
15 means to study employment incentives that this state
16 can use to aid in the creation or maintenance of em-
17 ployment within this state; and

18 *Be It Further Resolved*, That the study committee
19 shall report its findings and recommendations, including
20 legislative bill drafts necessary to implement its
21 recommendations to the legislative council and the
22 general assembly meeting in 1982.

Read first time and passed on file.

CONSIDERATION OF BILL (Appropriations Calendar)

Senate File 575

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 575.

On motion of Senator Carney, Senate File 575, a bill for an act relating to appropriations for capital projects including making appropriations to the state board of regents for deficiencies in revenue and striking appropriations for planning and completion of certain construction projects, was taken up for consideration.

Senator Carney moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 575) the vote was:

Ayes, 34:

Anderson	Brown	Carney	Carr
DeKoster	Deluhery	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kudart	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 12:

Baughner	Comito	Craft	Doyle
Hester	Holden	Kinley	Lura
Miller, C.P.	Ramsey	Readinger	Waldstein

Absent or not voting, 4:

Bisenius	Briles	Coleman	Rodgers
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate Files 517, 575 and Senate Concurrent Resolution 35** be immediately messaged to the House.

RECESS

On motion of Senator Hultman, the Senate recessed at 11:58 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., Senator Carney presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 58, Senator Hultman called up the following appointees on the En Bloc Confirmation Calendar:

State Board of Physical and Occupational Therapy Examiners, found on page 1687 of the Senate Journal:

Sarah H. Van Wert

State Board of Public Instruction, found on page 1727 of the Senate Journal:

Stephen C. Gerard

Senator Hultman moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 41:

Anderson	Brown	Carney	Carr
Craft	DeKoster	Deluhery	Doyle
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 9:

Baughner	Bisenius	Briles	Coleman
Comito	Drake	Gentleman	Miller, C.P.
Rodgers			

The Chair declared the appointments confirmed.

President Branstad took the chair at 1:30 p.m.

MOTION TO RECONSIDER LOST
(Item Veto of Senate File 305)

Pursuant to Article III, Section 16 of the Constitution of Iowa, Senator Murray called up the motion to reconsider filed by him on May 13, 1981, and found on page 1666 of the Senate Journal, Section 34 of Senate File 305, a bill for an act relating to the reduction, reversion, and allocation of funds previously appropriated by the general assembly and providing a publication clause, as item vetoed by the Governor on March 24, 1981.

Senator Murray moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider Section 34 of Senate File 305 as item vetoed by the Governor be adopted?" the vote was:

Ayes, none.

Nays, 44:

Anderson	Baughner	Brown	Carney
Carr	Comito	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Hutchins
Jensen	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Absent or not voting, 6:

Bisenius	Briles	Coleman	Craft
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Husak

Rodgers

The motion lost.

BUSINESS PENDING

Senate File 548

The Senate resumed consideration of Senate File 548 and House amendment S—3842 as amended, previously deferred.

Senator Hutchins offered amendment S—3848 filed by him from the floor to House amendment S—3842 and moved its adoption.

Amendment S—3848 was adopted by a voice vote.

Senator Brown offered amendment S—3850 filed by him from the floor to House amendment S—3842.

Senator Jensen raised the point of order that amendment S—3850 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3850 out of order.

Senator Brown asked and received unanimous consent that further action on **Senate File 548** and House amendment S—3842 as amended be **deferred**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 19, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 865, a bill for an act to provide for the imposition of a property tax levy for area schools for a cash reserve.

This bill was read first time and referred to the committee on **Ways and Means**.

ALSO: That the House has on May 20, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 875, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, making coordinating amendments to the Code, and appropriating funds.

This bill was read first time and referred to the committee on **Appropriations**.

ALSO: That the House has on May 21, 1981, adopted the conference committee reports and passed the following bills:

Senate File 324, a bill for an act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty.

Senate File 517, a bill for an act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties.

House File 413, a bill for an act relating to the fee collected for copies of records by the department of health.

House File 734, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state.

House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Concurrent Resolution 32

On motion of Senator Hultman, Senate Concurrent Resolution 32, a resolution regarding an extraordinary session of the General Assembly, filed May 19, 1981, and found on page 1736 of the Senate Journal, was taken up for consideration.

Senator Rush offered amendment S—3817 filed by him on May 20, 1981, to page 1 of the resolution and moved its adoption

Amendment S—3817 was adopted by a voice vote.

Senator Hultman offered amendment S—3845 filed by him from the floor to page 1 of the resolution and called for a division of the amendment: lines 2 through 4 as division S—3845A; lines 5 through 9 as division S—3845B.

Senator Hultman withdrew division S—3845A.

Senator Hultman asked and received unanimous consent that further action on **Senate Concurrent Resolution 32** and division S—3845B be **deferred**.

BUSINESS PENDING

Senate File 548

The Senate resumed consideration of Senate File 548 and House amendment S—3842 as amended, previously deferred.

Senator Brown offered amendment S—3851 filed by him from the floor to House amendment S—3842, moved its adoption and requested a record roll call.

On the question “Shall amendment S—3851 to House amendment S—3842 be adopted ?” (S.F. 548) the vote was:

Ayes, 15:

Anderson	Brown	Carr	Deluhery
Doyle	Husak	Hutchins	Junkins
Miller, A.V.	Palmer	Rodgers	Rush
Slater	Van Gilst	Wells	

Nays, 31:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Kudart	Lura	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Schwengels	Small	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 4:

Bisenius	Coleman	Gallagher	Kinley
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Amendment S—3851 lost.

Senator Jensen moved that the Senate concur in House amendment S—3842 as amended, which motion prevailed by a voice vote.

Senator Jensen moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 548) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 46:

Anderson	Baughner	Briles	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Brown

Absent or not voting, 3:

Bisenius	Coleman	Kinley
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that Senate File 548 be immediately messaged to the House.

BUSINESS PENDING

Senate Concurrent Resolution 32

The Senate resumed consideration of Senate Concurrent Resolution 32 and division S—3845B by Senator Hultman, previously deferred.

Senator Hultman offered amendment S—3852 filed by him from the floor to page 1 of the resolution and moved its adoption.

Amendment S—3852 was adopted by a voice vote.

Senator Hultman withdrew division S—3845B, previously deferred.

Senator Hultman moved the adoption of Senate Concurrent Resolution 32 as amended, which motion prevailed by a voice vote.

Senator Hultman asked and received unanimous consent that **Senate Concurrent Resolution 32** be **immediately messaged** to the House.

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

The Senate resumed session, President Branstad presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on May 21, 1981, **insisted on** its amendment to **Senate File 566**, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, and that the members of the **conference committee** on the part of the House are: The Representative from Mahaska, Mr. Van Maanen, Chair; the Representative from Polk, Mrs. Trucano; the Representative from Story, Mr. Crawford; the Representative from Scott, Mr. Arnould; and the Representative from Dubuque, Mr. Jochum.

ALSO: That the House has on February 9, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 113, a bill for an act relating to the payment of claims by counties for military service tax credits to be effective upon publication.

ALSO: That the House has on April 28, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 377, a bill for an act relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 566** on the part of the Senate: Senators Waldstein, Chairperson; Slater, Murray, Vande Hoef and Brown.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 413

Senator Lura called up the conference committee report on House File 413, a bill for an act relating to the fee collected for copies of records by the department of health, filed May 19, 1981, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 413) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Carney
Comito	Craft	DeKoster	Deluhery
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Junkins
Kinley	Kudart	Miller, A.V.	Miller, C.P.

Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 6:

Carr	Doyle	Husak	Lura
Rush	Slater		

Absent or not voting, 4:

Bisenius	Brown	Coleman	Jensen
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 576.

Senate File 576

On motion of Senator Craft, Senate File 576, a bill for an act relating to the state cigarette and little cigar tax by increasing the rate of tax for a two-year period, setting the discount percent for a two-year period on the sale of cigarette and little cigar tax stamps, imposing a one-time inventory tax, and providing a one-time tax refund, was taken up for consideration.

Senator Hultman withdrew amendment S—3849 filed by him from the floor to pages 1, 2, 3 and the title page of the bill.

Senator Holden withdrew amendment S—3846 filed by him from the floor to page 1 and the title page of the bill.

Senator Hultman offered amendment S—3853 filed by him from the floor to pages 1, 2, 3 and the title page of the bill.

Senator Hultman asked and received unanimous consent that action on **Senate File 576** and amendment S—3853 be **deferred**.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 734

Senator Craft called up the conference committee report on House File 734, a bill for an act establishing the rate of interest payable on delinquent taxes owed to the state, filed May 20, 1981, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 734) the vote was:

Ayes, 42:

Anderson	Baughner	Briles	Carney
Comito	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Kudart	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Small	Taylor	Van Gilst
Wells	Yenger		

Nays, 1:

Carr

Absent or not voting, 7:

Bisenius	Brown	Coleman	Slater
Tieden	Vande Hoef	Waldstein	

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

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

The Senate resumed session, President Branstad presiding.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 771

Senator Holden called up the conference committee report on House File 771, a bill for an act relating to the regulation of public utilities by providing for the continuing audit of utility operations, filed May 20, 1981, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 771) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Briles	Craft	DeKoster	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Jensen	Lura	Miller, A.V.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 18:

Anderson	Baugher	Brown	Carr
Comito	Deluhery	Doyle	Gentleman
Hutchins	Junkins	Kinley	Kudart
Miller, C.P.	Palmer	Rush	Slater
Small	Wells		

Voting present, 1:

Carney

Absent or not voting, 2:

Bisenius Coleman

The motion prevailed and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 771) the vote was:

Ayes, 29:

Briles	Craft	DeKoster	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Jensen	Lura	Miller, A.V.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 18:

Anderson	Baughner	Brown	Carr
Comito	Deluhery	Doyle	Gentleman
Hutchins	Junkins	Kinley	Kudart
Miller, C.P.	Palmer	Rush	Slater
Small	Wells		

Voting present, 1:

Carney

Absent or not voting, 2:

Bisenius Coleman

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

BUSINESS PENDING

Senate File 576

The Senate resumed consideration of Senate File 576 and amendment S—3853 by Senator Hultman, previously deferred.

Senator Priebe offered amendment S—3855 filed by Senators Priebe and Gallagher from the floor to page 1 and the title page of the bill.

Senator Craft raised the point of order that amendment S—3855 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3855 out of order.

Senator Hultman moved the adoption of amendment S—3853 to pages 1, 2, 3 and the title page of the bill, previously deferred, and requested a record roll call.

On the question "Shall amendment S—3853 be adopted?" (S.F. 576) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Briles	Carney	Carr	Doyle
Dreeszen	Goodwin	Hulse	Hultman
Jensen	Junkins	Lura	Nystrom
Rodgers	Schwengels	Slater	Tieden
Vande Hoef	Van Gilst	Waldstein	

Nays, 28:

Anderson	Baughner	Brown	Comito
Craft	DeKoster	Deluhery	Drake
Gallagher	Gentleman	Gratias	Hester
Holden	Husak	Hutchins	Kinley
Kudart	Miller, A.V.	Miller, C.P.	Murray
Palmer	Ramsey	Readinger	Rush
Small	Taylor	Wells	Yenger

Absent or not voting, 3:

Bisenius	Coleman	Priebe
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Amendment S—3853 lost.

With the defeat of amendment S—3853, the Chair ruled amendment S—3858 filed by Senator Hultman from the floor to page 1 and the title page of the bill, out of order.

Senator Comito offered amendment S—3859 filed by him from the floor to page 1 of the bill.

Senator Schwengels raised the point of order that amendment S—3859 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3859 in order.

Senator Comito moved the adoption of amendment S—3859.

A record roll call was requested.

On the question "Shall amendment S—3859 be adopted?" (S.F. 576) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Anderson	Baughner	Briles	Brown
Comito	Craft	DeKoster	Deluhery
Drake	Gallagher	Gratias	Holden
Kinley	Lura	Palmer	Priebe
Ramsey	Readinger	Rush	Small
Taylor	Yenger		

Nays, 25:

Carney	Carr	Doyle	Dreeszen
Gentleman	Goodwin	Hester	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kudart	Miller, C.P.	Murray
Nystrom	Rodgers	Schwengels	Slater
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells			

Absent or not voting, 3:

Bisenius	Coleman	Miller, A.V.
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Amendment S—3859 lost.

Senator Holden offered amendment S—3856 filed by him from the floor to page 1 and the title page of the bill.

Senator Schwengels raised the point of order that amendment S—3856 was not germane to the bill.

The Chair ruled the point well taken and amendment S—3856 out of order.

Senator Comito asked and received unanimous consent to withdraw amendment S—3860 filed by Senators Comito, Palmer and Baughner from the floor to page 1 and the title page of the bill.

Senator Priebe offered amendment S—3862 filed by Senators Priebe and Gallagher from the floor to pages 1 and 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—3862 be adopted?" (S.F. 576) the vote was:

Ayes, 23:

Anderson	Baughner	Brown	Carr
Comito	Deluhery	Doyle	Gallagher
Husak	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Small	Van Gilst	

Nays, 25:

Briles	Carney	Craft	DeKoster
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Kudart	Lura	Murray
Nystrom	Schwengels	Slater	Taylor
Tieden	Vande Hoef	Waldstein	Wells
Yenger			

Absent or not voting, 2:

Bisenius Coleman

Amendment S—3862 lost.

Senator Miller of Des Moines filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3859 failed to be adopted by the Senate on May 21, 1981.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 576) the vote was:

Ayes, 32:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Drake	Dreeszen
Gallagher	Gentleman	Gratias	Holden
Hutchins	Junkins	Kinley	Kudart
Lura	Miller, A.V.	Miller, C.P.	Murray
Palmer	Ramsey	Readinger	Rush
Small	Taylor	Wells	Yenger

Nays, 16:

Doyle	Goodwin	Hester	Hulse
Hultman	Husak	Jensen	Nystrom
Priebe	Rodgers	Schwengels	Slater
Tieden	Vande Hoef	Van Gilst	Waldstein

Absent or not voting, 2:

Bisenius	Coleman
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The motion prevailed and amendment S—3859 by Senator Comito was taken up for reconsideration.

Senator Comito moved the adoption of amendment S—3859 to page 1 of the bill.

A record roll call was requested.

On the question "Shall amendment S—3859 be adopted?" (S.F. 576) the vote was:

Ayes, 27:

Anderson	Baughner	Briles	Carney
Comito	Craft	DeKoster	Deluhery
Drake	Dreeszen	Gentleman	Gratias
Jensen	Kinley	Kudart	Lura
Miller, A.V.	Miller, C.P.	Murray	Palmer
Ramsey	Readinger	Rush	Small
Taylor	Wells	Yenger	

Nays, 19:

Brown	Carr	Doyle	Goodwin
Hester	Hulse	Hultman	Husak
Hutchins	Junkins	Nystrom	Priebe
Rodgers	Schwengels	Slater	Tieden
Vande Hoef	Van Gilst	Waldstein	

Absent or not voting, 4:

Bisenius	Coleman	Gallagher	Holden
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Amendment S—3859 was adopted.

Senator Yenger filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—3862 to Senate File 576 failed to be adopted by the Senate on May 21, 1981.

A non record roll call was requested.

The ayes were 24, nays 24.

The motion lost.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 576) the vote was:

Ayes, 28:

Briles	Carney	Comito	Craft
DeKoster	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Jensen
Kudart	Miller, A.V.	Murray	Nystrom
Readinger	Schwengels	Small	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, 20:

Anderson	Baughner	Brown	Carr
Deluhery	Doyle	Gallagher	Hutchins
Junkins	Kinley	Lura	Miller, C.P.
Palmer	Priebe	Ramsey	Rodgers
Rush	Slater	Taylor	Wells

Absent or not voting, 2:

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

Senator Hultman asked and received unanimous consent that **Senate File 576** be **immediately messaged** to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 531

Senator Taylor called up for consideration Senate File 531, a bill for an act relating to pipelines, amended by the House by House amendment S—3841 filed May 21, 1981.

Senator Hutchins withdrew amendment S—3863 filed by him from the floor to House amendment S—3841.

Senator Taylor moved that the Senate concur in House amendment S—3841.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Taylor moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 531) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Coleman	Holden	Ramsey
Wells			

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

Senate File 48

Senator DeKoster called up for consideration Senate File 48, a bill for an act providing for the joint financing by public agencies of electric power facilities and other facilities, amended by the House, and moved that the Senate concur in House amendment S—3835 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator DeKoster moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 48) the vote was:

Ayes, 33:

Anderson	Briles	Brown	Carr
Comito	DeKoster	Deluhery	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Hulse	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Murray	Palmer	Priebe
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Vande Hoef
Yenger			

Nays, 13:

Baughner	Craft	Doyle	Gentleman
Holden	Hultman	Kudart	Lura
Nystrom	Ramsey	Tieden	Van Gilst
Waldstein			

Voting present, 1:

Carney

Absent or not voting, 3:

Bisenius	Coleman	Wells
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 289)

A conference committee report signed by the following Senate and House members was filed on May 21, 1981, on Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty:

ON THE PART OF THE SENATE: ON THE PART OF THE HOUSE:

DALE L. TIEDEN, Chairperson
BOB CARR
NORMAN J. GOODWIN
A.R. (BUD) KUDART
BASS VAN GILST

LISLE COOK, Chairperson
NED CHIODO
WENDELL PELLETT
DOUGLAS SMALLEY
JACK WOODS

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 289

Senator Tieden called up the conference committee report on Senate File 289, a bill for an act to trespass on private property and imposing a penalty, filed on May 21, 1981, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Tieden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 289) the vote was:

Ayes, 40:

Anderson	Brown	Carney	Comito
Craft	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Yenger

Nays, 6:

Baughner	Carr	DeKoster	Gentleman
Slater	Small		

Absent or not voting, 4:

Bisenius	Briles	Coleman	Wells
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that **Senate File 289** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 384

Senator Nystrom called up for consideration Senate File 384, a bill for an act relating to elections by revising the statutes governing the furnishing of nomination papers, nominations by parties, nonparty political organizations and petition, nominations of presidential electors, information requested for registration, closing registration for elections, reporting on party registration, allowing employees time off work to vote, and delivering absentee ballots, amended by the House, and moved that the Senate concur in House amendment S—3838 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Nystrom moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 384) the vote was:

Ayes, 45:

Anderson	Baughner	Brown	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Kudart	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius
Wells

Briles

Coleman

Taylor

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 21, 1981, passed the following bills in which the concurrence of the Senate is asked:

House File 855, a bill for an act relating to barge traffic and barge fleeting by prohibiting the adoption of rules to regulate and requiring a study of the subject matter.

This bill was read first time and referred to the committee on **Ways and Means**.

House File 872, a bill for an act to delay for six months from July 1, 1981 to January 1, 1982 the requirement for successful completion of a motorcycle education course or a motorized bicycle education course prior to the issuance of certain motor vehicle operators' licenses.

This bill was read first time and referred to the committee on **Transportation**.

House File 877, a bill for an act raising the maximum horsepower rating for small boats with outboard motors.

This bill was read first time and referred to the committee on **Natural Resources**.

ALSO: That the House has on May 21, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 569, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

ALSO: That the House has on May 21, 1981, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 851, a bill for an act appropriating funds to agencies for designated service programs including health programs, substance abuse programs, and programs for minority.

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

The Senate resumed session, President Branstad presiding.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

House File 846

Ways and Means
 Craft, Chairperson
 Rush
 Hester

House File 861

Ways and Means
 Rush, Chairperson
 Lura
 Ramsey

House File 866

Ways and Means
 Hester, Chairperson
 Rush
 Craft

House File 868

Ways and Means
 Lura, Chairperson
 Rodgers
 Hester

SSB 425

Ways and Means
 Craft, Chairperson
 Readinger
 Rodgers

House File 852

Ways and Means
 Craft, Chairperson
 Hultman
 Holden
 Junkins
 Rush

House File 865

Ways and Means
 Hester, Chairperson
 Taylor
 Palmer

House File 867

Ways and Means
 Taylor, Chairperson
 Husak
 Hester

House File 875

Appropriations
 Murray, Chairperson
 Palmer
 Hultman
 Jensen
 Slater

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 21, 1981, when the vote was taken on Senate File 553.

Had I been present, I would have voted "aye" on this bill.

LOWELL L. JUNKINS

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: House Concurrent Resolution 38, a resolution honoring Wayne Faupel and his years of service to the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Kinley, Holden, Junkins and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: May 21, 1981, 2:10 p.m.

Members Present: Murray, Chairperson; Tieden, Vice Chairperson; Palmer, Ranking Member; Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Rush, Schwengels; Slater, Small, Van Gilst, Waldstein and Yenger.

Members Absent: Bisenius (excused).

Final Bill Action: House File 875, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, making coordinating amendments to the Code, and appropriating funds.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Murray, Tieden, Palmer, Anderson, Baugher, Carney, Deluhery, Hultman, Jensen, Junkins, Ramsey, Schwengels, Slater, Small, Van Gilst, Waldstein and Yenger. Nays, 1: Rush. Absent or not voting, 1: Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 3:00 p.m.

WAYS AND MEANS

Convened: May 21, 1981, 6:30 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Hester, Holden, Hultman, Husak, Junkins (arrived 6:40 p.m.), Lura, Palmer (arrived 6:42 p.m.), Priebe, Ramsey, Rush, Taylor and Van Gilst.

Members Absent: none.

Final Bill Action: House File 841, a bill for an act relating to transactions involving the storage or sale of grain, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3867.

Final Vote: Ayes, 15: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 852, a bill for an act requiring insurance companies to pay premium taxes on a prepayment basis.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Lura, Ramsey, Rush, Taylor and Van Gilst. Nays, 1: Priebe. Absent or not voting, 2: Junkins and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 853, a bill for an act relating to motor fuel, special fuel, and distillate fuels by providing for the measurement of gallonages, providing for reduced allowances granted to distributors on motor fuel, providing for the computation of motor fuel taxes in situations where blending errors have occurred on gasohol, and making certain provisions retroactive to July 1, 1978.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3868.

Final Vote: Ayes, 15: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 865, a bill for an act to provide for the imposition of a property tax levy for area schools for a cash reserve.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Ramsey, Rush and Taylor Nays, 2; Priebe and Van Gilst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 867, a bill for an act increasing the dollar amount which may be levied for the county agricultural extension education program.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—3866.

Final Vote: Ayes, 13: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey and Van Gilst. Nays, 2: Rush and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 868, a bill for an act relating to the state income and franchise taxes by allowing indexing to occur for subsequent tax years, updating references to the internal revenue code, and making certain provisions of the Act retroactive.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Craft, Readinger, Rodgers, Hester, Holden, Hultman, Husak, Junkins, Lura, Palmer, Priebe, Ramsey, Rush, Taylor and Van Gilst. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 7:40 p.m.

PETITION

The following petition was presented and placed on file by:

Senator Miller of Des Moines from one hundred twenty-one constituents supporting the negotiated salary increase contract between the state of Iowa and its employees.

PRESENTATION OF VISITORS

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

Sixty-five students from St. Lawrence School, Carroll, Iowa, accompanied by Father Bill Schreiber. Senator Hutchins.

Twenty-eight students from Fairview School, Ottumwa, Iowa, accompanied by Wallace Pixley. Senator Yenger.

One hundred twenty students from North Elementary School, Iowa Falls, Iowa. Senator Taylor.

AMENDMENTS FILED

S—3834	H.F.	503	House Amendment
S—3835	S. F.	48	House Amendment
S—3836	S. F.	300	House Amendment
S—3837	S. F.	332	House Amendment
S—3838	S. F.	384	House Amendment
S—3839	S. F.	514	House Amendment
S—3840	S. F.	519	House Amendment
S—3841	S. F.	531	House Amendment
S—3842	S. F.	548	House Amendment
S—3843	S. F.	552	House Amendment
S—3844	S. F.	566	House Amendment
S—3845	S. C.R.	32	Calvin O. Hultman
S—3846	S. F.	576	Edgar H. Holden
S—3847	S. F.	548	John W. Jensen Merlin D. Hulse Arthur L. Gratijs Bob Rush Charles P. Miller
S—3848	S. F.	548	C.W. Bill Hutchins
S—3849	S. F.	576	Calvin O. Hultman
S—3850	S. F.	548	Joe Brown
S—3851	S. F.	548	Joe Brown
S—3852	S. C.R.	32	Calvin O. Hultman
S—3853	S. F.	576	Calvin O. Hultman
S—3854	H.F.	842	Berl E. Priebe Arne Waldstein
S—3855	S. F.	576	Berl E. Priebe James V. Gallagher
S—3856	S. F.	576	Edgar H. Holden
S—3857	H.F.	875	Sue Yenger

S—3858	S. F.	576	Calvin O. Hultman
S—3859	S. F.	576	Richard Comito
S—3860	S. F.	576	Richard Comito William D. Palmer Gary L. Baugher
S—3861	H.F.	868	Bob Carr
S—3862	S. F.	576	Berl E. Priebe James V. Gallagher
S—3863	S. F.	531	C.W. Bill Hutchins
S—3864	S. F.	569	House Amendment
S—3865	H.F.	851	House Amendment
S—3866	H.F.	867	Ways and Means Committee
S—3867	H.F.	841	Ways and Means Committee
S—3868	H.F.	853	Ways and Means Committee

ADJOURNMENT

On motion of Senator Hultman, the Senate adjourned at 7:30 p.m., until 9:00 a.m., Friday, May 22, 1981.

JOURNAL OF THE SENATE

ONE HUNDRED THIRTY-FIRST CALENDAR DAY
EIGHTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, May 22, 1981

The Senate met in regular session at 9:12 a.m., President Branstad presiding.

Prayer was offered by Margene Mayer, House Page from DeWitt, Iowa.

The Journal of Thursday, May 21, 1981, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kudart for the day on request of Senator Hultman and Senator Coleman for the day on request of Senator Junkins.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 20, 1981, adopted the following resolution in which the concurrence of the Senate is asked:

HOUSE CONCURRENT RESOLUTION 35

By: Anderson of Audubon, Corey, Jay, Sullivan, Ritsema,
Dieleman, De Groot, Cook, Van Maanen and Clark of Cerro Gordo

- 1 *Whereas*, alcohol is America's worst drug, causing more
- 2 illness, injury and death than all other drugs combined; and
- 3 *Whereas*, the National Institute on Alcohol Abuse and
- 4 Alcoholism in its 1975 report to Congress estimated the costs
- 5 to the United States of the excessive use of alcohol at
- 6 \$42,750,000,000; and
- 7 *Whereas*, the ignorance of the dangers in the use of
- 8 alcoholic beverages is widespread and there is an urgent
- 9 need to alert our citizens to the dangers and to inform the
- 10 public of these dangers, especially the facts that using
- 11 alcoholic beverages too fast and too much in a short period

12 of time can cause sickness or death, may impair driving
 13 ability, may create dependence or addiction, and during
 14 pregnancy may harm the unborn; and
 15 *Whereas*, efforts in the past have been inadequate to the
 16 educational needs of our people; and
 17 *Whereas*, many warnings on labels of other drugs and
 18 products have been helpful in reducing a multitude of
 19 problems arising out of unwise use of such products and
 20 the warnings on cigarette packages and in advertisements
 21 have produced many beneficial results; and
 22 *Whereas*, a proper concise limited warning on the labels
 23 of alcoholic beverage bottles would perform a very helpful
 24 function in causing people to seek detailed information
 25 about the dangers in the use of alcohol, and in many circum-
 26 stances would be preferable to other forms of government action,
 27 which might be more intrusive or more costly; *Now Therefore*,
 28 *Be It Resolved by the House of Representatives, the*
 29 *Senate Concurring*, That the Iowa General Assembly urges the
 30 Congress of the United States to pass a bill to mandate a

Page 2

1 warning label on all alcoholic beverage bottles sold in
 2 interstate commerce, and that due consideration be given
 3 to a proposed warning with the following text:
 4 **WARNING**
 5 **USING THIS PRODUCT:**
 6 Too fast may cause sickness or death;
 7 May impair driving ability;
 8 May create dependence or addiction; and
 9 During pregnancy may harm the unborn
 10 **LEGAL AGE REQUIRED FOR PURCHASE;**

11 and

12 *Be It Further Resolved*, That copies of this resolution
 13 be forwarded to members of the Iowa congressional delegation,
 14 the Speaker of the United States House of Representatives,
 15 the President of the United States Senate, and to the
 16 chairpersons of the Senate and House Committees to which
 17 such bills may be referred.

This bill was read first time and passed on file.

ALSO: That the House has, on May 21, 1981, adopted the conference committee report and passed Senate File 289, a bill for an act relating to trespass on private property and imposing a penalty.

INTRODUCTION OF BILL

Senate File 577, by Hultman and Junkins, a bill for an act

providing for the selection of state judicial nominating commission members on the basis of judicial districts rather than congressional districts, to take effect July 1 following enactment.

Read first time and referred to the committee on **State Government**.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 851

Senator Yenger called up for consideration House File 851, a bill for an act relating to the funding of state agencies for designated service programs including health programs, substance abuse programs, civil rights, parole services, veterans' services, and programs for minority, elderly, and disadvantaged persons for the fiscal biennium beginning July 1, 1981, and ending June 30, 1983 and providing for fees for certain licensing examinations, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3865 to Senate amendment H—4338 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Yenger moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 851) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Jensen	Junkins
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Coleman	Hutchins	Kinley
Kudart	Van Gilst		

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

HOUSE AMENDMENTS CONSIDERED

Senate File 300

Senator Holden called up for consideration Senate File 300, a bill for an act relating to the powers of banks with respect to the compensation of directors, permissible accounts and related charges, places of doing business, permissible investments, loan charges, contracts for data processing services, and cash reserve requirements, amended by the House, and moved that the Senate concur in House amendment S—3836 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Holden moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 300) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Junkins
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Coleman	Jensen	Kinley
Kudart	Van Gilst		

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

Senate File 332

Senator Schwengels called up for consideration Senate File 332, a bill for an act relating to the office of appellate defender, amended by the House, and moved that the Senate concur in House amendment S—3837 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Schwengels moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 332) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, none.

Absent or not voting, 5:

Bisenius	Coleman	Hultman	Kudart
Murray			

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

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

The Senate resumed session, President Branstad presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 852.

House File 852

On motion of Senator Craft, House File 852, a bill for an act requiring insurance companies to pay premium taxes on a prepayment basis, with report of committee recommending passage, was taken up for consideration.

Senator Craft moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 852) the vote was:

Ayes, 30:

Briles	Brown	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Jensen
Lura	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Schwengels
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Yenger		

Nays, 15:

Anderson	Carr	Deluhery	Doyle
Gallagher	Hutchins	Junkins	Kinley
Miller, A.V.	Miller, C.P.	Rodgers	Rush
Slater	Small	Wells	

Absent or not voting, 5:

Baughner	Bisenius	Coleman	Gentleman
Kudart			

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

Senator Brown took the chair at 10:20 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 519

Senator Ramsey called up for consideration Senate File 519, a bill for an act related to certain regulated or prohibited activities and providing penalties, amended by the House, and moved that the Senate concur to House amendment S—3840 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Ramsey moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 519) the vote was:

Ayes, 36:

Anderson	Briles	Brown	Carney
DeKoster	Deluhery	Doyle	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Jensen	Junkins	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 10:

Baughner	Carr	Comito	Craft
Drake	Hutchins	Kinley	Lura
Miller, A.V.	Miller, C.P.		

Absent or not voting, 4:

Bisenius	Coleman	Gentleman	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 503

Senator Small called up for consideration House File 503, a bill for an act to provide that parties to a judicial review of an administrative agency action may be provided copies of the petition for judicial review by personal service instead of mailing, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3834 to Senate amendment H—3853 filed May 21, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Small moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 503) the vote was:

Ayes, 42:

Baughner	Briles	Brown	Carr
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 8:

Anderson	Bisenius	Carney	Coleman
Comito	Kudart	Lura	Murray

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

President Branstad took the chair at 10:45 a.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Concurrent Resolution 30

On motion of Senator Hultman, Senate Concurrent Resolution 30, a resolution providing for referral of all resolutions establishing interim studies to the Legislative Council, filed May 15, 1981, and found on pages 1701-1702 of the Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of Senate Concurrent Resolution 30, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 514

Senator Ramsey called up for consideration Senate File 514, a bill for an act relating to the operation of a motor vehicle, and providing penalties, amended by the House by House amendment S—3839 filed May 21, 1981.

Senator Rush asked and received unanimous consent that action on **Senate File 514** and House amendment S—3839 be **deferred**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 571, a bill for an act relating to district court officers, employees, and filing fees, and making an appropriation.

ALSO: That the House has on May 22, 1981, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 850, a bill for an act providing appropriations to agencies whose responsibilities relate to transportation, public safety and public defense.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 875.

House File 875

On motion of Senator Murray, House File 875, a bill for an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, making coordinating amendments to the Code, and appropriating funds, with report of committee recommending passage, was taken up for consideration.

Senator Yenger offered amendment S—3857 filed by her on May 21, 1981, to page 16 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3857 be adopted?" (H.F. 875) the vote was:

Ayes, 19:

Anderson	Briles	Brown	Carr
Deluhery	Gallagher	Husak	Hutchins
Junkins	Kinley	Miller, C.P.	Palmer
Priebe	Rodgers	Rush	Slater
Small	Wells	Yenger	

Nays, 26:

Baugher	Carney	Comito	DeKoster
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Jensen	Lura	Miller, A.V.
Murray	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein		

Voting present, 1:

Doyle

Absent or not voting, 4:

Bisenius	Coleman	Craft	Kudart
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Amendment S—3857 lost.

Senator Murray moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 875) the vote was:

Ayes, 42:

Anderson	Briles	Brown	Carney
Carr	Comito	Craft	DeKoster
Deluhery	Doyle	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Wells	Yenger		

Nays, 3:

Dreeszen	Holden	Waldstein
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Absent or not voting, 5:

Baughner	Bisenius	Coleman	Kudart
Miller, A.V.			

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 21, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 873, a bill for an act relating to the maintenance levy for benefited water districts.

This bill was read first time and referred to the committee on **Ways and Means**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 37

By: Yenger

- 1 *Whereas*, chapter 400 of the Code relating to
2 city civil service has not been revised since 1937;
3 and
4 *Whereas*, since that time many changes affecting
5 city personnel administration have occurred with the
6 result being that many cities find chapter 400 too
7 inflexible to meet their needs; *Now Therefore*,
8 *Be It Further Resolved by the Senate, the House Concurring*,
9 That the Legislative Council is requested to appoint
10 an interim subcommittee of the house and senate stand-
11 ing committees on cities to study and recommend
12 revisions in the city civil service law. The study
13 shall examine but is not limited to the following:
14 1. The need for changes in arbitrary city population
15 thresholds for certain classes of employees.
16 2. Ways to enhance the compatibility of city civil
17 service systems with the state merit system.
18 3. Hiring and promotional practices.
19 4. The composition, role and duties of city civil
20 service boards.
21 The subcommittee shall submit a report of its findings
22 including legislative recommendations to the Legis-
23 lative Council and the members of the General Assembly
24 meeting in 1982.

Read first time and referred to the committee on **Rules and Administration**.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 850

Senator Drake called up for consideration House File 850, 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, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3869 to Senate amendment H—4339 filed May 22, 1981.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

BUSINESS PENDING

Senate File 514

The Senate resumed consideration of Senate File 514 and House amendment S—3839, previously deferred.

Senator Carr offered amendment S—3871 filed by him from the floor to page 2 of House amendment S—3839.

Senator Ramsey asked and received unanimous consent that action on amendment S—3871 to House amendment S—3839 be deferred.

Senator Rush offered amendment S—3872 filed by him from the floor to page 2 of House amendment S—3839 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3872 to House amendment S—3839 be adopted?" (S.F. 514) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Anderson	Briles	Brown	Carr
DeKoster	Deluhery	Doyle	Gallagher
Goodwin	Husak	Hutchins	Junkins
Kinley	Miller, C.P.	Palmer	Priebe
Readinger	Rush	Slater	Small
Van Gilst	Wells		

Nays, 24:

Baugher	Carney	Comito	Craft
Drake	Dreeszen	Gentleman	Gratias
Hester	Holden	Hulse	Hultman
Jensen	Lura	Miller, A.V.	Murray
Nystrom	Ramsey	Rodgers	Schwengels
Tieden	Vande Hoef	Waldstein	Yenger

Absent or not voting, 4:

Bisenius

Coleman

Kudart

Taylor

Amendment S—3872 lost.

(Senate File 514, House amendment S—3839 and amendment S—3871 to House amendment S—3839 pending on recess.)

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 850** be immediately messaged to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 572, a bill for an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

RECESS

On motion of Senator Hultman, the Senate recessed at 12:00 noon, until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:05 p.m., President Branstad presiding.

QUORUM CALL

Senator Holden requested a roll call to determine that a quorum was present.

The vote revealed a quorum present.

Senator Husak took the chair at 1:10 p.m.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 38

By: Baugher, DeKoster, Gentleman, Doyle and Deluhery

1 *Whereas*, the state correctional system is suffering
2 from severe problems resulting from prison over-
3 crowding; and
4 *Whereas*, there are many aspects of the criminal
5 justice system which impact upon prison populations
6 including the length of sentences for crimes; manda-
7 tory minimum sentences; the rate of parole, the
8 availability of work-release programs; as well as
9 other factors; and
10 *Whereas*, the problem of prison overcrowding has
11 become acute and is reaching the crisis state; *Now*
12 *Therefore*,
13 *Be It Resolved by the Senate, the House Concurring*,
14 That the Legislative Council is requested to create
15 an interim study committee appointed to study the
16 corrections system in Iowa and to make recommendations
17 for ways to alleviate the overcrowding problems
18 including any Code changes for sentencing, parole
19 board practices, community corrections or for any
20 other pertinent area. The committee shall consist
21 of five members from the house, five members of the
22 senate, and not more than four ex officio nonvoting
23 members who are representatives of the judicial
24 branch; and
25 *Be It Further Resolved*, That the study committee
26 report its findings and recommendations to the
27 Legislative Council and members of the General Assembly
28 meeting in 1982.

Read first time and referred to the committee on **Rules and Administration**.

BUSINESS PENDING

Senate File 514

The Senate resumed consideration of Senate File 514, House amendment S—3839 and amendment S—3871 by Senator Carr to House amendment S—3839, pending on recess.

President Branstad took the chair at 1:25 p.m.

Senator Carr moved the adoption of amendment S—3871 to page 2 of House amendment S—3839.

A non record roll call was requested.

The ayes were 15, nays 30.

Amendment S—3871 lost.

Senator Ramsey moved that the Senate concur in the House amendment, which motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Ramsey moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 514) the vote was:

Ayes, 36:

Baughner	Briles	Brown	Carney
Comito	Craft	DeKoster	Deluhery
Drake	Dreeszen	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Priebe
Ramsey	Readinger	Rodgers	Schwengels
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 9:

Anderson	Carr	Doyle	Gallagher
Junkins	Kinley	Lura	Rush
Slater			

Absent or not voting, 5:

Bisenius	Coleman	Hester	Kudart
Palmer			

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 841.

House File 841

On motion of Senator Holden, House File 841, a bill for an act relating to transactions involving the storage or sale of grain, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Craft offered amendment S—3867 filed by the committee on Ways and Means on May 21, 1981, to pages 1, 5 through 18, 20 through 22, 24 through 28 and to the title page of the bill.

Senator Holden called for a division of amendment S—3867 as follows:

Division S—3867A: Page 1, lines 23 through 25; page 2, lines 37 through 50; page 3, lines 24 through 26; page 5, lines 17 and 18.

Division S—3867B: Page 1, lines 1 through 22 and lines 26 through 50; page 2, lines 1 through 36; page 3, lines 1 through 23 and lines 27 through 50; page 4; page 5, lines 1 through 16 and lines 19 through 21.

Senator Holden moved the adoption of division S—3867A, which motion prevailed by a voice vote.

Senator Van Gilst moved the adoption of division S—3867B.

A non record roll call was requested.

The ayes were 20, nays 27.

Division S—3867B lost.

Senator Van Gilst asked and received unanimous consent that action on **House File 841** be deferred.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House, on May 22, 1981, **insisted on** its amendment to **House File 850**, 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, and that the members of the **Conference Committee** on the part of the House are: The Representative from Clay, Mr. Holt, Chair; the Representative from Mills, Mr. Harbor; the Representative from Winnebago, Mr. Branstad; the Representative from Pottawattamie, Mr. Pavich; and the Representative from Woodbury, Mr. O'Kane.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 850** on the part of the Senate: Senators Drake, Chairperson; Schwengels, Nystrom, Husak and Small.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 21, 1981, amended and passed the following bill in which the concurrence of the House as asked:

Senate File 555, a bill for an act relating to the inheritance tax by reducing the time period for filing and paying the tax, providing exemptions allowed for a surviving spouse and providing for payment by the transfer of property.

INTRODUCTION OF RESOLUTION

SENATE RESOLUTION 20

By: Yenger

- 1 *Be It Resolved by the Senate*, That the president
- 2 of the senate shall appoint a special committee
- 3 composed of members of the senate standing committee
- 4 on human resources and members of the social services
- 5 appropriations subcommittee to conduct an interim
- 6 study of the feasibility of a comprehensive workfare
- 7 program for all persons classified under social services
- 8 as recipients of aid to families with dependent
- 9 children or mandatory work and training program
- 10 recipients. The committee should work with the Iowa
- 11 department of job service to develop a plan to be
- 12 administered by the work and training program to
- 13 include a twenty-hour mandatory meaningful work
- 14 requirement with a twenty-hour intensive job training
- 15 program emphasizing job seeking skills.

Read first time and referred to the committee on **Rules and Administration.**

HOUSE AMENDMENT CONSIDERED

Senate File 572

Senator Gentleman called up for consideration Senate File 572, a bill for an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—3877 filed May 22, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gentleman moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 572) the vote was:

Ayes, 40:

Anderson	Baughner	Briles	Brown
Carney	Craft	DeKoster	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Kinley	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rush
Schwengels	Slater	Small	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, 3:

Carr	Junkins	Tieden
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Absent or not voting, 7:

Bisenius	Coleman	Comito	Kudart
Lura	Rodgers	Taylor	

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 868.

House File 868

On motion of Senator Lura, House File 868, a bill for an act relating to the state income and franchise taxes by allowing indexing to occur for subsequent tax years, updating references to the internal revenue code, and making certain provisions of the Act retroactive, with report of committee recommending passage, was taken up for consideration.

Senator Hultman asked and received unanimous consent that action on **House File 868** be deferred.

UNFINISHED BUSINESS
(Deferred May 19, 1981)

House File 842

The Senate resumed consideration of House File 842, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax, deferred on May 19, 1981.

Senator Priebe offered amendment S—3854 filed by Senators Priebe and Waldstein on May 21, 1981, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 32, nays 4.

Amendment S—3854 was adopted.

Senator Priebe withdrew the following amendments filed by him to page 1 of the bill:

Amendment S—3806 filed on May 19, 1981.

Amendment S—3818 filed on May 20, 1981.

Amendment S—3875 filed from the floor.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 842) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Waldstein
Wells	Yenger		

Nays, 1:

Van Gilst

Absent or not voting, 3:

Bisenius Coleman Kudart

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

WITHDRAWN

Senator Hester asked and received unanimous consent that **Senate File 547** be withdrawn from further consideration of the Senate.

Senator Taylor asked and received unanimous consent that **Senate File 401** be withdrawn from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **House File 842** be immediately messaged to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 865.

House File 865

On motion of Senator Hester, House File 865, a bill for an act to provide for the imposition of a property tax levy for area schools for a cash reserve, with report of committee recommending passage, was taken up for consideration.

Senator Carney took the chair at 3:15 p.m.

Senator Hester moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 865) the vote was:

Ayes, 31:

Anderson	Baughner	Briles	Brown
Carney	Comito	DeKoster	Deluhery
Doyle	Drake	Goodwin	Gratias
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rush	Schwengels
Small	Taylor	Wells	

Nays, 14:

Carr	Craft	Dreeszen	Gallagher
Gentleman	Hester	Holden	Hulse
Miller, C.P.	Rodgers	Tieden	Vande Hoef
Van Gilst	Waldstein		

Absent or not voting, 5:

Bisenius	Coleman	Kudart	Slater
Yenger			

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

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

The Senate resumed session, Senator Carney presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 864, a bill for an act relating to the regulation of nonpublic water wells by the department of health.

This bill was read first time and referred to the committee on **Natural Resources**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration House File 867.

House File 867

On motion of Senator Taylor, House File 867, a bill for an act to increase the dollar amount which may be levied for the county agricultural extension education program, with report of committee recommending amendment and passage, was taken up for consideration.

President Branstad took the chair at 4:05 p.m.

Senator Craft offered amendment S—3866 filed by the committee on Ways and Means on May 21, 1981, to page 1 of the bill.

Senator Lura rose on a point of information to question if amendment S—3866 was adopted, would House File 867 be out of order because the same subject matter had previously been considered by the Senate in another bill.

The Chair advised that Section 159 of Mason's Manual of Legislative Procedure states that the precise same subject cannot be considered twice by the same house during a general assembly, but he would not rule at this time because Senator Lura's question

was only a point of information and not a point of order.

Senator Craft moved the adoption of amendment S—3866.

A record roll call was requested.

On the question “Shall amendment S—3866 be adopted?” (H.F. 867) the vote was:

Ayes, 7:

Gentleman	Kinley	Palmer	Ramsey
Readinger	Rush	Slater	

Nays, 39:

Anderson	Baughner	Briles	Brown
Carney	Carr	Craft	DeKoster
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Priebe	Rodgers	Schwengels	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Absent or not voting, 4:

Bisenius	Coleman	Comito	Kudart
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Amendment S—3866 lost.

Senator Taylor moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 867) the vote was:

Ayes, 40:

Anderson	Briles	Brown	Carney
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Nystrom	Palmer	Priebe
Ramsey	Readinger	Rodgers	Schwengels

Small
Van Gilst

Taylor
Waldstein

Tieden
Wells

Vande Hoef
Yenger

Nays, 5:

Carr
Slater

Gentleman

Holden

Rush

Absent or not voting, 5:

Baughner
Kudart

Bisenius

Coleman

Comito

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

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, concurred in Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 849, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services.

ALSO: That the House has on May 22, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 876, a bill for an act establishing the dates for the submission and process of legislative redistricting and reprecincting.

This bill was read first time and referred to the committee on **State Government**.

HOUSE AMENDMENT CONSIDERED

Senate File 555

Senator Craft called up for consideration Senate File 555, a bill for an act relating to the inheritance tax by reducing the time period for filing and paying the tax, by increasing the individual exemptions allowed for a surviving spouse, son, daughter, father,

mother, and other lineal descendants, by increasing the size of the estate under which no tax is owed, providing for payment by the transfer of property and providing a January 1 effective date for some provisions, amended by the House by House amendment S—3880 filed May 22, 1981.

Senator Craft offered amendment S—3883 filed by him from the floor to House amendment S—3880 and moved its adoption.

Amendment S—3883 was adopted by a voice vote.

Senator Craft offered amendment S—3888 filed by him from the floor to House amendment S—3880 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—3888 to House amendment S—3880 be adopted?” (S.F. 555) the vote was:

Ayes, 29:

Baugher	Carney	Craft	DeKoster
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Hutchins	Jensen
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Readinger	Rodgers	Slater
Tieden	Vande Hoef	Van Gilst	Waldstein
Yenger			

Nays, 13:

Anderson	Brown	Carr	Deluhery
Doyle	Husak	Kinley	Palmer
Priebe	Rush	Small	Taylor
Wells			

Absent or not voting, 8:

Bisenius	Briles	Coleman	Comito
Junkins	Kudart	Ramsey	Schwengels

Amendment S—3888 was adopted.

Senator Craft moved that the Senate concur in House amendment S—3880 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Craft moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 555) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Carr	Craft	Deluhery
Doyle	Drake	Dreeszen	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Hutchins	Jensen	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Readinger
Rodgers	Rush	Schwengels	Slater
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, 2:

DeKoster	Small
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Absent or not voting, 5:

Bisenius	Coleman	Comito	Kudart
Ramsey			

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

INTRODUCTION OF BILL

Senate File 578, by Holden, a bill for an act authorizing certain special charter cities to adopt by election a nonpartisan form of city election.

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 575, a bill for an act providing appropriations for capital projects including making appropriations to the board of regents for deficiencies in revenue.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that **Senate File 555** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 569

Senator Murray called up for consideration Senate File 569, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa, amended by the House by House amendment S—3864, filed May 21, 1981.

Senator Rush withdrew amendment S—3882 filed by him from the floor to House amendment S—3864.

Senator Rush offered amendment S—3885 filed by him from the floor to House amendment S—3864 and moved its adoption.

Amendment S—3885 was adopted by a voice vote.

Senator Murray moved that the Senate concur in House amendment S—3864 as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Murray moved that the bill as amended by the House, further amended and concurred in by the Senate be read the last time now, which motion prevailed and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 569) the vote was:

Ayes, 47:

Anderson

Baughner

Briles

Brown

Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Bisenius	Coleman	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that **Senate File 569** be immediately messaged to the House.

BUSINESS PENDING

House File 841

The Senate resumed consideration of House File 841, previously deferred.

Senator Van Gilst offered amendment S—3884 filed by Senators Van Gilst, Hutchins and Holden from the floor to pages 6, 25, 28 and the title page of the bill.

Amendment S—3884 was adopted by a voice vote.

Senator Holden filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S—3867A to Senate File 841 was adopted by the Senate on May 22, 1981.

The motion prevailed by a voice vote and division S—3867A by Senator Holden, was taken up for reconsideration.

Senator Holden called for a further division of division S—3867A as follows:

Division S—3867A: Page 1, lines 23 through 25; page 2, lines 38 through 50; page 3, lines 24 through 26; page 5, lines 17 and 18.

Division S—3867C: Page 2, line 37.

Senator Holden moved the adoption of division S—3867A, which motion prevailed by a voice vote.

Senator Holden withdrew division S—3867C.

Senator Taylor withdrew amendment S—3873 filed by him from the floor to page 11 of the bill.

Senator Taylor withdrew amendment S—3874 filed by him from the floor to page 22 of the bill.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 841) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, 1:

Tieden

Absent or not voting, 3:

Bisenius	Comito	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that **House File 841** be immediately messaged to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, amended and adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 35, a resolution approving the state board of regents proposed ten-year building program, including the maximum amount of bonds.

HOUSE AMENDMENT CONSIDERED

Senate File 571

Senator Schwengels called up for consideration Senate File 571, a bill for an act relating to district court officers, employees, and filing fees, and making an appropriation, amended by the House by House amendment S—3870 filed May 22, 1981.

Senator Rush offered amendment S—3876 filed by him from the floor to House amendment S—3870 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3876 to House amendment S—3870 be adopted?" (S.F. 571) the vote was:

Ayes, 22:

Anderson	Baughner	Brown	Carr
Coleman	Doyle	Gallagher	Husak
Hutchins	Kinley	Miller, A.V.	Miller, C.P.
Palmer	Priebe	Ramsey	Rodgers
Rush	Slater	Small	Taylor
Waldstein	Wells		

Nays, 25:

Briles	Carney	Craft	DeKoster
Deluhery	Drake	Dreeszen	Gentleman
Goodwin	Gratias	Hester	Holden

Hulse	Hultman	Jensen	Junkins
Lura	Murray	Nystrom	Readinger
Schwengels	Tieden	Vande Hoef	Van Gilst
Yenger			

Absent or not voting, 3:

Bisenius	Comito	Kudart
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Amendment S—3876 lost.

Senator Schwengels moved that the Senate concur in House amendment S—3870, which motion prevailed by a voice vote.

Senator Schwengels moved that the bill as amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 571) the vote was:

Ayes, 35:

Anderson	Briles	Carney	Coleman
Comito	DeKoster	Deluhery	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Lura	Miller, A.V.	Murray	Nystrom
Priebe	Readinger	Rodgers	Schwengels
Small	Reader	Tieden	Vande Hoef
Van Gilst	Wells	Yenger	

Nays, 12:

Brown	Carr	Craft	Doyle
Drake	Kinley	Miller, C.P.	Palmer
Ramsey	Rush	Slater	Waldstein

Absent or not voting, 3:

Baughner	Bisenius	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: May 22, 1981, 3:50 p.m.

Members Present: Nystrom, Chairperson; Lura, Vice Chairperson; Slater, Ranking Member; Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden.

Members Absent: none.

Final Bill Action: Senate File 568, a bill for an act relating to the regulation of boxing or wrestling matches and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Nystrom, Slater, Briles, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer and Schwengels. Nays, 3: Lura, Carr and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: Senate File 577, a bill for an act providing for the selection of state judicial nominating commission members on the basis of judicial districts rather than congressional districts, to take effect July 1 following enactment.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-3886.

Final Vote: Ayes, 14: Nystrom, Slater, Lura, Briles, Carr, Craft, Drake, Gallagher, Gentleman, Hutchins, C. Miller, Palmer, Schwengels and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 4:00 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 577.

Senate File 577

On the motion to Senator Nystrom, Senate File 577, a bill for an act providing for the selection of state judicial nominating commission members on the basis of judicial districts rather than congressional districts, to take effect July 1 following enactment, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Nystrom offered amendment S—3886 filed by the committee on State Government from the floor to page 1 of the bill and moved its adoption.

Amendment S—3886 was adopted by a voice vote.

Senator Taylor took the chair at 6:05 p.m.

Senator Rush offered amendment S—3878 filed by Senators Rush, Hultman and Junkins from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S—3878 was adopted by a voice vote.

Senator Nystrom moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 577) the vote was:

Ayes, 45:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Hulse
Husak	Hutchins	Jensen	Kinley
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

Holden

Absent or not voting, 4:

Bisenius	Hultman	Junkins	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Murray asked and received unanimous consent that Senate File 577 be immediately messaged to the House.

HOUSE AMENDMENTS CONSIDERED

Senate Concurrent Resolution 35

Senator Carney called up for consideration Senate Concurrent Resolution 35, a resolution allowing the board of regents to bond, amended by the House, and moved that the Senate concur in House amendment S—3891 filed May 22, 1981.

A non record roll call was requested.

The ayes were 31, nays 15.

The motion prevailed and the Senate concurred in the House amendment.

Senator Carney moved the adoption of Senate Concurrent Resolution 35 as amended by the House and concurred in by the Senate.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.C.R. 35) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Anderson	Brown	Carney	DeKoster
Deluhery	Drake	Goodwin	Gratias
Hester	Hulse	Husak	Hutchins
Jensen	Miller, A.V.	Murray	Nystrom
Palmer	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Wells		

Nays, 19:

Baughner	Carr	Coleman	Cornito
Craft	Doyle	Dreeszen	Gallagher
Gentleman	Holden	Kinley	Lura
Miller, C.P.	Priebe	Ramsey	Readinger
Rodgers	Waldstein	Yenger	

Absent or not voting, 5:

Bisenius	Briles	Hultman	Junkins
Kudart			

The resolution having received a constitutional majority was declared to have been adopted by the Senate.

Senate File 575

Senator Carney called up for consideration Senate File 575, a bill for an act relating to appropriations for capital projects including making appropriations to the state board of regents for deficiencies in revenue and striking appropriations for planning and completion of certain construction projects, amended by the House, and moved that the Senate concur in House amendment S—3890 filed May 22, 1981.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Carney moved that the bill as amended by the House, concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 575) the vote was:

Ayes, 36:

Briles	Brown	Carney	Carr
Craft	DeKoster	Deluhery	Doyle
Drake	Gallagher	Gentleman	Goodwin
Gratias	Hester	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Van Gilst	Wells	Yenger

Nays, 12:

Anderson	Baughner	Coleman	Comito
Dreeszen	Holden	Kinley	Lura
Miller, C.P.	Ramsey	Vande Hoef	Waldstein

Absent or not voting, 2:

Bisenius	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 878, a bill for an act to reform the schedule of assessment, levy, and collection of taxes by a special charter city to the schedule of assessment, levy, and collection of taxes of all other political subdivisions of the state.

This bill was read first time and referred to the committee on **Ways and Means**.

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 39

By: Carr and Hultman

1 *Whereas*, approximately seventy-five percent of the
2 existing school districts in this state have an
3 average daily attendance of less than one thousand,
4 and since the system of funding schools is closely
5 related to enrollments, the financial capability of
6 these school districts is severely limited; and
7 *Whereas*, statistics show that these smaller
8 districts spend a smaller portion of their revenues
9 on instructional costs, require higher per pupil
10 financing from the state's general fund, and devote
11 more of their overall budget to administrative costs
12 in comparison to larger districts; and
13 *Whereas*, the governor's economy committee's pro-
14 jections indicate that consolidation of administrative
15 functions would allow the elimination of approximately
16 one thousand administrative positions for a savings of
17 eight point eight million dollars in state and almost
18 eight point two million dollars in local funds; and
19 *Whereas*, consolidation of administrative functions
20 would permit local school districts to attain maximum
21 educational returns from available tax dollars; and
22 *Whereas*, the cost effectiveness of these small school
23 districts would be improved if centralized administrative
24 units were created to reduce expenditures in non-

25 instructional areas; *Now Therefore,*
 26 *Be It Resolved by the Senate, the House Concurring,*
 27 That the department of public instruction is directed
 28 to consolidate currently independent administrative
 29 functions of school districts into approximately one
 30 hundred twenty offices in relative parity with the

Page 2

1 present county structure; and
 2 *Be It Further Resolved,* That existing boards of
 3 school districts should be maintained and repre-
 4 sentatives from each district be selected to serve
 5 on the consolidated administrative district board;
 6 and
 7 *Be It Further Resolved,* That the Legislative Council
 8 is directed to appoint a reorganization committee to
 9 coordinate efforts of local organizations working to
 10 develop viable administrative consolidation plans.
 11 The reorganization committee would be responsible
 12 for formulating guidelines, presenting the proposed
 13 program to the General Assembly for its review and
 14 coordinating statewide implementation efforts.

Read first time and passed on file.

President Branstad took the chair at 6:30 p.m.

**HOUSE AMENDMENT TO
 SENATE AMENDMENT CONSIDERED**

House File 849

Senator Baugher called up for consideration House File 849, a bill for an act relating to the administration and financing of correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, relating to capital improvements and expenditures for designated institutions under the department of social services, creating a temporary advisory commission on appropriate uses for the women's correctional and juvenile state institutions, and relating to the closing of certain juvenile and correctional institutions, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3887 to Senate amendment H—4346 filed May 22, 1981.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 849) the vote was:

Ayes, 36:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Doyle	Drake	Gallagher
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Husak
Jensen	Kinley	Lura	Miller, C.P.
Murray	Nystrom	Priebe	Ramsey
Readinger	Rodgers	Schwengels	Slater
Small	Taylor	Tieden	Yenger

Nays, 10:

Coleman	Deluhery	Dreeszen	Hutchins
Palmer	Rush	Vande Hoef	Van Gilst
Waldstein	Wells		

Absent or not voting, 4:

Bisenius	Junkins	Kudart	Miller, A.V.
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The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Baughner moved that the bill as amended by the Senate, further amended by the House, and concurred in by the Senate be read the last time now, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 849) the vote was:

Ayes, 35:

Baughner	Briles	Carney	Carr
Coleman	Comito	Craft	DeKoster
Doyle	Drake	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Priebe	Ramsey	Readinger
Schwengels	Slater	Small	Taylor
Tieden	Waldstein	Yenger	

Nays, 13:

Anderson	Brown	Deluhery	Dreeszen
Junkins	Kinley	Lura	Palmer

Rodgers
Wells

Rush

Vande Hoef

Van Gilst

Absent or not voting, 2:

Bisenius

Kudart

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

BUSINESS PENDING

House File 868

The Senate resumed consideration of House File 868, previously deferred.

Senator Carr withdrew amendment S—3861 filed by him on May 21, 1981, to pages 2 through 4 of the bill.

Senator Small offered amendment S—3879 filed by him from the floor to pages 2 and 3 of the bill.

Senator Holden raised the point of order that amendment S—3879 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—3879 in order.

Senator Small moved the adoption of amendment S—3879.

A record roll call was requested.

On the question "Shall amendment S—3879 be adopted?" (H.F. 868) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Anderson
Deluhery
Hutchins
Miller, C.P.
Rush
Wells

Brown
Doyle
Junkins
Palmer
Slater

Carr
Gallagher
Kinley
Priebe
Small

Coleman
Husak
Miller, A.V.
Rodgers
Van Gilst

Nays, 27:

Baughner

Briles

Carney

Comito

Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Lura	Murray	Nystrom	Ramsey
Readinger	Schwengels	Taylor	Tieden
Vande Hoef	Waldstein	Yenger	

Absent or not voting, 2:

Bisenius Kudart

Amendment S—3879 lost.

Senator Carr offered amendment S—3889 filed by him from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—3889 be adopted?" (H.F. 868) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Anderson	Brown	Carr	Coleman
Deluhery	Doyle	Gallagher	Husak
Hutchins	Junkins	Kinley	Miller, A.V.
Miller, C.P.	Palmer	Priebe	Rodgers
Rush	Slater	Small	Van Gilst
Wells			

Nays, 26:

Baughner	Briles	Carney	Comito
Craft	DeKoster	Drake	Dreeszen
Gentleman	Goodwin	Gratias	Hester
Holden	Hulse	Hultman	Jensen
Lura	Nystrom	Ramsey	Readinger
Schwengels	Taylor	Tieden	Vande Hoef
Waldstein	Yenger		

Absent or not voting, 3:

Bisenius Kudart Murray

Amendment S—3889 lost.

Senator Small asked and received unanimous consent that further action on **House File 868** be **deferred**.

SENATE RECEDES

House File 767

Senator Ramsey called up for consideration House File 767, a bill for an act relating to the satisfaction of debts owed to the holders of mechanic's liens, and providing that the lien of a subcontractor is not enforceable against an owner-occupied dwelling except to the extent of the amount owed to the principal contractor at the time the subcontractor serves a written notice of the claim on the owner, and providing that a subcontractor may be awarded exemplary damages from the principal contractor, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate **receded from** its amendment.

Senator Ramsey moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 767) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells		

Nays, 1:

Miller, C.P.

Absent or not voting, 3:

Bisenius	Kudart	Yenger
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 22, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 576, a bill for an act relating to the state cigarette and little cigar tax by increasing the rate of tax for a two-year period.

HOUSE AMENDMENT CONSIDERED

Senate File 576

Senator Craft called up for consideration Senate File 576, a bill for an act relating to the state cigarette and little cigar tax by increasing the rate of tax for a two-year period, amended by the House, and moved that the Senate concur in House amendment S—3894 filed May 22, 1981.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 576) the vote was:

Ayes, 13:

Carr	DeKoster	Hester	Hulse
Husak	Junkins	Nystrom	Rodgers
Schwengels	Tieden	Vande Hoef	Van Gilst
Yenger			

Nays, 34:

Anderson	Baughner	Briles	Brown
Carney	Coleman	Comito	Craft
Deluhery	Doyle	Drake	Dreeszen
Gallagher	Gentleman	Goodwin	Gratias
Holden	Hultman	Hutchins	Jensen
Kinley	Lura	Miller, A.V.	Miller, C.P.
Murray	Palmer	Priebe	Ramsey

Readerger	Rush	Small	Taylor
Waldstein	Wells		

Absent or not voting, 3:

Bisenius	Kudart	Slater
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The motion lost and the Senate **refused to concur** in the House amendment.

BUSINESS PENDING

House File 868

The Senate resumed consideration of House File 868, previously deferred.

Senator Lura offered amendment S—3895 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—3895 was adopted by a voice vote.

Senator Lura moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 868) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readerger
Rodgers	Rush	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Bisenius	Kudart	Schwengels	Slater
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Hultman asked and received unanimous consent that **House File 868** be **immediately messaged** to the House.

REPORT OF COMMITTEE

TRANSPORTATION

Final Bill Action: House File 872, a bill for an act to delay six months from July 1, 1981 to January 1, 1982 the requirement for successful completion of a motorcycle education course or a motorized bicycle education course prior to the issuance of certain motor vehicle operators' licenses.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Drake, Jensen, Comito, Doyle, Hutchins, A. Miller, Murray and Nystrom. Nays, none. Absent or not voting, 2: Coleman and Bisenius.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration House File 872.

House File 872

On motion of Senator Drake, House File 872, a bill for an act to delay for six months from July 1, 1981 to January 1, 1982 the requirement for successful completion of a motorcycle education course or a motorized bicycle education course prior to the issuance of certain motor vehicle operator's licenses, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 872) the vote was:

Ayes, 45:

Anderson
Carney

Baughner
Carr

Briles
Comito

Brown
Craft

DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Goodwin	Gratias
Hester	Holden	Hulse	Hultman
Husak	Hutchins	Junkins	Kinley
Lura	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Taylor	Tieden
Vande Hoef	Van Gilst	Waldstein	Wells
Yenger			

Nays, 1:

Gentleman

Absent or not voting, 4:

Bisenius	Coleman	Jensen	Kudart
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

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

The Senate resumed session, President Branstad presiding.

QUORUM CALL

Senator Hultman requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 566)

A conference committee report signed by the following Senate and House members was filed on May 22, 1981, on Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983:

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
ARNE WALDSTEIN, Chairperson	HAROLD VAN MAANEN, Chairperson

JOE BROWN
 JOHN S. MURRAY
 TOM SLATER
 RICHARD VANDE HOEF

ROBERT C. ARNOULD
 REID W. CRAWFORD
 THOMAS J. JOCHUM
 JO ANN TRUCANO

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 566

Senator Waldstein called up the conference committee report on Senate File 566, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, filed May 22, 1981, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Waldstein moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 566) the vote was:

Ayes, 47:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Dreeszen	Gallagher	Gentleman
Goodwin	Gratias	Hester	Holden
Hulse	Hultman	Husak	Hutchins
Jensen	Junkins	Kinley	Lura
Miller, A.V.	Murray	Nystrom	Palmer
Priebe	Ramsey	Readinger	Rodgers
Rush	Schwengels	Slater	Small
Taylor	Tieden	Vande Hoef	Van Gilst
Waldstein	Wells	Yenger	

Nays, none.

Absent or not voting, 3:

Bisenius	Kudart	Miller, C.P.
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: May 22, 1981, 8:00 p.m.

Members Present: Craft, Chairperson; Readinger, Vice Chairperson; Rodgers, Ranking Member; Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst.

Members Absent: Hultman, Junkins and Rush.

Final Bill Action: Senate File 579, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 846, a bill for an act relating to regulatory activities of the department of insurance and the fees payable by persons subject to such regulation.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Craft, Readinger, Rodgers, Hester, Holden, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, 1: Husak. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 873, a bill for an act relating to the maintenance levy for benefited water districts.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ALSO:

Final Bill Action: House File 878, a bill for an act to reform the schedule of assessment, levy, and collection of taxes by a special charter city to the schedule of assessment, levy, and collection of taxes of all other political subdivisions of the state.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Craft, Readinger, Rodgers, Hester, Holden, Husak, Lura, Palmer, Priebe, Ramsey, Taylor and Van Gilst. Nays, none. Absent or not voting, 3: Hultman, Junkins and Rush.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

Adjourned: 8:20 p.m.

CONSIDERATION OF BILLS

Senator Hultman asked and received unanimous consent to take up for consideration House File 878.

House File 878

On motion of Senator Holden, House File 878, a bill for an act to reform the schedule of assessment, levy, and collection of taxes by a special charter city to the schedule of assessment, levy, and collection of taxes of all other political subdivisions of the state, with report of committee recommending passage, was taken up for consideration.

Senator Holden moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 878) the vote was:

Ayes, 44:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake

Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Lura
Miller, A.V.	Miller, C.P.	Murray	Nystrom
Palmer	Priebe	Ramsey	Readinger
Rodgers	Rush	Schwengels	Slater
Small	Taylor	Tieden	Vande Hoef
Van Gilst	Waldstein	Wells	Yenger

Nays, none.

Absent or not voting, 6:

Bisenius	Coleman	Jensen	Junkins
Kinley	Kudart		

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

Senator Hultman asked and received unanimous consent to take up for consideration House File 873.

House File 873

On motion of Senator Readinger, House File 873, a bill for an act relating to the maintenance levy for benefited water districts, with report of committee recommending passage, was taken up for consideration.

Senator Readinger moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 873) the vote was:

Ayes, 46:

Anderson	Baughner	Briles	Brown
Carney	Carr	Comito	Craft
DeKoster	Deluhery	Doyle	Drake
Dreeszen	Gallagher	Gentleman	Goodwin
Gratias	Hester	Holden	Hulse
Hultman	Husak	Hutchins	Jensen
Junkins	Kinley	Lura	Miller, A.V.
Miller, C.P.	Murray	Nystrom	Palmer
Ramsey	Readinger	Rodgers	Rush
Schwengels	Slater	Small	Taylor
Tieden	Vande Hoef	Van Gilst	Waldstein
Wells	Yenger		

Nays, none.

Absent or not voting, 4:

Bisenius

Coleman

Kudart

Priebe

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

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

May 22, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Mackay:

A request has been made by the Senate Majority Leader Calvin Hultman and the Senate Minority Leader, Lowell Junkins for the withdrawal of the name of Forrest J. Mitchell from consideration for confirmation as a member of the State Judicial Nominating Commission.

This request has been made because of the need to clarify the Section of the Code which dictates the number of members on the State Judicial Nominating Commission. In order to allow for the change in the law and the confirmation of Mr. Mitchell during the next General Assembly, for the time being, I am requesting Mr. Mitchell's name be withdrawn from active consideration.

Sincerely,
ROBERT D. RAY
Governor

INTRODUCTION OF RESOLUTION

SENATE CONCURRENT RESOLUTION 40

By: Yenger

- 1 *Whereas*, the allowable emission standards for sulfur
- 2 dioxide of the Iowa Department of Environmental Quality
- 3 and the United States Environmental Protection Agency
- 4 for coal burning facilities are different in eighty-nine
- 5 counties in Iowa; and
- 6 *Whereas*, this difference creates confusion and
- 7 apprehension among industries and utilities which are

8 considering locating or expanding in Iowa or increasing
 9 their use of Iowa coal; and
 10 *Whereas*, the Iowa Department of Environmental Quality
 11 and the United States Environmental Protection Agency
 12 are now cooperating to develop a new modeling procedure
 13 to propose new allowable emission standards for sulfur
 14 dioxide; *Now Therefore*,
 15 *Be It Resolved by the Senate, the House of Representatives*
 16 *Concurring*, That the Legislative Council is requested to
 17 authorize an interim subcommittee composed of the
 18 members of the House and Senate Standing Committees on
 19 Energy to examine possible interim solutions to the dual
 20 standards problem until the modeling studies are complete
 21 which would alleviate the current confusion and apprehension
 22 of utilities and industries including the Iowa coal
 23 industry and to examine the possibility of requiring the
 24 approval by the general assembly of any changes in the
 25 current standards. The subcommittee shall submit a report
 26 of its findings including legislative recommendations to the
 27 Legislative Council and members of the general assembly
 28 meeting in 1982.

Read first time and referred to the committee on Rules and Administration.

INTRODUCTION OF BILL

Senate File 579, by Committee on Ways and Means, a bill for an act authorizing the issuance of industrial revenue bonds under chapter 419 for certain portable equipment used for pollution control.

Read first time and placed on calendar.

MOTION TO RECONSIDER WITHDRAWN

Senator Hultman withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused to concur in House amendment S—3894 to Senate File 576 on May 22, 1981.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that Senate File 576 be immediately messaged to the House.

CONSIDERATION OF BILL

Senator Hultman asked and received unanimous consent to take up for consideration Senate File 568.

Senate File 568

On motion of Senator Lura, Senate File 568, a bill for an act relating to the regulation of boxing or wrestling matches and providing a penalty, with report of committee recommending passage, was taken up for consideration.

President pro tempore Ramsey took the chair at 8:45 p.m.

Senator Anderson offered amendment S—3893 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 30.

Amendment S—3893 lost.

Senator Miller of Des Moines offered amendment S—3896 filed by him from the floor to page 1 of the bill and called for a division of the amendment: lines 2 and 3 as division S—3896A; lines 4 through 7 as division S—3896B.

Senator Miller of Des Moines withdrew division S—3896B.

President Branstad took the chair at 9:05 p.m.

Senator Hultman asked and received unanimous consent that action on **Senate File 568** and division S—3896A be **deferred**.

CONSIDERATION OF RESOLUTION

Senate Resolution 18

On motion of Senator Hultman, Senate Resolution 18, a resolution establishing the Senate budget for the fiscal year beginning July 1, 1981 and ending June 30, 1982, filed May 15, 1981, and found on pages 1700-1701 of the Senate Journal, was taken up for consideration.

Senator Hultman moved the adoption of Senate Resolution 18, which motion prevailed by a voice vote.

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

The Senate resumed session, President Branstad presiding.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 850)

A conference committee report signed by the following Senate and House members was filed on May 22, 1981, on House File 850, 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:

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
RICHARD F. DRAKE, Chairperson	LEE HOLT, Chairperson
EMIL J. HUSAK	CLIFFORD BRANSTAD
JOHN N. NYSTROM	WILLIAM H. HARBOR
FORREST V. SCHWENGELS	JAMES D. O'KANE
ARTHUR A. SMALL, JR.	EMIL S. PAVICH

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, on May 22, 1981, adopted the conference committee report and passed House File 850, 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.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 850

Senator Drake called up the conference committee report on House File 850, 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, filed on May 22, 1981, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendation and amendments contained therein was adopted.

Senator Drake moved that the bill be read the last time now, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 850) the vote was:

Ayes, 43:

Anderson	Baughner	Briles	Brown
Carney	Carr	Coleman	Comito
Craft	DeKoster	Deluhery	Doyle
Drake	Gallagher	Gentleman	Goodwin
Gratias	Holden	Hulse	Hultman
Husak	Hutchins	Jensen	Junkins
Kinley	Miller, A.V.	Miller, C.P.	Murray
Nystrom	Palmer	Priebe	Ramsey
Readinger	Rodgers	Rush	Schwengels
Slater	Small	Tieden	Van Gilst
Waldstein	Wells	Yenger	

Nays, 4:

Dreeszen	Hester	Lura	Vande Hoef
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Absent or not voting, 3:

Bisenius	Kudart	Taylor
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

MOTION TO RECONSIDER WITHDRAWN

Senator Junkins withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 566 passed the Senate on May 22, 1981.

IMMEDIATELY MESSAGED

Senator Hultman asked and received unanimous consent that Senate File 566 be immediately messaged to the House.

REPORT OF COMMITTEE

RULES AND ADMINISTRATION

Final Bill Action: Senate Concurrent Resolution 41, a resolution regarding adjournment of the 1981 regular session of the 69th General Assembly.

Recommendation. DO PASS.

Final Vote: Ayes, 6: Hultman, Hulse, Holden, Junkins, Kinley and Ramsey. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 16.

ADOPTION OF RESOLUTION

Senator Hultman asked and received unanimous consent to take up the following resolution:

SENATE CONCURRENT RESOLUTION 41

By: Hultman and Junkins

- 1 *Be It Resolved by the Senate, the House of*
- 2 *Representatives Concurring,* That when adjournment is
- 3 had on Friday, May 22, 1981, it be the final adjourn-
- 4 ment of the 1981 Regular Session of the Sixty-ninth
- 5 General Assembly.

Senator Hultman moved the adoption of the resolution, which motion prevailed by a voice vote.

APPENDIX

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 22, 1981, when the vote was taken on Senate File 519 and House File 852.

Had I been present, I would have voted "nay" on both bills.

JULIA GENTLEMAN

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 21 and May 22, 1981, when the votes were taken on the following bills.

Had I been present, I would have voted "aye" on Senate File 384 and amendment S—3872 to Senate File 514.

RAY TAYLOR

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 22, 1981, when the votes were taken on Senate File 577 and Senate Concurrent Resolution 35.

Had I been present, I would have voted "aye".

LOWELL L. JUNKINS

BILLS ASSIGNED TO COMMITTEE

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

S. C.R.	36	Rules and Administration
S. C.R.	39	Rules and Administration
S. F.	578	Cities
H.C.R.	35	Rules and Administration

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 22nd day of May, 1981:

Senate Files 466 and 506.

LINDA HOWARTH MACKAY
Secretary of the Senate

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 519 passed the Senate on May 22, 1981.

CALVIN O. HULTMAN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 519 passed the Senate on May 22, 1981.

LOWELL L. JUNKINS

SUBCOMMITTEE ASSIGNMENTS

Senate File 577

State Government
Nystrom, Chairperson
Craft
Slater

House File 864

Natural Resources
Schwengels, Chairperson
Tieden
Van Gilst

COMMUNICATION

The following communication has been received and placed on file in the office of the Secretary of the Senate:

DEPARTMENT OF REVENUE

A copy of the Department's 1979 Individual Income Tax Annual Statistical Report reflecting data obtained from the 1.6 million tax returns filed during calendar 1980. Copies are available to members of the Senate upon request.

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

President Branstad announced the following appointments to statutory committees:

COMMISSION ON THE AGING

Sec. 249B.2; Code 1981

Senator Sue Yenger to a regular four year term ending June 30, 1985, and Senator Emil Husak to the unexpired portion of a term ending June 30, 1983.

CAPITOL PLANNING COMMISSION
Sec. 18A.2; Code, 1981

Senator Clarence Carney to a regular four year term ending April 30, 1985.

CHILD ABUSE INFORMATION COUNCIL
Sec. 235A.24(1)

Senator Ted Anderson is appointed to succeed Senator John Scott.

EDUCATION COMMISSION OF THE STATES
Sec. 272B.2; Code 1981

Senator Lucas DeKoster to a regular term ending June 30, 1985.

COMMUNICATIONS REVIEW COMMITTEE
Sec. 2.35; Code, 1981

Senators Norman Goodwin, Forrest Schwengels and Jim Gallagher to terms which will expire upon convening of the 70th General Assembly.

LEGISLATIVE ENVIRONMENTAL ADVISORY GROUP (LEAG)

Senator Richard Ramsey is appointed to succeed Senator Elizabeth Miller.

MEDICAL ASSISTANCE COUNCIL
Sec. 249A.4; Code, 1981

Senator Dale Tieden is reappointed to a term ending June 30, 1983.

IPERS ADVISORY INVESTMENT BOARD
Sec. 97B.8; Code, 1981

Senator Jack Nystrom is reappointed to a term ending June 30, 1983.

TITLE XX ADVISORY COMMITTEE

Senator Richard Vande Hoef is appointed to succeed Senator Irvin Bergman.

PRESENTATION OF VISITORS

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

Eighty-five students from Studebaker Elementary School, Des Moines, Iowa. Senator Kinley.

Forty students from Marshalltown Catholic Grade School, Marshalltown, Iowa. Senator Lura.

Twelve students from Keokuk High School, Keokuk, Iowa, accompanied by Terry Steinhart and Hilda Souer. Senator Schwengels.

AMENDMENTS FILED

S—3869	H.F.	850	House Amendment
S—3870	S. F.	571	House Amendment
S—3871	S. F.	514	Bob Carr
S—3872	S. F.	514	Bob Rush
S—3873	H.F.	841	Ray Taylor
S—3874	H.F.	841	Ray Taylor
S—3875	H.F.	842	Berl E. Priebe
S—3876	S. F.	571	Bob Rush
S—3877	S. F.	572	House Amendment
S—3878	S. F.	577	Bob Rush Calvin O. Hultman Lowell L. Junkins
S—3879	H.F.	868	Arthur A. Small, Jr.
S—3880	S. F.	555	House Amendment
S—3881	H.F.	853	Richard Vande Hoef Elvie L. Dreeszen Emil J. Husak John W. Jensen
S—3882	S. F.	569	Bob Rush
S—3883	S. F.	555	Rolf V. Craft
S—3884	H.F.	841	Bass Van Gilst C.W. Bill Hutchins Edgar H. Holden
S—3885	S. F.	569	Bob Rush
S—3886	S. F.	577	State Government Committee
S—3887	H.F.	849	House Amendment
S—3888	S. F.	555	Rolf V. Craft
S—3889	H.F.	868	Bob Carr
S—3890	S. F.	575	House Amendment

S—3891	S. C.R.	35	House Amendment
S—3892	S. F.	568	Ted Anderson
S—3893	S. F.	568	Ted Anderson
S—3894	S. F.	576	House Amendment
S—3895	H.F.	868	Mick Lura
S—3896	S. F.	568	Charles P. Miller
S—3897	S. F.	568	Charles P. Miller
S—3898	S. F.	579	Richard Vande Hoef
S—3899	S. F.	568	Berl E. Priebe
S—3900	S. F.	568	Ted Anderson
S—3901	S. F.	213	House Amendment
S—3902	S. F.	511	House Amendment
S—3903	S. F.	522	House Amendment
S—3904	S. F.	474	House Amendment

On motion of Senator Hultman, the Senate recessed at 9:17 p.m., until the fall of the gavel.

HOUSE MESSAGES RECEIVED AND CONSIDERED SUBSEQUENT TO RECESS

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 1, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 399, a bill for an act providing that persons who buy bulk popcorn from the farmers who produce it are subject to licensure as grain dealers, and incorporating penalties.

Read first time under **Senate Rule 28**.

ALSO: That the House has on May 22, 1981, passed the following bill in which the concurrence of the Senate is asked:

House File 858, a bill for an act relating to the establishment, operation, and dissolution of a benefited law enforcement district, and authorizing a tax levy.

Read first time under **Senate Rule 28**.

ALSO: That the House has on May 22, 1981, adopted the following resolutions in which the concurrence of the House was asked:

Senate Concurrent Resolution 30, a resolution providing for referral of all resolutions establishing interim studies to the Legislative Council.

Senate Concurrent Resolution 32, a resolution providing for the business of an extraordinary session occurring before the convening of the 1982 session.

Senate Concurrent Resolution 41, a resolution providing for the sine die adjournment of the 1981 session of the Sixty-ninth General Assembly.

ALSO: That the House has on March 12, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 307, a bill for an act to permit a separate writing to identify bequests of certain tangible personal property in wills.

ALSO: That the House has on May 14, 1981, passed the following bill in which the concurrence of the House was asked:

Senate File 456, a bill for an act relating to the jurisdictional transfer of highways and streets.

ALSO: That the House has on May 21, 1981, passed the following bills in which the concurrence of the House was asked:

Senate File 440, a bill for an act authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines.

Senate File 551, a bill for an act relating to the sale of public revenue bonds and making it effective upon publication.

Senate File 554, a bill for an act reducing appropriated funds by four point six percent.

Senate File 557, a bill for an act to provide that a volunteer firefighter shall not be classified as a chauffeur when operating fire apparatus.

Senate File 562, a bill for an act relating to the publication of the federal census report.

ALSO: That the House has on May 22, 1981, passed the following bills in which the concurrence of the House was asked:

Senate File 564, a bill for an act relating to the housing of inmates for either security or medical reasons at the Iowa security and medical facility.

Senate File 567, a bill for an act relating to the legalization of acts and agreements of north Iowa municipal electric cooperative association and other persons, with respect to the authority granted under that Act, to take effect upon publication but to be retroactive in effect to April 26, 1979.

ALSO: That the House has on April 24, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 522, a bill for an act to require that the department of public instruction and the area education agencies encourage schools to offer programs for gifted and talented children.

ALSO: That the House has on April 27, 1981, amended and passed the following bill in which the concurrence of the House was asked:

Senate File 474, a bill for an act relating to the tort liability of governmental subdivisions.

ALSO: That the House has on April 28, 1981, amended and passed the following bills in which the concurrence of the House was asked:

Senate File 213, a bill for an act relating to the members of the Iowa beer and liquor control council.

Senate File 511, a bill for an act relating to the enforcement of judgment liens against homestead property and subsequently acquired property, to take effect January 1 following enactment.

ALSO: That the House has on May 21, 1981, concurred in Senate amendment to House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 548, a bill for an act making appropriations to various state regulatory, administrative and finance departments, boards and commissions.

ALSO: That the House has on May 22, 1981, concurred in Senate amendment to House amendment to, and passed the following bills in which the concurrence of the House was asked:

Senate File 555, a bill for an act relating to the inheritance tax by reducing the time period for filing and paying the tax.

Senate File 569, a bill for an act relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa.

ALSO: That the House has on May 21, 1981, concurred in Senate amendment to, and passed the following bill in which the concurrence of the House was asked:

House File 847, a bill for an act relating to and making appropriations to various executive, legislative and judicial departments and agencies.

ALSO: That the House has on May 22, 1981, concurred in Senate amendment to, and passed the following bills in which the concurrence of the House was asked:

House File 842, a bill for an act to provide for increasing the maximum permissible assessment for the Iowa beef excise tax.

House File 868, a bill for an act relating to the state income and franchise taxes by allowing indexing to occur for subsequent tax years and updating references to the internal revenue code.

ALSO: That the House has on May 22, 1981, receded from House amendment to, and passed the following bill in which the concurrence of the House was asked:

Senate File 576, a bill for an act relating to the state cigarette and little cigar tax by increasing the rate of tax for a two-year period.

ALSO: That the House has, on May 22, 1981, adopted the conference committee report and passed **Senate File 566**, a bill for an act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services.

BILLS TO BE RETURNED TO COMMITTEE

Pursuant to Senate Rule 4, the following bills which remained on the calendar upon the adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly will be returned to committee:

S. F.	175	Ways and Means
S. F.	402	Agriculture
S. F.	544	Ways and Means

S. F.	560	Ways and Means
S. F.	565	Ways and Means
S. F.	568	State Government
S. F.	574	Ways and Means
S. F.	579	Ways and Means
H.C.R.	38	Rules and Administration
H.F.	750	Agriculture
H.F.	823	Commerce
H.F.	846	Ways and Means
H.F.	853	Ways and Means

FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to Senate Rule 24, the following motions to reconsider which remained on the calendar upon the adjournment of the 1981 Regular Session of the Sixty-ninth General Assembly will be considered to have **failed**:

Senate File 321 (failed to pass Senate), a bill for an act relating to fees and licenses issued by the department of agriculture. Motion filed by Senator Drake on April 13, 1981.

Senate File 519 (Senate concurred in House amendment and passed), a bill for an act related to certain regulated or prohibited activities and providing penalties. Motions filed by Senator Hultman and Senator Junkins on May 22, 1981.

The Senate resumed session, Senator Nystrom presiding.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 300, the following technical correction was made:

1. Page 1, line 13 of House Amendment S—3836 to Senate File 300, "Section 8" was changed to "Section 7".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 384, the following technical correction was made:

1. Page 20, line 30 of Senate File 384, "elections," was changed to "elections."

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 531, the following technical correction was made:

1. Page 8, line 23 of Senate File 531, the word "*topspoil*" was changed to "*topsoil*".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 555, the following technical corrections for internal references were made:

1. Page 3, line 23, "18 through 24" were changed to "12 through 18".
2. Page 6, lines 6 and 7, "18 through 24" were changed to "12 through 18".
3. Page 6, line 30, "20" was changed to "14".
4. Page 7, line 13, "18 through 24" were changed to "12 through 18".
5. Page 7, line 26, "19" was changed to "13".
6. Page 7, line 28, "19" was changed to "13".
7. Page 7, line 31, "21 and 22" were changed to "15 and 16".
8. Page 8, line 7, "20" was changed to "14".
9. Page 8, line 11, "22" was changed to "16".
10. Page 8, line 18, "20" was changed to "14".
11. Page 8, line 21, "19" was changed to "13".
12. Page 8, line 23, "19" was changed to "13".
13. Page 8, line 32, "19" was changed to "13".
14. Page 9, line 5, "20" was changed to "14".
15. Page 9, line 6, "19" was changed to "13".
16. Page 9, line 13, "20" was changed to "14".
17. Page 9, lines 31 and 32, "18 through 24" were changed to "12 through 18".
18. Page 9, lines 34 and 35, "18 through 24" were changed to "12 through 18".
19. Page 10, line 1, "5" was changed to "7".
20. Page 10, line 5, "4, 6, 7, 8, and 9" were changed to "5, 8, 9, 10, and 11".
21. Page 10, line 8, "18 through 24" were changed to "12 through 18".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 566, the following technical corrections were made:

1. Page 2, last line of number 8 of the Conference Committee Report on Senate File 566, the word "incures" was changed to "incurs".

2. Page 16, line 27, the figure "15" was changed to "17".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 572, the following technical correction was made:

1. Page 1, line 11 of House Amendment S—3877 to Senate File 572, "Sixty-eighth" was changed to "Sixty-ninth".

- 2. The following corrections for internal references were made:
 - a. Page 40, line 18, "50 and 54" were changed to "49 and 53".
 - b. Page 40, line 19, "55" was changed to "54".
 - c. Page 41, line 10, "51 and 56" were changed to "50 and 55".
 - d. Page 41, line 12, "46 and 49" were changed to "45 and 48".
 - e. Page 41, line 13, "52" was changed to "51".

LINDA HOWARTH MACKAY
Secretary of the Senate

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills and resolution have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 22nd day of May, 1981:

Senate Files 48, 113, 146, 237, 289, 300, 307, 324, 332, 377, 384, 440, 456, 514, 517, 519, 531, 548, 551, 552, 553, 554, 555, 557, 562, 564, 566, 567, 569, 571, 572, 575, 576 and Senate Concurrent Resolution 35.

LINDA HOWARTH MACKAY
Secretary of the Senate

NOTIFICATION TO THE GOVERNOR

Senator Hultman moved that Senator Junkins be appointed to notify the Governor that the Senate was ready to adjourn in accordance with Senate Concurrent Resolution 41.

The motion prevailed by a voice vote and the Chair appointed Senator Junkins.

COMMITTEE TO NOTIFY THE HOUSE

Senator Hultman moved that a committee be appointed to notify the House that the Senate was ready to adjourn in accordance with Senate Concurrent Resolution 41.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Junkins and Gentleman.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Junkins reported that the committee assigned to notify the House that the Senate was ready to adjourn had performed its duty.

The report was received and the committee discharged.

REPORT OF NOTIFICATION TO THE GOVERNOR

Senator Junkins reported that he had performed his duty and notified the office of the Governor that the Senate was ready to adjourn, and that the Governor had sent the following message:

The Honorable Terry Branstad
President of the Senate
Sixty-ninth General Assembly
State Capitol Building
Des Moines, Iowa 50319

Honorable Members of the General Assembly:

As you adjourn the First Session of the Sixty-ninth General Assembly today, sine die, you are officially closing a session that was extremely challenging and occasionally frustrating, but, on balance, a session that ended as a positive and productive one. When you convened in January, your mission was to help guide this state through a difficult economic period. I believe the First Session of this General Assembly met that test for the good of three million Iowans.

The nationwide recession hit Iowa hard, and no one can deny that serious cuts have been made in the state budget. But when families, farmers, and businesses are squeezing to live within tight budgets, they expect government to squeeze too. Here in Iowa we have made cuts and they have not been easy. Last year, I lopped off almost \$175 million in spending in order to maintain a balanced budget for the state of Iowa. You also took action this year to assure reduced spending by over \$9 million.

No doubt these cuts have and will affect many state programs. But keep this in mind: actual adj to local schools was not cut; it was increased by \$40 million. That alone represented over half of all the increased general fund spending—notwithstanding 14,000 fewer students for the 1981-82 school year. Moreover, you approved the ambitious \$58 million bonding plan I recommended for our Regents institutions, and general fund monies were appropriated to pay salaries needed to keep our top faculty members.

Social programs were not ignored. A new program was adopted to fill the gap for unemployed parents who truly have a problem not of their own choosing. And, the essential core of our welfare program was maintained.

Certainly, there will continue to be more that we would like to do. Yet, faced with a moribund economy providing reduced revenues, we chose a wise course: not meat-axe budget cuts but careful, selective cuts to preserve a balance and meet essential needs while not taking blood from a bedridden economy.

I am especially pleased that you agreed with me and resisted the temptation to ease the state's financial burden by general tax increases. Only small selective taxes and user fees were increased to provide small doses of needed revenues. That was the right decision, and contrasts Iowa with other states that are now raising major taxes.

Budget and tax issues necessarily consumed most of this legislature's time, yet significant, substantive legislation was also passed.

You took action to further conserve precious energy and to streamline utility regulation. The mental health reorganization bill passed in 1981 has been a priority of mine for several years, and should improve Iowa's services to those deserving our help.

Fire safety and drunk driving legislation will make our buildings and highways safer for people, and the hazardous waste bill is another good step forward in protecting Iowa's environment.

Needed improvements in our state's corrections system can be made as a result of this year's legislative work. Among other priorities, the salary bill merits attention for the fairness in which it treats state employees.

Legislation was also passed to help protect farmers from potentially disastrous grain elevator bankruptcies.

Inheritance tax laws were revised to better keep pace with inflation. And, our tax rates will be indexed to inflation when our economy will allow it. Fourteen recommendations of the Governor's Economy Committee were given legislative approval.

You deserve to be complimented on the good of this. Yet, some tasks remain unfinished.

Between now and January, 1982, we will see the legislature return to the Statehouse at least once. We know you will return in June for a special session. Fairly redistricting congressional and legislative boundaries, preserving a major portion of Iowa's rail network and providing funds to maintain our roads will be key objectives of the special session, and I look forward to accomplishment on all three of these matters.

Next year, you can expect I will again ask for a Department of Personnel and a Professional Licensing Department to make government more efficient. Further, I am still convinced of the need for the Criminal Justice Improvement Fund, for land use legislation, and for the right of local option taxes for communities where the people want it.

In summary, the 1981 legislative session has been a difficult one, but one of achievement. I am pleased that so many of the program points presented in my January messages were approved. And, Iowans can be pleased that you balanced the budget without a major tax increase.

Many of the sobering problems with which you wrestled this session will be with us again next year. Nevertheless, problems can be turned into opportunities—opportunities to make state government more efficient, responsible and productive. Let us resolve to continue to make the most of those opportunities during the Special Session and again in 1982.

Sincerely,
ROBERT D. RAY
Governor

The report was received.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 41, duly adopted, the day of May 22, 1981, having arrived, Senator Nystrom declared the 1981 Regular Session of the Sixty-ninth General Assembly adjourned sine die.

AMENDMENTS FILED

**During The
Sixty-ninth General Assembly
1981 Regular Session**

S—3001

- 1 Amend Senate Resolution 2 as follows:
 2 1. Page 30, line 29, by inserting after the word
 3 "investigation" the words "*publishing notice of such*
 4 *assignment in the senate journal for the next legis-*
 5 *lative day*".

LOWELL L. JUNKINS
 CALVIN O. HULTMAN

S—3002

- 1 Amend Senate Resolution 2 as follows:
 2 1. Page 30, line 15, by inserting after the word
 3 "confirmation." the following: "*The file shall contain*
 4 *a description of the duties and the compensation for*
 5 *each nominee.*"

CALVIN O. HULTMAN
 LOWELL L. JUNKINS

S—3003

- 1 Amend Senate Resolution 2 as follows:
 2 1. Page 31, line 3, by inserting after the word
 3 "committee." the following: "*The committee chair*
 4 *shall refer the appointment to a subcommittee within*
 5 *one (1) legislative day after a standing committee*
 6 *receives an appointment for further investigation,*
 7 *publishing notice of such assignment in the senate*
 8 *journal for the next legislative day. Within five*
 9 *(5) legislative days after a standing committee*
 10 *receives an appointment for further investigation*
 11 *the subcommittee shall file its report with the*
 12 *standing committee.*"
 13 2. Page 31, line 4, by striking the words "ten
 14 (10)" and inserting in lieu thereof the words "[ten
 15 (10)] *fourteen (14)*".
 16 3. Page 31, line 28, by inserting after the word
 17 "hearing," the words "*which shall be before the inves-*
 18 *tigating committee.*"
 19 4. Page 31, line 31, by inserting after the word
 20 "nominated." the following: "*Notice of the hearing*
 21 *shall be published in the journal at least three (3)*
 22 *days prior to the hearing. Any senator may at the*
 23 *discretion of the chair of the investigating committee*
 24 *be permitted to submit oral questions.*"

CALVIN O. HULTMAN
 LOWELL L. JUNKINS

S—3004

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 18, line 7, by inserting after the number
- 3 "36" the words "*and departmental requests prefiled*
- 4 *in the manner specified in section 2.16 of the Code*".

CALVIN O. HULTMAN
LOWELL L. JUNKINS

S—3005

- 1 Amend Senate Resolution 2 as follows:

DIVISION S—3005A

- 2 1. Page 26, line 5, by striking the word "fifteen"
- 3 and inserting in lieu thereof the words "[fifteen]
- 4 *sixty*".

DIVISION S—3005B

- 5 2. Page 26, line 6, by striking the word "fifteen"
- 6 and inserting in lieu thereof the words "[fifteen]
- 7 *sixty*".

BOB CARR

S—3006

- 1 Amend Senate Resolution 2 as follows:
- 2 1. Page 26, line 25, by inserting after the word
- 3 "business." the following: "*Restroom areas are reserved*
- 4 *for members of the senate and their families and staff*
- 5 *members during the times covered by this rule.*"

RICHARD COMITO

S—3007

- 1 Amend Senate File 87 as follows:
- 2 1. Page 6, by inserting after line 18 the
- 3 following:
- 4 "3. The requirements of this section which specify
- 5 the dimensions of a handicapped parking space shall
- 6 not apply to metered on-street parking spaces."

RICHARD F. DRAKE
RICHARD COMITO

S-3008

1 Amend Senate File 87 as follows:

2 1. Page 1, by inserting after line 34 the

3 following:

4 "Sec. ____ . Section 321.484, Code 1981, is amended

5 by adding the following new unnumbered paragraph:

6 *NEW UNNUMBERED PARAGRAPH.* The owner of a vehicle
7 shall not be held responsible for a violation of a
8 provision regulating the stopping, standing or parking
9 of a vehicle, whether the provision is contained in
10 this chapter, or chapter 601E, or an ordinance or
11 other regulation or rule, if the owner establishes
12 that at the time of the violation the vehicle was
13 in the custody of an indentified person other than
14 the owner pursuant to a lease as defined in chapter
15 321F. The furnishing to the clerk of court where
16 the charge is pending of a copy of the certificate
17 of responsibility prescribed by section 321F.6 that
18 was in effect for the vehicle at the time of the
19 alleged violation shall be prima facie evidence that
20 the vehicle was in the custody of an identified person
21 other than the owner within the meaning of this
22 paragraph, and the charge against the owner shall
23 be dismissed. The clerk of court then shall cause
24 a uniform citation and complaint to be issued against
25 the lessee of the vehicle, and the citation shall
26 be served upon the defendant by ordinary mail directed
27 to the defendant at the address shown in the
28 certificate of responsibility."

29 2. Page 4, line 29, by inserting after the word
30 "owner" the words "*operator, or lessee*".

31 3. Page 7, by inserting after line 16 the
32 following:

33 "Sec. ____ . Section 805.8, subsection 2, Code 1981,
34 is amended by adding the following new lettered
35 paragraph:

36 *NEW LETTERED PARAGRAPH.* For a violation of section
37 601E.6, regulating the use of handicapped parking
38 spaces, the scheduled fine is fifteen dollars."

39 4. Renumber sections as necessary.

RICHARD F. DRAKE
JOHN W. JENSEN
RICHARD COMITO
DONALD V. DOYLE

S-3009

1 Amend Senate File 9 by striking everything after
2 the enacting clause and inserting in lieu thereof the

3 following:

4 "Section 1. Section 625.22, Code 1981, is amended
5 by adding the following new unnumbered paragraph:
6 *NEW UNNUMBERED PARAGRAPH.* The supreme court shall
7 by rule adopt a schedule of attorneys fees in fraudulent
8 instrument collection actions which shall be taxed to
9 the defendant by the clerk on the demand of a successful
10 plaintiff. The court may, after notice to all parties
11 not in fault, award fees in excess of those provided by
12 rule, if it finds that they are justified."

BERL E. PRIEBE

S-3010

1 Amend Senate Concurrent Resolution 2 as follows:

2 1. Page 12, line 25, by adding after the word
3 "to" the following: "*the same or*"

CALVIN O. HULTMAN
LOWELL L. JUNKINS

S-3011

1 Amend Senate File 112 as follows:

2 1. Page 1, by striking line 1 and inserting in
3 lieu thereof the following:
4 "Section 1. Section 8.42, Code 1981, is amended
5 to read as follows:
6 8.42 PAYROLL ACCRUAL ACCOUNT. [The] *Beginning July*
7 *1, 1982, the* state comptroller shall establish a
8 payroll accrual account in the office of the state
9 treasurer. In preparation of budgets for state
10 departments, the state comptroller shall compute an
11 amount for each fiscal year sufficient to provide
12 funds to meet the twenty-seventh biweekly payroll
13 when it occurs and shall deposit the necessary amount
14 each year in the payroll accrual account.
15 Sec. 2. Section 79.1, unnumbered paragraph 9,
16 Code 1981,".
17 2. Page 1, line 7, by striking the words and
18 figures "sections 29 and 30" and inserting in lieu
19 thereof the word and figure "section 29".
20 3. By renumbering sections as required.
21 4. Amend the title, lines 1 and 2, by striking
22 the words "which overlap two fiscal years".

GARY L. BAUGHER

S-3012

- 1 Amend Senate File 112 as follows:
- 2 1. Page 1, line 5, by inserting after the period
- 3 the following:
- 4 "However, a specific annual salary rate or annual
- 5 salary adjustment commencing with a fiscal year
- 6 shall commence with the first day of the first pay
- 7 period which begins on or after the first day of that
- 8 fiscal year."

EDGAR H. HOLDEN

S-3013

- 1 Amend Senate File 112 as follows:
- 2 1. Page 1, line 5, by striking the words "payroll
- 3 is paid" and inserting in lieu thereof the words "pay
- 4 period ends".

EDGAR H. HOLDEN

S-3014

- 1 Amend Senate File 114 as follows:
- 2 1. Page 1, by striking lines 2, 3, and 4 and
- 3 inserting in lieu thereof the words "appropriated
- 4 which have been credited to the".

CLARENCE S. CARNEY
JOHN S. MURRAY

S-3015

- 1 Amend Senate File 113 as follows:
- 2 1. Page 2, line 5, by adding the following new
- 3 sentence:
- 4 "Payment shall be made to the treasurer of each
- 5 county not later than April 15 and October 15 of each
- 6 year."

C.W. BILL HUTCHINS
EMIL J. HUSAK

S-3016

- 1 Amend Senate File 113 as follows:
- 2 1. Page 4, by inserting after line 19 the
- 3 following new section:
- 4 "Sec. ____ . The provisions of this act shall be
- 5 effective for the fiscal years ending on June 30, 1981
- 6 and June 30, 1982.

- 7 2. By renumbering as necessary.

C.W. BILL HUTCHINS
EMIL J. HUSAK

S—3017

- 1 Amend Senate File 112 as follows:
2 1. Page 1, line 5, by inserting after the period
3 the following:
4 "However, a specific annual salary rate or annual
5 salary adjustment commencing with a fiscal year shall
6 commence on July 1 except that if a pay period over-
7 laps two fiscal years, a specific annual salary rate
8 or annual salary adjustment commencing with the
9 latter fiscal year shall commence with the first
10 day of the overlapping pay period."

EDGAR H. HOLDEN

S—3018

- 1 Amend Senate File 122 as follows:
2 1. Page 1, by inserting after line 17 the
3 following:
4 "When a motorcycle has been registered five times
5 in the state, the annual registration fee shall be
6 reduced by fifty percent for all succeeding
7 registrations."

DONALD V. DOYLE

S—3019

- 1 Amend Senate File 122 as follows:
2 1. Page 1, by inserting after line 17 the following:
3 "Antique registration plates issued for motorcycles
4 and other motor vehicles shall display the word
5 'antique'."

EDGAR H. HOLDEN

S—3020

- 1 Amend Senate File 25 as follows:
2 1. Page 1, by striking lines 3 through 6 and
3 inserting in lieu thereof the following:
4 "*NEW SUBSECTION.* This section does not apply to
5 designated loading and unloading zones at school

6 attendance centers or at extracurricular or educational
7 activity locations."

CHARLES P. MILLER
RICHARD VANDE HOEF
RICHARD COMITO

S-3021

1 Amend Senate File 86 as follows:
2 1. Page 1, by inserting after line 7, the following
3 section:
4 "Sec. ____ . This Act, being deemed of immediate
5 importance, takes effect from and after its publication
6 in The Montezuma Republican, a newspaper published
7 in Montezuma, Iowa, and in the Charles City Press,
8 a newspaper published in Charles City, Iowa."
9 2. Amend the title, line 3, by inserting after
10 the figure "1981" the words ", and providing that
11 the Act takes effect upon publication".

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chairperson

S-3022

1 Amend Senate File 122 as follows:
2 1. Page 1, by inserting after line 17 the following
3 new unnumbered paragraph:
4 "When a motorized bicycle or a motorcycle has been
5 registered five times, the annual registration fee
6 shall be reduced by five dollars."

JOHN S. MURRAY

S-3023

1 Amend Senate File 113 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Notwithstanding chapter 426A, all
5 moneys in the military service tax credit fund shall
6 be transferred to the general fund of the state on
7 the effective date of this Act and payments provided
8 for in section 426A.4 shall be made from the general
9 fund of the state ending June 30, 1982.
10 Notwithstanding section 123.53, subsection 7, funds
11 required by that subsection to be deposited in the
12 military service tax credit fund shall be deposited
13 in the general fund of the state beginning on the
14 effective date of this Act and ending June 30, 1982.

15 Sec. 2. Section 426A.4, Code 1981, is amended

16 to read as follows:

17 426A.4 CERTIFICATION BY DIRECTOR OF REVENUE.

18 Sums distributable from the military service tax
19 credit fund shall be allocated every six months to
20 the several counties of the state. On March 25 and
21 September 25 annually the director of revenue shall
22 certify to the comptroller the total credits claimed
23 by each county. Upon receipt of the certification
24 from the director of revenue, the comptroller shall
25 draw warrants to the treasurer of each county payable
26 from the military [tax] service tax credit fund in the
27 amount claimed; provided that if the amount of money
28 in [said] the fund is insufficient to pay the credits
29 claimed in full, then in that event they shall be
30 paid on a pro rata basis. *Payments shall be made*
31 *to the treasurer of each county not later than April*
32 *15 and October 15 of each year. The state comptroller*
33 *shall transfer any funds in the military service tax*
34 *credit fund on May 31 of each year not necessary for*
35 *the payment of claims to the general fund.*

36 Sec. 3. Section 426A.10, Code 1981, is repealed.

37 Sec. 4. This Act, being deemed of immediate
38 importance, takes effect from and after its publication
39 in the North Iowa Times, a newspaper published in
40 McGregor, Iowa, and in the Iowa City Press-Citizen,
41 a newspaper published in Iowa City, Iowa."

42 2. Amend the title by striking lines 1 through
43 4 and inserting in lieu thereof the following: "An
44 Act relating to the payment of claims by counties
45 for military service tax credits to be effective upon
46 publication."

EMIL J. HUSAK
C.W. BILL HUTCHINS
JOHN S. MURRAY

S-3024

1 Amend Senate File 122 as follows:

2 1. Page 1, line 22, by striking the words "after
3 the effective date of this Act" and inserting in lieu
4 thereof the words "in this state".

DONALD V. DOYLE
RICHARD F. DRAKE

S-3025

1 Amend Senate File 122 as follows:

2 1. Page 1, by inserting after line 17 the following

3 new section:
 4 "Sec. ____ . Section 321.186, Code 1981, is amended
 5 by adding the following new unnumbered paragraph:
 6 *NEW UNNUMBERED PARAGRAPH.* The department shall
 7 provide an adequate demonstration course at each
 8 testing station which will permit a person who is
 9 required to pass the actual driving demonstration
 10 of the person's ability to exercise ordinary and
 11 reasonable control in the operation of a motorcycle
 12 to demonstrate his or her driving skills on a
 13 motorcycle, regardless of the size of the motorcycle."
 14 2. Renumber sections and correct internal
 15 references as may be necessary in accordance with
 16 this amendment.

DONALD V. DOYLE
 JOHN S. MURRAY

S—3026

1 Amend Senate File 87 as follows:
 2 1. Page 5, by inserting after line 23 the following
 3 new paragraph.
 4 *"d. Establishing procedure and proof requirements*
 5 *for application to the department for issuance of*
 6 *a handicapped identification device by nonhandicapped*
 7 *persons who regularly transport handicapped persons."*

ROLF V. CRAFT

S—3027

1 Amend Senate File 87 as follows:
 2 1. Page 5, by inserting after line 23 the
 3 following:
 4 "Sec. ____ . Section 601E.6, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION.* Handicapped identification devices
 7 issued by other states to their handicapped citizens,
 8 for purposes and under rules similar to those of this
 9 section, shall be treated the same as handicapped
 10 identification devices issued under this section."
 11 2. By renumbering sections to conform to this
 12 amendment.

ROLF V. CRAFT

S—3028

1 Amend Senate File 123 as follows:
 2 1. Page 4, by inserting after line 2 the following:

3 "Sec. 7. Section 17A.19, subsection 2, Code 1981,
 4 is amended to read as follows:
 5 2. Proceedings for judicial review shall be
 6 instituted by filing a petition either in Polk county
 7 district court or in the district court for the county
 8 in which the petitioner resides or has its principal
 9 place of business. When a proceeding for judicial
 10 review has been commenced, a court may, in the interest
 11 of justice, transfer the proceeding to another county
 12 where the venue is proper. Within ten days after
 13 the filing of a petition for judicial review file
 14 stamped copies of the petition shall be *delivered*
 15 *by personal service as in civil actions or mailed*
 16 *by the petitioner to all parties named in the petition*
 17 *and, if the petition involves review of agency action*
 18 *in a contested case, all parties of record in that*
 19 *case before the agency. Such personal service or*
 20 *mailing shall be jurisdictional and shall be addressed*
 21 *to the parties at their last known mailing address.*
 22 *The delivery by personal service or mailing may be*
 23 *made upon a party's attorney of record instead of*
 24 *the party. Proof of mailing or personal service shall*
 25 *be by affidavit. Any party of record in a contested*
 26 *case before an agency wishing to intervene and*
 27 *participate in the review proceeding [thereon] must*
 28 *file an appearance within forty-five days from the*
 29 *time the petition is filed."*

EDGAR H. HOLDEN

S-3029

1 Amend Senate File 123 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 "cases" the words " , unless such a statement of general
 4 applicability that implements, interprets, or
 5 prescribes law or policy would otherwise be excluded
 6 from the definition of rule by section 17A.2,
 7 subsection 7".

EDGAR H. HOLDEN

S-3030

1 Amend Senate File 87 as follows:
 2 1. Page 5, by striking lines 26 through 35 and
 3 inserting in lieu thereof the following:
 4 "**NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN.**
 5 The handicapped parking sign shall bear the
 6 international symbol of accessibility. The sign shall

7 be sold by the department at cost to a person who
 8 owns or leases real property in the state. If a
 9 person who owns or leases real property in a city
 10 is required to provide handicapped parking spaces,
 11 the city may provide the signs for the person. When
 12 a city provides handicapped parking signs to a person
 13 who owns or leases real property in the city, the
 14 signs shall be provided upon request at no cost to
 15 the person. If the city council of a city determines
 16 that it will not provide handicapped parking signs
 17 for persons required to provide handicapped parking
 18 spaces, a person who maintains handicapped parking
 19 spaces on the person's property within a city shall
 20 be reimbursed by the city for the person's purchase
 21 of one handicapped parking sign for each handicapped
 22 parking space provided."

23 2. Page 6, by striking lines 1 through 6

RICHARD F. DRAKE
 RICHARD COMITO

S-3031

1 Amend Senate File 144 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "licensees" the words "*for any act of malpractice*,"
 4 2. Page 2, line 4, by striking the word "*statute*"
 5 and inserting in lieu thereof the word "*law*".
 6 3. Page 2, by inserting after line 34 the following
 7 new section:
 8 "Sec. 7. Section 258A.9, subsection 2, Code 1981,
 9 is amended to read as follows:
 10 2. A licensee shall have a continuing duty to report
 11 to the licensing board by whom he or she is licensed
 12 those acts [or omissions] of *malpractice* specified by rule
 13 of the board pursuant to Sec. 258A.4, subsection 1,
 14 paragraph "f", when committed by another person licensed
 15 by the same licensing board."

EDGAR H. HOLDEN

S-3032

1 Amend the Drake and Comito amendment, S-3030, to
 2 Senate File 87, as follows:
 3 1. Page 1, line 10, by striking the words "is
 4 required to provide" and inserting in lieu thereof
 5 the word "provides".

EDGAR H. HOLDEN
 RICHARD COMITO

S—3033

- 1 Amend Senate File 87 as follows:
- 2 1. Page 1, line 9, by striking the words "and
- 3 private".
- 4 2. Page 1, line 13, by inserting after the period
- 5 the words "Owners and lessees of private buildings
- 6 and facilities who identify handicapped parking spaces
- 7 in parking facilities serving the private buildings
- 8 and facilities shall be subject to the requirements
- 9 of this Act."
- 10 3. Page 1, lines 19 and 20, by striking the words
- 11 "and private".
- 12 4. Page 1, line 25, by striking the words "and
- 13 private".
- 14 5. Page 1, by inserting after line 31 the
- 15 following:
- 16 "Effective January 1, 1982, owners or lessees of
- 17 private buildings and facilities, used by the general
- 18 public, which are not residences and which provide
- 19 forty-eight or more parking spaces, who identify
- 20 handicapped parking spaces in parking facilities
- 21 serving the public buildings and facilities shall
- 22 be subject to the requirements of this Act."
- 23 6. Renumber sections and correct internal
- 24 references as are required by this amendment.

EDGAR H. HOLDEN
RICHARD COMITO

S—3034

- 1 Amend Senate File 87 as follows:
- 2 1. Page 4, line 2, by striking the words "[at
- 3 cost] *for a five dollar fee*" and inserting in lieu
- 4 thereof the words "at cost".

BERL E. PRIEBE
GEORGE R. KINLEY

S—3035

- 1 Amend Senate File 122 as follows:
- 2 1. Page 1, by inserting after line 17 the following
- 3 new section:
- 4 "Sec. ____ . Section 321.189, subsection 2, paragraph
- 5 a, Code 1981, is amended to read as follows:
- 6 a. The department may issue a motorized bicycle
- 7 license to a person [fourteen] *sixteen* years of age
- 8 or older who has passed a vision test and a written

9 examination on the rules of the road. [After July
 10 1, 1981, persons under the age of sixteen applying
 11 for a motorized bicycle license shall also be required
 12 to successfully complete a motorized bicycle education
 13 course approved and established by the department
 14 of public instruction or successfully complete an
 15 approved motorized bicycle education course at a
 16 private or commercial driver education school licensed
 17 by the department. A public school district may
 18 charge a student a fee which shall not exceed the
 19 actual cost of instruction.] A motorized bicycle
 20 license entitles the licensee to operate a motorized
 21 bicycle upon the highway while having the license
 22 in the licensee's immediate possession. The license
 23 is valid for a period of two years, subject to
 24 termination or cancellation as provided in this
 25 section."
 26 2. Renumber sections and correct internal
 27 references as are necessary in accordance with this
 28 amendment.

BOB RUSH

S-3036

1 Amend Senate File 29 as follows:
 2 1. Page 1, line 12, by inserting after the word
 3 "board" the words "*or apportioned in a manner that*
 4 *the adjudicator deems equitable*".

COMMITTEE ON EDUCATION
 ARTHUR L. GRATIAS, Chairperson

S-3037

1 Amend the Doyle amendment, S-3018, to Senate
 2 File 122 as follows:
 3 1. Page 1, line 4, by inserting after the word
 4 "motorcycle" the words "or motorized bicycle".

DONALD V. DOYLE
 JOHN S. MURRAY

S-3038

1 Amend Senate File 87 as follows:
 2 1. Page 4, lines 13 and 14, by striking the
 3 words "*at least one percent of the metered*".

JULIA GENTLEMAN

S—3039

1 Amend Senate File 13 as follows:

2 1. Page 1, by inserting after line 21 the
3 following new section:

4 "Sec. ____ . Chapter 453, Code 1981, is amended
5 by adding the following new section:

6 *NEW SECTION. DEFINITION OF BANKS.* For purposes
7 of section 452.10 and chapters 453 and 454, the terms
8 "bank" or "banks" shall mean one or more person who
9 accept deposits which are insured wholly or in part
10 by a federal insuring authority for financial insti-
11 tutions."

BOB RUSH

S—3040

1 Amend Senate File 122 as follows:

2 1. Page 1, by inserting after line 17 the following
3 new section:

4 "Sec. ____ . Section 321.189, subsection 2, paragraph
5 a, Code 1981, is amended to read as follows:

6 a. The department may issue a motorized bicycle
7 license to a person [fourteen] *sixteen* years of age
8 or older who has passed a vision test and a written
9 examination on the rules of the road. [After July
10 1, 1981, persons under the age of sixteen applying
11 for a motorized bicycle license shall also be required
12 to successfully complete a motorized bicycle education
13 course approved and established by the department
14 of public instruction or successfully complete an
15 approved motorized bicycle education course at a
16 private or commercial driver education school licensed
17 by the department. A public school district may
18 charge a student a fee which shall not exceed the
19 actual cost of instruction.] A motorized bicycle
20 license entitles the licensee to operate a motorized
21 bicycle upon the highway while having the license
22 in the licensee's immediate possession. The license
23 is valid for a period of two years, subject to
24 termination or cancellation as provided in this
25 section."

26 2. Page 1, by inserting after line 30 the following
27 new section:

28 "Sec. ____ . Any person under sixteen years of age
29 who has a valid motorized bicycle license issued prior
30 to the effective date of this Act is authorized to
31 retain the license until the motorized bicycle license
32 expires or it is suspended or revoked."

33 3. Renumber sections and correct internal
34 references as are necessary in accordance with this
35 amendment.

BOB RUSH

S—3041

1 Amend Senate amendment S—3026, to Senate File 87,
2 as follows:
3 1. Page 1, by striking lines 6 and 7 and inserting
4 in lieu thereof the words "*a handicapped identification*
5 *device to nonhandicapped individuals, government*
6 *agencies, or private organizations which are engaged*
7 *in providing transportation services for handicapped*
8 *persons.*" "

ROLF V. CRAFT
LUCAS J. DE KOSTER

S—3042

1 Amend Senate File 130 as follows:
2 1. Page 14, line 13, by striking the words
3 "record books" and inserting in lieu thereof the word
4 "records".
5 2. Page 14, line 19, by striking the word
6 "book" and inserting in lieu thereof the word
7 "register".

LUCAS J. DE KOSTER

S—3043

1 Amend Senate File 13 as follows:
2 1. By striking the title and inserting in lieu
3 thereof the following: "An act relating to the
4 maximum rate of interest on investments of public
5 funds in banks."

EDGAR H. HOLDEN
BERL E. PRIEBE

S—3044

1 Amend Senate File 13 as follows:
2 1. Page 1, by striking lines 16 through 21 and
3 inserting in lieu thereof the following:
4 "Public funds invested in bank time certificates,
5 of deposit by a public body or officer other than
6 the treasurer of state shall draw interest at rates

7 to be determined by the public body or officer and
8 the bank, [which rates shall not be greater than the
9 rate set under this section for state funds nor more
10 than one percent of interest below that rate] *which*
11 *rates shall not be less than the rate set under this*
12 *section for state funds."*

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S-3045

- 1 Amend Senate File 130 as follows:
2 1. Page 134, by inserting after line 23 the
3 following:
4 "____. A sheriff or deputy sheriff shall not be
5 the purchaser, directly or indirectly, of property
6 being sold by a prisoner who is in the sheriff's
7 custody. A sale made in violation of this subsection
8 is void."
9 2. By numbering the subsection.

JOE BROWN

S-3046

- 1 Amend Senate File 130 as follows:
2 1. Page 134, by inserting after line 23 the
3 following:
4 "____. A sheriff or deputy sheriff shall not use
5 a county-owned vehicle or transport passengers in
6 a county-owned vehicle except for purposes relating
7 to the officer's official duties unless otherwise
8 authorized by the board."
9 2. By numbering the subsection.

JOE BROWN

S-3047

- 1 Amend Senate File 130 as follows:
2 1. Page 1, by inserting after line 32 the
3 following new subsection:
4 "15. 'Book', 'record', and 'register' include
5 any mode of permanent recording including but not
6 limited to, card files, microfilm or microfiche,
7 electronic records and the like."

LUCAS J. DE KOSTER

S-3048

1 Amend Senate File 145 as follows:

2 1. Page 1, by striking lines 12 through 15 and
3 inserting in lieu thereof the words "A fee of three
4 dollars shall be collected for the preparation of
5 a certificate of adoption and deposited in the general
6 fund of the county."

7 2. Page 1, line 24, by striking the word "A".

8 3. Page 1, by striking lines 25 through 28 and
9 inserting in lieu thereof the words "A fee of three
10 dollars shall be collected for each amended certificate
11 of birth to reflect a new name and deposited in the
12 general fund of the county."

13 4. Page 2, line 3, by striking the words "A fee
14 established by the".

15 5. Page 2, by striking lines 4 through 7 and
16 inserting in lieu thereof the words "A fee of three
17 dollars shall be collected for each certificate of
18 birth amended to show paternity and deposited in the
19 general fund of the county."

20 6. Page 2, by striking lines 10 through 12 and
21 inserting in lieu thereof the following:

22 "144.46 FEE FOR COPY OF RECORD. A fee for [two]
23 three dollars per copy shall be collected for each".

24 7. Page 2, line 17, by inserting after the word
25 "state" the words "if the request is made to the
26 department or the general fund of the county if the
27 request is made to the clerk of court".

C.W. BILL HUTCHINS

S-3049

1 Amend Senate File 152 as follows:

2 1. Page 1, by striking lines 1 through 23 and
3 inserting in lieu thereof the following:

4 "Section 1. Section 478A.2, Code 1981, is amended
5 by adding the following new unnumbered paragraph:
6 **NEW UNNUMBERED PARAGRAPH.** Notwithstanding the
7 provisions of unnumbered paragraph 1 of this section,
8 a person who is engaged in the business of
9 manufacturing, wholesaling or retailing gas
10 appliances equipped with pilot lights may sell or
11 install gas appliances not meeting the requirements of
12 unnumbered paragraph 1 of this section after the
13 effective date of this Act subject to the following
14 limitations:

15 1. These gas appliances must be in the possession
16 of the person or stored at a location within this

17 state as of the effective date of this Act.
 18 2. The person shall not acquire or manufacture
 19 for sale or installation in this state after the
 20 effective date of this Act any gas appliances not
 21 meeting the requirements of unnumbered paragraph 1
 22 of this section."

MICK LURA

S—3050

1 Amend Senate File 145 as follows:
 2 1. Page 1, line 12, by inserting after the
 3 word "collected" the words "*based on the average*
 4 *administrative cost*".
 5 2. Page 1, line 25, by inserting after the
 6 word "collected" the words "*based on the average*
 7 *administrative cost*".
 8 3. Page 2, line 4, by inserting after the
 9 word "collected" the words "*based on the average*
 10 *administrative cost*".

GARY L. BAUGHER

S—3051

1 Amend Senate File 130 as follows:
 2 1. Page 173, line 32, by inserting after the word
 3 "provided." the following: "The fee and expenses
 4 of the county medical examiner who performs an autopsy
 5 or conducts an investigation of a person who dies
 6 after being brought into this state for emergency
 7 medical treatment by or at the direction of an out-
 8 of-state law enforcement officer or public authority
 9 shall be paid by the state. A claim for payment shall
 10 be filed with the state department of health."

BOB CARR

S—3052

1 Amend Senate File 130 as follows:
 2 1. Page 180, by inserting after line 26 the
 3 following:
 4 " ____ . When examining, settling, or verifying
 5 reports or accounts of fees or other monetary receipts
 6 of the county as provided in section 400, subsection
 7 1, paragraph p or chapter 452, the cash on hand in
 8 the office of a county officer or employee subject
 9 to settlement or examination need not be counted in
 10 the presence of, or by, the board or other examining

11 county officer. This subsection does not prohibit
 12 the actual counting of cash on hand in a county office
 13 at the time of examination or settlement if the
 14 examining authority requests the actual count."
 15 2. By numbering the subsection.

BOB CARR

S—3053

1 Amend Senate File 145 as follows:
 2 1. Page 2, line 11, by inserting after the
 3 word "department" the words "by rule".
 4 2. Page 2, line 12, by striking the words
 5 "by rule".

RICHARD F. DRAKE

S—3054

1 Amend Senate File 130 as follows:
 2 1. Page 34, by inserting after line 22 the
 3 following:
 4 "PART 6
 5 CONSOLIDATED GOVERNMENT
 6 Sec. 390. *NEW SECTION.* CONSOLIDATED GOVERNMENT.
 7 1. A county and one or more cities located in
 8 the county may establish a consolidated government
 9 for the county. If a consolidated government is
 10 established, the county and city governments approving
 11 the adoption of the consolidated government shall
 12 cease to exist. Consolidated governments established
 13 under this Act are municipal corporations.
 14 2. A consolidated government may be established
 15 only by vote of the qualified electors residing in
 16 the cities and the unincorporated area of a county
 17 in the manner provided in sections 390 through 396
 18 of this Act. A charter commission to propose a form
 19 of governance for a consolidated government may be
 20 called pursuant to one of the following methods:
 21 a. Concurrent resolutions calling for the
 22 appointment of a charter commission may be adopted
 23 by two or more cities located in the county and trans-
 24 mitted to the board of supervisors of the county.
 25 b. A resolution calling for the appointment of
 26 a charter commission may be adopted by the board of
 27 supervisors of the county.
 28 c. A petition calling for the appointment of a
 29 charter commission, signed by eligible electors of
 30 the county equal in number to at least ten percent

31 of the votes cast in the county, for governor or
32 president of the United States at the preceding general
33 election, may be filed with the county auditor.

34 3. Upon receipt of a petition, the county auditor
35 shall examine the petition, certify to the county
36 auditor's knowledge the sufficiency of the signatures,
37 and transmit the petition, with the auditor's
38 certificate, to the board of supervisors and the city
39 council of each city in the county.

40 Sec. 391. *NEW SECTION.* CHAPTER COMMISSION.

41 Within thirty days following the receipt of a petition
42 or resolution under section 390 of this Act, the mayor
43 of each city in the county and the chairperson of
44 the board of supervisors shall appoint members to
45 a charter commission. Each mayor shall appoint a
46 resident who is a qualified elector from each election
47 precinct within the mayor's city as a member to the
48 commission and the chairperson of the board of
49 supervisors shall appoint a resident who is a qualified
50 elector from each election precinct within the

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1 unincorporated area of the county as a member of the
2 commission. Members of the charter commission shall
3 serve without compensation.

4 Sec. 392. *DUTIES OF COMMISSION—HEARING—ELEC-*
5 *TION.*

6 1. The commission shall meet at the call of the
7 chairperson of the board of supervisors at a location
8 named by the chairperson of the board. At the
9 organizational meeting, the commission shall select
10 a chairperson from its membership and shall adopt
11 rules of procedure.

12 2. The commission shall propose the form of
13 government for the consolidated government which may
14 be any combination of the forms of county government
15 and city government allowed by law.

16 3. Staff assistance may be provided by the county
17 or any city in the county.

18 4. Upon completion of the task of the commission,
19 a report of its actions and proposals shall be
20 published in a newspaper of general circulation in
21 the county. The report of the commission shall be
22 published not later than two years after the date
23 of the organizational meeting.

24 5. A public hearing on the report and proposals
25 shall be held within thirty days of the date of the
26 publication. The date, time, and location of the

27 hearing shall be published in the notice. The cost
28 of the publication shall be paid from the county
29 general fund.

30 6. At the hearing, or at a contribution of the
31 hearing, any interested person may present testimony
32 on the proposal for establishment of a consolidated
33 government, the form of government, and matters
34 relating to the effect of the formation of the proposed
35 consolidated government.

36 7. Following the conclusion of the hearing, the
37 board of supervisors shall call an election on the
38 formation of the consolidated government. The election
39 shall be held within thirty days following the date
40 of the public hearing. The county board shall inform
41 the commissioner of elections of the date of the
42 election pursuant to section 47.6.

43 8. The ballot proposition shall be voted upon
44 separately by those qualified electors residing in
45 cities, and shall be substantially in the follow-
46 ing form:

47 **FORMATION OF CONSOLIDATED GOVERNMENT**

48 Shall the government of _____ county and the
49 city of _____ in this county be consolidated
50 and the proposed charter be adopted effective (state

Page 3

1 the effective date)?

2
3

YES _____
NO _____

4 9. The proposition is adopted if a majority of
5 all qualified electors voting on the proposition in
6 the unincorporated area of the county and the cities
7 approves the formation of the consolidated government
8 and is adopted for each city in which a majority of
9 the qualified electors voting on the proposition
10 approves the formation of the consolidated government.

11 **Sec. 393. NEW SECTION. POWERS OF CONSOLIDATED**
12 **GOVERNMENT.**

13 1. A consolidated government is a municipal
14 corporation, and except as expressly limited by the
15 Constitution, and if not inconsistent with the laws
16 of the general assembly, may exercise any power and
17 perform any function granted to cities.

18 2. A consolidated government shall act in an
19 administrative capacity for the state as provided
20 by law.

21 3. The consolidated government has all the rights,
22 powers, privileges, and benefits of counties as

23 provided by law.

24 Sec. 394. *NEW SECTION. CONSOLIDATED GOVERNMENT*
25 *ORGANIZATION.* Following approval at the referendum,
26 representatives appointed by each city council in
27 the consolidated government and the board of
28 supervisors shall meet and provide for all of the
29 following:

30 1. Liquidation of existing bonded indebtedness
31 and other obligations of the cities and the county.

32 2. Transfer of city and county personnel and
33 continuation of salary, benefits, collective bargaining
34 agreements, retirement rights, and related matters.

35 3. Transfer or other disposition of property and
36 other rights, claims, assets, and franchises of the
37 local governments to be consolidated.

38 4. Establishment of a general services district
39 and an urban services district and the enlargement
40 of urban services districts as provided in section
41 395 of this Act.

42 5. Creation of consolidated government subordinate
43 service and taxing areas as provided in section 395
44 of this Act.

45 Sec. 395. *NEW SECTION. SERVICE DISTRICTS.*

46 1. The general services district shall include
47 the whole area of the consolidated government. A
48 service or function which is assigned by state law
49 to county government shall be performed in the general
50 services district. Additional services may be

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1 performed in the general services district with the
2 approval of the governing body of the consolidated
3 government.

4 2. The urban services districts shall consist
5 originally of each city included in the consolidation.
6 Urban services districts within the consolidated
7 government may be noncontiguous. The governing body
8 may specify the services in addition to those provided
9 in the general services district, including all city
10 services, to be provided in the urban services
11 districts. These services shall be financed from
12 revenues secured from within the urban services
13 district.

14 3. Consolidated government subordinate service
15 areas may be established by the governing body in
16 order to furnish services on a less than entire
17 consolidated government basis. Subordinate service
18 areas may be used for any of the following:

19 a. To perform a limited number of city services
20 in territory outside the boundaries of an urban
21 services district, but the service areas shall become
22 part of the urban services district upon assuming
23 responsibility for a specified number or type of city
24 services.

25 b. To perform noncity services anywhere in the
26 consolidated government.

27 c. To perform a service of a special district
28 included under subsection 5. A service provided
29 within a subordinate service area shall be financed
30 from revenues secured from within the area.

31 4. The governing body shall establish a procedure
32 for adding new services, discontinuing services, and
33 transferring services among the general services
34 district, urban services districts, and subordinate
35 service areas.

36 5. A consolidated government created under sections
37 390 through 396 of this Act may assume all functions,
38 rights, duties, personnel, property, assets, and
39 liabilities of a special district, except a school
40 district, operating entirely within the geographical
41 jurisdiction of the consolidated government.

42 6. The consolidated government shall notify the
43 special district of its desire to assume responsibility
44 for any or all of the special district's functions.
45 Upon the approval of an agreement providing for the
46 transfer of the function and necessary rights, duties,
47 property, assets, and liabilities by the consolidated
48 government and the special district, the special
49 district is dissolved.

50 7. When a consolidated government has been created,

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1 a new special district operating wholly within the
2 consolidated government shall not be formed unless
3 the governing body of the consolidated government
4 approves.

5 Sec. 396. *NEW SECTION. LOCAL TAXES.*

6 1. A consolidated government may impose local
7 taxes authorized by sections 390 through 396 of this
8 Act not less than one year from the date the
9 consolidated government is organized and becomes
10 functional, subject to this section.

11 2. The governing body of a consolidated government
12 may direct the county commissioner of elections to
13 submit at the next general election the question of
14 imposition of an authorized local tax to the qualified

15 electors within the county. The county commissioner
16 of elections shall be notified not later than sixty
17 days before the date of a general election.

18 3. The county commissioner of elections shall
19 submit the question of imposition of a local tax only
20 at a general election.

21 4. If a majority of those voting in the entire
22 county favors imposition of a local tax, the governing
23 body of the consolidated government shall impose the
24 tax, by resolution, in the entire county.

25 5. A local tax may be imposed or discontinued
26 only by ordinance of the governing body of the
27 consolidated government.

28 6. An annual local income tax surtax may be imposed
29 on every individual resident taxpayer at a rate not
30 to exceed ten percent of the taxpayer's computed state
31 individual income tax liability for the tax year.

32 7. A local sales, services, and use tax at a rate
33 of one percent may be imposed on the gross receipts
34 taxed by the state under chapter 422, division IV,
35 and under chapter 423. A local sales, services, and
36 use tax shall be imposed on the same basis as the
37 state sales, services, and use tax and shall not be
38 imposed on the sale or use of any property or on any
39 service not taxed by the state. A local sales,
40 services, and use tax is applicable only to
41 transactions within the territorial limits of the
42 consolidated government imposing it, and shall be
43 collected by all persons required to collect state
44 retail sales, services, or use taxes.

45 The amount of the sale, for purposes of determining
46 the amount of the local sales, services, and use tax,
47 does not include the amount of any state retail sales,
48 services, or use taxes.

49 A tax permit other than the state tax permit
50 required under section 422.53 shall not be required

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1 by local authorities.

2 8. An annual local earnings tax may be imposed
3 on every individual resident and nonresident tax-
4 payer exclusive of fiduciaries and corporations, at
5 a rate not to exceed ten percent of the taxpayer's
6 Iowa taxable income derived from work performed and
7 services rendered within the limits of the consolidated
8 government imposing the tax. A consolidated government
9 imposing an earnings tax shall give a credit for any
10 local income tax paid by the taxpayer on income which

11 is also subject to the earnings tax.

12 For purposes of this subsection, 'nonresident
13 taxpayer' means an individual taxpayer who derives
14 income from sources within the territorial limits
15 of the consolidated government imposing the tax
16 although the taxpayer's principal place of residence
17 is not in the territorial limits of the consolidated
18 government, and a fiduciary or a corporation which
19 is a taxpayer and which derives income from sources
20 within the territorial limits of the consolidated
21 government imposing the tax. 'Income derived from
22 sources within the territorial limits of the
23 consolidated government' means income of every kind
24 produced as a result of work performed, services
25 rendered, goods sold, and other business activities
26 conducted with in the territorial limits of the
27 consolidated government imposing the tax, and includes,
28 but is not limited to, dividends and interest from
29 investment property with a situs within the
30 consolidated government, capital gains in excess of
31 capital losses on property located within the
32 consolidated government, and rental income from real
33 and tangible personal property located within the
34 territorial limits of the consolidated government
35 imposing the tax.

36 9. A local sales, services, and use tax shall
37 take effect only January 1 or July 1 following a
38 favorable election and a local income or earnings
39 tax shall take effect only January 1 following a
40 favorable election.

41 The director of revenue shall administer a local
42 income tax, earnings tax, or sales, services, and
43 use tax as nearly as possible in conjunction with
44 the administration of state income tax laws, or state
45 retail sales, services, and use tax laws. The director
46 shall provide appropriate forms, or provide on the
47 regular state tax forms, for reporting local income
48 tax, earnings tax, or sales, services, and use tax
49 liability.

50 An ordinance of the governing body of a consolidated

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1 government imposing a local income tax, earnings tax,
2 or sales, services, and use tax shall adopt by
3 reference the applicable provisions of the appropriate
4 sections of chapter 422, divisions I and II for a
5 local income or earnings tax, or chapter 422, division

6 IV and chapter 423 for a local sales, services, and
7 use tax, and the powers conferred and requirements
8 imposed upon the director in administering the state
9 income tax law, or the state retail sales, services,
10 and use tax law are applicable to the director's
11 administration of a local income tax, earnings tax,
12 or sales, services, and use tax law, as applicable,
13 including but not limited to, powers to impose interest
14 and penalties, and requirements for hearing and appeal.
15 Local officials shall confer with the director of
16 revenue and obtain the director's assistance in
17 drafting the ordinance imposing a local income tax,
18 earnings tax, or sales, services, and use tax. A
19 certified copy of the ordinance imposing a local
20 income tax, earnings tax, or sales, services, and
21 use tax shall be filed with the director.

22 10. There is created in the state treasury a local
23 tax fund. The director, in consultation with local
24 officials, shall collect and account for a local
25 income tax, earnings tax, or sales, services, and
26 use tax. The director shall retain and pay to the
27 treasurer of state for deposit in the general fund
28 of the state one percent of the local income tax,
29 earnings tax, or sales, services, and use tax receipts,
30 to cover administrative expense. The director shall
31 pay the remaining local income tax, earnings tax,
32 or sales, services, and use tax receipts to the
33 treasurer of state who shall credit the amount to
34 the local tax fund in the name of the consolidated
35 government imposing the tax.

36 11. The treasurer of state shall remit quarterly
37 to the governing body of a consolidated government
38 which has imposed a local income tax, earnings tax,
39 or sales, services, and use tax the amount credited
40 to it in the local tax fund. The local tax fund is
41 appropriated for this purpose.

42 12. All local income tax, earnings tax, or sales,
43 services, and use tax moneys received by a govern-
44 ing body of a consolidated government may be expended
45 for any lawful consolidated government purpose.
46 However, the consolidated government treasurer, or
47 another official designated by the governing body
48 of the consolidated government, shall credit at least
49 fifty percent of the local income tax, earnings tax,
50 or sales, services, and use tax moneys received to

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1 a special account for property tax relief.

2 13. The moneys deposited in the special account

3 for property tax relief shall be used to provide a
4 special homestead tax credit for each homestead which
5 qualified for the homestead tax credit granted pursuant
6 to section 425.1. The consolidated government
7 treasurer shall certify, before July 15 of each year,
8 to the appropriate consolidated government official
9 the amount of money in the special account for property
10 tax relief as of June 15 of that year. Upon certifi-
11 cation, the money in the special account may be spent
12 for any lawful consolidated government purpose. The
13 appropriate consolidated government official shall
14 divide the amount of money certified by the number
15 of qualified homesteads within the corporate limits
16 of the consolidated government to determine the pro
17 rata amount of the special homestead credit to be
18 granted to each qualified homestead. Each qualified
19 homestead shall be credited with the pro rata amount
20 after credit has been given pursuant to chapter 425.1
21 except that an individual shall not be given more
22 credit than the tax due. Any excess credit shall
23 be credited proportionately to the other qualified
24 homesteads. Before a consolidated government is
25 qualified to receive remittances from the treasurer
26 of state under section 17 of this Act, the appropriate
27 consolidated government official, before July 15 of
28 each year, shall certify to the treasurer of state
29 that the special homestead tax credit has been made.”

30 2. Page 232, by inserting after line 27 the
31 following:

32 “Sec. ____ . Section 422.72, subsection 1, Code
33 1981, is amended to read as follows:

34 1. It is unlawful for the director, or any person
35 having an administrative duty under this chapter,
36 or any present or former officer or other employee
37 of the state authorized by the director to examine
38 returns, to divulge in any manner whatever, the
39 business affairs, operations, or information obtained
40 by an investigation under this chapter of records
41 and equipment of any person visited or examined in
42 the discharge of official duty, or the amount or
43 source of income, profits, losses, expenditures or
44 any particular thereof, set forth or disclosed in
45 any return, or to permit any return or copy of a
46 return or any book containing any abstract or
47 particulars thereof to be seen or examined by any
48 person except as provided by law. However, the
49 director may authorize examination of [such] state
50 returns and other state information which is

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1 confidential under this section *by appropriate officers*
2 *of a consolidated government within this state if*
3 *the consolidated government has imposed a local tax,*
4 *or, if a reciprocal arrangement exists, by tax officers*
5 *of another state or the federal government. The*
6 *director may, by rules adopted pursuant to chapter*
7 *17A, authorize examination of state information and*
8 *returns by other officers or employees of this state*
9 *to the extent required by their official duties and*
10 *responsibilities. Disclosure of state information*
11 *to tax officers of another state is limited to*
12 *disclosures which have a tax administrative purpose*
13 *and only to officers of those states which have laws*
14 *that are as strict as the laws of this state protecting*
15 *the confidentiality of returns and information. The*
16 *director shall place upon the state tax form a notice*
17 *to the taxpayer that state tax information may be*
18 *disclosed to tax officials of another state or of*
19 *the United States for tax administrative purposes.*
20 *The department shall not authorize the examination*
21 *of tax information by officers and employees of this*
22 *state, another state, or of the United States if the*
23 *officers or employees would otherwise be required*
24 *to obtain a judicial order to examine the information*
25 *if it were to be obtained from another source, and*
26 *if the purpose of the examination is other than for*
27 *tax administration. However, the director of revenue*
28 *may provide sample individual income tax information*
29 *to be used for statistical purpose to the legislative*
30 *fiscal bureau. The information shall not include*
31 *the name or mailing address of the taxpayer or the*
32 *taxpayer's social security number. Any information*
33 *contained in an individual income tax return which*
34 *is provided by the director shall only be used as*
35 *a part of a statement by the director of the legislative fiscal*
41 *bureau that the individual income tax information*
42 *received by the bureau shall be used solely for*
43 *statistical purposes. This subsection does not prevent*
44 *the department from authorizing the examination of*
45 *state returns and state information under the*
46 *provisions of section 252B.9. This subsection prevails*
47 *over any general law of this state relating to public*
48 *records."*

49 3. By renumbering sections and correcting internal
50 references as necessary.

GEORGE R. KINLEY
BOB RUSH

S—3055

- 1 Amend Senate File 24 as follows:
- 2 1. Page 1, line 23, by striking the word
- 3 "*commenced*" and inserting in lieu thereof the words
- 4 "*been completed*".

COMMITTEE ON HUMAN RESOURCES
JULIA GENTLEMAN, Chairperson

S—3056

- 1 Amend Senate amendment S—3043 to Senate File
- 2 13 as follows:
- 3 1. Page 1, line 5, by striking the word "banks"
- 4 and inserting in lieu thereof the words "institutions
- 5 which are insured wholly or in part by the federal
- 6 deposit insurance corporation, federal savings and
- 7 loan insurance corporation, or national credit union
- 8 administration".

BOB RUSH

S—3057

- 1 Amend Senate File 1 as follows:
- 2 1. Page 1, line 11, by striking the words "*one*
- 3 *thousand*" and inserting in lieu thereof the words
- 4 "*five hundred*".

TED ANDERSON

S—3058

- 1 Amend Senate File 172 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.3, subsection 11, paragraph
- 5 d. Code 1981, is amended to read as follows:
- 6 d. Is a citizen of the United States and a resident
- 7 of this state, or licensed to do business in this
- 8 state in the case of a corporation. *Notwithstanding*
- 9 *paragraph f, in the case of a partnership, only one*
- 10 *partner need be a resident of this state."*

EDGAR H. HOLDEN

S—3059

- 1 Amend Senate File 1 as follows:
- 2 1. Page 1, by inserting after line 12 the

3 following new section:

4 "Section 2. Section 642.21, subsection 2,
5 paragraph c, Code 1981, is amended to read as follows:
6 c. Discharge an individual by reason of his
7 earnings having been subject to garnishment for
8 indebtedness. *A violation of this paragraph constitutes*
9 *a serious misdemeanor. This penalty shall in no way*
10 *limit the right of an individual to bring judicial*
11 *action."*

TED ANDERSON

S-3060

1 Amend Senate File 175 as follows:

2 1. Page 1, by inserting after line 32 the follow-
3 ing:

4 "Sec. ____ . Section 450.9, subsections 1 and 2, Code
5 1981, are amended to read as follows:

6 1. Surviving spouse, eighty thousand dollars or,
7 *if greater, the amount of the marital deduction*
8 *allowed, in computing the federal estate tax, under*
9 *section 2056 of the Internal Revenue Code of 1954*
10 *as amended to and including January 1, 1981, to the*
11 *extent that the value of any interest in property*
12 *included in determining the marital deduction is*
13 *included in determining the net estate under this*
14 *chapter.*

15 2. Each son and daughter, including legally adopted
16 sons and daughters, or illegitimate sons and daughters
17 entitled to inherit under the law of this state,
18 thirty thousand dollars or, *if greater, the amount*
19 *of the deduction for certain minor children allowed,*
20 *in computing the federal estate tax, under section*
21 *2057 of the Internal Revenue Code of 1954 as amended*
22 *to and including January 1, 1981, to the extent that*
23 *the value of any interest in property included in*
24 *determining the deduction for certain minor children*
25 *is included in determining the net estate under this*
26 *chapter."*

27 2. Amend the title page, line 3, by inserting after
28 the words "franchise taxes" the words "and providing an exemption in
29 computing the inheritance tax for the surviving
30 spouse and certain minor children similar to the
31 deduction allowed for federal estate tax purposes".

EMIL J. HUSAK

S-3061

1 Amend Senate File 130 as follows:

2 1. Page 28, by striking line 30 and inserting

3 in lieu thereof the following: "except for a public
4 purpose, as determined by the board, in accordance
5 with other state law. However,".

GARY L. BAUGHER
DAVID M. READINGER

S-3062

1 Amend Senate File 177 as follows:
2 1. Page 1, by inserting after line 1, the
3 following:
4 "Sec. 2. This Act, being deemed of immediate
5 importance, takes effect from and after its publication
6 in The Cedar Rapids Gazette, a newspaper published
7 in Cedar Rapids, Iowa, and in the Marshalltown Times-
8 Republican, a newspaper published in Marshalltown,
9 Iowa."

BOB RUSH

S-3063

1 Amend Senate File 110 as follows:
2 1. Page 1, by striking lines 6 through 9 and in-
3 serting in lieu thereof the words "as required by
4 section 2 of this Act, for planning and the preparation
5 of detailed architectural drawings for the remodeling,
6 including the construction of an addition to, the
7 present agronomy building at Iowa state university
8 of science and technology."
9 2. Page 1, by striking lines 11 and 12 and insert-
10 ing in lieu thereof the words "not be expended
11 for the preparation of architectural drawings".
12 3. Amend the title, by striking line 2 and in-
13 serting in lieu thereof the words "be used for planning
14 the remodeling of the".

ELVIE L. DREESZEN

S-3064

1 Amend Senate File 130 as follows:
2 1. Page 41, line 13, by inserting after the word
3 "board" the words "and bonds issued upon petition
4 of the county conservation board".
5 2. Page 57, line 34, by inserting after the period
6 the words "The fund shall be paid out upon requisition
7 of the county conservation board, which shall deposit
8 in the fund all gifts and revenues it receives."
9 3. Page 63, line 11, by inserting after the word

10 "Act" the words "and subject to a one million dollar
11 maximum aggregate limit on outstanding county
12 conservation bonds in the county. Expenses incurred
13 for the bond election shall be paid from the county
14 conservation fund".

JAMES E. BRILES

S-3065

1 Amend Senate File 1 as follows:
2 1. Page 1, by striking lines 3 through 12 and
3 inserting in lieu thereof the following:
4 "1. The disposable earnings of an individual
5 [shall be] *are* exempt from garnishment to the extent
6 provided by the federal Consumer Credit Protection
7 Act, Title III, 15 U.S.C. secs. 1671-1677 (1976).
8 [The term "Consumer Protection Act" means the Act of
9 Congress approved May 29, 1968, 82 Stat. 163,
10 officially cited as the "Consumer Credit Protection
11 Act, Title III." The maximum amount of an employee's
12 earnings which may be garnished during any one
13 calendar year is two hundred fifty dollars for each
14 judgment creditor] *An employee's earnings shall not
15 be garnished, except as provided in section 627.12."*

WILLIAM D. PALMER

S-3066

1 Amend Senate File 1 as follows:
2 1. Page 1, by inserting after line 12 the
3 following:
4 "Sec. 2. Section 642.21, Code 1981, is amended
5 by adding the following new subsection:
6 *NEW SUBSECTION.* An employer may retain the
7 lessor of twenty-five dollars or ten percent of the
8 amount an employee's creditor subjects to garnishment.
9 The creditor shall credit the debtor with the entire
10 amount subjected to garnishment without deducting an
11 amount retained by a employer under this subsection."

WILLIAM D. PALMER

S-3067

1 Amend Senate File 1 as follows:
2 1. Page 1, line 11, by striking the words "*one
3 thousand*" and inserting in lieu thereof the words
4 "*seven hundred fifty*".

RICHARD COMITO
TED ANDERSON
SUE YENGER

S-3068

1 Amend Senate File 1 as follows:
2 1. Page 1, by inserting after line 12 the
3 following:
4 "Sec. ____ . Section 642.21, subsection 2, paragraph
5 a, Code 1981, is amended to read as follows:
6 a. Withhold from the earnings of an individual
7 an amount greater than that provided by law. *However,*
8 *an employer is not required to withhold garnishment*
9 *wages until the creditor provides the employer with*
10 *written notice of the provisions of this section,*
11 *section 537.5105, subsection 5 of section 537.5201,*
12 *and the limitations on garnishment in the federal*
13 *Consumer Credit Protection Act, Title III, 15 U.S.C.*
14 *sec. 1671-1677 (1976)."*

WILLIAM D. PALMER

S-3069

1 Amend Senate File 1 as follows:
2 1. Page 1, by inserting after line 12 the
3 following:
4 "Sec. ____ . Section 642.21, Code 1981, is amended
5 by adding the following new subsection following
6 subsection 2 and renumbering the remaining subsection:
7 *NEW SUBSECTION. If an employer discharges an*
8 *individual in violation of subsection 2, paragraph c,*
9 *the individual may within two years bring a civil*
10 *action for recovery of the wages lost as a result of*
11 *the discharge plus a penalty not to exceed the*
12 *amount of lost wages awarded, or for an order requiring*
13 *the reinstatement of the individual, or both. A judgment*
14 *awarded to a discharged individual under this*
15 *subsection shall include an additional award of the*
16 *costs of the action.*
17 Sec. ____ . Section 537.5201, subsection 5, Code
18 1981, is amended to read as follows:
19 5. If an employer discharges an employee in
20 violation of the provisions prohibiting discharge in
21 section 642.21, subsection 2, paragraph 'c', the
22 employee may within two years bring a civil action
23 for recovery of wages lost as a result of the violation
24 [and] *plus a penalty not to exceed the amount of lost*
25 *wages awarded, or for an order requiring the*

26 reinstatement of the employee *or both*. [Damages
 27 recoverable shall not exceed lost wages for six weeks.]
 28 *A judgement awarded to a discharged employee under*
 29 *this subsection shall include an additional award of*
 30 *costs of the action."*

TED ANDERSON
 LUCAS J. DE KOSTER

S—3070

1 Amend Senate File 116 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "place" the words "*in Iowa*".

JACK W. HESTER
 BASS VAN GILST

S—3071

1 Amend Senate File 152 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Chapter 478A, Code 1981, is repealed."
 5 2. Amend the title, by striking lines 1 through
 6 4 and inserting in lieu thereof the following: "An
 7 Act to repeal Chapter 478A, Code 1981."

GARY L. BAUGHER

S—3072

1 Amend Senate File 259 as follows:
 2 1. Page 1, line 7, by striking the word "five"
 3 and inserting in lieu thereof the word "three".
 4 2. Page 1, line 24, by inserting after the word
 5 "purchaser" the words "or transferee".
 6 3. Page 2, line 29, by striking the words "*and*
 7 *in bold letters*" and inserting in lieu thereof the
 8 words "*in bold letters and*".
 9 4. Page 3, by inserting after line 12 the following
 10 new section:
 11 "Sec. ____ . Section 321.52, subsection 4, unnumbered
 12 paragraph 1, Code 1981, is amended to read as follows:
 13 4. A vehicle rebuilder or a motor vehicle dealer
 14 licensed under chapter 322, upon acquisition of a
 15 wrecked or salvage vehicle, shall surrender the
 16 certificate of title and registration receipt or
 17 manufacturer's or importer's statement of origin
 18 properly assigned, together with an application for
 19 a salvage certificate of title to the county treasurer

20 of the county of residence of the purchaser or
 21 transferee within fourteen days after the date of
 22 assignment of the certificate of title for the wrecked
 23 or salvage motor vehicle. [The provisions of this]
 24 *This subsection [shall apply] applies only to vehicle*
 25 *with a fair market value of five hundred dollars or*
 26 *more, based on the value before the vehicle became*
 27 *wrecked or salvage. Upon payment of a fee of two*
 28 *dollars, the county treasurer shall issue a salvage*
 29 *certificate of title which shall [be of a distinctive*
 30 *color and bear the words "SALVAGE CERTIFICATE OF*
 31 *TITLE"] bear the word 'SALVAGE' in bold print and coded*
 32 *in a manner prescribed by the department. A salvage*
 33 *certificate of title may be assigned to any person.*
 34 *Notwithstanding any other provisions in this section*
 35 *a vehicle on which ownership has transferred to an*
 36 *insurer of [such] the vehicle, as a result of a*
 37 *settlement with the owner of the vehicle arising out*
 38 *of damage to, or unrecovered theft of the vehicle,*
 39 *shall be deemed to be a wrecked or salvage vehicle*
 40 *and the insurer shall comply with [the provisions of]*
 41 *this subsection to obtain a salvage certificate of*
 42 *title within fourteen days after the date of assignment*
 43 *of the certificate of title of the vehicle. Any*
 44 *owner, except an insurer of vehicles, who transfers*
 45 *a wrecked or salvage vehicle with a fair market value*
 46 *less than five hundred dollars, based on the value*
 47 *before it became wrecked or salvage, shall comply*
 48 *with [the provisions of] section 321.51."*
 49 5. Renumber sections and correct internal
 50 references as are necessary in accordance with this

Page 2

1 amendment.

RICHARD F. DRAKE
 ALVIN V. MILLER

S-3073

1 Amend Senate File 225 as follows:
 2 1. By striking page 1, line 33 through page 2,
 3 line 1, and inserting in lieu thereof the words "*of*
 4 *the unpaid party. Interest shall accrue commencing*
 5 *the thirty-first day following the completion of work*
 6 *and satisfaction of the other requirements of this*
 7 *subsection. The rate of interest shall be the same*
 8 *as the rate of interest established by the board of*
 9 *governors of the federal reserve system for six-month*

10 *money-market certificates of deposit sold by banks*
11 *and in effect as of the day interest begins to accrue*
12 *under this subsection."*
13 2. Page 2, by striking lines 30 through 34 and
14 inserting in lieu thereof the words "unpaid to the
15 benefit of the unpaid party. Interest shall accrue
16 commencing the thirty-first day following the
17 completion of work and satisfaction of the other
18 requirements of this subsection. The rate of interest
19 shall be the same as the rate of interest established
20 by the board of governors of the federal reserve
21 system for six-month money-market certificates of
22 deposit sold by banks and in effect as of the day
23 interest begins to accrue under this subsection."

RICHARD F. DRAKE

S—3074

1 Amend Senate File 28 as follows:
2 1. Page 1, line 16, by inserting after the word
3 "supplies" the words "*or have a financial interest*
4 *in a proprietary school or business related to the*
5 *licensed profession*".

ARTHUR A. SMALL, JR.

S—3075

1 Amend Senate File 116 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "year," the words "*not to be set before a complete*
4 *year audit can be presented to the convention*".

BERL E. PRIEBE

S—3076

1 Amend Senate File 116 as follows:
2 1. Page 1, line 7, by inserting after the word
3 "board." the words "*The place shall not be further*
4 *than fifty miles from Des Moines and all agricultural*
5 *associations shall have at least sixty days prior*
6 *notice.*"

BERL E. PRIEBE

S—3077

For the text of this House amendment, see pages 498-499 of the Senate Journal.

S—3078

1 Amend Senate File 250 as follows:

- 2 1. Page 1, line 8, by striking the words "Horse
- 3 race" and inserting in lieu thereof the word "Race".
- 4 2. Page 1, line 9, by inserting after the word
- 5 "horse" the words "or dog".
- 6 3. Page 1, line 11, by inserting after the word
- 7 "horse" the words "or dog".
- 8 4. Page 1, line 12, by inserting after the word
- 9 "horses" the words "or racing of dogs or both".
- 10 5. Page 2, line 8, by inserting after the word
- 11 "horse" the words "or dog".
- 12 6. Page 5, line 3, by inserting after the word
- 13 "horse" the words "or dog".
- 14 7. Page 5, line 6, by inserting after the word
- 15 "horses" the words "or dogs".
- 16 8. Page 5, line 10, by inserting after the word
- 17 "horse" the words "or dog".
- 18 9. Page 5, line 13, by inserting after the word
- 19 "horses" the words "or dogs".
- 20 10. Page 5, line 17, by inserting after the word
- 21 "horse" the words "or dog".
- 22 11. Page 5, line 19, by inserting after the word
- 23 "horses" the words "or dogs".
- 24 12. Page 5, line 20, by inserting after the word
- 25 "horses" the words "or dogs".
- 26 13. Page 5, line 25, by inserting after the word
- 27 "horses" the words "or dogs".
- 28 14. Page 5, line 31, by inserting after the word
- 29 "HORSES" the words "—NATIVE DOGS".
- 30 15. Page 5, by striking line 33 and inserting
- 31 in lieu thereof the following: "foaled or bred or
- 32 dogs whelped or bred in Iowa if there are enough of
- 33 these horses or dogs".
- 34 16. Page 6, line 1, by inserting after the word
- 35 "horse" the words "or dog".
- 36 17. Page 6, line 2, by inserting after the word
- 37 "foaled" the words "or whelped or bred".
- 38 18. Page 6, by striking line 3 and inserting in
- 39 lieu thereof the following: "these horses or dogs,
- 40 shall be withheld by the licensee and paid to".
- 41 19. Page 6, line 4, by inserting after the word
- 42 "horse" the words "or dog".
- 43 20. Page 6, line 7, by inserting after the word
- 44 "Iowa" the words "or a dog to be bred or whelped in
- 45 Iowa".
- 46 21. Page 6, line 12, by inserting after the word
- 47 "horse-race" the words "or dog-race".
- 48 22. Page 7, line 6, by inserting after the word
- 49 "horse" the words "or dog race".
- 50 23. Page 7, line 13, by striking the word "horse".

Page 2

- 1 24. Page 7, line 16, by striking the word "horse".
- 2 25. Page 7, line 24, by striking the word "horse".
- 3 26. Page 7, line 25, by striking the word "horse".
- 4 27. Page 7, line 32, by striking the word "horse".
- 5 28. Page 9, line 9, by striking the word "HORSE".
- 6 29. Page 9, line 12, by striking the word "horse".
- 7 30. Page 9, line 18, by striking the word "horse".
- 8 31. Page 9, line 23, by inserting after the word
- 9 "foaled" the words "or dogs bred or whelped".
- 10 32. Page 9, line 23, by striking the word "and"
- 11 and inserting in lieu thereof the word "or".
- 12 33. Page 9, line 24, by inserting after the word
- 13 "horses" the words "or dogs".
- 14 34. Page 9, line 25, by inserting after the word
- 15 "horses" the words "or dogs".
- 16 35. Page 9, line 26, by inserting after the word
- 17 "horses" the words ", or to the owners of dogs which
- 18 have sired the dogs".
- 19 36. Page 9, line 27, by striking the word "HORSE".
- 20 37. Page 10, by inserting after line 11 the
- 21 following new section:
- 22 "Sec. ____ . *NEW SECTION. RACING SEASONS.* The
- 23 commissioner shall establish by rule times in each
- 24 year during which either horse races or dog races
- 25 may be conducted. Horse races are not lawful at times
- 26 during which the commissioner has ruled dog races
- 27 may be conducted, nor are dog races lawful at times
- 28 during which the commissioner has ruled horse races
- 29 may be conducted."
- 30 38. Page 10, line 13, by inserting after the word
- 31 "horse" the words "or dog".
- 32 39. Page 10, line 14, by inserting after the word
- 33 "horse-race" the words "or dog-race".
- 34 40. Page 10, by striking line 21 and inserting
- 35 in lieu thereof the following: "conducting a horse
- 36 or dog race or horse-race or dog-race meeting in
- 37 connection".
- 38 41. Page 10, by striking line 24 and inserting
- 39 in lieu thereof the following: "conducting a horse
- 40 or dog race or horse-race or dog-race meeting in
- 41 connection".
- 42 42. Page 10, line 32, by inserting after the word
- 43 "horse" the words "or dog".
- 44 43. Page 10, line 34, by inserting after the word
- 45 "horse-race" the words "or dog-race".
- 46 44. Page 10, line 35, by inserting after the word
- 47 "horse" the word "or dog".

- 48 45. Page 11, line 2, by inserting after the word
 49 "HORSES" the words "OR DOGS".
 50 46. Page 11, line 4, by inserting after the word

Page 3

- 1 "horse" the words "or dog".
 2 47. Page 11, line 7, by inserting after the word
 3 "horse" the words "or a dog".
 4 48. Page 11, line 9, by inserting after the word
 5 "horse" the words "or a dog".
 6 49. Page 11, line 12, by inserting after the word
 7 "horse" the words "or dog".
 8 50. Page 11, line 14, by inserting after the word
 9 "horse" the words "or dog".
 10 51. Renumber and correct internal references as
 11 required to conform to this amendment.
 12 52. Amend title page, line 4, by inserting after
 13 the word "horse" the words "or dog".

TED ANDERSON
 ROLF V. CRAFT

S-3079

- 1 Amend Senate File 225 as follows:
 2 1. Page 1, line 24, by inserting after the figure
 3 "384.57" the words "*or by other means*".
 4 2. Page 2, line 1, by inserting after the period
 5 the words "*However, this subsection shall not apply*
 6 *if the city has entered into a contract with the*
 7 *federal government or accepted a federal grant which*
 8 *is governed by federal law or rules which are contrary*
 9 *to this section.*"
 10 3. Page 2, line 34, by inserting after the period
 11 the words "*However, this unnumbered paragraph shall*
 12 *not apply if the public agency has entered into a*
 13 *contract with the federal government or accepted a*
 14 *federal grant which is governed by federal law or*
 15 *rules which are contrary to this unnumbered paragraph.*"

RICHARD F. DRAKE

S-3080

- 1 Amend Senate File 145 as follows:
 2 1. Page 1, by striking lines 12 through 15 and
 3 inserting in lieu thereof the words "*A fee of five*
 4 *dollars shall be collected for the preparation of*
 5 *a certificate of adoption and deposited in the general*

6 *fund of the state.*"

7 2. Page 1, line 24, by striking the word "A".

8 3. Page 1, by striking lines 25 through 28 and
9 inserting in lieu thereof the words "*A fee of five*
10 *dollars shall be collected for each amended certificate*
11 *of birth to reflect a new name and deposited in the*
12 *general fund of the state.*"

13 4. Page 2, line 3, by striking words "*A fee*
14 *established by the*".

15 5. Page 2, by striking lines 4 through 7 and
16 inserting in lieu thereof the words "*A fee of five*
17 *dollars shall be collected for each certificate of*
18 *birth amended to show paternity and deposited in the*
19 *general fund of the state.*"

20 6. Page 2, by striking lines 10 through 12 and
21 inserting in lieu thereof the following:

22 "144.46 FEE FOR COPY OF RECORD. A fee of [two]
23 *five* dollars per copy shall be collected for each".

EMIL J. HUSAK

S-3081

1 Amend Senate File 121 as follows:

2 1. Page 1, line 17, by striking the words "*seeking*
3 *the name change*" and inserting in lieu thereof the
4 words "*whose name is to be changed*".

5 2. Page 1, lines 18 and 19, by striking the words
6 "*seeking a name change*" and inserting in lieu thereof
7 the words "*whose name is to be changed*".

8 3. Page 1, line 27, by striking the word
9 "*petitioner*" and inserting in lieu thereof the word
10 "*petition*".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S-3082

1 Amend Senate File 24 as follows:

2 1. Title page, line 5, by inserting after the
3 word "recommendations" the words "and that the
4 department either waive or pay the costs to correct
5 any deficiencies which were not noted by the department
6 in the plans or specifications".

EDGAR H. HOLDEN

S-3083

1 Amend Senate File 225 as follows:

2 1. By striking page 1, line 33 through page 2,
 3 line 1, and inserting in lieu thereof the words "of
 4 *the unpaid party. Interest shall accrue during the*
 5 *period commencing the thirty-first day following the*
 6 *completion of work and satisfaction of the other*
 7 *requirements of this subsection and ending on the*
 8 *date of payment. The rate of interest shall be*
 9 *determined, by the period of time during which interest*
 10 *accrues, and shall be the same as the rate of interest*
 11 *that is in effect under section 435.6, as of the day*
 12 *interest begins to accrue, for a deposit of public*
 13 *funds for a comparable period of time."*

14 2. Page 2, by striking lines 30 through 34 and
 15 inserting in lieu thereof the words "unpaid to the
 16 benefit of the unpaid party. Interest shall accrue
 17 during the period commencing the thirty-first day
 18 following the completion of work and satisfaction
 19 of the other requirements of this subsection and
 20 ending on the date of payment. The rate of interest
 21 shall be determined by the period of time during which
 22 interest accrues, and shall be the same as the rate
 23 of interest that is in effect under section 453.6,
 24 as of the day interest begins to accrue, for a deposit
 25 of public funds for a comparable period of time."

RICHARD F. DRAKE

S—3084

1 Amend Senate File 116 as follows:

2 1. Page 1, line 7, by inserting after the word
 3 "board", the words "*The board shall give 60 days*
 4 *notice of the location of the convention to all*
 5 *agricultural associations and persons eligible to*
 6 *attend."*

BERL E. PRIEBE
 JACK W. HESTER

S—3085

1 Amend amendment S—3072 to Senate
 2 File 259 as follows:

3 1. Page 1, line 31, by striking the words "*in*
 4 *bold print*" and inserting in lieu thereof the words
 5 "*stamped on the face of the title in bold letters*".

RICHARD F. DRAKE

S—3086

1 Amend Senate File 258 as follows:

- 2 1. Page 1, line 6, by inserting after the word
3 "*grain,*" the words "*to a farm tractor,*".
4 2. Page 1, line 20, by inserting after the word
5 "*except*" the words "*farm tractors and*".

RICHARD F. DRAKE
JOHN W. JENSEN

S-3087

- 1 Amend Senate File 271 as follows:
2 1. Page 1, line 3, by striking the following:
3 "~~—CRIMINAL~~".
4 2. Page 1, line 4, by striking the word
5 "PENALTY".
6 3. Page 1, line 7, by striking the words
7 "An owner or manager is" and inserting in lieu thereof
8 the following: "The person selling the cattle through the
9 sale barn, packing plant, or stockyard shall submit,
10 in writing, to the owner or manager of the sale barn,
11 packing plant, or stockyard a list of the brands on
12 the cattle to be sold which list shall be verified by
13 the owner or manager by comparing the list with the
14 brand markings on the cattle."
15 4. Page 1, by striking lines 8 and 9.
16 5. Amend the title, by striking lines 1 through 3
17 and inserting in lieu thereof the following: "An Act
18 requiring a cattle seller to provide sales barns,
19 stockyards, and packing plants with a list of brands
20 for the cattle to be sold, and requiring the brand
21 be recorded on the bill of sale for cattle sold through
22 sales barns, stockyards, and packing plants."

DICK RAMSEY

S-3088

- 1 Amend Senate File 268 as follows:
2 1. Page 1, line 16, by inserting after the word
3 "parole." the following: "However, a reduction of
4 sentence of two days for each day of good conduct
5 shall be given to inmates who while committed to one
6 of the division's institutions, are employed in the
7 institution, in Iowa state industries, or in an inmates
8 employment program established by the director of
9 the division of adult corrections of the department
10 of social services."

GARY L. BAUGHER

S—3089

- 1 Amend Senate File 263 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "mistake" the words "by the taxpayer".

ARTHUR A. SMALL, JR.

S—3090

For the text of this House amendment, see page 554 of the Senate Journal.

S—3091

- 1 Amend Senate File 268 as follows:
- 2 1. Page 2, line 32, by inserting after the
- 3 word "shall" the word "not".

BOB RUSH

S—3092

- 1 Amend Senate File 123 as follows:

DIVISION S—3092A

- 2 1. Page 1, by inserting after line 6 the following:
- 3 "Sec. 2. Section 17A.4, Code 1981, is amended
- 4 by adding the following new subsection:
- 5 *NEW SUBSECTION.* The general assembly may rescind
- 6 all or a separate and severable portion of a rule
- 7 by the passage of a concurrent resolution. The
- 8 concurrent resolution shall be filed with the
- 9 administrative rules coordinator and a copy provided
- 10 to the Code Editor for publication in the Iowa
- 11 administrative bulletin. The concurrent resolution
- 12 shall be effective on the date of filing."

DIVISION S—3092B

- 13 2. Page 4, by inserting after line 2 the following:
- 14 "Sec. 7. Section 17A.8, subsection 9, Code 1981,
- 15 is amended to read as follows:
- 16 9. Upon a vote of two-thirds of its members, the
- 17 administrative rules review committee may delay the
- 18 effective date of a rule until the expiration of
- 19 [forty-five] *ninety* calendar days, excluding legal
- 20 holidays, during which the general assembly is in
- 21 regular session. If a rule is delayed during the
- 22 last twenty-one calendar days preceding the adoption

23 of a resolution for sine die adjournment of a regular
24 session, the [forty-five] *ninety* day period shall begin
25 to run upon the convening of the next regular session
26 of the general assembly. The committee shall refer
27 a rule whose effective date has been delayed to the
28 speaker of the house of representatives and the
29 president of the senate who shall refer the rule to
30 the appropriate standing committees of the general
31 assembly. If at the expiration of that period the
32 general assembly has not disapproved of the rule by
33 a joint resolution approved by the governor, the rule
34 shall become effective. If a rule is disapproved,
35 it shall not become effective and the agency shall
36 withdraw the rule. This section shall not apply to
37 rules made effective under section 17A.5, subsection
38 2, paragraph 'b'."

DIVISION S—3092C

39 3. Page 4, by inserting after line 2 the following:
40 "Sec. 8. Chapter 17A, Code 1981, is amended by
41 adding the following new section:
42 *NEW SECTION.* A rule shall cease to be effective
43 upon the expiration of the third calendar year
44 following the year the rule became effective unless
45 the rule is renewed pursuant to this section. A rule
46 may be renewed by the adoption of a rule renewing
47 the rule by reference to its citation in the Iowa
48 administrative code. The renewal rule may renew more
49 than one rule. If an agency determines not to renew
50 a rule, it shall repeal the rule. If an agency

Page 2

S—3902C (cont'd.)

1 determines to modify a rule, that rule shall not cease
2 to be effective until the modification becomes
3 effective or the rule-making proceeding is terminated.
4 Sec. 9. In order to implement section 8 of this
5 Act, each agency shall adopt a rule by January 1,
6 1982 designating which of its rules will cease to
7 be effective in the years 1982, 1983, and 1984."
8 4. By renumbering the sections and cross references
9 to conform with this amendment.

EMIL J. HUSAK

S-3093

1 Amend Senate File 225 as follows:

2 1. By striking page 1, line 25 through page 2,
3 line 1 and inserting in lieu thereof the words "*The*
4 *city shall order payment of any amount due the*
5 *contractor to be made in accordance with the terms*
6 *of the contract. Failure to make payment within*
7 *seventy days after the work under the contract has*
8 *been completed and if the work has been accepted and*
9 *all require materials, certifications, and other*
10 *documentations required to be submitted by the*
11 *contractor and specified by the contract have been*
12 *furnished the awarding city by the contractor, shall*
13 *cause interest to accrue on the amount unpaid to the*
14 *benefit of the unpaid party. Interest shall accrue*
15 *during the period commencing the thirty-first day*
16 *following the completion of work and satisfaction*
17 *of the other requirements of this subsection and*
18 *ending on the date of payment. The rate of interest*
19 *shall be determined, by the period of time during*
20 *which interest accrues, and shall be the same as the*
21 *rate of interest that is in effect under section*
22 *453.6, as of the day interest begins to accrue, for*
23 *a deposit of public funds for a comparable period*
24 *of time. Nothing contained in this subsection shall*
25 *abridge any of the rights set for in section 573.16."*

26 2. Page 2, by striking lines 22 through 34 and
27 inserting in lieu thereof the following:

28 **NEW UNNUMBERED PARAGRAPH.** The public corporation
29 shall order payment of any amount due the contractor
30 to be made in accordance with the terms of the
31 contract. Failure to make payment within seventy
32 days after the work under the contract has been
33 completed and if the work has been accepted and all
34 required materials, certifications, and other
35 documentations required to be submitted by the
36 contractor and specified by the contract have been
37 furnished the awarding public corporation by the
38 contractor, shall cause interest to accrue on the
39 amount unpaid to the benefit of the unpaid party.
40 Interest shall accrue during the period commencing
41 the thirty-first day following the completion of work
42 and satisfaction of the other requirements of this
43 subsection and ending on the date of payment. The
44 rate of interest shall be determined by the period
45 of time during which interest accrues, and shall be
46 the same as the rate of interest that is in effect
47 under section 453.6, as of the day interest begins

48 to accrue, for a deposit of public funds for a
 49 comparable period of time. Nothing contained in this
 50 paragraph shall abridge any of the rights set for

Page 2

1 in section 573.16.”

RICHARD F. DRAKE

S—3094

1 Amend Senate File 295 as follows:
 2 1. Page 11, line 33, by inserting after the figure
 3 “117.45,” the words “unnumbered paragraph 1,”.
 4 2. Page 11, line 34, by striking the word “section”
 5 and inserting in lieu thereof the word “paragraph”.
 6 3. Page 11, by striking line 35 and inserting
 7 in lieu thereof the words “A per-”.

RICHARD F. DRAKE

S—3095

1 Amend Senate File 145 as follows:
 2 1. Page 2, by striking lines 10 through 12 and
 3 inserting in lieu thereof the following:
 4 “144.56 FEE FOR COPY OF RECORD. A fee of [two]
 5 five dollars per copy shall be collected for each”.
 6 2. Page 2, line 17, by striking the word “state”
 7 and inserting in lieu thereof the word “county”.

C.W. BILL HUTCHINS

S—3096

1 Amend
 2 amendment S—3020 to Senate File 25 as follows:
 3 1. Page 1, by inserting after line 7 the
 4 following new subsection:
 5 “NEW SUBSECTION. A city or town may determine,
 6 by ordinance, whether or not warning lights and
 7 stop arms are to be used within its boundaries. If a
 8 city or town does not elect to pass an ordinance
 9 concerning the use of warning lights and stop arms
 10 within its boundaries, section 321.372(1) applies.”

ARTHUR L. GRATIAS

S—3097

1 Amend House File 413 as amended, passed and

- 2 reprinted by the House as follows:
 3 1. Page 2, by striking lines 11 through 13 and
 4 inserting in lieu thereof the following:
 5 "144.46 FEE FOR COPY OF RECORD. A fee of [two]
 6 *five* dollars per copy shall be collected for"

EMIL J. HUSAK

S—3098

- 1 Amend Senate File 110 as follows:
 2 1. Amend the title, by striking lines 2 through
 3 4 and inserting in lieu thereof the words "be used
 4 for planning the remodeling and addition to the
 5 agronomy building at the Iowa state university of
 6 science and technology."

ELVIE L. DREESZEN

S—3099

- 1 Amend Senate File 284 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Chapter 476, Code 1981, is amended
 5 by adding the following new section:
 6 **NEW SECTION. TELEPHONE DIRECTORY ASSISTANCE**
 7 **CHARGES.** Notwithstanding contrary provisions of
 8 section 476.6, a public utility shall not implement
 9 a charge for telephone directory assistance or
 10 implement a new or changed rate for telephone directory
 11 assistance except pursuant to a tariff that has been
 12 filed with the commission and finally approved by
 13 the commission."
 14 2. By renumbering the remaining sections of the
 15 bill.

BOB RUSH

S—3100

- 1 Amend House File 232 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 35 by striking the comma.
 4 2. Page 2, line 1 by striking the words "effective
 5 December 1, 1980,"
 6 3. Page 2, by striking lines 25 through 28.

LOWELL L. JUNKINS
 WILLIAM D. PALMER
 BOB RUSH

AMENDMENTS FILED

1937

S-3102

- 1 Amend Senate File 209 as follows:
- 2 1. Page 1, by striking lines 1 through 11.
- 3 2. Amend title, by striking lines 1 through
- 4 4 and inserting in lieu thereof the following:
- 5 "An Act to amend the county agricultural extension
- 6 law by increasing the dollar amount which may be
- 7 levied for the county agricultural extension council
- 8 budget."

JOHN W. JENSEN

S-3103

- 1 Amend Senate File 305 as follows:
- 2 1. Page 13, line 19, by striking the figure
- 3 "\$55,057,680" and inserting in lieu thereof the
- 4 figure "\$56,197,680".
- 5 2. Page 13, by striking lines 20 through 23.

TOM SLATER

S-3104

- 1 Amend Senate File 305 as follows:
- 2 1. Page 14, line 10 by inserting after the word
- 3 "and" the words "*are currently enrolled in a school*
- 4 *which meets the requirements of section 257.25 or*".

BASS VAN GILST

S-3105

- 1 Amend Senate File 305 as follows:
- 2 1. Page 1, line 17, by inserting after the
- 3 word "Any" the words "unencumbered or unobligated".

GARY L. BAUGHER

S-3106

- 1 Amend Senate File 305 as follows:
- 2 1. Page 14, line 11, by inserting after the word
- 3 "disabled." the words "*However, the department shall*
- 4 *provide foster care, after the effective date of this*
- 5 *Act through June 30, 1981, to those persons who are*
- 6 *eighteen or nineteen years old, regularly attending*
- 7 *a high school approved by the state board of public*
- 8 *instruction, and carrying a normal courseload in*
- 9 *pursuance of a regular high school diploma. The*

10 *foster care shall cease upon graduation from high*
 11 *school."*

SUE YENGER
 TOM SLATER
 DICK RAMSEY
 ARNE WALDSTEIN

S—3107

- 1 Amend Senate File 305 as follows:
 2 1. Page 6, line 8, by striking the words and
 3 figures "4, 4, and 5" and inserting in lieu thereof
 4 "and 4".
 5 2. Page 6, by striking lines 33 through page 7,
 6 line 5.

EMIL J. HUSAK
 C.W. BILL HUTCHINS
 TOM SLATER
 BERL E. PRIEBE
 ALVIN V. MILLER

S—3108

- 1 Amend Senate File 289:

DIVISION S—3108A

- 2 1. Page 1, line 8, by striking the word "*dog*."

DIVISION S—3108B

- 3 2. Page 1, line 10, by striking the word "*dog*."

GARY L. BAUGHER

S—3109

- 1 Amend Senate File 305 as follows:
 2 1. Page 12, by striking lines 3 and 4 and
 3 inserting in lieu thereof the following: "Sixty-sixth
 4 General Assembly, 1976 Session, chapter 1205, section
 5 1, subsection 1, for various state conservation
 6 commis-".

DALE L. TIEDEN

S—3110

- 1 Amend Senate File 305 as follows:

2 1. Page 20, by striking lines 1 through 10.

C.W. BILL HUTCHINS
LOWELL L. JUNKINS

S—3111

1 Amend Senate File 268 as follows:
2 1. Page 2, line 15, by inserting after the word
3 "corrections." the following: "The inmate disciplinary
4 procedure including but not limited to the method
5 of forfeiting time pursuant to this chapter, is not
6 a contested case subject to chapter 17A."

DONALD V. DOYLE

S—3312

1 Amend Senate File 263 as follows:
2 1. Page 1, line 3, by striking the words
3 "as a result of mistake,".
4 2. Page 1, by striking lines 7 through 10 and
5 inserting in lieu thereof the following: "against
6 any tax due[, or to become due, under this chapter]
7 *on the books of the department* [from the person who
8 made the erroneous payment,] *by the person who made*
9 *the excessive payment, or [such] that amount shall be*
10 *refunded to [such] the person [by the department] or with*
11 *the person's approval, credited to tax to become due.*
12 A claim for refund or".

JACK W. HESTER

S—3113

1 Amend amendment S—3104 to Senate
2 File 305 as follows:
3 1. Page 1, line 4, by inserting after the figure
4 "257.25" the words "*and are not more than 19 years of*
5 *age,*".

CHARLES P. MILLER

S—3114

1 Amend Senate File 305 as follows:
2 1. Page 7, by inserting after line 5 the following:
3 "*Notwithstanding section 50 of this Act, the fund*
4 *reductions under this subsection which relate to the*
5 *elimination of inspectors for beauty salons and barber*
6 *shops shall not revert to the general fund of the*

7 *state on the effective date of this Act, but shall*
 8 *be retained by the licensing and certification division*
 9 *of the state department of health until such time*
 10 *as the division can reduce its licensing fees for*
 11 *beauty salons and barber shops to equal the*
 12 *administrative costs attributable to the licensing*
 13 *inspections. Any remaining division funds under this*
 14 *subsection relating to such inspections at that time*
 15 *shall revert to the general fund of the state."*

BERL E. PRIEBE

S—3115

1 Amend Senate File 305 as follows:
 2 1. Page 9, by inserting after line 7 the following:
 3 "Sec. ____ . Acts of the Sixty-eighth General
 4 Assembly, 1979 Session, Chapter 12, section 1,
 5 subsection 1, paragraph a is amended to read as
 6 follows:
 7 a. From the general fund
 8 salaries, support, maintenance, and
 9 miscellaneous purposes including
 10 a market news study \$ 1,098,652 \$ [1,087,460]
 11 909,560
 12 *The funds appropriated by this paragraph shall*
 13 *be used to finance not more than twenty-eight full*
 14 *time equivalent meat and poultry inspectors including*
 15 *the six veterinarians presently employed by the*
 16 *department of agriculture."*
 17 2. Renumber the sections as necessary.

BERL E. PRIEBE

S—3116

1 Amend amendment S—3104 to Senate
 2 File 305 as follows:
 3 1. Page 1, line 4, by inserting after the
 4 figure "257.25" the words "*are eighteen or nineteen*
 5 *years old, regularly attending a high school approved*
 6 *by the state board of public instruction, and carrying*
 7 *a normal courseload in pursuance of a regular high*
 8 *school diploma, or*".
 9 2. Page 1, by inserting after line 4 the following:
 10 " ____ . Page 14, line 11, by inserting after the
 11 word 'disabled,' the following: *'The foster care*
 12 *shall cease upon graduation from high school.'* "

ARNE WALDSTEIN

S-3117

1 Amend Senate File 324 as follows:

2 1. Page 1, line 14, by striking the word "Multiple-
3 unit" and inserting in lieu thereof the words "Except
4 as provided in subsection 4, multiple-unit".

5 2. Page 1, by inserting after line 29 the
6 following:

7 "4. This section does not require the installation
8 of smoke detectors in multiple-unit residential
9 buildings which, on the effective date of this Act,
10 are equipped with heat detection devices or a sprinkler
11 system with alarms approved by the state fire marshal."

12 3. By renumbering remaining subsections of section
13 1.

EDGAR H. HOLDEN
EMIL J. HUSAK
LUCAS J. DE KOSTER

S-3118

1 Amend Senate File 305 as follows:

2 1. Page 14, line 11, by inserting after the
3 word "disabled." the words "*However, the department
4 shall provide foster care, after the effective date
5 of this Act through June 30, 1981, to those persons
6 who are eighteen or nineteen years old, regularly
7 attending a high school as full-time students or enrolled
8 in an alternative education center approved by the
9 state board of public instruction, and carrying a
10 normal courseload in pursuance of a regular high
11 school diploma. The foster care shall cease upon
12 graduation from high school.*"

BASS VAN GILST
SUE YENGER
TOM SLATER
DICK RAMSEY
ARNE WALDSTEIN

S-3119

1 Amend Senate File 268 as follows:

2 1. Page 1, line 1, by striking the figure "7" and
3 inserting in lieu thereof the figure "8".

4 2. Page 1, line 10, by striking the figure "4" and
5 inserting in lieu thereof the figure "5".

6 3. Page 1, by striking after line 35 the following:
7 "Sec. 4. *NEW SECTION. WORK TIME.*

8 1. In addition to time awarded for good conduct
 9 pursuant to section 3 of this Act a reduction of sentence
 10 shall be given to inmates who while committed to one
 11 of the division's institutions, are employed in the
 12 institution, in Iowa state industries, or in an inmate
 13 employment program established by the director of the
 14 division of adult corrections of the department of
 15 social services. The reduction of sentence shall be
 16 one day for each day of employment and shall be known
 17 as 'work time'.

18 2. Work time shall not accrue to an inmate while
 19 serving a life sentence. However, work time shall
 20 accrue for each day of employment after an inmate's
 21 life sentence is commuted.

22 3. The work time reduction of sentence shall be
 23 computed monthly adjusting the inmates tentative
 24 discharge date."

25 4. Page 2, line 1, by striking the figure "4"
 26 and inserting in lieu thereof the figure "5".

27 5. Page 2, line 4, by inserting after the word
 28 "time" the words "and work time,".

29 6. Page 2, line 7, by striking the figure "5"
 30 and inserting in lieu thereof the figure "6".

31 7. Page 2, line 16, by striking the figure "5"
 32 and inserting in lieu thereof the figure "6".

33 8. Page 2, line 19, by striking the figure "4"
 34 and inserting in lieu thereof the time "5".

35 9. Page 2, by striking lines 22 and 23 and
 36 inserting in lieu thereof the following: "result in
 37 the loss of good conduct time, work time, or both,
 38 and the amount of good conduct time, work time, or
 39 both, which may be lost as a result of each".

40 10: Page 2, line 25, by striking the figure "6"
 41 and inserting in lieu thereof the figure "7".

42 11. Page 2, line 29, by inserting after the
 43 word "time" the words "and work time,".

44 12. Page 2, line 31, by inserting after the word
 45 "time" the words "and work time,".

46 13. Page 3, line 11, by striking the figure "7"
 47 and inserting in lieu thereof the figure "8".

48 14. Page 3, by striking lines 14 and 15 and inserting
 49 in lieu thereof the following: "granting or forfeiting
 50 of good conduct time and work time.

Page 2

1 Sec. 9. Section 901.6, Code 1981, is amended to
 2 read as".

3 15. Page 3, line 26, by striking the figure "9"

- 4 and inserting in lieu thereof the figure "10".
 5 16. Page 3, line 28, by striking the figure "10"
 6 and inserting in lieu thereof the figure "11".
 7 17. Page 3, line 30, by striking the figure "11"
 8 and inserting in lieu thereof the figure "12".
 9 18. Page 4, line 14, by striking the figure "7"
 10 and inserting in lieu thereof the figure "8".

GARY L. BAUGHER
 DONALD V. DOYLE

S-3120

- 1 Amend Senate File 170 as follows:
 2 1. Page 1, by inserting after line 31 the
 3 following:
 4 "Sec. 2. Legislative members of the state
 5 functional classification review board may submit
 6 claims for per diem and expenses as provided in this
 7 Act for meetings after July 1, 1980 notwithstanding
 8 the limitation provided in section 8.13, subsection
 9 1.
 10 Sec. 3. This Act takes effect from and after its
 11 publication in The Hawk Eye, a newspaper published
 12 in Burlington, Iowa and in The Glidden Graphic, a
 13 newspaper published in Glidden, Iowa, and is
 14 retroactive to July 1, 1980."

C.W. BILL HUTCHINS

S-3121

- 1 Amend Senate File 313 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Chapter 123, Code 1981, is amended
 5 by adding the following new section:
 6 **NEW SECTION. TAX ON INDIVIDUAL SALES.** There is
 7 imposed on every person licensed to sell alcoholic
 8 beverages for consumption on the premises where sold,
 9 an occupational tax.
 10 This tax shall be an amount equivalent to ten
 11 percent upon the gross receipts of a licensee from
 12 sales of alcoholic beverages in the state of Iowa.
 13 This occupational tax on gross receipts is in lieu
 14 of sales tax on the same gross receipts.
 15 Sec. 2. Chapter 123, Code 1981, is amended by
 16 adding the following new section:
 17 **NEW SECTION. REPORT AND RETURN OF TAX—PENALTY.**
 18 On or before the fifteenth day of the month following

19 the effective date of this Act and each subsequent
20 month every person licensed to sell alcoholic beverages
21 for consumption on the premises where sold, shall
22 render to the department a report. The report shall
23 be sworn to by an officer or agent in the case of
24 corporations, and by the owner or agent in the case
25 of an individual licensee. The report shall show
26 the amount of receipts from sales of such alcoholic
27 beverages in the state of Iowa during the preceding
28 calendar month and other information the department
29 requires. The reports shall be on forms to be provided
30 by the department and shall be accompanied by payment
31 of ten percent of the gross receipts received during
32 the calendar month covered by the report.

33 A penalty of five percent per month of the amount
34 of the tax shall be added if the report is not filed
35 and the tax paid to the department by the fifteenth
36 day of the calendar month.

37 Sec. 3. Chapter 123, Code 1981, is amended by
38 adding the following new section:

39 *NEW SECTION. GROSS RECEIPTS DEFINED.* For purposes
40 of sections 1 and 2 of this Act, 'gross receipts'
41 means the amount received in money, credits or other
42 property in consideration of sales of alcoholic
43 beverages as provided in sections 1 and 2 of this
44 Act, with no deduction on account of the cost of the
45 property sold, the cost of the materials used, the
46 cost of labor or services, purchases, amounts paid
47 for interest or discount, or any other expenses.
48 No deductions shall be allowed for losses of any
49 nature.

50 Sec. 4. Section 422.45, Code 1981, is amended

Page 2

1 by adding the following new subsection:

2 *NEW SUBSECTION.* The gross receipts of a liquor
3 control licensee from sales of alcoholic beverages
4 in the state of Iowa, on which the occupational tax
5 is paid as provided in sections 1 and 2 of this Act.

6 Sec. 5. Section 123.96, Code 1981, is repealed.

7 Sec. 6. This Act is effective January first

8 following its enactment."

9 2. Title page, line 2, by inserting after the
10 word "licensees" the words ", to impose in lieu thereof
11 an occupational tax on the gross receipts of liquor
12 licensees on sales of alcoholic beverages, and
13 providing a penalty".

AMENDMENTS FILED

1945

S-3122

For the text of this House amendment, see page 640 of the Senate Journal.

S-3123

- 1 Amend Senate Joint Resolution 10 as follows:
- 2 1. Amend the title page, by striking line 4.

JACK W. HESTER

S-3124

- 1 Amend Senate File 295 as follows:
- 2 1. Page 4, line 29, by striking the words
- 3 "at a facility".
- 4 2. Page 12, by inserting after line 8 the
- 5 following:
- 6 "Any person who shall violate the provisions
- 7 of this section shall be guilty of a fraudulent
- 8 practice."

RICHARD F. DRAKE

S-3125

- 1 Amend House File 232 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 18, by inserting after the
- 4 word "treatment." the words "It is the intent of
- 5 the legislature that the department shall make
- 6 exceptions to any medical assistance program
- 7 suspensions under this section on a case by case
- 8 basis as necessitated by a client's need due to
- 9 an emergency situation."

TOM SLATER
C.W. BILL HUTCHINS

S-3126

- 1 Amend House File 232 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 3 through 7 and
- 4 inserting in lieu thereof the words and figures:
- 5 "1979 Session, chapter 8, section 8, subsection 14,
- 6 and chapter 8, section 18, and Acts of the Sixty-eighth
- 7 General Assembly, 1980 Session, chapter 1007, section 21,
- 8 according to monthly gross income and family size,
- 9 at a percent of the federal median income established
- 10 for the Title XX program under the federal Social

- 11 Security Act by reducing eligibility uniformly below
- 12 fifty-six percent of the federal median income for
- 13 homemaker and child day care services and below forty-
- 14 five percent of the federal median income for chore
- 15 services and all other Title XX services necessary to
- 16 reduce the demands on the appropriation items by four
- 17 point six (4.6) percent."

TOM SLATER
 BASS VAN GILST
 C.W. BILL HUTCHINS
 TED ANDERSON

S—3127

- 1 Amend Senate File 295 as follows:
- 2 1. Page 2, by striking lines 19 through 26.
- 3 2. By renumbering the sections to conform with
- 4 this amendment.

EDGAR H. HOLDEN

S—3128

- 1 Amend House File 232 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 25 through 29 and
- 4 inserting in lieu thereof the words: "[regulations.]
- 5 The special needs program of the aid to dependent children
- 6 program shall be continued. *By April*".
- 7 1. Page 2, by striking line 23 and inserting
- 8 in lieu thereof the following words: "which relate to
- 9 Iowa".

TOM SLATER
 TED ANDERSON

S—3129

- 1 Amend House File 232 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 4 through 12 and
- 4 inserting in lieu thereof the following:
- 5 "1. [It is the intent of the general assembly
- 6 that the] *The* schedule of living costs and the payment.
- 7 for persons on the aid to dependent children program
- 8 shall be increased for all family sizes by six percent
- 9 commencing October 1, 1979 and by an additional [six]
- 10 *three* percent commencing [October 1, 1980] *April 1, 1981*."

TOM SLATER
 TED ANDERSON

S-3130

- 1 Amend Senate File 235 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "not" the word "sell."
 4 2. Page 1, by striking lines 11 and 12 and
 5 inserting in lieu thereof the following:
 6 "3. A radar jamming device may be seized".
 7 3. Page 1, by striking lines 14 and 15 and
 8 inserting in lieu thereof the following: "809."
 9 4. Page 1, by striking lines 17 and 18 and
 10 inserting in lieu thereof the following: "means by
 11 mechanism designed or used to transmit radio waves
 12 in the electromagnetic wave spectrum to interfere
 13 with the".
 14 5. Page 1, by inserting after line 22, the
 15 following:
 16 "Sec. 2. Section 805.8, Code 1981, is amended
 17 by adding the following new subsection:
 18 *NEW SUBSECTION.* For violation of section 1 of
 19 this Act, the scheduled fine is ten dollars."

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chairperson

S-3131

- 1 Amend Senate File 300 as follows:
 2 1. Page 2, by striking lines 5 through 8 and
 3 inserting in lieu thereof the following: "a
 4 conventional checking account, and shall not impose
 5 any extraordinary charge upon customers who choose
 6 to write checks in the usual manner upon a conventional
 7 checking account maintained at that bank. *However,*
 8 *if a person chooses to write checks in the usual*
 9 *manner upon a conventional checking account maintained*
 10 *at a bank, the bank may impose a charge which shall*
 11 *not be more than an amount necessary to enable the*
 12 *bank to recover the actual costs incurred by the bank*
 13 *in providing the service, and the superintendent shall*
 14 *verify the necessity of the charge at the time the*
 15 *bank is audited."*

BERL E. PRIEBE
 EDGAR H. HOLDEN

S-3132

- 1 Amend Senate File 199 as follows:
 2 1. Page 1, by striking lines 3 through 14 and

3 inserting in lieu thereof the following:
 4 "NEW SECTION. APPOINTMENT OF PRIVATE LEGAL COUNSEL.
 5 At any stage of legal proceedings in which a county
 6 attorney is authorized to represent a county officer
 7 acting in the officer's official capacity, the county
 8 attorney may apply to the court for permission to
 9 withdraw from representation of the officer for cause.
 10 If the court allows the county attorney to withdraw,
 11 it shall appoint an attorney to represent the county
 12 officer. The costs of representing a county officer
 13 acting in the officer's official capacity shall be
 14 paid from the court expense fund or the general fund
 15 of the county."

DICK RAMSEY

S—3133

1 Amend Senate File 275 as follows:
 2 1. Page 1, by striking lines 3 through 13 and
 3 inserting in lieu thereof the following:
 4 "NEW SECTION. INFORMATION FOR PAROLE BOARD. The
 5 sentencing judge and prosecuting attorney shall when
 6 requested or may at their discretion furnish the
 7 board of parole with a statement of the facts and
 8 circumstances attending the commission of the offense,
 9 beyond the information available in the presentence
 10 investigation and including behavioral background
 11 information concerning the defendant so far as this
 12 information is known or believed by them. Recommendations
 13 relating to release or parole of the defendant may
 14 also be furnished by the sentencing judge or county
 15 attorney."

BOB RUSH
 LUCAS J. DE KOSTER
 DONALD V. DOYLE

S—3134

1 Amend Senate File 299 as follows:
 2 1. Page 1, line 6, by striking the words "*supervisor*
 3 *of savings and loan associations*" and inserting in lieu
 4 thereof the words "*auditor of state or a designee*".
 5 2. Page 2, line 19, by striking the words "*supervisor*
 6 *of savings and loan associations*" and inserting in lieu
 7 thereof the words "*auditor of state or a designee*".

EDGAR H. HOLDEN

S—3135

1 Amend Senate File 324 as follows:

DIVISION S—3135A

2 1. Page 1, line 7, by striking the word "three"
3 and inserting in lieu thereof the word "two".

DIVISION S—3135B

4 2. Page 1, line 17, by striking the words "room
5 or" and inserting in lieu thereof the words "room
6 and".

DIVISION S—3135A (cont'd.)

7 3. Page 1, line 19, by striking the word "three"
8 and inserting in lieu thereof the word "two".

DIVISION S—3135C

9 4. Page 1, line 20, by striking the word "either".

DIVISION S—3135D

10 5. Page 1, line 21, by striking the words "room
11 or" and inserting in lieu thereof the words "room
12 and".

DIVISION S—3135E

13 6. Page 1, line 24, by striking the word "or"
14 and inserting in lieu thereof the word "and".

DIVISION S—3135F

15 7. Page 2, line 4, by inserting after the word
16 "placement" the word ", repair,".

C.W. BILL HUTCHINS

S—3136

1 Amend Senate File 180 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Chapter 355, Code 1981, is amended
5 by adding the following new section:

6 *NEW SECTION. PLATTING REQUIRED.* A plat shall

7 be drawn for every property survey which constitutes
 8 a survey for previously unplatted lands of a
 9 subdivision or addition as described in section 409.1.
 10 The plat shall be recorded as provided in section
 11 409.31 before transfer of the land or other change
 12 of record affecting the land platted but not later
 13 than thirty days after completion of the survey.
 14 The cost of recording shall be paid to the county
 15 recorder by the surveyor and the surveyor may charge
 16 the person requesting the survey. The land surveyor
 17 and surveyor's client or property owner may agree
 18 to land surveying work without the drawing of a plat
 19 if the survey is of previously platted lands and not
 20 a subdivision or addition as described in section
 21 409.1."
 22 2. By renumbering the sections to conform with
 23 this amendment.

EDGAR H. HOLDEN

S—3137

1 Amend Senate File 321 as follows:
 2 1. Page 1, line 22, by inserting after the word
 3 "inspections." the words "The department shall not
 4 increase a fee established under this section by more
 5 than ten percent in any calendar year."
 6 2. Page 23, line 15, by inserting after the word
 7 "Act." the words "The limitation on the increase in
 8 fees per year in section 1 of this Act shall not apply
 9 to the fees initially established by rule under that
 10 section."

RICHARD F. DRAKE

S—3138

1 Amend Senate File 321 as follows:
 2 1. Page 9, by striking line 2 through page 10,
 3 line 13.
 4 2. By renumbering to conform with this amendment.

RICHARD F. DRAKE

S—3139

1 Amend amendment S—3117 to Senate File 324
 2 as follows:
 3 1. Page 1, line 5, by striking the figure "29"
 4 and inserting in lieu thereof the figure "28".

C.W. BILL HUTCHINS

S—3140

- 1 Amend Senate File 324 as follows:
 2 1. Page 2, line 25, by striking the word "three"
 3 and inserting in lieu thereof the word "two".
 4 2. Page 3, line 10, by striking the word "three"
 5 and inserting in lieu thereof the word "two".

C.W. BILL HUTCHINS

S—3141

- 1 Amend Senate File 180 as follows:
 2 1. Page 1, by striking lines 1 through 4 and
 3 inserting in lieu thereof the following:
 4 "Section 1. The Iowa state board of engineering
 5 examiners shall amend Iowa administrative code 390-
 6 2.5 published April 20, 1977 in the Iowa administrative
 7 code to provide that a plat is required to be drawn
 8 only when a survey constitutes a complete boundary
 9 survey of a parcel of land and a plat is not required
 10 when the survey is for the discovery of monuments
 11 or for a survey of existing property lines."

ARNE WALDSTEIN
 NORMAN J. GOODWIN
 ALVIN V. MILLER
 JAMES D. WELLS
 A.R. (BUD) KUDART
 FORREST V. SCHWENGELS

S—3142

- 1 Amend Senate File 324 as follows:
 2 1. Page 1, line 17, by striking the words
 3 "or in each corridor".
 4 2. Page 1, line 21, by striking the words
 5 "or in each corridor".

RICHARD COMITO

S—3143

- 1 Amend Senate File 300 as follows:
 2 1. Page 3, lines 32 and 33 by striking the
 3 words "not establish more than five bank offices"
 4 and inserting in lieu thereof the words "determine
 5 the number of branch offices".

WILLIAM D. PALMER

S—3145

- 1 Amend Senate File 324 as follows:
- 2 1. Page 2, line 9, by striking the words
- 3 "or heat".
- 4 2. Page 2, line 10, by striking the words
- 5 "detection devises".

RICHARD COMITO

S—3146

- 1 Amend Senate File 321 as follows:
- 2 1. Page 6, by striking line 11 and inserting in
- 3 lieu thereof the words "under section 1 of this Act."
- 4 2. Page 6, line 16, by inserting after the word
- 5 "department." the words "The department may establish
- 6 higher license fees for nonresident livestock dealers
- 7 and agents."
- 8 3. Page 6, by striking lines 21 through 32.
- 9 4. Page 23, by inserting after line 2 the
- 10 following:
- 11 "Sec. 56. Section 215.23, Code 1981, is amended
- 12 to read as follows:
- 13 215.23 SERVICER'S LICENSE. A servicer shall not
- 14 install, service or repair a commercial weighing or
- 15 measuring device until the servicer has demonstrated
- 16 that [he or she] *the servicer* has available adequate
- 17 testing equipment, and [that he or she] possesses a
- 18 working knowledge of all devices [he or she] *the servicer*
- 19 intends to install or repair and of all appropriate
- 20 weights, measures, statutes and rules, as evidenced
- 21 by passing a qualifying examination to be conducted
- 22 by the department and obtaining a license. The
- 23 secretary of agriculture shall establish by rule
- 24 pursuant to chapter 17A, requirements for and contents
- 25 of the examination. In determining these
- 26 qualifications, the secretary shall consider the
- 27 specifications of the national bureau of standards,
- 28 handbook forty-four, 'specifications, tolerances,
- 29 and technical requirements for commercial weighing
- 30 and measuring devices'. The secretary shall require
- 31 [an annual] a license fee [of not more than five dollars
- 32 for each license] *established under section 1 of this*
- 33 *Act. [Each license shall expire one year from date*
- 34 *of issuance.]"*
- 35 5. Page 23, line 3, by inserting after the word
- 36 "sections" the figure "163.28."
- 37 6. By renumbering the sections to conform with
- 38 this amendment.

RICHARD F. DRAKE

S—3147

- 1 Amend amendment S—3136 to Senate
- 2 File 180 as follows:
- 3 1. Page 1, line 19, by inserting after the
- 4 word "lands" the words "for which monuments are
- 5 recoverable".

FORREST V. SCHWENGELS

S—3148

- 1 Amend Senate File 260 as follows:
- 2 1. Page 1, by inserting after line 12 the
- 3 following:
- 4 "Sec. ____ . Section 805.6, subsection 1, paragraph
- 5 d, Code 1981, is amended to read as follows:
- 6 d. The written appearance defined in paragraph
- 7 'b' shall not be used for any offense other than a
- 8 simple misdemeanor *and shall not be used unless the*
- 9 *alleged offender is a nonresident as defined in section*
- 10 *321.1.*"

CHARLES P. MILLER

S—3149

- 1 Amend Senate File 300 as follows:
- 2 1. Page 2, by striking lines 9 through 19.

BOB CARR

S—3150

- 1 Amend House File 348 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, by striking lines 19 through 26.
- 4 2. Page 8, by inserting after line 24 the
- 5 following:
- 6 "Sec. ____ . Section 117.29, Code 1981, is amended
- 7 by adding the following new unnumbered paragraph:
- 8 *NEW UNNUMBERED PARAGRAPH. A real estate broker*
- 9 *or salesperson who is an owner or lessor of property*
- 10 *or an employee of an owner or lessor may have his*
- 11 *or her license revoked or suspended for violations*
- 12 *of this section or section 117.34, except subsections*
- 13 *4, 5, 6 and 9, with respect to that property."*
- 14 2. By renumbering the sections to conform with
- 15 this amendment.

EDGAR H. HOLDEN

S—3151

- 1 Amend Senate File 48 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 *"A city shall not join an entity created under*
- 5 *this chapter or any separate administrative or legal*
- 6 *entity created pursuant to chapter twenty-eight E (28E)*
- 7 *of the Code for the purpose of utilizing the provisions*
- 8 *of this chapter for financing electric power facilities*
- 9 *until the proposal of the city to join such entity has*
- 10 *been submitted to and approved by the voters pursuant*
- 11 *to chapter three hundred eighty-eight (388) of the Code."*

DICK RAMSEY

S—3152

- 1 Amend Senate File 28 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "supplies" the words *"or have a financial interest*
- 4 *in a proprietary school"*.

LUCAS J. DE KOSTER
ARTHUR A. SMALL, JR.

S—3153

- 1 Amend House File 414 as follows:
- 2 1. By striking page 9, line 8 through page 10,
- 3 line 28.

ARTHUR A. SMALL, JR.
JOE BROWN
TED ANDERSON
JAMES D. WELLS

S—3154

- 1 Amend House File 414 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 23 and 24 and
- 4 inserting in lieu thereof the words and figures *"the*
- 5 *school year beginning July 1, 1980, and the state*
- 6 *foundation base shall be the same"*.
- 7 2. Page 1, line 26, by inserting after the figure
- 8 *"1979" the words and figures "for the school year*
- 9 *beginning July 1, 1981, the state foundation base*
- 10 *shall be increased by the amount of one-half percent*
- 11 *of the state cost per pupil, and for the school year*
- 12 *beginning July 1, 1982, the state foundation base*

13 *shall be the same as the state foundation base for*
 14 *the school year beginning July 1, 1981”.*

15 3. Page 3, line 13, by striking the word “five”
 16 and inserting in lieu thereof the word “seven and
 17 five-tenths”.

18 4. Page 10, by inserting after line 28 the
 19 following:

20 “Sec. ____ . Notwithstanding sections 8.30 and 8.31,
 21 if the estimated budget resources during the fiscal
 22 year beginning July 1, 1981 or July 1, 1982 are
 23 insufficient to pay appropriations under section
 24 442.26, the governor may modify allotments to the
 25 extent the governor may deem necessary in order that
 26 there is no overdraft or deficit in the several funds
 27 of the state at the end of the applicable fiscal year.
 28 However, for the fiscal year beginning July 1, 1982,
 29 the amount of state aid paid under section 442.26
 30 shall be at least six hundred twenty million dollars.
 31 The governor shall submit copies of the modified
 32 allotments to the superintendent of public instruction
 33 and to the state comptroller who shall set up the
 34 modified allotments on the state comptroller’s books
 35 and be governed accordingly.

36 The finding by the governor that the estimated
 37 budget resources during the fiscal year are
 38 insufficient to pay the appropriations under section
 39 442.26 in full is subject to the concurrence of the
 40 executive council before reductions in the allotments
 41 are made.”

42 5. By numbering and renumbering sections and
 43 correcting internal references as necessary.

JOE BROWN
 TED ANDERSON
 ARTHUR A. SMALL, JR.
 JAMES D. WELLS

S—3155

1 Amend House File 53 as follows:

2 1. Page 1, line 3, by inserting after the word
 3 “makes” the words “and sells at retail”.

COMMITTEE ON AGRICULTURE
 RAY TAYLOR, Chairperson

S—3156

1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 23 and 24 and
4 inserting in lieu thereof the words and figures "the
5 school year beginning July 1, 1980, the state
6 foundation base shall be the same".

7 2. Page 1, line 26, by inserting after the figure
8 "1979" the words and figures "*for the school year*
9 *beginning July 1, 1981, the state foundation base*
10 *shall be increased by the amount of one-half percent*
11 *of the state cost per pupil, and for the school year*
12 *beginning July 1, 1982, the state foundation base*
13 *shall be the same as the state foundation base for*
14 *the school year beginning July 1, 1981".*

15 3. Page 3, line 13, by striking the word "five"
16 and inserting in lieu thereof the word "seven and
17 five-tenths".

18 4. Page 10, by inserting after line 28 the
19 following:

20 "Sec. ____ . Notwithstanding sections 8.30 and 8.31,
21 if the estimated budget resources during the fiscal
22 year beginning July 1, 1981 or July 1, 1982 are
23 insufficient to pay appropriations under section
24 442.26, the governor may modify allotments to the
25 extent the governor may deem necessary in order that
26 there is no overdraft or deficit in the several funds
27 of the state at the end of the applicable fiscal year.
28 However, for the fiscal year beginning July 1, 1981,
29 the amount of state aid paid under section 442.26
30 shall be at least six hundred twenty million dollars.
31 The governor shall submit copies of the modified
32 allotments to the superintendent of public instruction
33 and to the state comptroller who shall set up the
34 modified allotments on the state comptroller's books
35 and be governed accordingly.

36 The finding by the governor that the estimated
37 budget resources during the fiscal year are
38 insufficient to pay the appropriations under section
39 442.26 in full is subject to the concurrence of the
40 executive council before reductions in the allotments
41 are made."

42 5. By numbering and renumbering sections and
43 correcting internal references as necessary.

JOE BROWN
TED ANDERSON
ARTHUR A. SMALL, JR.
JAMES D. WELLS

S-3157

1 Amend Senate File 284 as follows:

2 1. Page 1, by inserting after line 11 the
3 following:

4 *"The Iowa state commerce commission shall not approve*
5 *a schedule of telephone directory assistance charges*
6 *unless the schedule provides that there shall not be*
7 *a charge for directory assistance unless the telephone*
8 *number requested is listed in the telephone directory*
9 *most recently published and distributed by the utility."*

TOM SLATER
BOB CARR

S—3158

1 Amend Senate File 153 as follows:

2 1. Page 1, by striking lines 22 through 26 and
3 inserting in lieu thereof the words "of excess rank.
4 *However, if an employer with a positive percentage*
5 *of excess is assigned a higher contribution rate on*
6 *any rate computation date, that higher contribution*
7 *rate shall not be separated from the employer's*
8 *previous rank on the contribution rate tables by more*
9 *than three numerical ranks."*

C.W. BILL HUTCHINS

S—3159

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:

3 1. By striking page 9, line 8 through page 10,
4 line 26 and inserting in lieu thereof the following:

5 "Sec. ____ . Chapter 442, Code 1981, is amended
6 by adding the following new section:

7 **NEW SECTION. AUTHORITY TO EXCEED BUDGET**
8 **LIMITATIONS.**

9 1. For the school years beginning July 1, 1981,
10 and July 1, 1982, the board of a school district may
11 spend more than the amount permitted under sections
12 442.1 through 442.13, pursuant to the procedures
13 established in this section.

14 2. The board shall determine the supplemental
15 amount needed, within the limits of this section,
16 and shall determine whether a combination of a
17 supplemental property tax and supplemental school
18 district income surtax shall be imposed. The board
19 shall act to impose the supplemental taxes for the
20 school year beginning July 1, 1981, not later than
21 April 15, 1981. The board shall act to impose the
22 supplemental taxes for the school year beginning July

23 1, 1982, not later than March 15, 1982.

24 3. For the school year beginning July 1, 1981,
25 the supplemental amount shall not exceed an amount
26 equal to the difference between the portion of district
27 cost of the district attributable to regular program
28 costs for the school year beginning July 1, 1981,
29 if the state percent of growth had been nine and
30 twenty-six thousandths percent, and the portion of
31 actual district cost of the district attributable
32 to regular program costs for the school year beginning
33 July 1, 1981.

34 For the school year beginning July 1, 1982, the
35 supplemental amount shall not exceed the dollar amount
36 that could be raised by the supplemental taxes in
37 the school year beginning July 1, 1981.

38 4. Prior to action to impose the supplemental
39 taxes, the board shall hold a public hearing on the
40 proposition. At least ten days prior to the date
41 set for the public hearing, the board shall publish
42 notice of the hearing in a newspaper of general
43 circulation in the school district. The notice shall
44 list the date, time, and location of the public
45 hearing. After the public hearing, the board shall
46 vote on the question of whether to impose the
47 supplemental property tax and the supplemental school
48 district income surtax.

49 5. If a majority of the members of the board vote
50 to impose the supplemental taxes, the board shall

Page 2

1 certify to the state comptroller that the required
2 procedures have been carried out, and the state
3 comptroller shall establish the amount of supplemental
4 property tax to be levied and the amount of
5 supplemental school district income surtax to be
6 imposed for each school year for which the supplemental
7 amount is authorized. The state comptroller shall
8 determine these amounts based upon the most recent
9 figures available for the district's valuation of
10 taxable property and individual state income tax paid
11 in the district, and shall certify to the district's
12 county auditor the amount of supplemental property
13 tax, and to the director of revenue the amount of
14 supplemental school district income surtax to be
15 imposed.

16 If the supplemental amount is voted by the board,
17 the supplemental school district income surtax shall
18 be imposed on the state individual income tax for

19 the calendar years beginning January 1, 1981, or
 20 January 1, 1982, or both, or for a taxpayer's fiscal
 21 year ending during the second half of a calendar year
 22 or the first half of the succeeding calendar year
 23 and shall be imposed on all individuals residing in
 24 the school district on the last day of the applicable
 25 tax year. As used in this section, 'state individual
 26 income tax' means the tax computed under section
 27 422.5, less the deductions allowed in section 422.12.

28 If the supplemental amount is voted by the board,
 29 the supplemental property tax shall be levied on the
 30 taxable property in the district for the fiscal years
 31 beginning July 1, 1981 or July 1, 1982, or both.

32 6. Sections 442.16, 442.17, 442.19, and 442.20
 33 apply to the supplemental school district income
 34 surtax established in this section. The director
 35 of revenue shall deposit all moneys received as
 36 supplemental school district income surtax to the
 37 credit of each district from which the moneys are
 38 received, in a 'supplemental school district income
 39 surtax fund' which is established in the office of
 40 the treasurer of state.

41 7. The supplemental amount needed shall be a
 42 combination of supplemental property tax and
 43 supplemental school district income surtax imposed
 44 in the proportion of a property tax of twenty-seven
 45 cents per thousand dollars of assessed valuation of
 46 taxable property in the district for each five percent
 47 of income surtax.

48 8. The supplemental amount is limited to the
 49 amount which may be raised by a combination tax in
 50 the prescribed proportion which does not exceed a

Page 3

1 property tax of one dollar and eight cents per thousand
 2 dollars of assessed valuation and an income surtax
 3 of twenty percent.

4 9. Income derived from the supplemental property
 5 tax and the supplemental school district income surtax
 6 is miscellaneous income.

7 10. This section takes effect retroactive to
 8 January 1, 1981."

JOHN S. MURRAY
 LUCAS J. DE KOSTER
 DAVID M. READINGER

S-3160

1 Amend House File 414 as amended, passed and

2 reprinted, as follows:

3 1. Page 1, by inserting after line 14 the following
4 section:

5 "Sec. ____ . Section 321.178, subsection 1,
6 unnumbered paragraph 2, Code 1981, is amended to read
7 as follows:

8 Every public school district in Iowa shall offer
9 or make available to all students residing in the
10 school district or Iowa students attending a nonpublic
11 school in the district an approved course in driver
12 education. Said courses may be offered at sites other
13 than at the public school, including nonpublic school
14 facilities within the public school districts. *The*
15 *board of a public school district may charge a fee*
16 *to students enrolling in an approved course in driver*
17 *education. An approved course offered during the*
18 *summer months, on Saturdays, after regular school*
19 *hours during the regular terms or partly in one term*
20 *or summer vacation period and partly in the succeeding*
21 *term or summer vacation period, as the case may be,*
22 *shall satisfy the requirements of this section to*
23 *the same extent as an approved course offered during*
24 *the regular school hours of the school term. A student*
25 *who successfully completes and obtains certification*
26 *in an approved course in driver education may, upon*
27 *proof of such fact, be excused from any field test*
28 *which [he] the student would otherwise be required to*
29 *take in demonstrating [his] the student's ability to*
30 *operate a motor vehicle."*

31 2. By numbering and renumbering sections as
32 necessary.

ARTHUR A. SMALL, JR.
JOE BROWN

S-3161

1 Amend Senate File 154 as follows:

2 1. Page 1, by inserting after line 1 the follow-
3 ing:

4 "Sec. 2. Chapter 728, Code 1981, is amended by
5 adding the following new section:

6 **NEW SECTION. LIMITATION OF REGULATION BY**
7 **GOVERNMENTAL UNIT.** A municipality, county or other
8 governmental unit within this state shall not make
9 any law, ordinance or regulation which prohibits the
10 use of appropriate material for educational purposes
11 in any accredited school, or any public library, or
12 in any educational program in which a minor is
13 participating. A municipality, county or other

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14 governmental unit within this state shall not prohibit
15 by law, ordinance or regulation the attendance of
16 minors at an exhibition or display of art works or
17 the use of any materials in any public library.”
18 2. Title page, line 4, by inserting after the
19 word “materials” the words “and relating to the type
20 of law, ordinance, or regulation that may be approved”.

LUCAS J. DE KOSTER
JULIA GENTLEMAN
C. JOSEPH COLEMAN
JAMES V. GALLAGHER
DAVID M. READINGER
ROLF V. CRAFT
TED ANDERSON
JOHN S. MURRAY
SUE YENGER

S—3162

1 Amend Senate File 278 as follows:
2 1. Page 1, by striking lines 5 and 6 and
3 inserting in lieu thereof the following: “services
4 by the health care facility shall submit the financial
5 report to the department as provided by rule. Payment
6 at a”.
7 2. Page 1, line 8, by striking the words “written
8 notification of the” and inserting in lieu thereof
9 the word “report”.
10 3. Page 1, by striking line 9 and inserting in lieu
11 thereof the following: “is postmarked, or if the
12 report is”.
13 4. Page 1, line 10, by striking the word “notification”
14 and inserting in lieu thereof the word “report”.

COMMITTEE ON HUMAN RESOURCES
JULIA GENTLEMAN, Chairperson

S—3163

1 Amend Senate File 324 as follows:
2 1. Page 1, by inserting after line 4 the following:
3 “a. ‘Dormitory’ means a residential building or
4 portion of a building at an educational institution
5 which houses students in rooms not individually
6 equipped with cooking facilities.”
7 2. Page 1, by striking lines 17 through 26 and
8 inserting in lieu thereof the words “in the following
9 areas of the designated multiple-unit residential
10 buildings:

- 11 a. In each sleeping room and in each corridor
 12 of a hotel or motel.
- 13 b. In each sleeping room and in each corridor
 14 of a dormitory.
- 15 c. In each area giving access to the immediate
 16 vicinity of a sleeping room within a unit and in each
 17 corridor of a multiple-unit residential building not
 18 covered in paragraph a or b.
- 19 Except as provided in subsection 4, all multiple-
 20 unit residential buildings shall be equipped with
 21 at least one smoke detector in the areas enumerated
 22 in this subsection by the end of three years after
 23 the effective date of this Act.”
- 24 3. Page 1, by inserting before line 29 the
 25 following:
- 26 “This section does not require the installation
 27 of smoke detectors in hotels, motels, and dormitories
 28 equipped with an automatic smoke detection system
 29 approved by the state fire marshal.”
- 30 4. Page 2, line 14, by inserting after the word
 31 “detectors.” the words “If smoke detectors are not
 32 required under subsection 4 due to the presence of
 33 an automatic smoke detection system, the state fire
 34 marshal shall not require other than the automatic
 35 smoke detection system.”
- 36 5. By relettering the paragraphs in subsection
 37 1 of section 1 of this Act.

C.W. BILL HUTCHINS
 RICHARD COMITO

S—3164

- 1 Amend Senate Joint Resolution 10 as follows:
 2 1. Page 2, line 21, by striking the figure
 3 “1982” and inserting in lieu thereof the figure
 4 “1984”.

JACK W. HESTER

S—3165

- 1 Amend Senate File 371 as follows:
 2 1. Page 1, line 27, by inserting after the word
 3 “association.” the following: “The owners or their
 4 representative association, by written agreement,
 5 shall reimburse the sheriff for the cost of providing
 6 the enforcement of the traffic laws on the private
 7 roads and shall also maintain the private roads to
 8 the same maintenance and safety standards that are

9 applied to public roads of a comparable functional
10 classification.”

BOB RUSH

S—3166

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 14 the following
4 sections:

5 “Sec. ____ . Section 422.43, Code 1981, is amended
6 by adding the following new unnumbered paragraph:

7 *NEW UNNUMBERED PARAGRAPH.* In addition to the tax
8 at the rate of three percent imposed under this
9 section, there is imposed an additional tax at the
10 rate of one percent to be added to the existing tax
11 rate. This additional one percent tax shall be imposed
12 for the period beginning on July 1, 1981 and ending
13 December 31, 1981.

14 Sec. ____ . Section 423.2, Code 1981, is amended
15 by adding the following new unnumbered paragraph:

16 *NEW UNNUMBERED PARAGRAPH.* In addition to the tax
17 at the rate of three percent imposed under this
18 section, there is imposed an additional tax at the
19 rate of one percent to be added to the existing tax
20 rate. This additional one percent tax shall be imposed
21 for the period beginning on July 1, 1981 and ending
22 December 31, 1981.”

23 2. Page 3, line 13, by striking the word “five”
24 and inserting in lieu thereof the words “nine and
25 twenty-six thousandths”.

26 3. Amend the title, line 3, by inserting after
27 the word “reserve,” the words “the imposition of a
28 temporary sales, service, and use tax.”

NORMAN RODGERS
C. JOSEPH COLEMAN
JOE BROWN

S—3167

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 31 the following
4 section:

5 “Sec. ____ . Section 442.26, unnumbered paragraph
6 2, Code 1981, is amended to read as follows:

7 All state aids paid under this chapter unless
8 otherwise stated, shall be paid in installments due

9 on or about September 15, December 15, March 15, and
 10 May 15 of each year, and the installments shall be
 11 as nearly equal as possible [as determined by the state
 12 comptroller, taking into consideration the relative
 13 budget and cash position of the state resources.]
 14 However, the state aids paid to school districts under
 15 section 442.28 shall be paid in installments due on
 16 or about December 15, March 15, and May 15 of each
 17 year and the state aids paid to school districts under
 18 section 442.38, shall be paid in installments due
 19 on or about March 15 and May 15 of each year.

20 *If the state aid payments are not made by September*
 21 *15, December 15, March 15, and May 15 of a school*
 22 *year as required in this section, the board of a*
 23 *school district or area education agency may submit*
 24 *to the state comptroller written verification of the*
 25 *interest paid on anticipatory warrants drawn under*
 26 *chapter 74 of the Code because state aid was not paid*
 27 *on a timely basis, and the state comptroller shall*
 28 *reimburse the school district or area education agency*
 29 *for the amount of the interest paid. There is*
 30 *appropriated each year from the general fund of the*
 31 *state an amount necessary to reimburse the school*
 32 *districts and area education agencies submitting the*
 33 *written verification."*

34 2. By numbering and renumbering sections as
 35 necessary.

JOE BROWN

S—3168

1 Amend House File 414 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 1, line 3, by striking the words "CASH
 4 RESERVE" and inserting in lieu thereof the words "FUND
 5 BALANCE".

6 2. Page 1, line 4, by striking the words "cash
 7 reserve" and inserting in lieu thereof the words "fund
 8 balance".

9 3. Page 1, line 10, by striking the words "cash
 10 reserve" and inserting in lieu thereof the words "fund
 11 balance".

JOE BROWN

S—3169

1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 2, line 26, by inserting after the word

- 4 "hundred" the word "one".
 5 2. Page 3, line 5, by inserting after the word
 6 "hundred" the word "one".

JOE BROWN

S-3170

- 1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 14 the following
 4 new paragraph:
 5 *"The state board of public instruction shall not*
 6 *adopt new rules affecting the number of students with*
 7 *learning disabilities served during the school year*
 8 *beginning July 1, 1981, and may adopt rules affecting*
 9 *the number of students with learning disabilities*
 10 *served during the school year beginning July 1, 1982,*
 11 *if the action is taken before July 1, 1981."*

JOE BROWN

S-3171

- 1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 8, line 13, by striking the figure "1981"
 4 and inserting in lieu thereof the figure "1982".
 5 2. Page 10, by inserting after line 34 the
 6 following section:
 7 "Sec. ____ . Section 3 of this Act takes effect
 8 for the school year beginning July 1, 1982."
 9 3. By numbering and renumbering sections as necessary.

JOE BROWN

S-3172

- 1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the following
 4 sections:
 5 "Section 1. Section 278.1, Code 1981, is amended
 6 by adding the following new subsection:
 7 *NEW SUBSECTION. Vote an activity tax, not exceeding*
 8 *twenty-seven cents per thousand dollars of assessed*
 9 *valuation in a year for excess costs incurred, above*
 10 *the amount of gifts and donations authorized in chapter*
 11 *279 and the amount of admission fees and other receipts*
 12 *collected from the activities, in providing for pupils'*
 13 *activities which are outside the regular classroom*

14 instruction and in which the pupils perform for persons
 15 other than the pupils enrolled in the attendance
 16 center. The activities are listed in chapter 442.
 17 The funds collected under the activity tax are
 18 miscellaneous income for the purposes of chapter 442.
 19 The board of directors shall certify the amount of
 20 the levy to the board of supervisors who shall levy
 21 the amount certified on the taxable property in the
 22 school district. The power to levy the tax, when
 23 voted, shall continue for a period of five years from
 24 the initial levy unless the school district is
 25 reorganized under chapter 275.

26 Sec. ____ . Chapter 279, Code 1981, is amended by
 27 adding the following new section:

28 *NEW SECTION. GIFTS FOR ACTIVITIES.* The board
 29 of directors may accept gifts and donations for the
 30 costs of providing activities as defined in chapter
 31 442. The gifts and donations are miscellaneous income
 32 as defined in chapter 442."

33 2. Page 8, by inserting after line 9 the following
 34 section:

35 "Sec. ____ . Chapter 442, Code 1981, is amended
 36 by adding the following new section:

37 *NEW SECTION. EXPENDITURES FOR ACTIVITIES.* The
 38 board of directors shall not authorize expenditures
 39 from the district cost of a school district for any
 40 costs incurred in providing for pupils activities
 41 which are outside the regular classroom instruction.
 42 The areas of activities shall include, but not be
 43 limited to, athletics, cheerleading, instrumental
 44 music, vocal music, drama, speech, and clubs. Costs
 45 of the activities includes additional compensation
 46 paid to teachers for supervising or coaching the
 47 activity outside the regular school hours."

48 3. Amend the title, line 3, by inserting after
 49 the word "reserve," the words "the imposition of an
 50 activity tax,".

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1 4. By numbering and renumbering sections as neces-
 2 sary.

JOE BROWN

S-3173

1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:

3 1. Page 10, by inserting after line 28 the

4 following section:

5 "Sec. ____ . For the school years beginning July
6 1, 1981 and July 1, 1982, the salary of each employee
7 of an area education agency or school district who
8 is not covered under a collective bargaining agreement
9 negotiated under chapter 20 shall not increase over
10 the salary paid for the base year to that employee
11 by a greater percent than the state percent of growth
12 set in section 5 of this Act."

13 2. By numbering and renumbering sections and
14 correcting internal references as necessary.

BOB CARR

S-3174

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 16 the following
4 section:

5 "Sec. ____ . Section 442.7, subsection 6, paragraph
6 d, Code 1981, is amended by adding the following new
7 unnumbered paragraph:

8 *NEW UNNUMBERED PARAGRAPH.* For the school year
9 beginning July 1, 1981, the total amount funded in
10 each area for special education support services is
11 the total amount funded in the area for special
12 education support services in the base year."

13 2. Page 3, line 19, by striking the figure "1981"
14 and inserting in lieu thereof the figure "1982".

15 3. Page 3, line 30, by striking the figure "1981"
16 and inserting in lieu thereof the figure "1982".

17 4. Page 4, line 6, by striking the figure "1981"
18 and inserting in lieu thereof the figure "1982".

19 5. Page 4, by striking lines 11, 12 and 13.

20 6. By numbering and renumbering sections as
21 necessary.

JOE BROWN

S-3175

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 14 the following
4 section:

5 "Sec. ____ . Section 285.1, subsections 14, 15,
6 16, and 17, Code 1981, is amended by striking the
7 subsections.

8 Sec. ____ . Chapter 285, Code 1981, is amended by

- 9 adding the following new section:
 10 *NEW SECTION. NONPUBLIC TRANSPORTATION PROHIBITED.*
 11 Public funds shall not be expended for the
 12 transportation of nonpublic school pupils.
 13 Sec. ____ . Chapter 301, Code 1981, is amended by
 14 adding the following new section:
 15 *NEW SECTION. NONPUBLIC TEXTBOOK PURCHASE*
 16 *PROHIBITED.* Public funds shall not be expended for
 17 the purchase of textbooks for nonpublic school pupils.”
 18 2. Page 1, by striking lines 23 and 24 and
 19 inserting in lieu thereof the words and figures “the
 20 school year beginning July 1, 1980, the state
 21 foundation base shall be the same”.
 22 3. Page 1, line 26, by inserting after the figure,
 23 “1979” the words and figures “, for the school year
 24 beginning July 1, 1981, the state foundation base
 25 shall be increased by the amount of one-half percent
 26 of the state cost per pupil”.
 27 4. Page 10, by inserting after line 34 the
 28 following section:
 29 “Sec. ____ . Sections 285.2, 301.29, and 301.30,
 30 Code 1981, are repealed.”
 31 5. By numbering and renumbering sections as
 32 necessary.

JOE BROWN

S-3176

- 1 Amend House File 414 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 14 the following
 4 section:
 5 “Sec. ____ . Section 442.2, subsection 1, Code 1981,
 6 is amended by striking the subsection and inserting
 7 in lieu thereof the following:
 8 1. For the school year beginning July 1, 1981,
 9 each school district shall cause to be levied, for
 10 the school general fund, a foundation property tax
 11 on all taxable property in the district in an amount
 12 set by the state comptroller not later than April
 13 15, 1981. The state comptroller shall determine the
 14 foundation property tax levy using a state foundation
 15 base of ninety percent of the state cost per pupil,
 16 allowable growth computed under section 442.7, and
 17 state aid paid under section 442.26 of six hundred
 18 twenty million dollars. For each succeeding school
 19 year, the foundation property tax shall be equal to
 20 the foundation property tax set by the state
 21 comptroller in this section.”

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22 2. Page 1, by striking lines 15 through 29 and
23 inserting in lieu thereof the following:
24 "Sec. ____ . Section 442.3, Code 1981, is amended
25 by striking the section and inserting in lieu thereof
26 the following:
27 442.3 STATE FOUNDATION BASE. For the school year
28 beginning July 1, 1981 and succeeding school years,
29 the state foundation base is ninety percent of the
30 state cost per pupil."
31 3. Page 3, by striking lines 8 through 16.
32 4. By numbering and renumbering sections as
33 necessary.

ARTHUR A. SMALL, JR.

S-3177

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 3, line 13, by striking the word "five"
4 and inserting in lieu thereof the word "six".

LOWELL L. JUNKINS

S-3178

1 Amend Senate File 384 as follows:
2 1. Page 4, by striking lines 22 through 23
3 and inserting in lieu thereof the words:
4 "Registration shall close in a precinct at five
5 o'clock p.m., ten days before [an] a *general* election
6 and *eleven days before all other elections*, except as
7 provided".

JOHN N. NYSTROM
TOM SLATER

S-3179

1 Amend House File 414 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 10, by inserting after line 28 the
4 following section:
5 "Sec. ____ . For the school years beginning July
6 1, 1981 and July 1, 1982, the salary of each employees
7 of an area education agency or school district who
8 is not eligible to be covered under a collective
9 bargaining agreement negotiated under chapter 20 shall
10 not increase over the salary paid for the base year to
11 that employee by a greater percent than the state
12 percent of growth set in section 5 of this Act."

- 13 2. By numbering and renumbering sections and
14 correcting internal references as necessary.

BOB CARR

S—3180

1 Amend House File 414 as follows:

2 Page 10, by inserting after line 34 the following
3 new section:

4 "Sec. ____ . The legislative council is directed
5 to create a school district administration consolida-
6 tion committee to be composed of the following members:
7 The superintendent of public instruction is to serve
8 as chairperson of this committee and the committee shall
9 include two members of the Iowa house of representatives
10 to be appointed by the speaker, two members of the Iowa
11 Senate to be appointed by the lieutenant governor,
12 one school district superintendent to be appointed
13 by the Iowa association of school administrators, two
14 citizens from the private sector to be appointed by
15 the governor, two educators to be appointed by the
16 Iowa state education association, and one school
17 board member to be appointed by the Iowa association
18 of school boards.

19 Expenses of the committee, including the cost
20 for employing persons or business firms to assist the
21 committee in its duties shall be paid from funds
22 available under section two point twelve (2.12) of
23 the Code.

24 The committee is authorized and directed to
25 develop and implement a plan to reduce expenditures
26 in non-instructional areas by consolidating currently
27 independent administrative functions into approximately
28 one hundred twenty offices in relation to the present
29 county structure and structure of the area education
30 agencies.

31 To ensure local input a representative from each
32 local school board shall be selected to serve on a
33 consolidated administrative district board within
34 each merged area. The president of the area education
35 agency or a designee from the area education agency
36 board shall serve as chairperson of the consolidated
37 administrative district board. Upon receipt of
38 guidelines from the committee each consolidated
39 administrative district board shall present a
40 consolidation plan for that merged area to the
41 school district administration consolidation committee
42 no later than July 1, 1982.

43 The school district administration consolidation

44 committee shall hold its first meeting not later than
 45 September 30, 1981. The committee shall develop
 46 guidelines to be presented to each consolidated
 47 administrative district board to determine the
 48 extent of consolidation necessary for that area.
 49 Upon receipt of the plan from each consolidated
 50 administrative district board the committee is

Page 2

1 directed to hold a series of public hearings through-
 2 out the state, one in each merged area, to invite
 3 public comment on the proposal. After the hearing
 4 process has been completed the committee shall
 5 develop a final plan for consolidation of school
 6 district administrative functions. No later than
 7 January 1, 1983 the committee shall present the plan
 8 to the Department of Public Instruction which is
 9 directed to promulgate any rules needed to implement
 10 the final plan. The plan shall take effect on July
 11 1, 1983."

BOB CARR.

S-3181

1 Amend Senate File 289 as follows:
 2 1. Page 1, by striking lines 8 through 11
 3 and inserting in lieu thereof the following:
 4 "animate or inanimate, or to hunt with a dog, firearm
 5 or bow and arrow, or to fish or trap thereon or therein."

DALE L. TIEDEN

S-3182

1 Amend Senate File 325 as follows:
 2 1. Page 1, line 4, by inserting after the word
 3 "use" the words "the suffix 'Ph.D.', or".
 4 2. Page 1, line 5, by striking the words
 5 "but shall" and inserting in lieu thereof the word
 6 "and".

ARTHUR A. SMALL, JR.
ROLF V. CRAFT

S-3183

1 Amend Senate Joint Resolution 10 as follows:
 2 1. Page 1, line 23, by inserting after the
 3 word "commodities," the words "to ensure that the

- 4 intended increase in barge traffic does not impose
- 5 unacceptable damage on the Missouri River in all its
- 6 various uses, including agriculture, wild life manage-
- 7 ment, and recreational opportunities.”.

PATRICK J. DELUHERY

S—3184

- 1 Amend Senate Joint Resolution 10 as follows:
- 2 1. Page 1, line 7, by striking the words
- 3 “NOW THEREFORE.”.
- 4 2. Page 1, by striking line 8.
- 5 3. Amend the title page, line 4 by striking the
- 6 word “RESOLVED” and inserting in lieu thereof the
- 7 word “ENACTED”.

JACK W. HESTER

S—3185

- 1 Amend Senate File 374 as follows:
- 2 1. Page 1, by striking lines 7 and 8 and
- 3 inserting in lieu thereof the following: “[required
- 4 to be maintained by a railway company], and the city
- 5 shall keep all public ways, squares, and commons
- 6 open, in”.

C.W. BILL HUTCHINS

S—3186

- 1 Amend Senate File 374 as follows:
- 2 1. Page 1, by striking line 8 and inserting in
- 3 lieu thereof the following: “[shall keep all], public
- 4 ways, squares, and commons open, in”.

C.W. BILL HUTCHINS

S—3187

- 1 Amend Senate File 404 as follows:
- 2 1. Page 1, by striking lines 31 and 32.
- 3 2. Page 2, line 12, by striking the words “simple
- 4 misdemeanor” and inserting in lieu thereof the words
- 5 “[simple misdemeanor] *scheduled violation as provided*
- 6 *in section 4 of this Act*”.
- 7 3. Page 2, by inserting after line 12 the
- 8 following:
- 9 “Sec. 3. Section 805.8, subsection 2, Code 1981,
- 10 is amended by adding the following new lettered

- 11 paragraph:
12 *NEW LETTERED PARAGRAPH.* For violation of section
13 1 of this Act, the scheduled fine is twenty dollars.
14 Sec. 4. Section 805.8, Code 1981, is amended by
15 adding the following new subsection:
16 *NEW SUBSECTION.* For violation of section 123.46,
17 the scheduled fine is ten dollars.”

DONALD V. DOYLE

S—3188

- 1 Amend the amendment S—3152 to Senate File 28 as
2 follows:
3 1. Page 1, line 4, by inserting after the word
4 “in” the words “or be an instructor at”.

ARTHUR A. SMALL, JR.

S—3189

- 1 Amend Senate File 284 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:
4 “Any subscriber of a telephone exchange or
5 service, who is declared to be legally blind under
6 section 422.12e, shall be exempt from the provisions
7 of the Act.”.

C. JOSEPH COLEMAN
JOE BROWN

S—3190

- 1 Amend Senate File 284 as follows:
2 1. Page 1, by inserting after line 11 the
3 following:
4 “Any subscriber of a telephone exchange or
5 service, who is declared to be legally blind under
6 section 422.12(e), shall be exempt from the provisions
7 of this Act.”.

C. JOSEPH COLEMAN
JOE BROWN

S—3191

- 1 Amend Senate File 48 as follows:
2 1. Page 3, by inserting after line 33 the
3 following:
4 “Sec. ____ . *NEW SECTION.* ‘Electric power agency’

5 means an entity financing or acquiring electric power
6 facilities pursuant to chapter 28E or 28F.

7 Sec. ____ . Section 384.95, subsection 2, Code 1981,
8 is amended to read as follows:

9 2. 'Governing body' means the council of a city,
10 a utility board of trustees or an administrative
11 agency which is charged with the management and control
12 of a building or improvement project *or an electric*
13 *power facility financed under the provisions of chapter*
14 *28F.*

15 Sec. ____ . Section 427.1, subsection 2, Code 1981,
16 is amended to read as follows:

17 2. MUNICIPAL AND MILITARY PROPERTY. The property
18 of a county, township, city, school corporation, levee
19 district, drainage district or military company of
20 the state of Iowa, when devoted to public use and
21 not held for pecuniary profit, except property of
22 a municipally owned electric utility held under joint
23 ownership *and property of an electric power facility*
24 *financed under chapter 28F* which shall be subject
25 to assessment and taxation under provisions of chapters
26 428 and 437. The exemption for property owned by
27 a city or county also applies to property which is
28 operated by a city or county as a library, art gallery
29 or museum, conservatory, botanical garden or display,
30 observatory or science museum, or as a location for
31 holding athletic contests, sports or entertainment
32 events, expositions, meetings or conventions, or
33 leased from the city or county for any such purposes.
34 Food and beverages may be served at the events or
35 locations without affecting the exemptions, provided
36 the city has approved the serving of food and beverages
37 on the property if the property is owned by the city
38 or the county has approved the serving of food and
39 beverages on the property if the property is owned
40 by the county.

41 Sec. ____ . Section 428.24, Code 1981, is amended
42 to read as follows:

43 428.24 PUBLIC UTILITY PLANTS. The lands,
44 buildings, machinery, and mains belonging to
45 individuals or corporations operating waterworks or
46 gasworks or pipe lines; the lands, buildings,
47 machinery, tracks, poles, and wires belonging to
48 individuals, [or] corporations *or electric power agencies*
49 furnishing electric light or power; the lands,
50 buildings, machinery, poles, wires, overhead

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1 construction, tracks, cables, conduits, and fixtures

2 belonging to individuals or corporations operating
3 railways by cable or electricity, or operating elevated
4 street railways; and the lands, buildings, tracks,
5 and fixtures of street railways operated by animal
6 power, shall be listed and assessed by the department
7 of revenue. In the making of any such assessment
8 of waterworks plants, the value of any interest in
9 the property so assessed, of the municipal corporation
10 wherein the same is situated, shall be deducted,
11 whether such interest be evidenced by stock, bonds,
12 contracts, or otherwise.

13 Sec. ____ . Section 428.28, unnumbered paragraph
14 2, Code 1981, is amended to read as follows:

15 Every individual, copartnership, corporation, asso-
16 ciation or city which operates a public utility on
17 a nonprofit basis, as defined in section 428.24 shall
18 annually, on or before the first day of May of each
19 calendar year, make a report on blanks to be provided
20 by the department of revenue of all of the property
21 owned by such individual, copartnership, corporation,
22 association or city within the incorporated limits
23 of any city in the state, and give such other
24 information as the director of revenue shall require.
25 Any [public] *city* utility which reports according to
26 this paragraph shall not be assessed.

27 Sec. ____ . Section 428.37, subsection 1, paragraph
28 b, Code 1981, is amended to read as follows:

29 b. 'Electric power generating plant' means each
30 taxable name plate rated electric power generating
31 plant owned solely or jointly by any person or *electric*
32 *power facility financed under the provisions of chapter*
33 *28F* in which electrical energy is produced from other
34 forms of energy, including all equipment used in the
35 production of such energy through its step-up
36 transformer.

37 Sec. ____ . Section 428.37, subsection 2, paragraph
38 c, Code 1981, is amended to read as follows:

39 c. Notwithstanding the provisions of paragraph
40 'b' of this subsection, if the owner is municipal
41 *electric utility or electric power facility financed*
42 *under the provisions of chapter 28F*, the remaining
43 taxable value shall be allocated to each taxing
44 district in which the municipal electric utility is
45 serving customers and has electric meters in operation
46 in the ratio that the number of operating electric
47 meters of the municipal electric utility located in
48 the taxing district bears to the total number of
49 operating electric meters of the municipal electric
50 utility in the state as of January 1 of the calendar

2 electric utility or electric power facility financed
 3 under the provisions of chapter 28F has no operating
 4 electric meters in this state, then the remainder
 5 shall be assessed and levied on at the current rate
 6 of the taxing district in which the electric power
 7 generating plant is located. Tax moneys received
 8 from such remainder assessment and levies shall be
 9 paid to the county treasurer, who shall pay such tax
 10 moneys to the treasurer of state not later than fifteen
 11 days from the date the tax moneys are received by
 12 the county treasurer for deposit in the general fund
 13 of the state.

14 All municipal electric utilities which shall have
 15 taxable value apportioned under this section shall,
 16 annually on or before the first day of May of each
 17 calendar year, make a report listing the total
 18 operating meters of the municipal electric utility
 19 in each taxing district it serves as of the first
 20 day of January of each calendar year on forms provided
 21 by the department of revenue."

22 2. By renumbering sections as necessary.

EDGAR H. HOLDEN
 ROLF V. CRAFT
 DONALD V. DOYLE

S-3192

1 Amend Senate File 324 as follows:

2 1. Page 1, line 7, by inserting after the word
 3 "house" the words "with three or more stories, each
 4 of which contains one or more sleeping rooms, and".

EDGAR H. HOLDEN

S-3193

1 Amend House File 413 as amended, passed and
 2 reprinted by the House as follows:

DIVISION S-3193A

3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "Sec. 4. Section 144.26, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 *NEW UNNUMBERED PARAGRAPH.* If a person dies outside
 8 of the county of the person's residence, the state
 9 registrar shall send a copy of the death certificate
 10 to the county registrar of the county of the decedent's

11 residence. The county registrar shall record the
 12 death certificate in the same records in which death
 13 certificates of persons who died within the county
 14 are recorded."

DIVISION S—3193B

15 2. Page 2, line 12, by striking the word "*fees*"
 16 and inserting in lieu thereof the words "*a fee*":

COMMITTEE ON STATE GOVERNMENT
 JOHN N. NYSTROM, Chairperson

S—3194

1 Amend Senate File 374 as follows:
 2 1. Page 1, by striking lines 13 and 14 and
 3 inserting in lieu thereof the following:
 4 "b. The abutting property owner is responsible
 5 for the prompt removal of snow, ice, and accumulations".
 6 2. Page 1, line 15 by striking the words
 7 "*is liable*" and inserting in lieu thereof the words
 8 "*may be liable, if judicially determined.*"

A.R. (BUD) KUDART

S—3195

1 Amend House File 53 as follows:
 2 1. Page 1, by inserting after line 7 the
 3 following:
 4 "Persons that are exempt from licensing and
 5 inspection requirements under this section shall be
 6 required to register with the department of agriculture
 7 on forms prescribed by the secretary.
 8 Persons that are exempt from licensing and
 9 inspection requirements under this section shall
 10 comply with section 170.25."

BASS VAN GILST
 C.W. BILL HUTCHINS
 MERLIN D. HULSE
 JOHN W. JENSEN
 NORMAN J. GOODWIN
 GEORGE R. KINLEY

S—3196

1 Amend Senate File 374 as follows:
 2 1. Page 1, by striking lines 15 through 18 and
 3 inserting in lieu thereof the words "from the

- 4 sidewalks.”
 5 2. Page 1, by striking lines 33 through 35 and
 6 inserting in lieu thereof the words “same manner as
 7 a property tax.”

EDGAR H. HOLDEN

S—3197

For the text of the House amendment, see page 825 of the Senate Journal.

S—3198

- 1 Amend Senate File 227 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. Section 175.2, subsection 9, Code
 5 1981, is amended to read as follows:
 6 9. ‘Low or moderate net worth’ means an aggregate
 7 net worth of an individual and the individual’s spouse
 8 and children, if any, of less than one hundred thousand
 9 dollars *in the case of the acquisition of depreciable*
 10 *agricultural property and agricultural improvements*
 11 *and of less than two hundred thousand dollars in the*
 12 *case of the acquisition of agricultural land.”*
 13 2. Page 4, by inserting after line 9 the following:
 14 “Sec. ____ . Section 524.905, subsection 6, Code
 15 1981, is amended by adding the following new lettered
 16 paragraph:
 17 *NEW LETTERED PARAGRAPH.* Loans made to beginning
 18 farmers as part of programs authorized in chapter
 19 175 and approved by the Iowa family farm development
 20 authority.”
 21 3. Number, renumber and correct internal references
 22 as are necessary.
 23 4. Title page, line 7, by inserting after the
 24 word “farmers” the words “, increasing the net worth
 25 limitation with respect to the acquisition of
 26 agricultural land, exempting loans made under programs
 27 of the family farm development authority from the
 28 restrictions and requirements specified in section
 29 524.905.”

COMMITTEE ON AGRICULTURE
 RAY TAYLOR, Chairperson

S—3199

For the text of this House amendment, see pages 828 and 829 of the Senate Journal.

S—3200

1 Amend Senate File 123 as follows:

DIVISION S—3200C

2 1. Page 1, line 4, by striking the word “codify”
3 and inserting in lieu thereof the word “displace”.

DIVISION S—3200A

4 2. Page 1, line 6, by inserting after the word
5 “cases” the words “unless such a statement of general
6 applicability that implements or prescribes law or
7 policy would otherwise be excluded from the definition
8 of a rule by section 17A.2, subsection 7, paragraphs
9 a through k”.

DIVISION S—3200B

10 3. Page 1, by striking line 22 through page 2,
11 line 3.
12 4. By renumbering the sections to conform with
13 this amendment.

EDGAR H. HOLDEN

S—3201

1 Amend Senate File 284 as follows:
2 1. Page 1, by inserting after line 11 the
3 following new section:
4 “Sec. ____ . *NEW SECTION*. A telephone directory assistance
5 tariff that is approved by the commission on or after
6 the effective date of this Act shall be subject to
7 the limitation that a subscriber shall not be charged
8 for the first seven directory assistance calls made
9 from the subscriber’s station during each of the first
10 twelve months in which the tariff is in effect, and
11 a charge made in violation of this limitation is an
12 unlawful charge within the meaning of chapter 476.”.

JULIA GENTLEMAN

S—3202

1 Amend Senate File 48 as follows:
2 1. Page 3, by inserting after line 33 the
3 following:
4 “Sec. ____ . *NEW SECTION*. ‘Electric power agency’

5 means an entity financing or acquiring electric power
6 facilities pursuant to chapter 28E or 28F.

7 Sec. ____ . Section 427.1, subsection 2, Code 1981,
8 is amended to read as follows:

9 2. MUNICIPAL AND MILITARY PROPERTY. The property
10 of a county, township, city, school corporation, levee
11 district, drainage district or military company of
12 the state of Iowa, when devoted to public use and
13 not held for pecuniary profit, except property of
14 a municipally owned electric utility held under joint
15 ownership *and property of an electric power facility*
16 *financed under chapter 28F* which shall be subject
17 to assessment and taxation under provisions of chapters
18 428 and 437. The exemption for property owned by
19 a city or county also applies to property which is
20 operated by a city or county as library, art gallery
21 or museum, conservatory, botanical garden or display,
22 observatory or science museum, or as a location for
23 holding athletic contests, sports or entertainment
24 events, expositions, meetings or conventions, or
25 leased from the city or county for any such purposes.
26 Food and beverages may be served at the events or
27 locations without affecting the exemptions, provided
28 the city has approved the serving of food and beverages
29 on the property if the property is owned by the city
30 or the county has approved the serving of food and
31 beverages on the property if the property is owned
32 by the county.

33 Sec. ____ . Section 428.24, Code 1981, is amended
34 to read as follows:

35 428.24 PUBLIC UTILITY PLANTS. The lands,
36 buildings, machinery, and mains belonging to
37 individuals or corporations operating waterworks or
38 gasworks or pipe lines; the lands, buildings,
39 machinery, tracks, poles, and wires belonging to
40 individuals, [or] corporations *or electric power agencies*
41 furnishing electric light or power; the lands,
42 buildings, machinery, poles, wires, overhead
43 construction, tracks, cables, conduits, and fixtures
44 belonging to individuals or corporations operating
45 railways by cable or electricity, or operating elevated
46 street railways; and the lands, buildings, tracks,
47 and fixtures of street railways operated by animal
48 power, shall be listed and assessed by the department
49 of revenue. In the making of any such assessment
50 of waterworks plants, the value of any interest in

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1 the property so assessed, of the municipal corporation

2 wherein the same is situated, shall be deducted,
3 whether such interest be evidenced by stock, bonds,
4 contracts, or otherwise.

5 Sec. ____ . Section 428.28, unnumbered paragraph
6 2, Code 1981, is amended to read as follows:

7 Every individual, copartnership, corporation, asso-
8 ciation or city which operates a public utility on
9 a nonprofit basis, as defined in section 428.24 shall
10 annually, on or before the first day of May of each
11 calendar year, make a report on blanks to be provided
12 by the department of revenue of all of the property
13 owned by such individual, copartnership, corporation,
14 association or city within the incorporated limits
15 of any city in the state, and give such other
16 information as the director of revenue shall require.
17 Any [public] *city* utility which reports according to
18 this paragraph shall not be assessed.

19 Sec. ____ . Section 428.37, subsection 1, paragraph
20 b, Code 1981, is amended to read as follows:

21 b. 'Electric power generating plant' means each
22 taxable name plate rated electric power generating
23 plant owned solely or jointly by any person *or electric*
24 *power facility financed under the provisions of chapter*
25 *28F* in which electrical energy is produced from other
26 forms of energy, including all equipment used in the
27 production of such energy through its step-up
28 transformer.

29 Sec. ____ . Section 428.37, subsection 2, paragraph
30 c, Code 1981, is amended to read as follows:

31 c. Notwithstanding the provisions of paragraph
32 'b' of this subsection, if the owner is a municipal
33 electric utility *or electric power facility financed*
34 *under the provisions of chapter 28F*, the remaining
35 taxable value shall be allocated to each taxing
36 district in which the municipal electric utility is
37 serving customers and has electric meters in operation
38 in the ratio that the number of operating electric
39 meters of the municipal electric utility located in
40 the taxing district bears to the total number of
41 operating electric meters of the municipal electric
42 utility in the state as of January 1 of the calendar
43 year in which the assessment is made. If the municipal
44 electric utility *or electric power facility financed*
45 *under the provisions of chapter 28F* has no operating
46 electric meters in this state, then the remainder
47 shall be assessed and levied on at the current rate
48 of the taxing district in which the electric power
49 generating plant is located. Tax moneys received
50 from such remainder assessment and levies shall be

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1 paid to the county treasurer, who shall pay such tax
 2 moneys to the treasurer of state not later than fifteen
 3 days from the date the tax moneys are received by
 4 the county treasurer for deposit in the general fund
 5 of the state.

6 All municipal electric utilities which shall have
 7 taxable value apportioned under this section shall,
 8 annually on or before the first day of May of each
 9 calendar year, make a report listing the total
 10 operating meters of the municipal electric utility
 11 in each taxing district it serves as of the first
 12 day of January of each calendar year on forms provided
 13 by the department of revenue."

14 2. By renumbering sections as necessary.

EDGAR H. HOLDEN
 ROLF V. CRAFT
 DONALD V. DOYLE

S—3203

1 Amend Senate File 396 as follows:

2 1. Page 1, line 5, by striking the words "other
 3 persons" and inserting in lieu thereof the words
 4 "[other person] *registered land surveyors*".

5 2. Page 1, by striking lines 19 through 35 and
 6 inserting in lieu thereof the following:

7 "Sec. 2. Section 355.7, Code 1981, is amended
 8 by striking the section and inserting in lieu thereof
 9 the following:

10 355.7 RECORD. The plant and record shall show
 11 distinctly of what piece of land it is a survey, at
 12 whose personal request it was made, the surveyor,
 13 and the date of the survey. When land is resurveyed
 14 or subdivided, the surveyor shall record the plant
 15 no later than thirty days after completion of the
 16 resurvey or subdivision. The cost of recordation
 17 shall be paid to the county recorder by the surveyor
 18 upon presentation of the plat for recordation. The
 19 surveyor may charge the person requesting the resurvey
 20 or subdivision the costs of recordation."

21 3. Page 2, by striking lines 1 through 6 and
 22 inserting in lieu thereof the following new sections:

23 "Sec. ____ . *NEW SECTION. INDEXING OF PLATS BY*
 24 *RECORDER.* The county recorder shall index a submitted
 25 plat by township, range, and section number. If the
 26 plat is in a recorded subdivision, the county recorder
 27 shall also index the plat alphabetically by subdivision

28 name.

29 Sec. ____ . *NEW SECTION. APPLICABILITY.* This Act
30 applies to all agencies of the federal, state, county
31 and local government and to all persons engaged in
32 the private practice of land surveying.

33 Sec. ____ . *NEW SECTION. PENALTY UPON VIOLATION.*

34 A person, including the responsible official of a
35 government agency, who willfully and knowingly violates
36 a provision of this Act is guilty of a misdemeanor
37 and, upon conviction, shall be fined not less than
38 twenty-five dollars nor more than two hundred and
39 fifty dollars."

40 4. Renumber and correct internal references as
41 required to conform to this amendment.

42 5. Amend title page, line 2, by inserting after
43 the word "land" the words "and providing a penalty".

NORMAN J. GOODWIN

S-3204

1 Amend Senate File 256 as follows:

2 1. Page 1, by striking lines 26 through 30 and
3 inserting in lieu thereof the following: "*of the*
4 *members of each credit union voting on the question*
5 *of merger. All members of each credit union shall*
6 *be entitled to vote either by mailed ballot or at*
7 *a meeting called for the purpose of voting on the*
8 *merger. The credit union administrator shall enact*
9 *by rule the procedure for holding elections which*
10 *shall include not less than 20 days notice to all*
11 *members, mailed ballot ensuring the confidentiality*
12 *of voter, announcement to members of the vote, and*
13 *preservation of ballots for a reasonable period of*
14 *time.*".

15 2. Page 2, line 12 by striking the words "[shall
16 be] is" and inserting in lieu thereof the words "shall
17 be".

18 3. Page 2, by striking lines 31 through 33 and
19 inserting in lieu thereof the following:

20 "Sec. 8. Section 533.45, Code 1981, is repealed."

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S-3205

1 Amend Senate File 420 as follows:

2 1. Page 8, by inserting after line 34 the
3 following:

4 "Sec. ____ . Section 422.12, Code 1981, is amended
5 by adding the following new subsection:

6 *NEW SUBSECTION.* A hazardous waste investment
7 credit equal to ten percent of the actual amount paid
8 or to be paid by the taxpayer for the purchase,
9 construction, or installation of machinery or equipment,
10 in which the taxpayer has an ownership interest, used
11 solely for the treatment, recycling, or disposal,
12 except land burial, of hazardous waste. The credit
13 is applicable to the tax year in which the machinery
14 or equipment is first operated for the treatment,
15 recycling, or disposal, except land burial, of
16 hazardous waste. This credit shall be deducted after
17 the deduction of other credits provided in this
18 section. If this credit exceeds the remaining tax
19 liability of the taxpayer, the excess credit shall
20 be carried forward to subsequent tax years.

21 For purposes of this subsection, 'hazardous waste',
22 'disposal', and 'treatment' have the same meaning
23 ascribed to them in section 455B.130.

24 Sec. ____ . Section 422.33, Code 1981, is amended
25 by adding the following new subsection:

26 *NEW SUBSECTION.* A hazardous waste investment
27 credit equal to ten percent of the actual amount paid
28 or to be paid by the taxpayer for the purchase,
29 construction, or installation of machinery or equipment,
30 in which the taxpayer has an ownership interest, used
31 solely for the treatment, recycling, or disposal,
32 except land burial, of hazardous waste. The credit
33 applies to the tax year in which the machinery or
34 equipment is first operated for the treatment,
35 recycling, or disposal, except land burial, of
36 hazardous waste. If this credit exceeds the tax
37 liability of the taxpayer, the excess credit shall
38 be carried forward to subsequent tax years. For
39 purposes of this subsection, 'hazardous waste',
40 'disposal', and 'treatment' have the same meaning
41 ascribed to them in section 455B.130."

DICK RAMSEY
STEPHEN W. BIENIUS
TED ANDERSON
A.R. (BUD) KUDART

S-3206

1 Amend Senate File 48 as follows:

2 1. Page 3, by inserting after line 33 the following:

3 "Sec. ____ . Chapter 28F, Code 1981, is amended by

4 adding the following new section:

5 *NEW SECTION. MUNICIPAL ELECTRIC UTILITIES.* The pro-
6 visions of this chapter shall not be used for the joint
7 financing of electric power facilities if the needs of
8 the entity or its members for electric power and energy
9 can be satisfied by existing electric power facilities.
10 Prior to adopting any financing resolutions, the entity
11 shall petition the Iowa state commerce commission for the
12 issuance of a certificate of necessity for the proposed
13 financing. If, after such notice and hearing as the
14 commission deems appropriate, the commission determines
15 that the needs of the entity or its members cannot be
16 satisfied by existing electric power facilities, irrespective
17 of the ownership of such facilities, the commission shall
18 issue a certificate.”.

MICK LURA
SUE YENGER
DAVID M. READINGER
JACK W. HESTER

S—3207

- 1 Amend Senate File 429 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 “use” the words “including home delivery”.

JOE BROWN

S—3208

- 1 Amend Senate File 48 as follows:
- 2 1. Page 3, by inserting after line 33 the
- 3 following:
- 4 “Sec. ____ . Section 476.1, unnumbered paragraph
- 5 3, Code 1981, is amended to read as follows:
- 6 Mutual telephone companies in which at least fifty
- 7 percent of the users are owners, co-operative telephone
- 8 corporations or associations, telephone companies
- 9 having less than two thousand stations, [municipally
- 10 owned utilities,] and unincorporated villages which
- 11 own their own distribution system shall not be subject
- 12 to the rate regulation provided for in this chapter;
- 13 provided, however, that nothing contained in this
- 14 chapter shall be construed to apply to municipally
- 15 owned water works or rural water districts incorporated
- 16 and organized pursuant to chapters 357A and 504A.
- 17 Telephone companies otherwise exempt from rate
- 18 regulation and having telephone exchange facilities
- 19 which cross state lines may elect, in writing, filed
- 20 with the commission, to have their rates regulated

21 by the commission. When such election, in writing,
 22 has been filed with the commission, the commission
 23 shall assume rate regulation jurisdiction over said
 24 companies.

STEPHEN W. BIENIUS

S—3209

1 Amend Senate File 284 as follows:

2 1. Page 1, by inserting after line 11 the
 3 following:

4 *"Notwithstanding unnumbered paragraph 1 of this*
 5 *section, as of July 1, 1984, the Iowa state commerce*
 6 *commission shall not approve a schedule of telephone*
 7 *directory assistance charges unless the schedule*
 8 *provides that there shall not be a charge for directory*
 9 *assistance unless the telephone number requested is*
 10 *listed in the telephone directory most recently published*
 11 *and distributed by the utility."*

TOM SLATER
 MICK LURA
 GEORGE R. KINLEY

S—3210

1 Amend Senate File 48 as follows:

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

4 *"A city shall not join an entity created under*
 5 *this chapter or any separate administrative or legal*
 6 *entity created pursuant to chapter twenty-eight E*
 7 *(28E) of the Code for the purpose of utilizing*
 8 *provisions of this chapter for financing electric*
 9 *power facilities until the proposal of the city to*
 10 *join such entity has been submitted to and approved*
 11 *by the voters.*

12 *The proposal shall be submitted pursuant to chapter*
 13 *three hundred eighty-eight (388) of the Code, except*
 14 *that if a majority of those voting does not approve*
 15 *the proposal, the same or a similar proposal may be*
 16 *submitted to the voters no sooner than one year from*
 17 *the date of the election at which the proposal was*
 18 *defeated, notwithstanding the provisions of section*
 19 *three hundred eighty-eight point two (388.2)."*

DICK RAMSEY
 GARY L. BAUGHER

S—3211

1 Amend Senate File 284 as follows:

2 1. Page 1, line 11, by striking the word
3 "[assistance.]" and inserting in lieu thereof the
4 following: "[assistance] *Any subscriber of a telephone*
5 *exchange or service, who is declared to be legally*
6 *blind under section 422.12(e), shall be exempt from*
7 *any charges for telephone directory assistance that*
8 *may be approved by the commerce commission."*

C. JOSEPH COLEMAN
JOE BROWN

S-3212

1 Amend Senate File 403 as follows:
2 1. Page 1, line 18, by striking the words "*his*
3 *or her designee*" and inserting in lieu thereof the
4 words "*the condemner's assignee*".
5 2. Page 1, line 21, by striking the words "*his*
6 *or her designee*" and inserting in lieu thereof the
7 words "*the condemner's assignee*".

C.W. BILL HUTCHINS

S-3213

1 Amend Senate File 182 as follows:
2 1. Page 1, line 8 by inserting after the word
3 "and" the words "*where a new proposed transmission*
4 *line exceeds one mile in length,*".
5 2. Page 1, line 26 by inserting after the word
6 "and" the words "*where the proposed new pipeline would*
7 *operate under pressure exceeding one hundred fifty*
8 *pounds per square inch and exceed five miles in length,*".

ALVIN V. MILLER
RAY TAYLOR

S-3214

1 Amend Senate File 48 as follows:
2 1. Page 1, line 8, by inserting before the
3 word "*electric*" the words "*ownership of*".

MICK LURA

S-3215

1 Amend Senate File 48 as follows:
2 1. Page 1, by inserting after line 24 the
3 following:
4 "*After July 1, 1981, a city shall not join an*

5 *entity created under this chapter or any separate*
 6 *administrative or legal entity created pursuant to*
 7 *chapter twenty-eight E (28E) of the Code for the*
 8 *purpose of utilizing the provisions of this chapter*
 9 *for financing electric power facilities until the*
 10 *proposal of the city to join such entity has been*
 11 *submitted to and approved by the voters of the city.*
 12 *The proposal shall be submitted at any city*
 13 *election by the council on its own motion. If a*
 14 *majority of those voting in the city does not*
 15 *approve the proposal, the same or a similar proposal*
 16 *may be submitted to the voters no sooner than one year from*
 17 *the date of the election at which the proposal was defeated."*

DICK RAMSEY
 GARY L. BAUGHER

S—3216

1 Amend Senate File 48 as follows:
 2 1. Page 1, by inserting after line 24 the
 3 following:
 4 "After July 1, 1981, a city shall not join an
 5 entity created under this chapter or any separate
 6 administrative or legal entity created pursuant to
 7 chapter twenty-eight E (28E) of the Code for the
 8 purpose of utilizing the provisions of this chapter
 9 for financing electric power facilities until the
 10 proposal of the city to join such an entity has been
 11 submitted to and approved by the voters of the city.
 12 The proposal shall be submitted at any city
 13 election by the council on its own motion. If a
 14 majority of those voting in the city does not
 15 approve the proposal, the same or a similar proposal
 16 may be submitted to the voters no sooner than one year from
 17 the date of the election at which the proposal was defeated."

DICK RAMSEY

S—3217

1 Amend Senate File 402 as follows:
 2 1. Page 1, line 5, by striking the word "five"
 3 and inserting in lieu thereof the word "six".
 4 2. Page 1, line 5, by inserting after the word
 5 "members" the words ", one from each congressional
 6 district."
 7 3. Page 1, line 9, by inserting after the word
 8 "agriculture," the words "or the secretary's designee."
 9 4. Page 1, line 11, by inserting after the word

10 "technology," the words "or the dean's designee,".

BERL E. PRIEBE
EMIL J. HUSAK

S—3218

1 Amend Senate File 123 as follows:

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

4 "Sec. ____ . Section 17A.4, subsection 1, paragraph
5 c, Code 1981, is amended to read as follows:

6 c. [Upon the request of at least two members of
7 the administrative rules review committee publish]
8 *Publish in the Iowa administrative bulletin an estimate*
9 *of the economic impact of [a] the proposed rule [upon*
10 *all persons affected by it and upon the agency itself].*
11 *The statement shall include estimates of the cost*
12 *of implementation by the agency including paperwork,*
13 *the cost or benefit to persons directly affected by*
14 *the proposed rule, and the impact of the proposed*
15 *rule on competition and an open market for employment*
16 *if applicable. The statement shall also contain a*
17 *detailed description of the data and method used in*
18 *making the estimates. If the agency determines that*
19 *such an estimate cannot be formulated the reasons*
20 *for impossibility of formulation shall be published*
21 *instead of the estimate. An estimate shall be*
22 *published at least fifteen days in advance of the*
23 *adoption, amendment or repeal of the rule. In the*
24 *case of a rule issued under subsection 2 or made*
25 *effective under the provisions of section 17A.5,*
26 *subsection 2, paragraph, 'b', an estimate, or the*
27 *reasons for the impossibility of formulating an*
28 *estimate shall be published within forty-five days*
29 *of the request."*

30 2. By renumbering the sections to conform with
31 this amendment.

BOB RUSH

S—3219

1 Amend House File 186 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, by striking lines 6 through 9.

COMMITTEE ON COUNTY GOVERNMENT
JAMES E. BRILES, Chairperson

S—3220

- 1 Amend Senate File 217 as follows:
 2 1. Page 2, by inserting after line 7 the
 3 following:
 4 "Sec. ____ . Section 428A.2, subsection 11, Code 1981,
 5 is amended to read as follows:
 6 11. Deeds between husband and wife, or parent
 7 and child, without actual consideration. *A cancellation*
 8 *of indebtedness alone is not actual consideration within*
 9 *the meaning of this subsection."*

JOHN S. MURRAY

S—3221

- 1 Amend Senate File 433 as follows:
 2 1. Page 1, by striking lines 16 and 17 and inserting
 3 in lieu thereof the following: "operated by the
 4 department of social services and in the Eldora training
 5 school, the Mitchellville training school,".
 6 2. Page 1, by striking lines 25 and 26 and inserting
 7 in lieu thereof the following: "of the report concerning
 8 the Eldora training school, the Mitchellville training
 9 school, and the Iowa juvenile".

BOB CARR
LUCAS J. DE KOSTER

S—3222

- 1 Amend Senate File 435 as follows:
 2 1. Page 4, by inserting after line 35 the
 3 following:
 4 "Sec. ____ . Section 3 of this Act shall not be
 5 construed to exempt property improvement loans from
 6 the provisions of chapter 537, the Iowa consumer
 7 credit code, where applicable."

EDGAR H. HOLDEN

S—3223

- 1 Amend Senate File 356 as follows:
 2 1. Page 1, line 7, by striking the word "five" and
 3 inserting in lieu thereof the word "six".
 4 2. Page 1, line 9, by striking the word "five" and
 5 inserting in lieu thereof the word "six".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S-3224

1 Amend Senate File 382 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. Section 356.9, Code 1981, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 356.9 COUNTY ATTORNEY INSPECTIONS. The county
 8 attorney shall twice each year visit and inspect
 9 county jails and county detention facilities
 10 established under chapter 356A located in the county
 11 attorney's county. The county attorney shall report
 12 on each inspection to the county board of supervisors.
 13 The reports shall contain the number of persons
 14 confined, the causes for confinement, the conditions
 15 of confinement, the treatment of confined persons,
 16 and any violations of applicable jail standards.
 17 The keepers of the jails or facilities shall admit
 18 the county attorney for the inspections and shall
 19 exhibit to the county attorney all books, papers,
 20 documents, and accounts pertaining to the confinement
 21 of persons in the jails or facilities. The county
 22 attorney may examine under oath the keepers or other
 23 officers of the jails or facilities.
 24 Sec. 2. Sections 356.10 through 356.13, Code 1981,
 25 are repealed."
 26 2. Title page, line 2, by striking the words "and
 27 county attorneys".

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chairperson

S-3225

1 Amend Senate File 435 as follows:
 2 1. Page 1, line 17, by inserting after the word
 3 "may" the words "*upon receipt of the written consent*
 4 *of a member,*".
 5 2. Page 1, line 17, by striking the word "a" and
 6 inserting in lieu thereof the words "that".

EMIL J. HUSAK
 BOB RUSH

S-3226

1 Amend Senate File 156 as follows:
 2 1. Page 9, by inserting after line 29, the
 3 following new sections:
 4 "Sec. ____ . *NEW SECTION*. This chapter shall not
 5 apply to incorporated areas except agricultural lands

6 within the incorporated areas.
 7 Sec. ____ . *NEW SECTION*. The department of trans-
 8 portation shall have no responsibility to construct
 9 or maintain right-of-way fences except as necessary
 10 to control access to interstate and freeway highways.”

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chairperson

S—3227

1 Amend Senate File 107 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 “Section 1. Chapter 299, Code 1981, is repealed
 5 and sections 2 through 12 of this Act are enacted
 6 in lieu thereof:
 7 Sec. 2. *NEW SECTION*. 299.1 ATTENDANCE
 8 REQUIREMENT. A person having control of a child over
 9 seven and under sixteen years of age shall require
 10 that the child be enrolled in a public school,
 11 nonpublic school, or private instruction.
 12 A child enrolled in public school shall be enrolled
 13 commencing with the first day of school designated
 14 by the board of directors of the school district.
 15 The following requirements shall be met by the
 16 person having control of a child enrolled in a
 17 nonpublic school or in private instruction:
 18 1. On or before September 15 of each year, the
 19 person shall submit to the secretary of the school
 20 district of the child’s residence the name of the
 21 child, the age of the child, and the location of the
 22 nonpublic school or private instruction. The
 23 information shall be submitted on forms provided by
 24 the secretary of the school district, if the secretary
 25 elects to provide the forms.
 26 2. On or before April 15 of each year the person
 27 having control of a child enrolled in a nonpublic
 28 school or in private instruction shall submit to the
 29 secretary of the school district of the child’s
 30 residence proof of achievement by the child in the
 31 basic skills of arithmetic; the communicative arts
 32 of reading, writing, grammar and spelling; and an
 33 understanding of United States history, history of
 34 Iowa, and the principles of American government.
 35 Proof of achievement shall be determined on the basis
 36 of tests or other means of evaluation prescribed by
 37 the superintendent of public instruction with the
 38 approval of the state board of public instruction.
 39 3. In addition to the requirements listed

40 subsections 1 and 2, a person enrolling a child in
41 private instruction shall meet periodically with a
42 certificated teacher employed by the board of the
43 school district of residence of the child to review
44 the child's progress toward acquiring the basic skills
45 required in subsection 2.

46 Sec. 3. *NEW SECTION. 299.2 EXCEPTIONS.*

47 1. Section 299.1 does not apply to a child:

48 a. Who has successfully completed the eighth
49 grade.

50 b. Who is so mentally or physically impaired as

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1 to be unable to attend a public school program as
2 determined by the area education agency under chapter
3 281.

4 c. Who is attending a private college preparatory
5 school approved or probationally approved under section
6 257.25, subsection 13.

7 d. Who is enrolled in a program at any institution
8 governed by the state board of regents or the
9 department of social services.

10 2. A person having control of a child required
11 to attend school under section 299.1 who wishes to
12 exercise the exceptions to attendance listed under
13 subsection 1 shall do so by filing affidavits with
14 the secretary of the resident school district and
15 receiving approval from the board of the resident
16 school district.

17 Sec. 4. *NEW SECTION. 299.3 PROOF OF COMPLIANCE.*

18 1. Every school district shall maintain enrollment
19 records, on forms prescribed by the department of
20 public instruction, of all children required to attend
21 school under section 299.1 who are enrolled in the
22 public schools of the district.

23 2. The secretary of each school district shall
24 submit no later than October 15 of each year to the
25 department of public instruction, on forms prescribed
26 by the department of public instruction, the total
27 number of children required to attend school under
28 section 299.1, listing separately the numbers of
29 children enrolled for each category.

30 Sec. 5. *NEW SECTION. 299.4 PENALTY.* A program
31 who violates section 299.1 or 299.2, is guilty of
32 a simple misdemeanor, except as otherwise provided
33 in section 299.9

34 Sec. 6. *NEW SECTION. 299.5 CUSTODY OF RECORDS.*

35 Reports required to be filed under this chapter shall

36 be filed and preserved in the office of the secretary
37 of the school district and with the department of
38 public instruction as a part of the records of the
39 office.

40 Sec. 7. *NEW SECTION.* 299.6 DEFINITION OF TRUANT.

41 A child over seven and under sixteen years of age
42 who does not meet the requirements of section 299.1
43 and 299.2 or does not meet the attendance policies
44 established by the board of the school district of
45 residence is a truant.

46 Sec. 8. *NEW SECTION.* 299.7. STANDARDS. The board
47 of directors of each school district shall establish
48 attendance standards for public schools within the
49 requirements set forth in this chapter for determining
50 truancy of a child.

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1 Sec. 9. *NEW SECTION.* 299.8 TRUANCY COUNSELOR.

2 The board of directors of each school district shall
3 designate a certificated employee as a truancy
4 counselor who may serve in this capacity in addition
5 to other responsibilities as an employee of the
6 district.

7 The board shall prescribe the duties of the truancy
8 counselor under this chapter and the standards
9 established under section 299.7.

10 Sec. 10. *NEW SECTION.* 299.9 PROCEEDINGS. The

11 truancy counselor shall contact the person having
12 control over a truant child to ascertain compliance
13 with sections 299.1 and 299.2 and may interview the
14 truant student for the same purpose. A written report
15 shall be made to the next regular school board meeting
16 with a recommendation to do any of the following:

17 1. Counsel with the person having control over
18 the truant child and advise the person that willful
19 noncompliance will necessitate proceedings under
20 section 299.4.

21 2. Institute a criminal proceeding against the
22 person having control over a truant child under section
23 299.4

24 3. Approve an alternative educational program
25 for the truant child.

26 4. Approve expulsion proceedings against the
27 truant child for violation of this chapter or the
28 standards established by the board under section
29 299.7.

30 Sec. 11. *NEW SECTION.* 299.10 RELIGIOUS EXEMPTION.

31 When members or representatives of a local congregation

32 of a recognized church or religious denomination
33 established for ten years or more within the state
34 of Iowa prior to July 1, 1967, which professes
35 principles or tenets that differ substantially from
36 the objectives, goals, and philosophy of education
37 embodied in standards set forth in section 257.25,
38 and rules adopted in implementation of that section,
39 file with the superintendent of public instruction
40 proof of the existence of the conflicting tenets or
41 principles, together with a list of the names, ages,
42 and post office addresses of all persons of compulsory
43 school age desiring to be exempted from the compulsory
44 education law and the educational standards law, whose
45 parents or guardians are members of the congregation
46 or religious denomination, the state superintendent,
47 subject to the approval of the state board of public
48 instruction, may exempt the members of the congregation
49 or religious denomination from compliance with any
50 or all requirements of the compulsory education law

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1 and the educational standards law for two school
2 years. When the exemption has once been granted,
3 renewal of the exemption for each succeeding school
4 year may be conditioned by the state superintendent,
5 with the approval of the board, upon proof of
6 achievement in the basic skills of arithmetic, the
7 communicative arts of reading, writing, grammar, and
8 spelling, and an understanding of United States
9 history, history of Iowa, and the principles of
10 American government, by persons of compulsory school
11 age exempted in the preceding year, which shall be
12 determined on the basis of tests or other means of
13 evaluation selected by the state superintendent with
14 the approval of the board. The testing or evaluation,
15 if required, shall be accomplished prior to submission
16 of the request for renewal of the exemption. Renewal
17 requests shall be filed with the state superintendent
18 on or before April 15 of the school year preceding
19 the school year for which the applicants desire
20 exemption.

21 Sec. 12. *NEW SECTION.* 299.11 RELIGIOUS SERVICES
22 OR CLASSES. A child enrolled in a public school under
23 section 299.1, or a person having control of a child
24 enrolled in a public school, may request that the
25 child be excused from a portion of the school day
26 for the purposes of attending a religious service
27 or class if the child maintains an acceptable level

28 of performance in the school's academic program.
 29 Sec. 13. Section 280.3, unnumbered paragraph 2,
 30 Code 1981, is amended to read as follows:
 31 A nonpublic school which is unable to meet the
 32 minimum educational program may request an exemption
 33 from the state board of public instruction. The
 34 authorities in charge of the nonpublic school shall
 35 file with the superintendent of public instruction
 36 the names and locations of all schools desiring to
 37 be exempted and the names, ages, and post office
 38 addresses of all pupils of compulsory school age who
 39 are enrolled. The superintendent, subject to the
 40 approval of the state board, may exempt the nonpublic
 41 school from compliance with the minimum educational
 42 program for two school years. When the exemption
 43 has once been granted, renewal of the exemption for
 44 each succeeding school year may be conditioned by
 45 the state superintendent, with the approval of the
 46 board, upon proof of achievement in the basic skills
 47 of arithmetic, the communicative arts of reading,
 48 writing, grammar, and spelling, and an understanding
 49 of United States history, history of Iowa, and the
 50 principles of American government, of the pupils of

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1 compulsory school age exempted in the preceding year.
 2 Proof of achievement shall be determined on the basis
 3 of tests or other means of evaluation prescribed by
 4 the superintendent of public instruction with the
 5 approval of the board of public instruction. The
 6 testing or evaluation, if required, shall be
 7 accomplished prior to submission of the request for
 8 renewal of the exemption. Renewal requests shall
 9 be filed with the superintendent of public instruction
 10 by April 15 of the school year preceding the school
 11 year for which the applicants desire exemption. This
 12 section shall not apply to schools eligible for
 13 exemption under section [299.24] 299.10."

RAY TAYLOR

S—3228

1 Amend House File 293 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "livestock." the words "However, before any agricultural
 5 operation is phased out, the department which proposes
 6 to discontinue this operation shall notify the governor

7 and the chairperson of the subcommittee in the senate
8 and house of representatives which has handled the
9 appropriation for this department in the past session
10 of the legislature.”.

BERLE E. PRIEBE

S—3229

1 Amend Senate File 197 as follows:
2 1. Page 2, line 12, by striking the words
3 “[and ten p.m.]” and inserting in lieu thereof the
4 words “and ten p.m.”.
5 2. Page 1, line 13, by striking the words
6 “*and midnight on Sunday night*”.
7 3. Page 1, by striking line 32 and inserting
8 in lieu thereof the following: “of noon and ten
9 p.m. on Sunday.”.
10 4. Page 2, by striking line 9 and inserting
11 in lieu thereof the following: “noon and ten p.m.”.
12 5. Page 2, lines 11 and 12, by striking the
13 words “[and ten p.m.] *on Sunday and midnight on Sunday*
14 *night.*” and inserting in lieu thereof the words “and
15 ten p.m.”.
16 6. Page 2, lines 29 and 30 by striking the words
17 “[ten p.m. Sunday] *midnight on Sunday night,*” and inserting
18 in lieu thereof the words “ten p.m. Sunday”.
19 7. Amend the title, lines 2 through 4 by striking
20 the words “, and extending the hours for the sale or
21 dispensing of alcoholic liquor and beer on Sunday”.

FORREST V. SCHWENGELS

S—3230

1 Amend Senate File 199 as follows:
2 1. Page 1, line 14, by inserting after the word
3 “proceeding” the following: “and if a county officer
4 is the plaintiff in a civil action and the board of
5 supervisors is not a respondent in the same action,
6 the county is not responsible for payment of appointed
7 attorney’s costs and expenses unless the county officer
8 receives approval of the board of supervisors to
9 proceed with the action upon withdrawal of the county
10 attorney”.

CHARLES P. MILLER

S—3231

1 Amend Senate File 412 as follows:

- 2 1. Page 3, by inserting after line 12 the
 3 following:
 4 "Sec. ____ . Chapter 572, Code 1981, is amended
 5 by adding the following new section:
 6 *NEW SECTION. CONTRACTOR TO DISCLOSE*
 7 *SUBCONTRACTORS—*
 8 *PAYMENTS—PENALTY.*
 9 1. The original contractor shall disclose in
 10 writing to the owner of the building, land or
 11 improvement, the name and address of each subcontractor
 12 with whom the contractor incurs or will incur
 13 indebtedness and the amount or a reasonable estimate
 14 of the total indebtedness incurred or expected to
 15 be incurred with each. Disclosure shall be made
 16 within ten days after the first material or labor
 17 is supplied by a subcontractor, or within ten days
 18 after the agreement between the contractor and
 19 subcontractor is executed, whichever is earlier.
 20 2. The original contractor shall disclose in
 21 writing to the owner the amount of each payment made
 22 by the contractor to a subcontractor identified under
 23 subsection 1, and the date of the payment. Disclosure
 24 shall be made within ten days after the payment is
 25 made.
 26 3. Violation of subsections 1 or 2 is a serious
 27 misdemeanor."
 28 2. By renumbering sections.

GEORGE R. KINLEY

S—3232

- 1 Amend Senate File 310 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section ____ . Chapter 447, Code 1981, is repealed."
 5 2. Amend the title, by striking lines 1 through 3
 6 and inserting in lieu thereof the following words:
 7 "An Act to repeal Chapter 447, Code 1981."

STEPHEN W. BISENIUS

S—3233

- 1 Amend amendment S—3130 to Senate File 235 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the following:
 4 "____ . Page 1, line 3, by inserting after the word
 5 'RADAR' the words 'DETECTION AND';"
 6 2. Page 1, by inserting after line 3 the following:

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- 7 " ____ . Page 1, line 4, by inserting after the word
8 'radar' the words 'detection or'."
9 3. Page 1, line 6, by inserting after the word
10 "radar" the words "detection or".
11 4. Page 1, by inserting after line 8 the following:
12 " ____ . Page 1, line 16, by inserting after the
13 word 'section' the words "radar detection device"
14 means any mechanism used to detect the mission of
15 radio microwaves in the electromagnetic wave spectrum
16 which are emitted from a device used by peace officers
17 of this state to measure the speed of motor vehicles
18 on the highways of this state and'."
19 5. By renumbering to conform with this amendment.

JOHN W. JENSEN

S-3234

- 1 Amend Senate File 24 as follows:
2 1. Page 2, line 5, by inserting after the word
3 "approved." the words "*However, if the deficiency*
4 *presents a clear and present danger to residents of*
5 *the facility, the department or agency may order the*
6 *deficiency corrected without reimbursement by the*
7 *department or agency to the licensee or applicant.*
8 *In addition, if the deficiency results from the*
9 *negligence of the architect or designer of the*
10 *facility, the state is subrogated to the rights of*
11 *the owner or builder of the facility as against the*
12 *architect or designer of the facility that arise out*
13 *of that negligence, to the extent of reimbursement*
14 *paid by the state.*"

ARTHUR A. SMALL, JR.

S-3235

- 1 Amend amendment S-3232 to Senate
2 File 310 as follows:
3 1. Page 1, by striking line 4 and inserting in
4 lieu thereof the following:
5 "Section ____ . Chapters 446 and 447, Code 1981,
6 are repealed.
7 2. Page 1, by striking line 7 and inserting in
8 lieu thereof the following: "An Act to repeal Chapters
9 446 and 447, Code 1981."

STEPHEN W. BIENIUS

S—3236

1 Amend Senate File 310 as follows:

- 2 1. Page 1, by inserting after line 16 the following:
 3 *“Notwithstanding the provisions of unnumbered*
 4 *paragraph 1 of this section, the penalty under this*
 5 *section shall be four percent provided the delinquent*
 6 *taxes due in the tax year do not exceed seven hundred*
 7 *fifty dollars in that tax year.”*

C.W. BILL HUTCHINS
 LOWELL L. JUNKINS
 PATRICK J. DELUHERY

S—3237

1 Amend Senate File 310 as follows:

- 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 *“Section ____ . Section 447.1, Code 1981, is*
 5 *amended by striking the section.”*
 6 2. Amend the title by striking lines 1 through 3
 7 and inserting in lieu thereof the following: *“An Act*
 8 *striking Section 447.1, Code 1981.”*

STEPHEN W. BISENIUS

S—3238

1 Amend Senate File 402 as follows:

- 2 1. Page 1, line 5, by inserting before the word
 3 *“appointed”* the word *“initially”*.
 4 2. Page 1, line 6, by inserting after the word
 5 *“association”* the words *“and thereafter to be elected,*
 6 *by the producers”*.
 7 3. Page 1, by inserting after line 14 the following
 8 new sections:
 9 *“Sec. ____ . Chapter 181, Code 1981, is amended*
 10 *by adding after section 181.6 sections 3 through 7*
 11 *of this Act.*
 12 *Sec. 3. NEW SECTION. ELECTION. Notice of the*
 13 *initial election for elected members of the executive*
 14 *committee shall be given by the secretary by*
 15 *publication in a newspaper of general circulation*
 16 *in the state at least five days prior to the date*
 17 *of the election, to be held before January 1, 1983,*
 18 *and in any other reasonable manner as may be determined*
 19 *by the secretary. The notice shall set forth the*
 20 *period of time for voting, voting places, and such*
 21 *other information as the secretary may deem necessary.*

22 Notice of subsequent elections for elected members
23 of the executive committee in a district shall be
24 given by the executive committee by publication in
25 a newspaper of general circulation in the district
26 and in any other reasonable manner as may be determined
27 by the executive committee and shall set forth the
28 period of time for voting, voting places, and such
29 other information as the executive committee may deem
30 necessary.

31 Sec. 4. *NEW SECTION. WHO ELECTED.* In district
32 elections, the candidate receiving the highest number
33 of votes shall be elected.

34 Sec. 5. *NEW SECTION. TERMS.* Terms for elected
35 members shall be for three years and an elected member
36 of the executive committee shall not serve for more
37 than three complete consecutive terms.

38 The terms of office for the initial elected members
39 of the executive committee shall be determined by
40 lot. As nearly as possible one-third of the elected
41 members shall serve for one year, one-third of the
42 elected members shall serve for two years, and one-
43 third of the elected members shall serve for three
44 years.

45 Sec. 6. *NEW SECTION. FUTURE ELECTIONS.* After
46 election of the initial elected members of the
47 executive committee, the executive committee shall
48 administer subsequent elections for elected members
49 of the executive committee with the assistance of
50 the secretary. Prior to the expiration of a elected

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1 member's term of office, the executive committee shall
2 appoint a nominating committee for the district
3 represented by such elected member. The nominating
4 committee shall consist of five producers who are
5 residents of the district from which a elected member
6 must be elected. The nominating committee shall
7 nominate two resident producers as candidates for
8 each election member position for which an election
9 is to be held. Additional candidates, may be nominated
10 by a written petition of fifty producers. Procedures
11 governing the time and place of filing shall be
12 promulgated and publicized by the executive committee.

13 Sec. 7. *NEW SECTION. VACANCIES.* The executive
14 committee shall by appointment fill an unexpired term
15 if a vacancy occurs in the executive committee."

16 4. Renumber and correct internal references as
17 are necessary in accordance with this amendment.

S-3239

- 1 Amend Senate File 402 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "association," the words "*the director of the Iowa*
- 4 *development commission or the director's designee*."

BERL E. PRIEBE

S-3240

- 1 Amend House File 440 as follows:
- 2 1. Page 1, by striking lines 5 through 10 and
- 3 inserting in lieu thereof the following: "the number
- 4 of directors serving on the board and to change terms
- 5 of office of directors as necessary because of director
- 6 district boundary line changes by the boundary
- 7 commission. Meetings shall be called pursuant to
- 8 section 4 of".
- 9 2. Page 1, by striking line 12 and inserting in
- 10 lieu thereof the words "five, seven, or nine members."
- 11 3. Page 1, by striking lines 21 through 26 and
- 12 inserting in lieu thereof the following: "to change
- 13 the number of directors serving on the board and to
- 14 change terms of office of directors as necessary
- 15 because of director district boundary line changes
- 16 by the boundary commission. The president of the
- 17 board".
- 18 4. Page 1, by striking line 30 and inserting in
- 19 lieu thereof the words "shall consist of five, seven,
- 20 or nine members."
- 21 5. By striking page 1, line 31 through page 2,
- 22 line 3 and inserting in lieu thereof the following:
- 23 "Sec. ____ . Section 280A.28, unnumbered paragraph
- 24 1, Code 1981, is amended to read as follows:
- 25 Boundary lines of director districts in the merged
- 26 areas shall be redrawn after each census to compensate
- 27 for changes in population if such population changes
- 28 have taken place. A commission for the purpose of
- 29 redrawing the boundary lines of the director districts
- 30 of a merged area, composed of [members of the boards]
- 31 *one representative selected by each board* of directors
- 32 of each of the school districts located in the merged
- 33 area, shall be called by the chairperson of the board
- 34 of the merged area as soon as possible after census
- 35 information is available. The chairperson of the
- 36 board of the merged area shall preside over the
- 37 commission but shall not have a vote on the commission.
- 38 *The commission may elect a subcommittee of the*
- 39 *commission composed of from five to nine members to*

40 *redraw boundary lines subject to the approval of the*
 41 *commission. In votes of the commission, the vote of*
 42 *[the] each board [of the least populous school district]*
 43 *of the school districts in the merged area shall have*
 44 *a weight [of one unit and the vote of the boards of*
 45 *each of the other school districts in the merged area*
 46 *shall have a weight which bears the same] in proportion*
 47 *to [one unit as] the population [of the] that school*
 48 *district bears to the total population [of the least*
 49 *populous school district] in the merged area.”*
 50 6. Page 2, by inserting after line 16 the following

Page 2

1 section:
 2 “Sec. ____ . If the number of directors of an area
 3 education agency and merged area school is not five,
 4 seven, or nine on the effective date of this Act,
 5 the boards, acting jointly, pursuant to sections 1
 6 and 4 of this Act, shall change the number of directors
 7 to conform with sections 1 and 4 of this Act for use
 8 by the boundary commission meeting after the federal
 9 decennial census figures for 1980 have been
 10 determined.”
 11 7. By numbering and renumbering sections as
 12 necessary.

BOB CARR
 STEPHEN W. BISENIUS

S-3241

1 Amend Senate File 300 as follows:
 2 1. Page 2, by inserting after line 8 the
 3 following:
 4 “Sec. ____ . Section 524.904, subsection 4, Code 1981,
 5 is amended by adding the following new paragraph:
 6 *NEW PARAGRAPH.* Obligations of the customer equal in
 7 dollar amount to the amount of deposits in the state
 8 bank, held in the name of that customer, which the state
 9 bank may lawfully offset against the obligations of that
 10 customer in the event of default. For the purpose of this
 11 paragraph an amount deposited in the name of more than one
 12 customer shall be counted only once with respect to all
 13 such customers, allocated as the customers may determine.”

EDGAR H. HOLDEN

S-3242

1 Amend Senate File 310 as follows:

2 1. Page 1, by striking lines 8 and 9 and inserting
 3 in lieu thereof the following: "[same] *property* was
 4 sold and four percent of the amount added as a penalty
 5 if redeemed during the first six months after the
 6 date of the sale, six percent of the amount added
 7 as a penalty if redeemed after six months but not
 8 later than twelve months from the date of the sale,
 9 or eight percent of the amount added as a penalty
 10 if redeemed after twelve months from the date of the
 11 sale, with three-quarters percent interest per".
 12 2. Amend the title, line 1, by striking the words
 13 "from four percent to eight percent".

BERL E. PRIEBE

S-3243

1 Amend Senate File 356 as follows:
 2 1. Page 1, line 6, by striking the words "one
 3 hundred" and inserting in lieu thereof the words "two
 4 hundred fifty".

GARY L. BAUGHER

S-3244

1 Amend House File 157 as amended, passed and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting before line 1 the following
 4 section:
 5 "Section 1. Section 278.1, subsection 2, Code
 6 1981, is amended to read as follows:
 7 2. Direct the sale, lease, or other disposition
 8 of any schoolhouse or site or other property belonging
 9 to the corporation, and the application to be made
 10 of the proceeds [thereof, provided, however, that
 11 nothing herein shall be construed to prevent the sale,
 12 lease, exchange, gift or grant and acceptance of any
 13 interest in real or other property by the board of
 14 directors without an election to the extent authorized
 15 in section 297.22] *pursuant to the requirements of*
 16 *sections 297.22 and 278.2."*
 17 2. Page 1, by striking lines 5 through 11 and
 18 inserting in lieu thereof the following:
 19 "The board of directors of a school district, by
 20 majority vote of the membership of the board, may
 21 sell, lease, or dispose of, in whole or in part, a
 22 schoolhouse, site, or other property belonging to
 23 the district when the sale is for the benefit of the
 24 district."

25 3. Page 1, by striking line 20 and inserting in
26 lieu thereof the words and figures "and 297.24, [and
27 the property value limitations]".

28 4. By striking page 1, line 33 through page 2,
29 line 2 and inserting in lieu thereof the following:
30 "is amended by striking the unnumbered paragraph."

31 5. Page 2, by inserting after line 2 the following
32 section:

33 "Sec. ____ . Section 297.22, unnumbered paragraph
34 8, Code 1981, is amended to read as follows:

35 The board of directors of a school corporation
36 may lease a portion of an existing school building
37 in which the remaining portion of the building will
38 be used for school purposes for a period of not to
39 exceed five years. The lease may be renewed at the
40 option of the board. Sections 297.15 to 297.20,
41 sections 297.23 and 297.24, [and the property value
42 limitations] and appraisal requirements of this section
43 do not apply to the lease of a portion of an existing
44 school building."

COMMITTEE ON EDUCATION
ARTHUR L. GRATIAS, Chairperson

S-3245

1 Amend Senate File 404 as follows:

2 1. Page 1, line 11, by striking the words "or
3 an alcoholic beverage".

4 2. Page 1, line 13, by striking the words "or
5 an alcoholic beverage".

6 3. Page 1, line 18, by striking the words "or
7 an alcoholic".

8 4. Page 1, line 19, by striking the word
9 "beverage".

10 5. Page 1, line 29, by striking the words "or
11 other alcoholic beverage".

12 6. Page 1, by striking lines 31 and 32.

13 7. Page 2, line 12, by striking the words "simple
14 misdemeanor" and inserting in lieu thereof the words
15 "[simple misdemeanor] *scheduled violation as provided*
16 *in section 4 of this Act*".

17 8. Page 2, by inserting after line 12 the
18 following:

19 "Sec. 3. Section 805.8, subsection 2, Code 1981,
20 is amended by adding the following new lettered
21 paragraph:

22 **NEW LETTERED PARAGRAPH.** For violation of section
23 1 of this Act, the scheduled fine is twenty dollars.

24 Sec. 4. Section 805.8, Code 1981, is amended by
 25 adding the following new subsection:
 26 *NEW SUBSECTION.* For violation of section 123.46.
 27 the scheduled fine is ten dollars.”

DONALD V. DOYLE
 STEPHEN W. BIENIUS
 C. JOSEPH COLEMAN
 JAMES V. GALLAGHER
 C.W. BILL HUTCHINS

S—3246

1 Amend amendment S—3238 to Senate
 2 File 402 as follows:
 3 1. Page 1, line 14, by striking the word “secretary”
 4 and inserting in lieu thereof the words “Iowa cattlemen’s
 5 association”.
 6 2. Page 1, line 19, by striking the word “secretary”
 7 and inserting in lieu thereof the words “Iowa cattlemen’s
 8 association”.
 9 3. Page 1, line 21, by striking the word “secretary”
 10 and inserting in lieu thereof the words “Iowa cattlemen’s
 11 association”.
 12 4. Page 1, line 50, by striking the word “secretary”
 13 and inserting in lieu thereof the words “Iowa cattlemen’s
 14 association”.

BERL E. PRIEBE

S—3247

1 Amend Senate File 420 as follows:
 2 1. Page 7, lines 8 and 9, by striking the word
 3 “Issuance” and inserting in lieu thereof the words
 4 “Except as otherwise provided in section 10 of this
 5 Act, issuance”.
 6 2. Page 7, by inserting after line 14 the
 7 following:
 8 “Sec. 10. *NEW SECTION. DELAY—REVOCATION BY*
 9 *GOVERNOR.* Upon issuance of a license by the commission
 10 for a facility the governor may delay construction
 11 of the facility for thirty days by notifying the
 12 person named in the license within five days of the
 13 date of issuance notwithstanding section 9 of this
 14 Act. A person receiving notice under this section
 15 shall not begin to construct a facility for which
 16 a license has been issued under this Act for thirty
 17 days following the date of issuance of a license.
 18 The governor may revoke a license for a facility

19 issued by the commission if the governor determines
20 that construction of the facility at the site listed
21 in the license is a threat to the public health and
22 welfare. The governor shall either notify the person
23 named in the license within five days of the date
24 of issuance that the license is revoked or the governor
25 shall first delay construction of the facility as
26 provided in this section and shall notify the person
27 named in the license within the thirty days that the
28 license is revoked.”

BOB RUSH

S—3248

- 1 Amend Senate File 420 as follows:
2 1. Page 1, line 14, by striking the letter “a.”
3 2. Page 1, by striking lines 18 through 24.

PATRICK J. DELUHERY

S—3249

For the text of this House amendment, see page 951 of the Senate Journal.

S—3250

- 1 Amend Senate File 145 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 144.5, subsection 6, Code
5 1981, is amended to read as follows:
6 6. Delegate functions and duties vested in [him]
7 *the state registrar* to officers, employees of the
8 department, and to the local registrars as [he] *the*
9 *state registrar* deems necessary or expedient.
10 Sec. 2. Section 144.8, unnumbered paragraph 1,
11 Code 1981, is amended to read as follows:
12 The local registrar, with respect to [him] *the local*
13 *registrar's* registration district shall;
14 Sec. 3. Section 144.8, subsection 3, Code 1981,
15 is amended to read as follows:
16 3. Transmit the certificates, reports, or other
17 returns filed with [him] *the local registrar* to the
18 county registrar at least weekly, or more frequently
19 when directed by the county registrar.”
20 2. Page 1, by inserting after line 15 the
21 following:
22 “Sec. 4. Section 144.37, unnumbered paragraph
23 1, Code 1981, is amended to read as follows:

24 For each divorce or annulment of marriage granted
 25 by any court in this state, a record shall be prepared
 26 by the clerk of court or by the petitioner of [his]
 27 *the petitioner's* legal representative if directed
 28 by the clerk and filed by the clerk of the court with
 29 the state registrar. The information necessary to
 30 prepare the report shall be furnished with the
 31 petition, to the clerk of court by the petitioner
 32 or [his] *the petitioner's* legal representative, on forms
 33 supplied by the state registrar."

34 3. Page 2, by inserting after line 7 the following:
 35 "Sec. ____ . Section 144.42, Code 1981, is amended
 36 to read as follows:

37 144.42 REPRODUCTION OF ORIGINAL RECORDS. To
 38 preserve original documents, the state registrar may
 39 prepare typewritten, photographic, or other
 40 reproductions of original records and files in [his]
 41 *the state registrar's* office. Such reproductions
 42 when certified by [him] *the state registrar* shall be
 43 accepted as the original record."

44 4. Page 2, line 11, by inserting after the word
 45 "department" the words "by rule".

46 5. Page 2, line 12, by striking the words "by
 47 rule".

48 6. Page 2, line 17, by inserting after the word
 49 "state" the words "*if the service is performed by*
 50 *the department or in the general fund of the county*

Page 2

1 *if the service is performed by the county or local*
 2 *registrar. A fee shall not be collected from a*
 3 *political subdivision or agency of this state."*

4 7. By correcting internal references and
 5 renumbering as required by this amendment.

RICHARD VANDE HOEF
 RICHARD F. DRAKE

S-3251

1 Amend House File 413 as follows:

2 1. Page 1, by inserting after line 16 the
 3 following:

4 "Sec. ____ . Section 144.19, Code 1981, is amended
 5 to read as follows:

6 144.19 ADOPTION CERTIFICATE. For each adoption
 7 decreed by any court in this state, the court shall
 8 require the preparation of a certificate of adoption
 9 on a form prescribed and furnished by the state

10 registrar. The certificate shall include a report
11 of [such] *the* facts [as are] necessary to locate and
12 identify the certificate of birth of the person
13 adopted, provide information necessary to establish
14 a new certificate of birth of the person adopted,
15 [and shall] identify the order of adoption, and be
16 certified by the clerk of the court. *A fee established*
17 *by the department by rule shall be collected for the*
18 *preparation of a certificate of adoption. Fees*
19 *collected under this section shall be deposited in*
20 *the general fund of the state."*

21 2. Page 1, line 35, by inserting after the word
22 "name." the following: "*A fee established by the*
23 *department by rule shall be collected for each amended*
24 *certificate of birth to reflect a new name. Fees*
25 *collected under this section shall be deposited in*
26 *the general fund of the state.*

27 Sec. ____ . Section 144.40, Code 1981, is amended
28 to read as follows:

29 144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK.

30 Upon request and receipt of a sworn acknowledgement
31 of paternity of a child born out of wedlock signed
32 by both parents, the state registrar shall amend a
33 certificate of birth to show paternity if paternity
34 is not shown on the birth certificate. Upon written
35 request of the parents, the surname of the child may
36 be changed on the certificate to that of the father.
37 [such] *The certificate shall not be marked 'amended'.*
38 *A fee established by the department by rule shall*
39 *be collected for each certificate of birth amended*
40 *to show paternity. Fees collected under this section*
41 *shall be deposited in the general fund of the state."*

42 3. By renumbering sections and correcting internal
43 references as required by this amendment.

RICHARD VANDE HOEF
RICHARD F. DRAKE

S-3252

1 Amend Senate File 24 as follows:

2 1. Page 2, line 5, by striking the word "*approved*"
3 and inserting in lieu thereof the words "*approved;*
4 *and the state is subrogated, to the extent of any*
5 *reimbursement paid to the licensee, to any claims*
6 *which the licensee may have against an architect,*
7 *designer or other person for damages arising out of*
8 *the existence of the deficiency in the plans and*
9 *specifications".*

JOHN S. MURRAY

S—3253

1 Amend House File 293 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by inserting after line 14 the
 4 following:
 5 "The department of social services shall annually
 6 prepare a financial statement to provide for an
 7 accounting of the funds in the revolving farm fund.
 8 The financial statement shall be filed with the
 9 legislative fiscal bureau on or before February 1
 10 each year."

PATRICK J. DELUHERY
 BERL E. PRIEBE

S—3254

1 Amend Senate File 399 as follows:

DIVISION S—3254C

2 1. Page 8, by striking line 19 and inserting in
 3 lieu thereof the following:
 4 "NEW SUBSECTION. 11. A passenger shall wear coast
 5 guard approved personal flotation devices of the sort
 6 prescribed by the rules of the conservation commission
 7 when operating or riding in a vessel, except a vessel
 8 operated for hire by a licensed pilot or engineer,
 9 between one hour after sunset and one hour before
 10 sunrise on waters under the jurisdiction of the
 11 commission.
 12 NEW SUBSECTION. 12. A person shall not leave
 13 an unattended".

DIVISION S—3254A

14 2. Page 11, by inserting after line 3 the
 15 following:
 16 "*(4) A motorboat shall not be operated at its*
 17 *planing speed or at more than 25 miles per hours,*
 18 *whichever speed is less. As used in this paragraph,*
 19 *'planing speed' means the speed at which a motorboat*
 20 *lifts partly out of the water and skims across the*
 21 *surface of the water on the flat after-sections of*
 22 *its hull.*"

DIVISION S—3254B

23 3. Page 18, by inserting after line 24 the

24 following:

25 "Sec. ____ . *NEW SECTION. IMPLIED CONSENT TO ALCOHOL*
26 *TEST.*

27 1. A person who operates a vessel on waters of
28 this state under the jurisdiction of the commission
29 under circumstances which give reasonable grounds
30 to believe the person has been operating the vessel
31 while under the influence of an alcoholic beverage,
32 shall be deemed to have given consent to the withdrawal
33 from the person's body of specimen of the person's
34 blood, breath, saliva or urine, and to a chemical
35 test of the specimen to determine the alcoholic content
36 of the person's blood in the manner and under the
37 procedures and requirements provided in chapter 321B
38 for a person arrested for the offense of operating
39 a motor vehicle while under the influence of an
40 alcoholic beverage.

41 2. If a person under arrest for operating a vessel
42 while under the influence of an alcoholic beverage
43 refuses to submit to the chemical testing offered
44 in the manner provided under section 321B.3, none
45 of the tests shall be given, but the state conservation
46 director, upon receipt of a sworn report of the peace
47 officer that the peace officer had reasonable grounds
48 to believe the arrested person was operating a vessel
49 on the waters in this state under the jurisdiction
50 of the commission while under the influence of an

Page 2

DIVISION S—3254B (cont'd.)

1 alcoholic beverage, that the peace officer had placed
2 the person under arrest for the offense of operating
3 a vessel while under the influence of an alcoholic
4 beverage and that the person had refused to submit
5 to the chemical testing, shall revoke the person's
6 pilot license or motorboat operator's certificate
7 to operate a vessel and any nonresident operating
8 privilege for a period of not less than one hundred
9 twenty days nor more than one year. If the person
10 is a resident without a license or certificate to
11 operate a vessel in this state, the state conservation
12 director shall deny to the person the issuance of
13 a license or certificate within one year from the
14 date of the alleged violation, subject to hearing
15 and judicial review procedures provided in chapter
16 321B. The effective date of a revocation shall be
17 twenty days after the state conservation director

18 has mailed notice of the revocation to the person
19 by certified mail.

20 3. Sections 321B.10 through 321B.12 apply in any
21 civil or criminal action or proceeding arising out
22 of acts alleged to have been committed by a person
23 operating a vessel in waters of this state under the
24 jurisdiction of the commission while under the
25 influence of an alcoholic beverage.

26 4. A person who operates a vessel in the waters
27 of this state under the jurisdiction of the commission
28 during the time when the person's license or
29 certificate to operate a vessel has been denied or
30 revoked as provided in this section is guilty of a
31 simple misdemeanor. The state conservation director,
32 upon receiving the record of conviction of a person
33 charged with operating a vessel while the license
34 or certificate of the person was revoked, shall extend
35 the period of revocation for an additional period
36 equal to the original period of revocation and a new
37 license or certificate shall not be issued during
38 the additional revocation period.

39 5. After final determination under this section
40 that a nonresident's privilege to operate a vessel
41 in this state has been revoked or denied, the state
42 conservation director shall give written notice of
43 the action taken to the official in charge of water
44 safety or public safety of the state of the person's
45 residence and of any other state in which the person
46 is licensed or certificated."

DIVISION S—3254D

47 4. By renumbering and correcting internal
48 references as required by this amendment.

JOHN S. MURRAY

S—3255

1 Amend Senate File 370 as follows:

DIVISION S—3255A

2 1. Page 4, line 2, by inserting after the word
3 "persons" the words ", except the programs administered
4 by the state board of regents".

5 2. Page 4, line 7, by inserting after the word
6 "persons" the words ", except the institutions and
7 facilities of the state board of regents".

DIVISION S—3255B

8 3. By striking page 14, line 33 through page 15,
9 line 19.

DIVISION S—3255A (cont'd.)

10 4. Page 19, by inserting after line 28 the
11 following:

12 "Sec. ____ . Chapter 125, Code 1981, is amended
13 by adding the following new section:

14 **NEW SECTION. FUNDING AT UNIVERSITY HOSPITALS.**

15 Chapter 255 shall govern the determination of costs
16 and payment for treatment provided to substance abusers
17 by the university hospitals, including the Oakdale
18 alcoholism treatment unit, but excluding the
19 psychiatric hospital. Chapter 225 shall govern the
20 determination of costs and payment for treatment by
21 the psychiatric hospital."

22 5. Page 33, by striking lines 27 through 32, and
23 inserting in lieu thereof the words "appropriate
24 entity under the board's jurisdiction."

25 6. Page 34, by striking lines 20 and 21 and
26 inserting in lieu thereof the following:

27 "c. Care and treatment of patients [by the
28 psychopathic hospital at Iowa City] *under chapters*
29 *225 and 255.*"

30 7. Page 34, by striking lines 24 through 27 and
31 inserting in lieu thereof the words "125[, provided,
32 however, that any admission to a facility shall be
33 reported to the county board of supervisors within
34 five days by the center or facility offering such
35 treatment]. *The county may require that the center*
36 *or facility report on an admission within five days*
37 *as a condition of the payment of county funds for*
38 *that admission.*"

39 8. By renumbering sections and correcting internal
40 references as required by this amendment.

ARTHUR A. SMALL, JR.
SUE YENGER
JOHN N. NYSTROM
CHARLES P. MILLER

S—3256

1 Amend Senate File 471 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:

4 "Section 1. There is appropriated from the general

5 fund of the state to the state department of health
 6 for the fiscal year beginning July 1, 1980, and ending
 7 June 30, 1981, thirty-one thousand five hundred fifty-
 8 one (31,551) dollars, or so much thereof as is
 9 necessary, for the licensing and certification
 10 division.

11 Sec. 2. This Act, being deemed of immediate
 12 importance, takes effect from and after its publication
 13 in the Ottumwa Courier, a newspaper published in
 14 Ottumwa, Iowa, and in The Lyon County Reporter, a
 15 newspaper published in Rock Rapids, Iowa."

16 2. Title page, by striking lines 1 and 2 and
 17 inserting in lieu thereof the following:
 18 "An Act making a supplemental appropriation to
 19 the state department of health for the licensing and
 20 certification division for the fiscal year ending
 21 June 30, 1981, effective upon publication."

C.W. BILL HUTCHINS

S-3257

1 Amend House File 154 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 562B.27, subsection 1, Code
 6 1981, is amended to read as follows:

7 1. If a tenant abandons a mobile home on a mobile
 8 home space, the landlord shall notify the legal owner
 9 or lienholder of the mobile home within [a reasonable
 10 time] *ninety days* and communicate to that person his
 11 or her liability for any costs incurred for the mobile
 12 home space for such mobile home, including rent and
 13 utilities due and owing. Any and all costs shall
 14 then become the responsibility of the legal owner
 15 or lienholder of the mobile home. The mobile home
 16 may not be removed from the mobile home space without
 17 a signed written agreement from the landlord showing
 18 clearance for removal, showing all moneys due and
 19 owing paid in full, or an agreement reached with the
 20 legal owner and the landlord."

DICK RAMSEY

S-3258

1 Amend Senate File 217 as follows:

2 1. Page 1, line 10, by inserting after the figure
 3 "16" the word and figure "to 18".

4 2. Page 2, lines 4 through 7, by striking the
 5 words "The county recorder shall retain a copy of
 6 the declaration of value for the recorder's record
 7 which shall be available for public inspection." and
 8 inserting in lieu thereof the words "[The county
 9 recorder shall retain a copy of the declaration of
 10 value for the recorder's records, which shall be
 11 available for public inspection.]"

12 3. Page 2, line 9, by striking the word
 13 "subsection" and inserting in lieu thereof the word
 14 "subsections".

15 4. Page 2, by inserting after line 13 the
 16 following:

17 "NEW SUBSECTION. 17. Deeds transferring easements.

18 NEW SUBSECTION. 18. Deeds giving back real
 19 property to lien holders in lieu of forfeitures or
 20 foreclosures."

21 5. Amend the title, lines 1, 2, and 3, by striking
 22 the words "that transfers of property or interests in
 23 property pursuant to a decree of dissolution of
 24 marriage are not subject to" and inserting in lieu
 25 thereof the words "certain exemptions from".

NORMAN J. GOODWIN
 BOB RUSH
 JAMES E. BRILES

S-3259

1 Amend House File 504, as passed by the House as
 2 follows:

3 1. Page 1, line 11, by striking the word
 4 "taxpayer" and inserting in lieu thereof the word
 5 "taxpayer".

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chairperson

S-3260

1 Amend House File 734 as follows:

2 1. Page 1, by striking line 3 through page 2,
 3 line 2, and inserting in lieu thereof the following:
 4 "NEW SECTION. INTEREST RATE. Except where a
 5 different rate of interest is stated in a provision
 6 of this title, the rate of interest on interest-bearing
 7 obligations arising under this title shall be one
 8 percent per month."

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chairperson

S—3261

- 1 Amend Senate File 512 as follows:
- 2 1. Page 1, line 6, by striking the word "*eight*"
- 3 and inserting in lieu thereof the word "*five*".

LUCAS J. DE KOSTER
BOB RUSH

S—3262

- 1 Amend Senate File 384 as follows:
- 2 1. Page 2, by inserting after line 7 the following:
- 3 "Sec. ____ . Section 48.5, subsection 2, paragraph a,
- 4 Code 1981, is amended to read as follows:
- 5 a. Each list shall be produced in the order and
- 6 form specified by the requester, so long as that order
- 7 and form are within the capacity of the record maintenance
- 8 system used by the registrar; *however, the available*
- 9 *residential telephone numbers shall be included if requested.*"
- 10 2. Page 4, by striking lines 11 through 19.
- 11 3. By renumbering sections as required by this
- 12 amendment.

JOHN N. NYSTROM

S—3263

- 1 Amend Senate File 450 as follows:
- 2 1. Page 1, line 11, by striking the word "serious"
- 3 and inserting in lieu thereof the word "simple".

C.W. BILL HUTCHINS

S—3264

- 1 Amend Senate File 420 as follows:
- 2 1. Page 6, line 22, by inserting after the word
- 3 "criteria" the words "adopted by rule which".

DICK RAMSEY

S—3265

- 1 Amend Senate File 420 as follows:
- 2 1. Page 7, line 17, by inserting after the word
- 3 "license" the words "until the cost exceeds nine thousand
- 4 dollars".
- 5 2. Page 7, by striking lines 21 and 22 and inserting
- 6 in lieu thereof the following: "applicant. These costs
- 7 include the costs of providing notices, holding the

8 hearing and the per diem of the commissioners in the
9 proceeding for the license."

DICK RAMSEY

S—3266

1 Amend Senate File 403 as follows:
2 1. Page 1, line 23, by striking the word and
3 figure "*subsection 2*" and inserting in lieu thereof
4 the words and figures "*subsections 1 and 2*".

RICHARD F. DRAKE

S—3267

1 Amend amendment S—3231 to Senate
2 File 412 as follows:
3 1. Page 1, by striking lines 25 and 26.

CALVIN O. HULTMAN

S—3268

For the text of this House amendment, see page 1023 of the Senate Journal.

S—3269

1 Amend Senate File 420 as follows:

DIVISION S—3269A

2 1. Page 4, by striking lines 9 through 12 and
3 inserting in lieu thereof the following:
4 "1. The county board may appoint four temporary
5 members who are residents of the county.
6 2. The city council may appoint four temporary
7 members who are residents of the city."

DIVISION S—3269B

8 2. Page 6, by inserting after line 23 the
9 following:
10 "____. If the facility is owned or operated by
11 a generator in this state, whether it is feasible
12 for the facility to be established as a facility under
13 section 2, subsection 1, paragraphs b and c, of this
14 Act."

DIVISION S—3269C

15 3. Page 8, by striking line 34 and inserting in

16 lieu thereof the following: "be remitted to the
 17 counties and cities of counties in which a facility
 18 licensed under this Act is located. The taxes shall
 19 be deposited in the general funds of the counties
 20 and cities after distribution on a per capita basis.
 21 For the purpose of this section the population of
 22 a county is the population residing in the
 23 unincorporated areas of the county."

ROLF V. CRAFT

S—3270

1 Amend Senate File 466 as follows:
 2 1. Page 1, line 5, by striking the word "used".
 3 2. Page 1, line 5, by inserting after the word
 4 "property" the words "of the type normally sold in
 5 the regular course of the retailer's business and
 6 which is".
 7 3. Page 1, line 6, by striking the word "resale"
 8 and inserting in lieu thereof the word "sale".
 9 4. Title page, lines 4 and 5, by striking the
 10 words "used tangible property held for resale" and
 11 inserting in lieu thereof the words "tangible property
 12 of the type normally sold in the regular course of
 13 the retailer's business and which is held for sale".

EDGAR H. HOLDEN
 ROLF V. CRAFT
 DAVID M. READINGER
 BERL E. PRIEBE

S—3271

1 Amend Senate File 256 as follows:
 2 1. Page 2, by striking lines 34 through 35.
 3 2. Page 3, by striking lines 1 through 5.

BOB RUSH

S—3272

1 Amend Senate File 474 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section ____ . Chapter 25A, Code 1981, is amended
 5 by adding the following new section:
 6 *NEW SECTION.* For claims which arise on or after
 7 the effective date of this Act, an award on a claim
 8 under this chapter or a court judgment or settlement
 9 in a suit under this chapter shall not exceed:

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10 1. One hundred thousand dollars for an injury to
11 one person in a single accident or occurrence.

12 2. Three hundred thousand dollars for an injury
13 to two or more persons in a single accident or
14 occurrence, except that one person shall not recover
15 in excess of one hundred thousand dollars.”

16 2. Page 1, by inserting after line 9 the following:

17 “Sec. ____ . Chapter 613A, Code 1981, is amended by
18 adding the following new section:

19 *NEW SECTION.* For claims which arise on or after the
20 effective date of this Act, an award on a claim under
21 this chapter or a court judgment or settlement in a
22 suit under this chapter shall not exceed:

23 1. One hundred thousand dollars for an injury to one
24 person in a single accident or occurrence.

25 2. Three hundred thousand dollars for an injury to
26 two or more persons in a single accident or occurrence,
27 except that one person shall not recover in excess of
28 one hundred thousand dollars.”

JOHN W. JENSEN

S—3273

1 Amend Senate File 420 as follows:

2 1. Page 7, lines 34 and 35, by striking the words
3 “prohibit or”.

DICK RAMSEY

S—3274

1 Amend Senate File 420 as follows:

2 1. Page 7, by inserting after line 7 the following:

3 “A municipality as defined in section 613A.1(1),
4 is not liable in an action for damages arising out
5 of the construction, operation, or maintenance of
6 a hazardous waste facility which is licensed by the
7 commission under this Act unless the municipality
8 is responsible for or in control of the facility.
9 However, a municipality may be subject to liability
10 for damages caused by hazardous waste in connection
11 with an act or omission which would otherwise subject
12 the municipality to liability.”

DAVID M. READINGER
DICK RAMSEY

S—3275

1 Amend Senate File 425 as follows:

- 2 1. Page 1, by striking lines 5 through 12.

GARY L. BAUGHER
EDGAR H. HOLDEN

S—3276

- 1 Amend Senate File 420 as follows:

- 2 1. Page 4, lines 9 and 10, by striking the
3 words "one temporary member who is a resident" and
4 inserting in lieu thereof the words "two temporary
5 members who are residents".
6 2. Page 4, lines 11 and 12, by striking the
7 words "one temporary member who is a resident" and
8 inserting in lieu thereof the words "two temporary
9 members who are residents".

PATRICK J. DELUHERY

S—3277

- 1 Amend Senate File 420 as follows:

- 2 1. Page 7, by striking lines 3 through 7 and
3 inserting in lieu thereof the words "requirements of
4 chapters 329, 358A and 414."
5 2. Page 7, line 32, by inserting after the word
6 "required." the words "The commission may incorporate
7 in the license the licensing requirements of a
8 regulatory agency to the extent that those requirements
9 are consistent with the construction and operation of
10 the facility according to the requirements of the
11 commission."

DICK RAMSEY

S—3278

- 1 Amend Senate File 480 as follows:

- 2 1. Page 1, by inserting after line 22 the
3 following:
4 "Sec. 3. Section 627.6, Code 1981, is amended
5 by striking the section and inserting in lieu thereof
6 the following:
7 627.6 GENERAL EXEMPTIONS. A debtor who is a
8 resident of this state may hold exempt from execution
9 the following property:
10 1. All wearing apparel of the debtor and the
11 debtor's dependents kept for actual use and the trunks
12 or other receptacles necessary for the wearing apparel,
13 not to exceed in value two hundred dollars in any
14 particular item or one thousand dollars in the

15 aggregate.

16 2. One shotgun, and either one rifle or one musket.

17 3. Private libraries, family bibles, portraits,
18 pictures, and paintings not to exceed two hundred
19 dollars in value for any particular item or one
20 thousand dollars in the aggregate.

21 4. An interment space or an interest in a public
22 or private burying ground, not exceeding one acre
23 for any defendant.

24 5. Two cows, two calves, fifty sheep, six stands
25 of bees, five hogs, and all pigs under six months
26 of age, together with the feed for all exempt animals
27 for six months.

28 6. The debtor's interest, not to exceed two hundred
29 dollars in value in any particular item, in household
30 furnishing, household goods, and appliances held
31 primarily for the personal, family, or household use
32 of the debtor or a dependent of the debtor, not to
33 exceed in value two thousand dollars in the aggregate.

34 7. Musical instruments, not including radios,
35 television sets, or record or tape playing machines,
36 held primarily for the personal, family, or household
37 use of the debtor or a dependent of the debtor.

38 8. One motor vehicle, with the debtor's interest
39 not exceeding one thousand two hundred dollars in
40 value.

41 9. If the debtor is engaged in any profession
42 or occupation other than farming, the proper
43 implements, professional books, or tools of the trade
44 of the debtor or a dependent of the debtor, not to
45 exceed a value of two thousand five hundred dollars
46 for any particular item or the debtor's equity in
47 the books, tools, or implements.

48 10. If the debtor is engaged in farming, a team
49 consisting of not more than two horses or mules or
50 two yoke of cattle, and the wagon or other vehicle,

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1 with the proper harness or tackle, or other necessary
2 implements of husbandry, or a combination of these,
3 not to exceed the value of five thousand dollars in
4 the aggregate.

5 11. Any unmatured life insurance policy owned
6 by the debtor, other than a credit life insurance
7 contract.

8 12. Professionally prescribed health aids for
9 the debtor or a dependent of the debtor."

GARY L. BAUGHER
EDGAR H. HOLDEN

S—3279

1 Amend Senate File 370 as follows:

DIVISION S—3279A

2 1. Page 23, by striking lines 26 through 29 and
3 inserting in lieu thereof the words "[mentally ill
4 patients therein, separate from the cost of maintaining
5 sane paupers] *residents in a county care facility.*"

DIVISION S—3279B

6 2. Page 24, by striking lines 31 through 33 and
7 inserting in lieu thereof the word "*institute.*"
8 3. Page 25, by striking lines 1 through 7 and
9 inserting in lieu thereof the words "*not been*
10 *discharged from a state hospital-school.*"

ROLF V. CRAFT

S—3280

1 Amend Senate File 412 as follows:

2 1. By striking page 1, line 1, through page 3,
3 line 17, and inserting in lieu thereof the following:
4 "Section 1. Section 572.1, Code 1981, is amended
5 by adding the following new subsection:
6 *NEW SUBSECTION.* 'Owner-occupied dwelling' means
7 the homestead of the owner actually occupied by the
8 owner and shall include occupation by a spouse of
9 the owner.
10 Sec. 2. Section 572.14, Code 1981, is amended
11 to read as follows:
12 **572.14 LIABILITY TO SUBCONTRACTOR AFTER PAYMENT**
13 **TO ORIGINAL CONTRACTOR.**
14 1. [Payment] *Except as provided in subsection 2,*
15 *payment to the original contractor by the owner of*
16 *any part or all of the contract price of such building,*
17 *or improvement before the lapse of the sixty days*
18 *allowed by law for the filing of a mechanic's lien*
19 *by a subcontractor, will not relieve the owner from*
20 *liability to the subcontractor for the full value*
21 *of any material furnished or labor performed upon*
22 *said building, land, or improvement if the*
23 *subcontractor file his lien within the time provided*
24 *by law for the filing of the same.*
25 2. a. *In the case of an owner-occupied dwelling,*
26 *the lien of a subcontractor shall be enforced only*
27 *to the extent of the balance due from the owner to*

28 *the contractor at the time a written notice given*
29 *as provided in section 572.10 is served, unless within*
30 *five days after furnishing any material or performing*
31 *any labor upon said building, land or improvement*
32 *the subcontractor gives a written notice to the owner*
33 *of the fact that the subcontractor has furnished*
34 *material or labor and intends to rely upon the*
35 *provisions of this chapter.*

36 *b. The notice of intent to rely upon the provisions*
37 *of this chapter shall be sufficient if it is*
38 *substantially in the following form:*

39 *'Notice to owner: The undersigned has furnished*
40 *labor or material for improvements upon your real*
41 *estate. Unpaid claimants who furnish labor or material*
42 *for improvements upon real estate are entitled to*
43 *file mechanics' liens against the property improved.*
44 *That includes contractors and suppliers of labor and*
45 *material to contractors. You are entitled to be*
46 *furnished lien waivers from those parties at the time*
47 *of payment.'*

48 *c. Service of the written notice upon the owner*
49 *may be made as follows:*

50 *(1) By delivering a copy to the owner personally*

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1 *or to any person at least eighteen years of age who*
2 *resides in the owner's dwelling.*

3 *(2) By mailing a copy to the owner by certified*
4 *mail, restricted delivery, return receipt to the party*
5 *mailing the notice requested.*

6 *(3) By personal service as provided in the rules*
7 *of civil procedure.*

8 *Sec. 3. This Act takes effect January 1 following*
9 *enactment. This Act applies only to liens arising*
10 *from works or improvements commenced on or after the*
11 *effective date of this Act."*

12 *2. Amend the title by striking lines 1 through*
13 *4 and inserting in lieu thereof the following: "An*
14 *Act providing that in order for a subcontractor to*
15 *have a right to a mechanic's lien on an owner-occupied*
16 *dwelling a notice of the intent to rely on the*
17 *mechanic's liens statutes must be given within five*
18 *days of the furnishing of labor or material, to be*
19 *effective January 1 following enactment."*

S-3281

- 1 Amend Senate File 420 as follows:
 2 1. Page 8, by inserting after line 34 the
 3 following:
 4 "Sec. ____ . *NEW SECTION. RECIPROCITY.* Effective
 5 three years from the effective date of this Act, a
 6 facility licensed under this Act shall not accept
 7 hazardous waste originating in another state unless
 8 that state has in operation a facility approved under
 9 the provisions of the federal Resource Conservation
 10 and Recovery Act which does not restrict its acceptance
 11 of hazardous waste from this state on the basis of
 12 the origin of the waste."

DICK RAMSEY

S-3282

- 1 Amend Senate File 370 as follows:
 2 1. Page 14, by inserting after line 22 the words
 3 "and if neither that person nor another person legally
 4 chargeable with that person's support is able to pay
 5 for the services,".

SUE YENGER
 FORREST V. SCHWENGELS
 TOM SLATER

S-3283

- 1 Amend Senate File 425 as follows:
 2 1. Page 2, by inserting after line 34 the
 3 following:
 4 "Sec. ____ . Section 220.38, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION.* Any sale of a residence securing
 7 a mortgage loan financed by the authority, either
 8 directly or indirectly, must be reported to the authority
 9 by the lender servicing the loan. Failure of a servicing
 10 lender to exercise due diligence in reporting such sales
 11 to the authority may be used by the authority as grounds
 12 for reduction of future bond proceeds allocations or
 13 servicing responsibilities to such servicing lender."

C.W. BILL HUTCHINS

S-3284

- 1 Amend Senate File 464 as follows:
 2 1. Page 1, line 12, by inserting after the word

3 "approve" the words "criminal justice".
 4 2. Page 4, by striking lines 5 through 8 and
 5 inserting in lieu thereof the words "to approve
 6 juvenile justice programs, policies and the
 7 administration of funds and to perform other duties
 8 required by law or rule. The juvenile justice
 9 coordination council shall approve the disposition
 10 of funds available".

FORREST V. SCHWENGELS

S-3285

1 Amend Senate File 412 as follows:
 2 1. Page 1, line 15, by inserting after the
 3 word "lien," the words "*and upon the receipt of the*
 4 *prescribed costs,*".
 5 2. Page 2, by inserting after line 18 the following:
 6 "*The clerk of court shall make available to the*
 7 *lien claimant, without charge, blank forms providing for*
 8 *the written notice required in unnumbered paragraph 1*
 9 *of this section.*".

DICK RAMSEY

S-3286

1 Amend Senate File 425 as follows:
 2 1. Page 2, by inserting after line 34 the
 3 following:
 4 "Sec. ____ . Section 220.38, Code 1981, is amended
 5 by adding the following new subsection:
 6 **NEW SUBSECTION.** Any sale of a residence securing
 7 a mortgage loan financed by the authority, either
 8 directly or indirectly, must be reported to the authority
 9 by the borrower.".

C.W. BILL HUTCHINS

S-3287

1
 2 Amend Senate File 420 as follows:
 3 1. Page 8, by inserting after line 34 the
 4 following:
 5 "Sec. 16. Section 422.12, Code 1981, is amended
 6 by adding the following new subsection:
 7 **NEW SUBSECTION.** A hazardous waste investment
 8 credit equal to seven percent of the actual amount
 9 paid or to be paid by the taxpayer for the purchase,
 10 construction, or installation of machinery or

11 equipment, in which the taxpayer has an ownership
12 interest, used solely for the treatment or recycling
13 of hazardous waste. The credit is applicable to the
14 tax year in which the machinery or equipment is first
15 operated for the treatment or recycling of hazardous
16 waste. This credit is not allowed on machinery or
17 equipment used for the land burial of hazardous waste.
18 This credit shall be deducted after the deduction
19 of other credits provided in this section. If this
20 credit exceeds the remaining tax liability of the
21 taxpayer, the excess credit shall be carried forward
22 to subsequent tax years.

23 For purposes of this subsection, 'hazardous waste'
24 and 'treatment' have the same meaning ascribed to
25 them in section 455B.130.

26 Sec. 17. Section 422.33, Code 1981, is amended
27 by adding the following new subsection:

28 *NEW SUBSECTION.* A hazardous waste investment
29 credit equal to seven percent of the actual amount
30 paid or to be paid by the taxpayer for the purchase,
31 construction, or installation of machinery or
32 equipment, in which the taxpayer has an ownership
33 interest, used solely for the treatment or recycling
34 of hazardous waste. The credit applies to the tax
35 year in which the machinery or equipment, is first
36 operated for the treatment or recycling of hazardous
37 waste. This credit is not allowed on machinery or
38 equipment used for the land burial of hazardous waste.
39 If this credit exceeds the tax liability of the
40 taxpayer, the excess credit shall be carried forward
41 to subsequent tax years.

42 For purposes of this subsection, 'hazardous waste'
43 and 'treatment' have the same meaning ascribed to
44 them in section 455B.130.

45 Sec. 18. Chapter 422, division VI, Code 1981,
46 is amended by adding the following new section:

47 *NEW SECTION.* If the taxpayer disposes of or ceases
48 to use solely for the treatment or recycling of
49 hazardous waste the machinery or equipment for which
50 the taxpayer received a credit under section 16 or

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1 17 of this Act within the six years following the
2 tax year for which the credit was first received,
3 the taxpayer's tax liability under division II, III,
4 or V for the tax year in which the taxpayer disposes
5 of or ceases to use solely for the treatment or
6 recycling of hazardous waste the machinery or equipment

7 is increased by an amount equal to the excess of the
8 amount of credit the taxpayer received under section
9 16 or 17 of this Act over the amount of credit the
10 taxpayer would have received if the credit had been
11 computed by substituting for the seven percent in
12 section 16 or 17 of this Act a percentage equal to
13 the number of years the taxpayer had an ownership
14 interest in and used the machinery or equipment solely
15 for the treatment or recycling of hazardous waste.
16 Sec. 19. Sections 16, 17, and 18 of this Act take
17 effect July 1 following enactment for tax years
18 beginning on or after the effective date.”

DICK RAMSEY

S—3288

1 Amend amendment S—3204
2 to Senate File 256 as follows:
3 1. Page 1, line 5, by inserting after the word
4 “All” the word “eligible”.

BOB RUSH

S—3289

1 Amend Senate File 435 as follows:
2 1. Page 4, line 33, by inserting after the period
3 the words “*These loans shall contain a provision*
4 *equivalent to the following: ‘If, upon the due date*
5 *of any final payment that becomes due under this loan*
6 *or any extension or renewal of this loan and during*
7 *the term of the mortgage that secures this loan and*
8 *the extension or renewal of this loan, no part of*
9 *this loan is delinquent and there exists a home*
10 *mortgage market condition within this community that*
11 *precludes the mortgagor from obtaining a new loan*
12 *from another savings and loan association on similar*
13 *terms and with an interest rate no greater than one*
14 *percentage point above the numerical average of the*
15 *monthly national average contract interest rates*
16 *charged on conventional home mortgages on previously*
17 *occupied homes as published by the federal home loan bank*
18 *board for the calendar month second preceding the*
19 *due date of the final payment, then the mortgages*
20 *shall extend the term of this loan or the extension,*
21 *or renewal of this loan for one or more years, but*
22 *not beyond the end of the term of the mortgage. In*
23 *the event that the mortgagee extends the term of this*
24 *loan or an extension of renewal of this loan as*

25 *prescribed in this provision, the interest rate charged*
 26 *may be one percentage point above the numerical monthly*
 27 *average described above.' "*

LOWELL L. JUNKINS
 PATRICK J. DELUHERY

S—3290

1 Amend Senate File 470 as follows:

DIVISION S—3290A

2 1. Page 1, line 4, by inserting after the word
 3 "applicant" the words "for admission to a teacher
 4 preparation program at an institution of higher learning
 5 in this state and an applicant".
 6 2. Page 1, line 5, by inserting after the word
 7 "chapter" the words "who has not been admitted to
 8 a teacher preparation program at an institution of
 9 higher education in this state".

DIVISION S—3290B

10 3. Page 1, by striking lines 26 through 30 and
 11 inserting in lieu thereof the following: "be developed
 12 by representatives from teacher preparation programs
 13 at institutions of higher learning in this state,
 14 representatives from the department of public
 15 instruction, and representatives from state
 16 associations interested in education in this state,
 17 including associations of teachers, and shall be
 18 approved by the board of educational examiners. The
 19 board of educational examiners may contract".

JOE BROWN

S—3291

1 Amend Senate File 527 as follows:
 2 1. Page 1, lines 7 and 8, by striking the words
 3 "*guardian, or custodian who has legal custody of*
 4 *the child at the time of the delinquent act*".
 5 2. Amend the title, lines 1 and 2, by striking
 6 the words "custodial parent's, custodial guardian's,
 7 or custodian's" and inserting in lieu thereof the
 8 word "parent's".

DONALD V. DOYLE
 LUCAS J. DE KOSTER
 JOHN S. MURRAY

S-3292

1 Amend Senate File 456 as follows:
2 1. Page 1, line 2, by striking the word "section"
3 and inserting in lieu thereof the word "sections".
4 2. Page 1, by inserting after line 13 the
5 following:
6 "NEW SECTION. Transfers not executed as of the
7 effective date of this Act shall be void unless
8 mutually agreed upon by the parties involved. The
9 department shall conduct a study to determine the
10 size of the primary and secondary road systems and
11 provide the general assembly with alternative primary
12 and secondary road systems prior to February 1, 1982
13 for its review. The general assembly shall approve
14 a method for classifying the primary and secondary
15 road systems."

RICHARD F. DRAKE

S-3293

1 Amend Senate File 468 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Chapter 282, Code 1981, is amended
5 by adding the following new section:
6 NEW SECTION. A child who is living in a licensed
7 child foster care facility as defined in section 237.1
8 in this state which is located in a school district
9 other than the school district in which the child
10 resided before receiving foster care may enroll in
11 and attend an approved school in the school district
12 in which the child is living. If a child does not
13 require special education and was not counted in the
14 basic enrollment of a school district for a budget
15 year under section 442.4, the tuition and
16 transportation, when required by law, shall be paid
17 by the treasurer of state from funds in the state
18 treasury not otherwise appropriated, and upon warrants
19 drawn by the state comptroller upon requisition of
20 the superintendent of public instruction.
21 Sec. 2. Sections 282.18, 282.22, 282.23, and
22 282.25, Code 1981, are repealed."
23 2. Amend the title, lines 2 and 3, by striking
24 the words "in charitable institutions and licensed
25 boarding homes" and inserting in lieu thereof the
26 words "receiving foster care".

ELVIE L. DREESZEN

S—3294

1 Amend Senate File 524 as follows:
2 1. Page 1, lines 19 through 21, by striking the
3 words "*To qualify for the appointment as*
4 *superintendent, a person shall be admitted to the*
5 *practice of law in this state.*" and inserting in lieu
6 thereof the words "*The appointee shall be selected*
7 *solely on the basis of the person's qualifications*
8 *and fitness to discharge the duties of office, and*
9 *a person shall not qualify for appointment unless*
10 *the person has at least five years experience in the*
11 *transportation industry, or in the regulation of the*
12 *types of carriers that are subject to regulation by*
13 *the transportation regulation authority or the*
14 *interstate commerce commssion.*"

RICHARD F. DRAKE

S—3295

1 Amend Senate File 370 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 Section 1. *NEW SECTION. FINDINGS AND PURPOSE.*
5 The general assembly finds that community-based care,
6 provided in many parts of the state by highly
7 autonomous community mental health centers working
8 cooperatively with state mental health institutes,
9 is meeting most mental health needs of those Iowans
10 to whom this care is available. However, the general
11 assembly recognizes that there are some persons
12 unserved or underserved and that heavy reliance on
13 property tax funding for mental health services has
14 restricted uniform availability of this care.
15 Consequently, greater efforts should be made to assure
16 close coordination and continuity of care for those
17 individuals receiving publicly supported mental health
18 services in Iowa. It is the purpose of sections 1
19 through 27 of this Act to continue and to strengthen
20 the mental health services now available in the state
21 of Iowa, to make these services conveniently available
22 to all persons in this state upon a reasonably uniform
23 financial basis, regardless of race, creed, national
24 origin, handicap, age or sex, and to assure the
25 continued high quality of these services.
26 Sec. 2. *NEW SECTION. DEFINITIONS.* As used in
27 sections 1 through 27 of this Act:
28 1. "Department" means the department of mental
29 health.

30 2. "Commission" means the mental health commission.

31 3. "Director" means the director of mental health.

32 4. "Comprehensive services" means the mental
33 health services delineated by the community mental
34 health centers Amendment of 1975, 42 U.S.C. sec. 2689
35 (1976, Supp. II, 1978, and Supp. III, 1979).

36 Sec. 3. *NEW SECTION. DEPARTMENT ESTABLISHED.*

37 1. A department of mental health is established
38 to administer or coordinate programs established by
39 or authorized under the laws of this state for the
40 benefit of persons affected by mental illness and
41 for the enhancement of mental health. The department
42 is headed by the director of mental health, and its
43 offices shall be located at the seat of government,
44 except that the offices of the research and education
45 division may be located elsewhere at the discretion
46 of the commission. The state mental health institutes
47 established by chapter 226 are a part of the
48 department.

49 2. The department shall maintain the following
50 major functional divisions:

Page 2

- 1 a. The administrative division.
- 2 b. The community services division.
- 3 c. The standards and accreditation division.
- 4 d. The planning and evaluation division.
- 5 e. The research and education division.

6 3. The department is designated the Iowa mental
7 health authority as defined in 42 U.S.C. sec. 201(m)
8 (1976) for the purpose of directing the benefits of
9 the National Mental Health Act, 42 U.S.C. sec. 201
10 et seq.

11 Sec. 4. *NEW SECTION. MENTAL HEALTH COMMISSION.*

12 1. The policy-making body for the department is
13 the mental health commission, consisting of eleven
14 members appointed to three-year staggered terms by
15 the governor and subject to confirmation by the senate.
16 Commission members shall be appointed on the basis
17 of interest and experience in the field of mental
18 health, and in a manner so that, if possible, the
19 composition of the commission will comply with the
20 requirements of the Community Mental Health Centers
21 Amendments of 1975, 42 U.S.C. sec. 2689t(a) (1976),
22 relative to a state mental health advisory council.
23 At least two members of the commission shall be members
24 of county boards of supervisors at the time of their
25 appointment to the commission, and shall be appointed
26 from a list of nominees submitted by the Iowa state

27 association of counties.

28 2. The three-year terms shall begin and end as
29 provided in section 69.19. Vacancies on the commission
30 shall be filled as provided in section 2.32. A member
31 shall not be appointed for more than two consecutive
32 three-year terms.

33 3. Members of the commission shall qualify by
34 taking the oath of office prescribed by law for state
35 officers. At its first meeting of each year, the
36 commission shall organize by electing a chairperson
37 and a voice chairperson for terms of two years.
38 Commission members are entitled to forty dollars per
39 diem and reimbursement for actual and necessary
40 expenses incurred while engaged in their official
41 duties, to be paid from funds appropriated to the
42 department.

43 Sec. 5. *NEW SECTION. POWERS AND DUTIES OF*
44 *COMMISSION.* The mental health commission shall:

45 1. Advise the governor on the appointment,
46 retention, or discharge of the director of mental
47 health.

48 2. Review and adopt a comprehensive state plan
49 for delivery of mental health services, and advise
50 the director on administration of the plan.

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1 3. Approve the budget of the department before
2 it is submitted to the governor.

3 4. Approve rules recommended by the director and
4 adopt the rules pursuant to chapter 17A.

5 5. Encourage, foster and facilitate coordination
6 of services with the objective of developing and
7 maintaining in the state a mental health service
8 delivery system to provide comprehensive mental health
9 services to persons in this state, regardless of their
10 place of residence, handicap or economic circumstances.

11 6. Approve the director's recommendation to
12 establish or change as necessary, after at least
13 ninety days notice, the boundaries of mental health
14 service regions within the state. A county or city
15 included within the boundaries of a region proposed
16 to be established or revised shall be given the
17 opportunity to send a representative to a hearing
18 on the proposed regional boundary, and the commission
19 shall consider the views expressed at the hearing
20 before establishing or revising the boundary.

21 7. Advise the director on administration of the
22 state mental health institutes established under

23 chapter 226.

24 8. Review and approve standards for accreditation
25 of community mental health centers and comprehensive
26 community mental health programs recommended under
27 section 230A.16.

28 9. Review and approve standards for mental health
29 programs at county care facilities.

30 10. Act as the sole state agency to allocate
31 state, federal, and private funds for mental health
32 programs and services which are appropriated, granted
33 to, or solicited by the department.

34 11. At least annually, submit to the governor
35 and the general assembly:

36 a. A report concerning the activities of the
37 commission and the department.

38 b. Recommendations formulated by the commission,
39 or recommended by the director and endorsed by the
40 commission, for changes in law.

41 c. Beginning not later than three years after
42 the department commences operation, an evaluation
43 of:

44 (1) The extent to which comprehensive mental
45 health services are actually available to persons
46 in each county in the state.

47 (2) The cost effectiveness of the services being
48 provided by each of the state mental health institutes
49 established under chapter 226, and the cost
50 effectiveness of programs carried out by providers

Page 4

1 receiving money, directly or indirectly, from the
2 state community mental health services fund established
3 under section 14 of this Act.

4 12. Have authority to investigate any aspect of
5 the department's performance of the functions and
6 duties assigned it by law, and for this purpose shall
7 have access at any time to all books, papers
8 documents, and records of the department.

9 **Sec. 6. NEW SECTION. DIRECTOR OF MENTAL HEALTH.**

10 The director of mental health is appointed by the
11 governor with the advice of the commission and is
12 subject to confirmation by the senate. The director
13 serves at the pleasure of the governor, but the
14 commission may at any time advise the governor that
15 in the opinion of a majority of its members the
16 director should be retained or discharged. The
17 director shall be selected on the basis of professional
18 qualifications, experience in the mental health field,

19 and administrative ability. In selecting the director
 20 consideration shall not be given to political
 21 affiliation, and the director shall not engage in
 22 political activity during working hours while holding
 23 that office. When it is necessary to appoint a
 24 director, the governor shall consult with the
 25 commission regarding the qualifications for the
 26 position which the commission deems important at that
 27 time. After suitably narrowing the field of potential
 28 appointees, the governor shall obtain the
 29 recommendation of the commission as to the individual
 30 to be appointed. The governor shall consider, but
 31 is not bound by, the recommendation of the commission.

32 **Sec. 7. NEW SECTION. POWERS AND DUTIES OF**
 33 **DIRECTOR.** The director of mental health shall:

34 1. Seek to achieve the purpose stated in section
 35 1 of this Act.

36 2. Formulate a comprehensive state plan for the
 37 delivery of mental health services and administer
 38 the plan, following its approval and adoption by the
 39 commission.

40 3. Establish and administer procedures for the
 41 department.

42 4. Oversee administration of the state mental
 43 health institutes established under chapter 226 with
 44 the advice of the commission, so as to insure that
 45 the purposes of the state institutions for the care
 46 and treatment of mentally ill individuals are carried
 47 into effect.

48 5. Establish the qualifications of all officers,
 49 physicians, nurses, attendants, and other employees
 50 of the department responsible for the care and

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1 treatment of patients.

2 6. With the advice and approval of the commission
 3 and of the council on social services, formulate,
 4 establish, adopt, supervise, and revise standards
 5 for care of and services to mentally ill persons
 6 residing in county care facilities.

7 7. With the advice and approval of the commission,
 8 formulate, establish, adopt, supervise, and revise
 9 accreditation standards for community mental health
 10 centers and comprehensive mental health programs.

11 8. Enforce the standards for care of and services
 12 to mentally ill persons in county care facilities
 13 and community mental health programs.

14 9. Act as compact administrator with power to

15 effectuate the purposes of, and recommend necessary
16 rules to the commission, to implement interstate
17 compacts on mental health.

18 10. Prepare a departmental budget, and reports
19 of the department's activities.

20 11. If authorized by the commission, appoint
21 professional consultants, who shall be paid from funds
22 appropriated to the department, to advise the
23 commission or the department on any manner pertaining
24 to mental health.

25 12. Respond to comments and complaints from the
26 public, professionals, and employees of the department
27 regarding the quality and availability of mental
28 health services, and report regularly to the commission
29 on these matters.

30 13. With approval of the commission, accept gifts,
31 grants, devises, or bequests from any source, including
32 the federal government, and exercise powers necessary
33 to preserve the property so acquired and to make use
34 of the property for the purposes for which the property
35 was given, devised, or bequeathed.

36 14. With the approval of the commission, expend
37 moneys from the support allocation of the department
38 as reimbursement for replacement or repair of personal
39 items belonging to an employee of the department which
40 are damaged or destroyed by clients of the department
41 during the employee's tour of duty, provided that
42 the reimbursement shall not exceed seventy-five dollars
43 for each item.

44 15. Appoint the superintendents of the state
45 mental health institutes and the division heads of
46 the department.

47 16. Perform other duties assigned by the commission
48 or necessary to implement sections 1 through 27 of
49 this Act.

50 Sec. 8. *NEW SECTION. DUTIES OF ADMINISTRATIVE*

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1 DIVISION. The responsibilities of the administrative
2 division include:

- 3 1. Fiscal control.
- 4 2. Internal auditing.
- 5 3. Preparing departmental budgets.
- 6 4. Disbursement functions.
- 7 5. Personal functions.
- 8 6. Reporting to all funding sources. The
9 division's report to the general assembly regarding
10 funding shall be made a part of the report required

11 of the commission by section 5, subsection 11 of this
12 Act.

13 7. Protection of confidentiality of client
14 information.

15 8. Other duties assigned by the director.

16 Sec. 9. *NEW SECTION. DUTIES OF COMMUNITY SERVICES*
17 *DIVISION.* The responsibilities of the community
18 services division include:

19 1. Assisting with the development of community
20 programs to achieve the purpose stated in section
21 1 of this Act by means of technical assistance,
22 consultation, and grants-in-aid, if approved by the
23 commission.

24 2. Coordination of community-based services with
25 those of the state mental health institutes.

26 3. Promoting coordination of community-based
27 services with other state, public, and private
28 providers and other state agencies serving individuals
29 with mental health needs.

30 4. Providing technical assistance in order to
31 help community mental health providers meet
32 accreditation standards, and thereby facilitate and
33 improve the delivery of mental health services.

34 5. Providing consultation and technical assistance,
35 in coordination with the judicial council, to patients'
36 advocates appointed pursuant to section 229.19.

37 6. Providing coordination and technical assistance
38 to care review committees appointed pursuant to section
39 135C.25 for county care facilities.

40 7. Other duties assigned by the director.

41 Sec. 10. *NEW SECTION. DUTIES OF STANDARDS AND*
42 *ACCREDITATION DIVISION.* The responsibilities of the
43 standards and accreditation division include:

44 1. Monitoring of services and programs on the
45 basis of standards established under sections 1 through
46 27 of this Act, or on the basis of federal standards
47 if the department has been authorized to oversee their
48 implementation.

49 2. Making recommendations to the director and
50 the commission regarding the accreditation of

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1 facilities, services, and programs in accordance with
2 findings under subsection 1.

3 3. Coordinating with the judicial council in moni-
4 toring the training and performance of the patients'
5 advocates appointed pursuant to section 229.19.

6 4. Monitoring the performance of the care review

7 committees appointed pursuant to section 135C.25 for
8 county care facilities.

9 5. Other duties assigned by the director.

10 Sec. 11. *NEW SECTION.* DUTIES OF PLANNING AND
11 EVALUATION DIVISION. The responsibilities of the
12 department's planning and evaluation division include:

13 1. Assisting the commission and the director in
14 the formulation of the comprehensive state plan for
15 delivery of mental health services. In doing so,
16 the division shall consult with the state department
17 of health, the board of regents or a body designated
18 by the board for that purpose, the department of
19 social services, the department of public instruction,
20 the department of substance abuse, the department
21 of job service, and any other appropriate governmental
22 body, in order to facilitate coordination of services
23 provided to mentally ill individuals in the state
24 of Iowa.

25 2. Establishment of standards for programs or
26 facilities under the department's jurisdiction where
27 standards are required or authorized by law, utilizing
28 those recommended by the joint commission on
29 accreditation of hospitals or other recognized national
30 standards where they are applicable and appropriate.

31 3. Evaluation of the impact of any applicable
32 standards on programs or facilities under the
33 department's jurisdiction.

34 4. Establishment and maintenance of a data
35 collection and management information system oriented
36 to the needs of patients, providers, and programs
37 or facilities as well as to the needs of the
38 department.

39 5. Performing planning functions mandated by
40 federal or state law.

41 6. Assisting communities in developing a program
42 for community mental health services within the state,
43 based on the need for comprehensive services and
44 services offered by existing public and private
45 facilities, with the goal of providing comprehensive
46 services to all persons in this state who need them.

47 7. Analyzing pertinent federal statutes and
48 regulations to assure that this state is fully
49 utilizing all federal funds available to the state
50 for mental health services, which can be obtained

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1 without an undue degree of federal control over state
2 and local programs.

3 8. Monitoring the progress of mental health
4 services providers generally in meeting the goals
5 of the state mental health plan.

6 9. Other duties assigned by the director.

7 Sec. 12. *NEW SECTION. DUTIES OF RESEARCH AND*
8 *EDUCATION DIVISION.* The responsibilities of the
9 research and education division include:

10 1. Maintenance of appropriate research efforts
11 and dissemination of the results of this research.

12 2. Furtherance of public education efforts
13 concerning mental health, the prevention of mental
14 illness, available mental health services, and the
15 means of access to these services.

16 3. Facilitating applied research and preventive
17 educational activities related to causes and
18 appropriate treatment for mental illness, and
19 communicating the findings of those activities to
20 other divisions within the department. The director
21 may designate, or enter into agreements with, private
22 or public agencies to carry out this function.

23 4. Identifying and, with approval of the director,
24 applying for available program and research grants.

25 5. Other duties assigned by the director.

26 Sec. 13. *NEW SECTION. DIRECTOR TO APPOINT DIVISION*
27 *HEADS.* The head of each of the department's major
28 functional divisions and the superintendent of each
29 of the state mental health institutes shall be
30 appointed by the director, with approval of the
31 commission, and shall serve at the pleasure of the
32 director.

33 Sec. 14. *NEW SECTION. STATE COMMUNITY MENTAL*
34 *HEALTH SERVICES FUND ESTABLISHED.*

35 1. A state community mental health services fund
36 is established in the office of the treasurer of
37 state, which shall consist of the amounts appropriated
38 to the fund by the general assembly for each fiscal
39 year. Before completion of the department's budget
40 estimate as required by section 8.23, the commission
41 shall determine and cause to be included in the
42 estimate the amount which should be appropriated to
43 the fund for the forthcoming fiscal period in order
44 to implement the purpose stated in section 1 of this
45 Act.

46 2. The state community mental health services
47 fund for each fiscal year shall be divided into two
48 parts, the general allocation and the special
49 allocation. Unless the general assembly directs
50 otherwise in the appropriation to the fund, the general

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1 allocation shall be equal to eighty percent of the
2 total appropriation to the fund and the remainder
3 of the appropriation shall constitute the special
4 allocation.

5 **Sec. 15. NEW SECTION. DISTRIBUTION OF GENERAL**
6 **ALLOCATION.** A county is entitled to receive annually
7 from the general allocation of the state community
8 mental health services fund a share computed by a
9 formula prescribed pursuant to section 16 of this
10 Act, subject to the requirements of section 17 of
11 this Act. As soon after July 1 of each year as
12 reasonably possible, the director shall certify to
13 the state comptroller the amount to which a county
14 is entitled from the general allocation and the
15 comptroller shall issue warrants in the amounts
16 certified, drawn upon the general allocation in favor
17 of the respective counties. A county shall place
18 the money so received from the state in the county
19 mental health and institutions fund, and shall expend
20 it in the same fiscal year in which it is received
21 and only for the purposes authorized by section 444.12,
22 subsection 6.

23 **Sec. 16. NEW SECTION. FORMULA FOR DISTRIBUTION**
24 **OF GENERAL ALLOCATION.**

25 1. The general allocation of the state community
26 mental health services fund shall be distributed to
27 insure that each county participates in the
28 distribution of the funds, to recognize past efforts
29 made by individual counties to support state
30 institutional and community-based services for mentally
31 ill and mentally retarded persons, and to recognize
32 both individual counties as entities and the
33 distribution of the state population across counties.

34 2. In distributing the general allocation, each
35 county which meets the requirements of section 17
36 shall receive an amount equal to the sum of the
37 following two factors:

38 a. Fifty percent of the general allocation divided
39 by a factor of ninety-nine.

40 b. Fifty percent of the general allocation
41 multiplied by a factor equal to that county's
42 proportionate share of the total state population.

43 **Sec. 17. NEW SECTION. REQUIREMENTS OF COUNTIES**
44 **RECEIVING GENERAL ALLOCATION MONEY.**

45 1. A county is entitled to receive money from
46 the general allocation of the state community mental
47 health services fund in any fiscal year in an amount

48 determined by section 16 of this Act, if that county:
49 a. Raised by county levy and expended from the
50 proceeds of that levy for mental health services,

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1 in the preceding fiscal year, an amount of money at
2 least equal to the amount so raised and expended for
3 those purposes during the fiscal year beginning July
4 1, 1980.

5 (1) With reference to the fiscal year beginning
6 July 1, 1980, money "raised by county levy and expended
7 for mental health services" means the total amount
8 levied and expended by the county under section 444.12
9 as the section read at the time that levy was made,
10 adjusted by a procedure prescribed by rules, which
11 shall be adopted by the auditor of state in
12 consultation with the director and the county finance
13 committee, to exclude expenditures other than mental
14 health expenditures which the county made in that
15 fiscal year from the proceeds of that levy.

16 (2) With reference to a fiscal year beginning
17 on or after July 1, 1981, money "raised by county
18 levy and expended for mental health services" means
19 the total amount of money raised by county levy and
20 expended by the county from the county mental health
21 and institutions fund for the purposes authorized
22 by section 444.12, subsection 2, paragraphs a and
23 c, subsection 4, paragraph a, and subsection 6,
24 exclusive of state money received from the general
25 allocation of the state community mental health
26 services fund, the county assistance fund, federal
27 revenue sharing funds and any other federal funds
28 received by the county, and exclusive of any third
29 party reimbursement to the county.

30 (3) A county shall, as soon as reasonably possible
31 after July 1, 1981, begin preparations to adopt and
32 shall by July 1, 1983 implement an accounting and
33 financial reporting procedure for recording
34 expenditures for mental health services, inconformity
35 with rules, which shall be adopted by the auditor
36 of state, in consultation with the director and the
37 county finance committee. It is the intent of this
38 subparagraph that the Seventieth General Assembly,
39 at its 1983 Session, reconsider the requirements of
40 paragraph a of this subsection with a view to possible
41 adjustments to more precisely measure each county's
42 financial effort in support of mental health services.

43 b. Submits or joins other counties in submitting,

44 prior to September 15 of each year, an application
45 for a share of the general allocation for the
46 succeeding fiscal year which is in conformity with
47 subsection 2.

48 2. An application may be filed by a county or
49 jointly by two or more counties. The application
50 shall consist of:

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1 a. An annual plan to improve or maintain
2 availability and accessibility of comprehensive
3 services to residents of the county or counties, which
4 is found by the director to be in substantial
5 compliance with the requirements of sections 1 through
6 27 of this Act. The annual plan is in substantial
7 compliance with those requirements of it:

8 (1) Indicates that the services for which the
9 county or counties intend to use general allocation
10 money are comprehensive services or other services
11 mandated or authorized by law, and are offered by
12 accredited or licensed providers where accredita-
13 tion or licensure standards are applicable.

14 (2) Demonstrates continuing efforts to improve
15 the availability and accessibility of comprehensive
16 services by establishing or maintaining formal
17 agreements for purchase of services or grant
18 relationships with providers of such services, and
19 by extending eligibility for those services to all
20 residents of the county or counties who are unable
21 to assume the full cost of their care.

22 (3) Demonstrates effective implementation of any
23 annual plan submitted by the county or counties under
24 this subsection for the preceding fiscal year.

25 b. Evidence that the county, or each county which
26 is a party to a joint application, is in compliance
27 with subsection 1, paragraph a.

28 3. Each application submitted under this section
29 shall be for a period of at least one year and shall
30 be acted upon, as soon as reasonably possible by the
31 director, who shall notify the applicant county or
32 counties of the action taken on the application no
33 later than November 1 of the year in which the
34 application is submitted. Money from the general
35 allocation of the fund shall be disbursed on a
36 quarterly basis to the counties entitled to the money
37 under section 16 of this Act and this section.
38 Counties receiving the money shall submit quarterly
39 financial and plan status reports in the manner

40 prescribed by the director.

41 4. A county shall return to the treasurer of state
42 no later than September 30 of each year for placement
43 in the general allocation of the state community
44 mental health services fund, an amount equal to the
45 amount by which expenditures by the county under
46 section 444.12, subsection 6, during the fiscal year
47 ending the preceding June 30 were less than the total
48 of that county's share of the state community mental
49 health services fund for that preceding fiscal year.

50 5. All amounts returned to, or not disbursed from

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1 the general allocation of the state community mental
2 health services fund in any fiscal year shall be
3 redistributed among the eligible counties during that
4 fiscal year by the formula prescribed by section 16
5 of this Act.

6 Sec. 18. *NEW SECTION*. SPECIAL ALLOCATION. The
7 special allocation of the state community mental
8 health services fund shall be used by the community
9 services division to make grants-in-aid to counties
10 or other appropriate entities in this state to
11 establish or expand community-based mental health
12 services and thereby provide to persons in a particular
13 county or area one or more new or expanded mental
14 health services not previously available to persons
15 in that county or area, or to continue those new or
16 expanded services in a subsequent year, in furtherance
17 of the purpose stated in section 1 of this Act. A
18 grant may be made on terms providing for its use by
19 the county or other grantee over a period of time
20 greater than one year, but the entire grant shall
21 be made from money available in the special allocation
22 for the fiscal year during which the grant is made
23 and the community services division shall not obligate
24 funds which it anticipates will be appropriated in
25 any future fiscal year. Each grant shall be made
26 on terms and conditions agreed to by the community
27 services division and the county or other grantee,
28 but a grant is not valid until its terms and conditions
29 are specifically approved by the commission.

30 Sec. 19. *NEW SECTION*. PARTIAL REIMBURSEMENT TO
31 COUNTIES FOR LOCAL INPATIENT MENTAL HEALTH CARE AND
32 TREATMENT.

33 1. A county which pays, from county funds budgeted
34 under section 444.12, subsection 6, the cost of care
35 and treatment of a mentally ill person who is admitted

36 pursuant to a preliminary diagnostic evaluation under
37 sections 20 through 23 of this Act for treatment as
38 an inpatient of a hospital facility, other than a
39 state mental health institute, which has a distinct
40 mental health program and which is accredited by the
41 joint commission on accreditation of hospitals, is
42 entitled to reimbursement from the state for a portion
43 of the daily cost so incurred by the county. However,
44 a county is not entitled to reimbursement under this
45 subsection for any cost incurred in connection with
46 the hospitalization of a person who is eligible for
47 medical assistance under chapter 249A, or who is
48 entitled to have care or treatment paid for by any
49 other third party payor, or who is admitted for
50 preliminary diagnostic evaluation under sections 20

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1 through 23 of this Act. The amount of reimburse-
2 ment for the cost of care and treatment of a local
3 inpatient to which a county is entitled, on a per-
4 patient-per-day basis, is an amount equal to twenty
5 percent of the average of the state mental health
6 institutes' individual average daily patient costs
7 in the most recent calendar quarter for the program
8 in which the local inpatient would have been served
9 if the inpatient had been admitted to a state mental
10 health institute.

11 2. A county may claim the reimbursement by filing
12 with the department a claim in a form prescribed by
13 the commission by administrative rule. Claims may
14 be filed on a quarterly basis, and when received shall
15 be verified as soon as reasonably possible by the
16 department. The department shall certify to the state
17 comptroller the amount to which each county claiming
18 reimbursement under this section is entitled, and
19 the comptroller shall issue warrants to the counties
20 drawn upon funds appropriated by the general assembly
21 for the purpose of this section. A county shall place
22 funds received under this section in the county mental
23 health and institutions fund. If the appropriation
24 for a fiscal year is insufficient to pay all claims
25 arising under this section, the comptroller shall
26 prorate the funds appropriated for that year among
27 the claimant counties so that an equal proportion
28 of each county's claim is paid in each quarter for
29 which proration is necessary

30 Sec. 20. *NEW SECTION. PRELIMINARY DIAGNOSTIC*
31 *EVALUATION.*

32 1. Except in cases of medical emergency, a person
 33 shall be admitted to a state mental health institute
 34 as an inpatient only after a preliminary diagnostic
 35 evaluation by a community mental health center, or
 36 by an alternative diagnostic facility, has confirmed
 37 that the admission is appropriate to that person's
 38 needs, and that suitable alternative method of
 39 providing the services needed by that person in a
 40 less restrictive setting, or in or nearer to the
 41 person's home community, is currently available.
 42 The policy established by this section shall be
 43 implemented in the manner and to the extent prescribed
 44 by sections 21, 22, and 23 of this Act.

45 2. As used in this section and sections 21 through
 46 23 of this Act, the term "medical emergency" means
 47 a situation in which a prospective patient is received
 48 at a state mental health institute in a condition
 49 which, in the opinion of the institute's chief medical
 50 officer, or that officer's physician designee, requires

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1 the immediate admission of the person notwithstanding
 2 the policy stated in subsection 1.

3 **Sec. 21. NEW SECTION. RESOLUTION BY SUPERVISORS**
 4 **REQUIRED.** The board of supervisors of each county
 5 shall, no later than July 1, 1982, adopt a resolution
 6 requiring that the policy stated by section 20 of
 7 this Act be followed with respect to admission of
 8 persons from that county to a state mental health
 9 institute. Upon adoption of the resolution by the
 10 board of supervisors of a county which is supporting
 11 a community mental health center, directly or in
 12 affiliation with other counties, the center shall
 13 perform the preliminary diagnostic evaluations required
 14 by that county in order to implement the policy stated
 15 by section 20 of this Act. However, if performance
 16 of the evaluations is not covered by the agreement
 17 entered into by the county and the center under section
 18 230A.12, and the center's director certifies to the
 19 county board of supervisors that the center does not
 20 have the capacity to perform the needed evaluations,
 21 the board of supervisors shall proceed as provided
 22 by section 23 of this Act.

23 **Sec. 22. NEW SECTION. IMPLEMENTATION OF**
 24 **RESOLUTION.** When the board of supervisors of a county
 25 has adopted a resolution as required by section 21
 26 of this Act:

27 1. The chief medical officer of a state mental

28 health institute, or that officer's physician designee,
29 shall advise a person residing in that county who
30 applies for voluntary admission, or a person applying
31 for the voluntary admission of another person who
32 resides in that county, in accordance with section
33 229.41, that the board of supervisors has acted to
34 implement the policy stated by section 20 of this
35 Act, and shall advise that a preliminary diagnostic
36 evaluation of the prospective patient be sought from
37 the appropriate community mental health center or
38 alternative diagnostic facility, if that has not
39 already been done. This subsection does not apply
40 when voluntary admission is sought in accordance with
41 section 229.41 under circumstances which, in the
42 opinion of the chief medical officer or that officer's
43 physician designee, constitute a medical emergency.
44 2. The clerk of the district court in that county
45 shall refer any person applying for authorization
46 for voluntary admission, or for authorization for
47 voluntary admission of another person, in accordance
48 with section 229.41 to the appropriate community
49 mental health center or alternative diagnostic facility
50 for preliminary diagnostic evaluation unless the

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1 applicant furnishes a written statement from that
2 center or facility that the evaluation has been
3 performed and indicates that the person's admission
4 to a state mental health institute is appropriate.
5 This subsection does apply when authorization for
6 voluntary admission is sought under circumstances
7 which, in the opinion of the chief medical officer
8 or that officer's physician designee, constitute a
9 medical emergency.
10 3. Judges of the district court in that county,
11 or the judicial hospitalization referee appointed
12 for that county shall so far as possible arrange for
13 a physician on the staff of or designated by the
14 appropriate community mental health center or
15 alternative diagnostic facility to perform each
16 prehearing examination of a respondent required under
17 section 229.8, subsection 3, paragraph b.
18 4. The chief medical officer of a state mental
19 health institute shall promptly submit to the
20 appropriate community mental health center or
21 alternative diagnostic facility a report of each
22 voluntary admission of a patient under the medical
23 emergency clauses of subsections 1 and 2. The report

24 shall explain the nature of the emergency which
 25 necessitated the admission of the patient without
 26 a preliminary diagnostic evaluation by the center
 27 or alternative facility.

28 5. When the proposed admission of a person to
 29 a state mental health institute, on either a voluntary
 30 or an involuntary basis, is primarily for treatment
 31 of alcoholism or drug abuse, each reference to a
 32 community mental health center or alternative
 33 diagnostic facility in subsections 1 to 4 may be
 34 deemed a reference to a facility as defined in section
 35 125.2, subsection 2. However, this subsection does
 36 not contravene the provision of section 229.51,
 37 subsection 2 that a physician employed by the admitting
 38 facility or the department is not eligible to be the
 39 certifying physician.

40 **Sec. 23. NEW SECTION. ALTERNATIVE DIAGNOSTIC**
 41 **FACILITY.** If a county is not served by a community
 42 mental health center having the capacity to perform
 43 the required preliminary diagnostic evaluations at
 44 the time the board of supervisors of that county
 45 adopts a resolution to implement the policy stated
 46 by section 20 of this Act, the board shall arrange
 47 for such evaluations to be performed by an alternative
 48 diagnostic facility for the period until the county
 49 is served by a community mental health center with
 50 the capacity to provide that service. An alternative

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1 diagnostic facility may be the outpatient service
 2 of a state mental health institute or any other mental
 3 health facility or service able to furnish the
 4 requisite professional skills to properly perform
 5 a preliminary diagnostic evaluation of a person whose
 6 admission to a state mental health institute is being
 7 sought or considered on either a voluntary or an
 8 involuntary basis.

9 **Sec. 24. NEW SECTION. SPECIAL CONSULTATION WITH**
 10 **COMMISSION ON SUBSTANCE ABUSE.** Upon its establishment,
 11 the commission shall enter into continuing consultation
 12 with the commission on substance abuse established
 13 under section 125.3. The objectives of this
 14 consultation are:

15 1. Concurrent planning with respect to services
 16 offered, supervised, or monitored by the two
 17 departments, to maximize coordination and minimize
 18 duplication or conflict between these services.

19 2. Development of recommendations, agreed to if

20 possible by both commissions, respecting the status
21 and duties of the department of substance abuse after
22 July 1, 1982, which shall be submitted to the governor
23 and the Sixty-ninth General Assembly not later than
24 January 15, 1982.

25 Sec. 25. *NEW SECTION. AUTHORITY OF DIRECTOR TO*
26 *LEASE FACILITIES.* The director may enter into
27 agreements under which a facility or portion of a
28 facility administered by the department is leased
29 to a department or division of state government, a
30 county or group of counties, or a private nonprofit
31 corporation organized under chapter 504A. A lease
32 executed under this section shall require that the
33 lessee use the leased premises to deliver either
34 comprehensive services or other services normally
35 delivered by an agency of state or county government,
36 if appropriate.

37 Sec. 26. *NEW SECTION. STATE PAYMENT FOR PERSONS*
38 *WITH NO COUNTY OF LEGAL SETTLEMENT.* If a person
39 receives community-based mental health services and
40 has no county of legal settlement or the person's
41 legal settlement is unknown, as determined under
42 sections 252.16 and 252.17, and if neither that person
43 nor another person legally chargeable with that
44 person's support is able to pay for the services,
45 the state shall pay the costs of the services.

46 Sec. 27. *NEW SECTION. FUTURE STATUS OF DEPARTMENT.*
47 Sections 1 through 26 of this Act are repealed
48 effective July 1, 1986. The First Session of the
49 Seventy-first General Assembly meeting in the year
50 1985 shall review the responsibilities and the

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1 performance of the department of mental health, and
2 the extent to which the purpose stated in section
3 1 of this Act has been achieved, and shall at that
4 session make a decision concerning the placement after
5 July 1, 1986 of the responsibilities assigned the
6 department of mental health by section 1 through 26
7 of this Act.

8 Sec. 28. Section 8.6, subsection 19, Code 1981,
9 is amended to read as follows:

10 19. [DIVISION] *DIVISIONS OF SOCIAL SERVICES, MENTAL*
11 *HEALTH.* For the purpose of performing the duties
12 of the comptroller provided in this chapter as applied
13 to the divisions of the department of social services
14 or the department of mental health controlling state
15 institutions, the comptroller shall assign an employee

16 of [his] *the comptroller's* office to check and audit
 17 all claims against [such directors] *the chief officer*
 18 *of any of these divisions* before [such] *the* claims are
 19 approved by [such directors. He] *that officer. The*
 20 *comptroller's employee* shall keep all records and
 21 accounts relating to the expenditures of the [directors.
 22 He shall] *divisions chiefs. That employee,* in the
 23 checking and auditing of claims against the [directors]
 24 *division chiefs* and keeping [the] *their* records and
 25 accounts [of such directors, be] *is* under the direction
 26 and supervision of the comptroller, and [act] *acts* as
 27 an agent of [said] *the* comptroller. The commissioner
 28 of the department of social services *and the director*
 29 *of mental health* shall *each* furnish [said] *the* employee
 30 of the comptroller with office space and [such] *the*
 31 help and assistants [as may be] necessary to properly
 32 perform the *employee's* duties [therein specified.]
 33 Sec. 29. Section 12.10, Code 1981, is amended
 34 to read as follows:

35 12.10 DEPOSITS BY STATE OFFICERS. All elective
 36 and appointive state officers, boards, commissions,
 37 and departments, except the state fair board, the
 38 state board of regents, *the Iowa state commerce*
 39 *commission, the department of mental health,* and the
 40 commissioner of the department of social services,
 41 shall, within ten days succeeding [the] collection
 42 [thereof,] deposit, with the treasurer of state, or
 43 to the credit of [said treasurer in any depository
 44 by him designated] *the treasurer in any depository*
 45 *that officer designates,* ninety percent of all fees,
 46 commissions, and moneys collected or received; the
 47 balance actually collected in cash, remaining in the
 48 hands of any officer, board, *commission,* or department
 49 shall not exceed [the sum of] five thousand dollars
 50 and [no] money collected shall *not* be held more than

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1 thirty days. This section does not apply to the Iowa
 2 housing finance authority.

3 Sec. 30. Section 17.3, Code 1981, is amended by
 4 adding the following new subsection following
 5 subsection 16:

6 *NEW SUBSECTION.* The director of mental health.

7 Sec. 31. Section 17.30, unnumbered paragraph 1,
 8 Code 1981, is amended to read as follows:

9 Each state board, commission, department and
 10 division of state government and each institution
 11 under the control of *the department of mental health,*

12 the department of social services [and] or the state
 13 board of regents and each division of the state
 14 department of transportation [shall be] are responsible
 15 for keeping a written, detailed, up-to-date inventory
 16 of all real and personal property belonging to the
 17 state and under their charge, control and management.
 18 [Such] The inventories shall be in [such] the form [as
 19 may be] prescribed by the director of the department
 20 of general services.

21 Sec. 32. Section 18.97, subsection 9, Code 1981,
 22 is amended to read as follows:

23 9. To each state institution under the control of
 24 [either] the state board of regents, *the department of*
 25 *mental health* or the [state] department of social ser-
 26 vices 1 copy

27 Sec. 33. Section 18.115, subsection 9, Code 1981,
 28 is amended to read as follows:

29 9. All gasoline used in state-owned automobiles
 30 shall be purchased at cost from the various
 31 installations or garages of the state department of
 32 transportation, state board of regents, department
 33 of social services, *department of mental health*, or
 34 state car pools throughout the state, unless [such]
 35 the purchases are exempted by the vehicle dispatcher.
 36 The vehicle dispatcher shall study and determine the
 37 reasonable accessibility of these state-owned sources
 38 for the purchase of gasoline. If these state-owned
 39 sources for the purchase of gasoline are not reasonably
 40 accessible, the vehicle dispatcher shall authorize
 41 the purchase of gasoline from other sources. The
 42 vehicle dispatcher may prescribe a manner, other than
 43 the use of the revolving fund, in which the purchase
 44 of gasoline from state-owned sources shall be charged
 45 to the department or agency responsible for the use
 46 of the automobile. The vehicle dispatcher shall
 47 prescribe the manner in which oil and other normal
 48 automobile maintenance for state-owned automobiles
 49 may be purchased from private sources, if they cannot
 50 be reasonably obtained from a state car pool. The

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1 state vehicle dispatcher may advertise for bids and
 2 award contracts for the furnishing of gasoline, oil,
 3 grease, and vehicle replacement parts for all state-
 4 owned vehicles.

5 Sec. 34. Section 19A.3, subsections 13 and 18,
 6 Code 1981, are amended to read as follows:

7 13. All physicians, psychiatrists, and heads of

8 institutions under the jurisdiction of the department
9 of *mental health or the department of social services.*

10 18. The administrative head of each of the
11 divisions of the department of social services or
12 of *the department of mental health.*

13 Sec. 35. Section 23.1, unnumbered paragraph 2,
14 Code 1981, is amended to read as follows:

15 The word "municipality" as used in this chapter
16 [shall mean] *means* county, except in the exercise of
17 its power to make contracts for secondary road
18 improvements, township, school corporation, state
19 fair board, state board of regents, *state department*
20 *of mental health*, and state department of social
21 services.

22 Sec. 36. Section 25A.2, subsection 3, Code 1981,
23 is amended to read as follows:

24 3. "Employee of the state" includes any one or
25 more officers, agents, or employees of the state or
26 any state agency, including members of the general
27 assembly, and persons acting on behalf of the state
28 or any state agency in any official capacity,
29 temporarily or permanently in the service of the state
30 of Iowa, [whether] with or without compensation.
31 Professional personnel, including medical doctors,
32 osteopathic physicians and surgeons, osteopathic
33 physicians, optometrists and dentists, who render
34 services to patients and inmates of state institutions
35 under the jurisdiction of the department of social
36 services or *the department of mental health* are [to
37 be considered] employees of the state, whether [such]
38 *the* personnel are employed on a full-time basis or
39 render [such] services on a part-time basis on a fee
40 schedule or arrangement, but [shall] *this does not*
41 include any contractor doing business with the state.

42 Sec. 37. Section 64.6, Code 1981, is amended by
43 adding the following new subsection:

44 *NEW SUBSECTION.* The director of the department
45 of mental health and the administrative head of the
46 division of that department having jurisdiction of
47 the state mental health institutes, twenty-five
48 thousand dollars.

49 Sec. 38. Section 68B.2, subsection 4, Code 1981,
50 is amended to read as follows:

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1 4. "Regulatory agency" means *the Iowa* department
2 of agriculture, industrial commissioner, bureau of
3 labor, occupational safety and health review

4 commission, *Iowa* department of job service, department
 5 of banking, insurance department of Iowa, state
 6 department of health, department of public safety,
 7 department of public instruction, state board of
 8 regents, department of social services, *department*
 9 *of mental health*, department of revenue, Iowa state
 10 commerce commission, Iowa beer and liquor control
 11 department, board of pharmacy examiners, state
 12 conservation commission, state department of
 13 transportation, Iowa state civil rights commission,
 14 department of soil conservation, department of public
 15 defense, department of environmental quality and Iowa
 16 natural resources council.

17 Sec. 39. Section 110.24, unnumbered paragraph
 18 7, Code 1981, is amended to read as follows:

19 [No] A license shall *not* be required of minor pupils
 20 of the state school for the blind, state school for
 21 the deaf, nor of minor *residents, patients, or inmates*
 22 of other state institutions under the control of a
 23 director of a division of the dpeartment of social
 24 services *or of the head of the division of community*
 25 *services of the department of mental health*, except
 26 that this provision [shall] *does* not apply to the inmates
 27 of the men's penitentiary at Fort Madison, the men's
 28 reformatory at Anamosa, and the women's reformatory
 29 at Rockwell City, nor shall any person who is on
 30 active duty with the Armed Forces of the United States,
 31 on authorized leave, and a legal resident of the state
 32 of Iowa, be required to have a license to hunt or
 33 fish in this state. [No] A license shall *not* be required
 34 of [inmates] *residents* of county care facilities or
 35 any person who is receiving [old age assistance under]
 36 *federal supplemental security income as defined in,*
 37 *or state supplementary assistance under chapter 249.*

38 Sec. 40. Section 125.7, Code 1981, is amended
 39 by adding the following new subsection:

40 *NEW SUBSECTION.* Enter into continuing consultation
 41 with the mental health commission. The objective
 42 of this consultation is concurrent planning with
 43 respect to services offered, supervised, or monitored
 44 by the two departments, so as to maximize coordination
 45 and minimize duplication or conflict between these
 46 services.

47 Sec. 41. Section 125.43, Code 1981, is amended
 48 to read as follows:

49 125.43 FUNDING AT MENTAL HEALTH INSTITUTES.
 50 Chapter 230 [shall govern] *governs* the determination

2 substance abusers in a mental health institute under
3 the department of [social services] *mental health*,
4 except that the charges [shall] *are* not [constitute] a
5 lien on any real estate owned by persons legally
6 liable for support of the substance abuser and the
7 daily per diem shall be billed at twenty-five percent.
8 Beginning July 1, 1977, the superintendent of a state
9 hospital shall total only those expenditures which
10 can be attributed to the cost of providing inpatient
11 treatment to substance abusers for purposes of
12 determining the daily per diem. [The provisions of
13 section] Section 125.48 [shall govern] *governs* the
14 determination of who is legally liable for the cost
15 of care, maintenance, and treatment of a substance
16 abuser and of the amount for which the person is
17 liable.

18 Sec. 42. Section 125.47, Code 1981, is amended
19 to read as follows:

20 125.47 DISPUTES OVER PAYMENT. [In the event any]
21 *If* a county to which certification of the cost of
22 care, maintenance, and treatment of a substance abuser
23 is made, disputes that [such] *the* substance abuser has
24 residence in that county, it shall immediately notify
25 the facility that [such] *a* dispute exists. The director
26 shall immediately investigate the facts and determine
27 in which county the patient has residence. The
28 director shall certify the determination to the county,
29 if any, [wherein it is found] *where* the patient has
30 residence and to the facility. A county certified
31 by the director to be the county of residence shall
32 reimburse the facility as provided in this chapter.
33 If the director finds that the residence of a substance
34 abuser at the time of admission was in another state
35 or country or that the person is unclassified with
36 respect to residence, [then] the department shall pay
37 [for] that portion of the patient's care, maintenance,
38 and treatment that the patient's county of residence
39 would have been liable to pay. For purposes of this
40 section, a "facility" does not include a mental health
41 institute under the control of the department of
42 [social services] *mental health*.

43 Sec. 43. Section 135C.22, Code 1981, is amended
44 to read as follows:

45 135C.22 APPLICABLE TO GOVERNMENTAL UNITS. [The
46 provisions of this] *This* chapter [shall be] *is* applicable
47 to institutions operated by or under the control of
48 the department of social services, *the department*
49 *of mental health*, the state board of regents, or any
50 other governmental unit.

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1 Sec. 44. Section 217.1, Code 1981, is amended
2 to read as follows:

3 217.1 PROGRAMS OF DEPARTMENT. [There is hereby
4 established a] A department of social services is
5 established to administer programs designed to improve
6 the well-being and productivity of the people of [the
7 state of] Iowa. The department shall concern itself
8 with the problems of human behavior, adjustment and
9 daily living through the administration of programs
10 of family, child and adult welfare, economic assistance
11 [() including costs of medical care()], rehabilitation
12 toward self-care and support, delinquency prevention
13 and control, treatment and rehabilitation of adult
14 and juvenile offenders, care and treatment of the
15 mentally [ill and mentally] retarded, and other related
16 programs as provided by law.

17 Sec. 45. Section 217.6, unnumbered paragraph 2,
18 Code 1981, is amended to read as follows:

19 The department of social services may be [initially]
20 divided into the following divisions of responsibility:
21 The division of child and family services, the division
22 of mental [health] retardation services, the division
23 of administration, the division of corrections and
24 the division of planning, research and statistics.

25 Sec. 46. Section 217.10, Code 1981, is amended
26 by striking the section and inserting in lieu thereof
27 the following:

28 217.10 QUALIFICATIONS OF DIRECTOR. The director
29 of the division of mental retardation services shall
30 be qualified by training and experience in the
31 administration of programs serving the special needs
32 of persons who are mentally retarded within the meaning
33 of section 222.2, subsection 5. The director shall
34 have at least five years of actual experience in
35 working directly with mentally retarded persons in
36 such programs, and at least three years of actual
37 experience in administration of such programs.

38 Sec. 47. Section 217.11, Code 1981, is amended
39 by striking the section and inserting in lieu thereof
40 the following:

41 217.11 RESPONSIBILITIES OF DIRECTOR. The director
42 of the division of mental retardation services is
43 responsible for and in control of the administration
44 of programs and institutions, under the jurisdiction
45 of the department of social services, established
46 to serve the special needs of mentally retarded
47 persons. The director shall supervise the

48 administration of the Glenwood state hospital-school
49 and the Woodward state hospital-school. The director
50 shall discharge other functions and duties delegated

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1 to the director of the commissioner of social services.
2 Sec. 48. Section 217.12, Code 1981, is amended
3 by striking the section and inserting in lieu thereof
4 the following:
5 217.12 ADDITIONAL POWERS OF DIRECTOR. The director
6 of the division of mental retardation services may:
7 1. Arrange for appropriate services to be made
8 available to mentally retarded individuals who are
9 eligible for programs which are supported by federal
10 and state funds and which are under the jurisdiction
11 of the department of social services, or who require
12 services in lieu of admission to a state hospital-
13 school.
14 2. Arrange for appropriate services to be made
15 available to mentally retarded residents or prisoners
16 at institutions other than the state hospital-schools
17 which are under the jurisdiction of the department
18 of social services.
19 3. Appoint professional consultants who shall
20 furnish advice on all matters pertaining to mental
21 retardation. The consultants shall be paid as provided
22 by an appropriation of the general assembly.
23 4. Examine or cause to be examined by an assistant
24 all public and private institutions receiving and
25 caring for mentally retarded persons to determine
26 the efficiency of the institutions for adequate care
27 and treatment of their patients.
28 5. Insure that the purposes of the state hospital-
29 schools are carried into effect.
30 6. Establish and supervise suitable standards
31 of treatment and care of patients in the state
32 hospital-schools for the mentally retarded.
33 7. Establish the qualifications of all officers,
34 physicians, nurses, attendants, and other employees
35 responsible for the care and treatment of residents
36 of the state hospital-schools, consistent with the
37 requirements of the merit employment commission.
38 8. Prepare a budget and reports as directed by
39 the commissioner.
40 Sec. 49. Section 218.1, Code 1981, is amended
41 by striking the section and inserting in lieu thereof
42 the following:
43 218.1 INSTITUTIONS GOVERNED.

44 1. The commissioner of social services shall
45 control, manage, direct, and operate the institutions
46 under the jurisdiction of that department, but may
47 delegate that authority to the director of an officer
48 or employee of the appropriate division of the
49 department of social services. The institutions under
50 the jurisdiction of the department of social services

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1 area:
2 a. Iowa veterans home.
3 b. Glenwood state hospital-school.
4 c. Woodward state hospital-school.
5 d. Eldora training school.
6 e. Mitchellville training school.
7 f. Iowa juvenile home.
8 g. Women's reformatory.
9 h. Men's reformatory.
10 i. State penitentiary.
11 j. Iowa security medical facility.
12 k. Correctional release center.
13 l. State correctional facility at Mount Pleasant.
14 m. Camps.
15 n. Other facilities associated with but not
16 attached to the campus of any of the foregoing
17 institutions, as program developments require.
18 2. The director of mental health, subject to the
19 policies of the mental health commission, shall
20 control, manage direct, and operate the state mental
21 health institutes established by 226, but may delegate
22 that authority to the head or an officer or employee
23 of the division of community services of the department
24 of mental health.
25 Sec. 50. Section 218.2, unnumbered paragraph 2,
26 Code 1981, is amended by striking the paragraph and
27 inserting in lieu thereof the following:
28 The department of social services division director,
29 officer, or employee to whom primary responsibility
30 for a particular institution has been assigned shall
31 make a report to the commissioner of social services
32 when the commissioner so requests. The commissioner
33 shall report to the governor in writing any abuses
34 found to exist in an institution under the department's
35 jurisdiction.
36 The director of the division of community services,
37 or other officer, or employee of that division to
38 whom primary responsibility for a state mental health
39 institute has been assigned shall make a report to

40 the director of mental health when the director so
 41 requests. The director shall report to the governor
 42 in writing any abuses found to exist in a state mental
 43 health institute.

44 Sec. 51. Section 218.3, Code 1981, is amended
 45 to read as follows:

46 218.3 PRIMARY AUTHORITY FOR MANAGEMENT.

47 1. The primary authority and responsibility to
 48 control, manage, direct, and operate the institutions
 49 set forth in section 218.1, *subsection 1* is [hereby]
 50 assigned, *subject to the authority of the commissioner*

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1 *under that subsection*, to the directors of the various
 3 divisions of the state department of social services
 3 as follows:

4 [1] a. The director of the division of child and
 5 family services of the department of social services
 6 shall have primary authority and responsibility
 7 relative to the [following said institutions.] Iowa
 8 veterans home, Mitchellville training school, the
 9 Eldora training school and the Iowa juvenile home.

10 [2] b. The director of the division of mental [health]
 11 *retardation* of the department of social services shall
 12 have primary authority and responsibility relative
 13 to the [following institutions.] Glenwood State
 14 Hospital-School[,] and the Woodward State Hospital-
 15 School[, Mental Health Institute, Cherokee, Iowa,
 16 Mental Health Institute, Clarinda, Iowa, Mental Health
 17 Institute, Independence, Iowa and Mental Health
 18 Institute, Mount Pleasant, Iowa.]

19 [3] c. The director of the division of corrections
 20 of the department of social services shall have primary
 21 authority and responsibility relative to the [following
 22 institutions.] Women's Reformatory, Men's Reformatory
 23 [and], State Penitentiary, *Iowa security medical facility*
 24 *at Mount Pleasant.*

25 2. *The primary authority and responsibility to*
 26 *control, manage, direct, and operate the state mental*
 27 *health institutes is assigned, subject to the authority*
 28 *of the director of mental health under section 218.1,*
 29 *subsection 2, to the head of the division of community*
 30 *services of the department of mental health.*

31 3. *Each reference in this chapter to the director*
 32 *of an institution is a reference to the division*
 33 *director or head who is assigned primary responsibility*
 34 *for that institution by this section, or by the*
 35 *commissioner of social services pursuant to this*

36 *section, and each reference to the executive officer,*
37 *of an institution is a reference to the superintendent,*
38 *warden, commandant, or other officer holding a*
39 *comparable position at that institution.*

40 Sec. 52. Section 218.4, Code 1981, is amended
41 to read as follows:

42 218.4 RECOMMENDATION FOR RULES.

43 1. The directors of [particular] institutions shall
44 recommend to the council on social services *or to*
45 *the director of mental health, as the case may be,*
46 for adoption [such] rules not inconsistent with law
47 [as] *which they [may] deem necessary for the discharge*
48 *of their duties, the management of each of [such] the*
49 *institutions, and the admission, [of inmates thereto*
50 *and the] treatment, care, custody, education and*

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1 *discharge of patients, residents, and inmates of the*
2 *institutions, [It is made the duty of the particular]*
3 *The directors [to] shall establish rules by which danger*
4 *to life and property from fire will be minimized.*
5 *In the discharge of their duties and in the enforcement*
6 *of their rules, they may require any of their*
7 *appointees to perform duties in addition to those*
8 *required by statute.*

9 2. [Such rules when *Rules* prescribed or approved
10 by the council, *or by the director of mental health*
11 *and the mental health commission, shall be uniform*
12 *and shall apply to all institutions under the*
13 *particular director [and to all other institutions*
14 *under his jurisdiction and the] who recommended the*
15 *rules. The primary rules [of the director of the*
16 *division adopted by the department of mental health*
17 *for use in institutions where [the] mentally ill [persons]*
18 *are [kept] treated or housed shall, unless otherwise*
19 *indicated, uniformly apply to county or private*
20 *hospitals [wherein the] where mentally ill persons are*
21 *[kept] treated or housed, but [such] the rules shall not*
22 *interfere with proper medical treatment administered*
23 *patients by competent physicians. Annually, signed*
24 *copies of [such] those rules shall be sent to the chief*
25 *executive officer of each [such] institution or hospital*
26 *[under the control or supervision of a particular*
27 *director] and copies shall [also] be sent to the clerk*
28 *of each district court, the chairman of the board*
29 *of supervisors of each county and, as appropriate,*
30 *to the [officer] officers in charge of institutions*
31 *or hospitals caring for the mentally ill in each*

32 county who [shall be] *are* responsible for seeing that
 33 the [same is] *rules are* posted in each institution or
 34 hospital in a prominent place. [Such] *The* rules shall
 35 be kept current to meet the public need and shall
 36 be revised and published annually.

37 3. The state fire marshal shall cause to be made
 38 an annual inspection of all the institutions listed
 39 in section 218.1 and shall make written report [thereof]
 40 *of the inspection* to the [particular] director of the
 41 state department [of social services] in control of
 42 [such] *the* institution.

43 Sec. 53. Section 218.5, Code 1981, is amended
 44 to read as follows:

45 218.5 FIRE PROTECTION CONTRACTS. The directors
 46 of the [divisions of the state department of social
 47 services shall have power to] *state institutions may*
 48 enter into contracts with the governing body of any
 49 city or other municipal corporation for the protection
 50 from fire of any property under [such directors] *the*

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1 *director's* primary control, located in [any such] *the*
 2 municipal corporation or in *contiguous* territory
 3 [contiguous thereto], upon [such] terms [as may be] agreed
 4 upon.

5 Sec. 54. Section 218.9, unnumbered paragraphs
 6 1 and 4, Code 1981, are amended to read as follows:

7 The director of the division of mental [health]
 8 *retardation services* of the department of social
 9 services, subject to the approval of the commissioner
 10 of [such] *the* department, shall appoint the
 11 superintendents of the state hospital-schools for
 12 the mentally retarded [and the mental health institutes].

13 The [superintendent, warden or other] executive
 14 officer [shall have] *of each institution has the*
 15 immediate custody and control, subject to the orders
 16 and policies of the director in charge of [his] *the*
 17 institution, of all property used in connection with
 18 the institution except as provided in this chapter.
 19 The tenure of office of the officers shall be at the
 20 pleasure of the appointing authority but they may
 21 be removed for inability or refusal to properly perform
 22 the duties of the office. [Such] *A* removal shall be
 23 [had] *made* only after an opportunity is given the person
 24 to be heard before the director [of the department
 25 of social services] in charge of the [particular]
 26 institution [involved] and upon [preferred] written
 27 charges. The removal when made [shall be] *is* final.

28 Sec. 55. Section 218.10, Code 1981, is amended
29 to read as follows:

30 218.10 SUBORDINATE OFFICERS AND EMPLOYEES. The
31 [division] director in charge of [a particular] *an*
32 institution, with the consent and approval of the
33 commissioner of the department of social services
34 or the director of mental health, as the case may
35 be, shall determine the number and compensation of
36 subordinate officers and employees for [each] *the*
37 institution. Subject to [the provisions of] this
38 chapter, [such] *the* officers and employees shall be
39 appointed and discharged by the chief executive officer
40 or business manager[. Such officer], *who* shall keep,
41 in the record of each subordinate officer and employee,
42 the date of employment, the compensation, and the
43 date of each discharge, and the reasons therefor.

44 Sec. 56. Section 218.12, Code 1981, is amended
45 to read as follows:

46 218.12 BONDS. The [state] director in charge of
47 [any particular] *an* institution shall require each
48 officer and any employee of [such] *the* director and
49 of every institution under [his] *that director's* control
50 who [may be] *is* charged with the custody or control

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1 of [any] money or property belonging to the state to
2 give an official bond, properly conditioned, and
3 signed by sufficient sureties in a sum to be fixed
4 by the director, which bond shall be approved by the
5 director, and filed in the office of the secretary
6 of state.

7 Sec. 57. Section 218.13, Code 1981, is amended
8 to read as follows:

9 218.13 SALARIES. The [division] director having
10 control of any state institution shall annually, on
11 each employee's employment anniversary date, review
12 and fix the annual, monthly, or semimonthly salaries
13 of [said employees] *that employee*, except [such] salaries
14 [as are] fixed by the general assembly. The [division]
15 director shall classify the officers and employees
16 into grades and the salary and wages to be paid in
17 each grade shall be uniform in similar institutions.
18 The authority given in this section is [all] subject
19 to the consent and approval of the commissioner of
20 the department of social services, or the director
21 of mental health, as the case may be.

22 Sec. 58. Section 218.14, Code 1981, is amended
23 to read as follows:

24 218.14 DWELLING HOUSE. The [division] director
 25 having control over any state institution may, with
 26 consent of the commissioner of social services, furnish
 27 the executive head of [each of the institutions] *that*
 28 *institution*, in addition to salary, with a dwelling
 29 house or with appropriate quarters in lieu [thereof]
 30 *of a house*, or the [division] director may compensate
 31 the executive head of [each of the institutions] *that*
 32 *institution* in lieu of furnishing a house or quarters.
 33 If an executive head of the institution is furnished
 34 with a dwelling house or quarters, either of which
 35 is owned by the state, the executive head may also
 36 be furnished with water, heat and electricity.
 37 The [division] director having control over any state
 38 institution may furnish assistant executive heads
 39 or other employees, or both, with dwelling houses
 40 or with appropriate quarters, owned by the state.
 41 The assistant executive head or employe[.] who is so
 42 furnished shall pay rent for the dwelling house or
 43 quarters in an amount to be determined by the executive
 44 head of the institution, which shall be the fair
 45 market rental value of the house or quarters. If
 46 an assistant executive head or employee is furnished
 47 with a dwelling house or quarters either of which
 48 is owned by the state, the assistant executive head
 49 or employee may also be furnished with water, heat
 50 and electricity. However, the furnishing of these

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1 utilities shall be considered in determining the fair
 2 market rental value of the house or quarters.
 3 Sec. 59. Section 218.16, Code 1981, is amended
 4 to read as follows:
 5 218.16 ANNUITY CONTRACTS FOR EMPLOYEES. At the
 6 request of an employee through contractual agreement,
 7 the department of social services or *the department*
 8 *of mental health*, or any institution under [its] *either*
 9 *department's* jurisdiction may purchase an individual
 10 annuity contract for an employee, from [such] *an*
 11 insurance organization authorized to do business in
 12 this state and through an Iowa-licensed insurance
 13 agent [as] *selected by* the employee [may select], for
 14 retirement or other purposes and may make payroll
 15 deductions in accordance with such arrangements for
 16 the purpose of paying the entire premium due and to
 17 become due under [such] *the* contract. The deductions
 18 shall be made in the manner which will qualify the
 19 annuity premiums for the benefits [afforded] under

20 section 403(b) of the Internal Revenue Code of 1954
21 and amendments thereto. The employee's rights under
22 [such] annuity contracts shall be nonforfeitable except
23 for the failure to pay premiums.

24 Sec. 60. Section 218.18, Code 1981, is amended
25 to read as follows:

26 218.18 RECORD OF EMPLOYEES AND INMATES. The
27 director [of the department of social services] in
28 control of a [particular] state institution shall require
29 the proper officer of [each] *the* institution to keep
30 a record prepared for the purpose, with entries to
31 be made each day, of the number of hours of service
32 of each employee. The semimonthly payroll shall be
33 made from [such] *that* record, and shall be in accord
34 [therewith] *with it*. When an appropriation is based
35 on the number of inmates in or persons at an
36 institution the director shall require a daily record
37 to be kept of the persons actually residing at and
38 domiciled in [such] *the* institution.

39 Sec. 61. Section 218.19, Code 1981, is amended
40 to read as follows:

41 218.19 DISTRICTS. The director having control
42 over the state institution *under the jurisdiction*
43 *of the department of social services* shall, from time
44 to time, divide the state into districts from which
45 the several institutions may receive *residents,*
46 *patients, or inmates.* The [particular] division
47 directors shall promptly notify the proper county
48 or judicial officers of all changes in [such] districts.

49 Sec. 62. Section 218.20, Code 1981, is amended
50 to read as follows:

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1 218.20 PLACE OF COMMITMENTS—TRANSFERS.
2 Commitments, unless otherwise permitted by the division
3 director having control over any state institution
4 *under the jurisdiction of the department of social*
5 *services,* shall be to the institution located in the
6 district embracing the county from which the commitment
7 is issued. The [particular] division directors may,
8 at the expense of the state, transfer [an] *a resident,*
9 *patient, or inmate* of one institution to another like
10 institution.

11 Sec. 63. Section 218.21, Code 1981, is amended
12 to read as follows:

13 218.21 RECORD OF INMATES. The director [of the
14 department of social services] in control of a state
15 institution shall, as to every person *admitted or*

16 committed to any of [said] *the* institutions, keep the
17 following record: Name, residence, sex, age, nativity,
18 occupation, civil condition, date of entrance or
19 commitment, date of discharge, whether a discharge
20 was final, condition of the person when discharged,
21 the name of the institutions from which and to which
22 such person has been transferred, and, if dead, the
23 date, and cause of death.

24 Sec. 64. Section 218.22, Code 1981, is amended
25 to read as follows:

26 218.22 RECORD PRIVILEGED. Except with the consent
27 of the director in charge of an institution, or on
28 an order of a court of record, the record provided
29 in section 218.21 shall be accessible only to the
30 director [of the division of the department of social
31 services] in control of [such] *that* institution, the
32 commissioner of the department of social services
33 *if the institution is under the jurisdiction of the*
34 *department, or the director of mental health in the*
35 *case of a state mental health institute, and to*
36 *assistants and proper clerks authorized by [such] the*
37 *director [or his] of an institution, or the commissioner*
38 *of social services or director of mental health, as*
39 *the case may be. The director of the [division of*
40 *such] institution is authorized to permit the state*
41 *libraries and historical department division of*
42 *archives to copy or reproduce by any photographic,*
43 *photostatic, microfilm, microcard or other process*
44 *which accurately reproduces a durable medium for*
45 *reproducing the original and to destroy in the manner*
46 *described by law such records of inmates designated*
47 *in section 218.21.*

48 Sec. 65. Section 218.28, Code 1981, is amended
49 to read as follows:

50 218.28 INVESTIGATION. The director [of the

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1 department of social services] in control of a
2 particular institution or [his] *that director's*
3 authorized officer or employee shall visit, and
4 minutely examine, at least once in six months, and
5 oftener if necessary or required by law, the
6 institutions under [such] *that* director's control, and
7 the financial condition and management [thereof] of
8 *them.*

9 Sec. 66. Section 218.29, Code 1981, is amended
10 to read as follows:

11 218.29 SCOPE OF INVESTIGATION. The director [of

12 the department of social services] in control of [a
13 particular] *an* institution or [his] *that director's*
14 authorized officer or employee shall, during [such]
15 *the* investigation and as far as possible, see every
16 *resident, patient, or inmate* of [each] *the* institution,
17 especially those admitted since the preceding visit,
18 and shall give [such inmates as may] *persons who require*
19 it[,] suitable opportunity to converse with [such] *the*
20 director or [his] authorized officer or employee apart
21 from the officers and attendants *of the institution.*

22 Sec. 67. Section 218.30, Code 1981, is amended
23 to read as follows:

24 218.30 INVESTIGATION OF OTHER INSTITUTIONS. The
25 directors [of the department of social services] to
26 whom control of state institutions has been delegated,
27 or their authorized officers or employees, may
28 investigate charges of abuse, neglect or mismanagement
29 on the part of any officer or employee of any private
30 institution which is subject to [such director's
31 particular] *the directors'* supervision or control.
32 The [director] *head* of the division of *community services*
33 *of the department of mental health,* or [his] *that*
34 *person's* authorized officer or employee, shall [likewise]
35 *also* investigate charges concerning county care
36 facilities in which mentally ill persons are kept.

37 Sec. 68. Section 218.46, subsection 1, Code 1981,
38 is amended to read as follows:

39 1. The directors [of divisions of the department
40 of social services] who are in charge of institutions
41 shall encourage the scientific investigation, on the
42 part of the executive heads and medical staffs of
43 the [various] institutions, as to the most successful
44 methods of managing [such] *the* institutions and treating
45 the persons *admitted or committed [thereto] to them,*
46 shall procure and furnish to [such] *the* heads and staffs
47 information relative to [such] *the* management and
48 treatment, and[, from time to time,] publish bulletins
49 and reports of scientific and clinical work done in
50 [said] *the* institutions.

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1 Sec. 69. Section 218.50, Code 1981, is amended
2 to read as follows:

3 218.50 REQUISITION FOR CONTINGENT FUND. If
4 necessary, the commissioner of [the department of]
5 social services *or the director of mental health* shall
6 make proper requisition upon the state comptroller
7 for a warrant on the state treasurer to secure the

8 [said] *authorized* contingent fund for each institution.

9 Sec. 70. Section 218.57, Code 1981, is amended
10 to read as follows:

11 218.57 COMBINING APPROPRIATIONS. The state
12 comptroller [is authorized to] *may* combine the balances
13 carried in all specific appropriations into a special
14 account for each institution under the control of
15 a particular director [of a division of the department
16 of social services], except that the support fund for
17 each institution shall be carried as a separate
18 account.

19 Sec. 71. Section 218.58, Code 1981, is amended
20 to read as follows:

21 218.58 STATE ARCHITECT. The commissioner of the
22 department of social services may employ a competent
23 architect, and [such] draftsmen as [may be] authorized
24 by law. [Said] *The* architect shall, in addition to
25 salary, be reimbursed for [his] actual and necessary
26 expenses within the state while engaged in official
27 business. [In cases of sufficient magnitude the]
28 *Architectural services required by the department*
29 *of mental health shall be obtained from the department*
30 *of social services by arrangement between the*
31 *commissioner of social services and the director of*
32 *mental health. The commissioner of social services*
33 *or the director of mental health may secure the advice*
34 *of a consulting architect, or may secure plans and*
35 *specifications from other architects, at a cost not*
36 *exceeding one thousand five hundred dollars in any*
37 *year, unless a larger amount is approved by the*
38 *executive council.*

39 Sec. 72. Section 218.59, unnumbered paragraph
40 1, Code 1981, is amended to read as follows:

41 [Said] *The commissioner of social services or the*
42 *director of mental health shall cause plans and*
43 *specifications to be prepared for all improvements*
44 *authorized and costing over five thousand dollars.*
45 [No] *An* appropriations for any improvement shall *not*
46 be expended until the adoption of suitable plans and
47 specifications, prepared by a competent architect,
48 and accompanied by a detailed statement of the amount,
49 quality, and description of all material and labor
50 required for completion of [such] *the* improvement.

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1 Sec. 73. Section 218.60, Code 1981, is amended

2 to read as follows:

3 218.60 LETTING OF CONTRACTS—REPAIRS OR

4 ALTERATIONS. The commissioner of social services
5 or the director of mental health shall, in writing,
6 let all contracts for authorized improvements costing
7 in excess of five thousand dollars to the lowest
8 responsible bidder, after [such] advertisement for bids
9 as [the commissioner may deem] that officer deems proper
10 in order to secure full competition. The commissioner
11 or the director may reject all bids and readvertise.
12 [Provided, however,] However, if the improvement [be]
13 is the repair or alteration of any building or grounds
14 and is not new construction and the estimated cost
15 [thereof] does not exceed twenty-five thousand dollars,
16 the commissioner or director with the approval of
17 the executive council may proceed with [such] the repairs
18 or alterations under a negotiated contract on [such]
19 the terms [as] the commissioner or the director and
20 the executive council may determine to be for the
21 best interests of the state.

22 Sec. 74. Section 218.61, Code 1981, is amended
23 to read as follows:

24 218.61 PRELIMINARY DEPOSIT. A preliminary deposit
25 of money, or certified check upon a solvent bank in
26 [such] the amount [as] the commissioner of [the department
27 of] social services [may prescribe] or the director of
28 mental health prescribes, shall be required as an
29 evidence of good faith, upon all proposals for the
30 construction of [said] improvements, which deposit or
31 certified check shall be held under the direction
32 of [such] the commissioner or the director.

33 Sec. 75. Section 218.64, Code 1981, is amended
34 to read as follows:

35 218.64 PAYMENT FOR IMPROVEMENTS. [No] A payment
36 shall not be authorized for construction purposes
37 until satisfactory proof has been furnished to the
38 commissioner of [the department of] social services
39 or the director of mental health, as appropriate,
40 by the proper officer or supervising architect, that
41 the contract has been complied with by the parties;
42 and all payments shall be made in a manner similar
43 to that in which the current expenses of the [several]
44 institutions are paid.

45 Sec. 76. Section 218.72, Code 1981, is amended
46 to read as follows:

47 218.72 TEMPORARY QUARTERS IN EMERGENCY. [In case]
48 If the buildings at any institution under the
49 management of a director [of the division of the
50 department of social services] are destroyed or rendered

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1 unfit for habitation by reason of fire, storms, or
2 other like causes, to such an extent that the *patients,*
3 *residents, or* inmates cannot be there confined and
4 cared for, [said] *the* director shall make temporary
5 provision for the confinement and care of [the inmates]
6 *these persons* at some other place in the state. Like
7 provision may be made [in case any] *if* a pestilence
8 breaks out among the *patients, residents, or* inmates.
9 The reasonable cost of the change, including transfer
10 of [inmates] *these persons,* shall be paid from any money
11 in the state treasury not otherwise appropriated.

12 Sec. 77. Section 218.73, Code 1981, is amended
13 to read as follows:

14 218.73 INDUSTRIES. The director [of a division
15 of the department of social services] in control of
16 a state institution may establish [such] industries
17 as [he may deem] *that officer deems* advisable at or
18 in connection with any of [said] *the* institutions under
19 [his] *that officer's* control.

20 [Unless otherwise provided in this Act, all
21 institutional receipts of the department of social
22 services shall be deposited in the general fund except
23 rentals charged to employees or others for room,
24 apartment, or house and meals, which shall be available
25 to the institutions, and except for receipts from
26 farm products which shall be used for necessary farm
27 expenses and repair.]

28 Sec. 78. Section 218.74, Code 1981, is amended
29 to read as follows:

30 218.74 SALE OF AGRICULTURAL PRODUCTS. The proceeds
31 from the sale of any livestock or agricultural product
32 by any institution under the control of [the department
33 of social services] *a director* shall be deposited with
34 the treasurer of state and credited to the account
35 of the institution making the sale to be used for
36 farm operating expenses and repairs.

37 Sec. 79. Section 218.78, Code 1981, is amended
38 to read as follows:

39 218.78 INSTITUTIONAL RECEIPTS DEPOSITED.

40 1. All institutional receipts of the department
41 of social services *and of the department of mental*
42 *health* shall be deposited in the general fund except
43 rentals charged to employees or others for room,
44 apartment, or house and meals, which shall be available
45 to the institutions, and except for receipts from
46 farm products which shall be used for necessary farm
47 expenses and repair.

48 2. If approved by the commissioner of social
49 services, the department of *social services* may use
50 appropriated funds for the granting of educational

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1 leave.

2 3. If approved by the director of mental health,
3 the department of mental health may use appropriated
4 funds to grant educational leave.

5 Sec. 80. Section 218.83, Code 1981, is amended
6 to read as follows:

7 218.83 CO-OPERATION. The commissioner of [the
8 department of] social services and the directors of
9 the divisions [therein are directed to] of the department
10 of social services, and the director of mental health
11 and the heads of the divisions of the department of
12 mental health, shall co-operate with any department
13 or agency of the state government in any manner,
14 including the exchange of employees, calculated to
15 improve administration of the affairs of the
16 institution under the control of the department of
17 social services and the department of mental health.

18 Sec. 81. Section 218.84, Code 1981, is amended
19 to read as follows:

20 218.84 ABSTRACTING CLAIMS AND KEEPING ACCOUNTS.
21 The commissioner of [the department of] social services
22 and the director of mental health shall have sole
23 charge of abstracting and certifying claims for payment
24 and the keeping of a central system of accounts in
25 institutions under [his] control of their respective
26 departments.

27 Sec. 82. Section 218.85, Code 1981, is amended
28 to read as follows:

29 218.85 UNIFORM SYSTEM OF ACCOUNTS. The
30 commissioner of [the department of] social services
31 and the director of mental health, through the
32 directors [of the divisions] in control of state
33 institutions, shall install in [all such] the state
34 institutions under [his] their control and supervision
35 the most modern, complete, and uniform system of
36 accounts, records, and reports possible, which system
37 shall be prescribed by the state comptroller as
38 authorized in section 8.6, subsection 4, and, among
39 other matters, shall clearly show the detailed facts
40 relative to the handling and uses of all purchases.

41 Sec. 83. Section 218.86, Code 1981, is amended
42 to read as follows:

43 218.86 ABSTRACT OF CLAIMS. When vouchers for

44 expenditures other than salaries have been duly audited
45 as provided for in section 8.6, [said] *the* audited
46 vouchers shall be submitted to the state comptroller
47 who shall [therefrom] *use them to* prepare in triplicate
48 an abstract of claims submitted showing the name of
49 the claimant, *and* the [institutions] *institution* and
50 fund [thereof] on account of which the payment is made.

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1 [Said] *The* claims and abstracts of claims shall then
2 be returned to [such] *the* commissioner [where] *of social*
3 *services or the director of mental health, as*
4 *appropriate, who shall certify* the correctness of
5 [said] *the* abstracts [shall then be certified by the
6 *commissioner]. The original abstract shall then be*
7 *delivered to the state comptroller, the duplicate*
8 *to be retained in the office of [such] the commissioner*
9 *or the director and the triplicate forwarded to the*
10 *proper institution to be retained there as a record*
11 *of claims paid.*

12 Sec. 84. Section 218.87, Code 1981, is amended
13 by striking the section and inserting in lieu thereof
14 the following:

15 218.87 WARRANTS ISSUED BY COMPTROLLER. When the
16 commissioner of social services or the director of
17 mental health has certified the correctness of an
18 abstract returned by the comptroller, and if the
19 institution named in the certificate has sufficient
20 funds, the comptroller shall draw warrants upon the
21 treasurer of state for the amounts and in favor of
22 the claimants indicated upon the certified abstract.
23 The comptroller shall deliver the warrants to the
24 commissioner or the director, as appropriate, and
25 that officer shall cause the warrants to be transmitted
26 to the payees.

27 Sec. 85. Section 218.88, Code 1981, is amended
28 to read as follows:

29 218.88 INSTITUTIONAL PAYROLLS. At the close of
30 each pay period, the chief executive officer [of each
31 institution] or business manager of each institution
32 [having the same,] shall prepare and forward to the
33 commissioner of [the department of] social services
34 *or the director of mental health, as appropriate,*
35 a semimonthly payroll which shall show the name of
36 each officer and employee, the semimonthly pay, time
37 paid for, the amount of pay, and any deductions.
38 [In no event shall a] *A substitute [be permitted to] shall*
39 *not receive compensation in the name of the employee*
40 *for whom [he] the substitute is acting.*

41 Sec. 86. Section 218.92, Code 1981, is amended
42 to read as follows:

43 218.92 DANGEROUS MENTAL PATIENTS. [Whenever] *When*
44 a patient in any state hospital-school for the mentally
45 retarded, [any mental health institute,] or any
46 institution under the administration of the director
47 of [the division of] mental health [of the department
48 of social services], has become so mentally disturbed
49 as to constitute a danger to self, to other patients
50 in the institution or to the public, and the

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1 institution involved cannot provide adequate security,
2 the director of mental health with the consent of
3 the director of corrections of the department of
4 social services may order the patient to be transferred
5 to the Iowa security medical facility, provided that
6 the executive head of the institution from which the
7 patient is to be transferred, with the support of
8 a majority of [his] *the institution's* medical staff
9 recommends the transfer in the interest of the patient,
10 other patients or the public. If the patient
11 transferred was hospitalized pursuant to sections
12 229.6 to 229.15, the transfer shall be promptly
13 reported to the court which hospitalized the patient,
14 as required by section 229.15, subsection 3. The
15 Iowa security medical facility [shall have] *has* the
16 same rights, duties and responsibilities with respect
17 to the patient as the institution from which the
18 patient was transferred had while the patient was
19 hospitalized there. The cost of the transfer shall
20 be paid from the funds of the institution from which
21 the transfer is made.

22 Sec. 87. Section 218.94, unnumbered paragraph
23 1, Code 1981, is amended to read as follows:

24 The commissioner of [the department of] social
25 services [shall have full power] *and the director of*
26 *mental health may*, subject to the approval of the
27 executive council, [to] secure options to purchase real
28 estate, [to] acquire and sell real estate, and [to] grant
29 utility easements, for the proper uses of [said] *the*
30 *institutions under the jurisdiction of their respective*
31 *departments*. Real estate shall be acquired and sold
32 and utility easements granted, upon [such] terms and
33 conditions [as] the commissioner *or director* may
34 recommend subject to the approval of the executive
35 council. Upon sale of [such] *the* real estate, the
36 proceeds [thereof] shall be deposited with the treasurer

37 of state and credited to the general fund of the
38 state. There is [hereby] appropriated from the general
39 fund of the state a sum equal to the proceeds so
40 deposited and credited to the general fund of the
41 state to the department of social services or the
42 *department of mental health, as the case may be*, which
43 with the prior approval of the executive council may
44 be used to purchase other real estate or for capital
45 improvements upon property under [such commissioner's]
46 *the control of the commissioner or the director.*
47 Sec. 88. Section 218.98, Code 1981, is amended
48 to read as follows:
49 218.98 CANTEEN MAINTAINED. The directors [of
50 divisions in the department of social services] in

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1 control of state institutions may maintain [a canteen]
2 *canteens* at [any institution] *institutions* under their
3 jurisdiction [and control] for the sale to persons
4 [confined therein] of toilet articles, candy, tobacco
5 products, notions, and other sundries, and may provide
6 the necessary facilities, equipment, personnel, and
7 merchandise [therefor] *for the canteens.* [Such] *The*
8 directors shall specify what commodities will be sold
9 [therein. The department] *by the canteens. The*
10 *departments having jurisdiction of the institutions*
11 may establish and maintain a permanent operating [fund]
12 *funds* for each canteen. The [fund] *funds* shall consist
13 of the receipts from the sale of commodities at the
14 [canteen] *canteens.*

15 Sec. 89. Section 218.99, Code 1981, is amended
16 to read as follows:

17 218.99 COUNTY AUDITORS TO BE NOTIFIED BY PATIENTS'
18 PERSONAL ACCOUNTS. The director [of a division of
19 the department of social services] in control of a
20 state institution shall direct the business manager
21 of each institution under [his] *the director's*
22 jurisdiction mentioned in section 444.12 to quarterly
23 inform the auditor of the [patient's or inmate's] county
24 of legal settlement of any patient, *resident*, or
25 inmate who has an amount in excess of two hundred
26 dollars [to his] *on account* in [the patients'] *a personal*
27 deposit fund and the amount [thereof. Such directors
28 shall direct the business manager] *of the account,*
29 *and to further notify the auditor of [such] the county*
30 at least fifteen days before the release of such funds
31 in excess of two hundred dollars or upon the death
32 of [such] *the patient, resident, or inmate. If any*

33 [such] patient or inmate [shall have] *has* no county of
34 legal settlement, notice as required by this section
35 shall be made to the [commissioner of the department
36 of social services and the] director [of a division
37 of such department] in control of the [particular]
38 institution [involved].

39 Sec. 90. Section 218A.2, Code 1981, is amended
40 to read as follows:

41 218A.2 ADMINISTRATOR. Pursuant to [said] *the*
42 compact, the director of [the division of] mental health
43 [of the department of social services shall be] *is* the
44 compact administrator and [who], acting jointly with
45 like officers of other party states, [shall have power
46 to promulgate] *may adopt* rules [and regulations] to carry
47 out more effectively the terms of the compact. The
48 compact administrator [is hereby authorized, empowered
49 and directed to] *may* co-operate with all departments,
50 agencies and officers of [and in] the government of

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1 this state and its subdivisions in facilitating the
2 proper administration of the compact *and* of any
3 supplementary agreement [or agreements] entered into
4 by this state [thereunder] *under the compact*.

5 Sec. 91. Section 218A.4, Code 1981, is amended
6 to read as follows:

7 218A.4 PAYMENTS. The compact administrator,
8 [subject to the approval of the commissioner of the
9 department of social services,] may make or arrange
10 for any payments necessary to discharge any financial
11 obligations imposed upon this state by the compact
12 or by any supplementary agreement entered into
13 [thereunder] *under the compact*.

14 Sec. 92. Section 220A.4, Code 1981, is amended
15 to read as follows:

16 220A.4 AGENCIES INVOLVED. The service shall
17 receive from and make available to the following state
18 agencies case information on persons believe to be
19 mentally handicapped: The state department of health,
20 the [state] department of public instruction, the state
21 board of regents, *the department of mental health*
22 and the [state] department of social services.

23 Sec. 93. Section 221.1, Code 1981, is amended
24 to read as follows:

25 221.1 STATE AGENCY. The director of mental [health]
26 *retardation services* of the state department of social
27 services is [hereby] designated as the single state
28 agency to act as the administrative agency to provide

29 for the continuation of comprehensive planning to
30 combat mental retardation.

31 Sec. 94. Section 221.1, Code 1981, is amended
32 to read as follows:

33 221.1 STAFF. The division of mental [health]
34 *retardation services* of the [state] department of social
35 services shall employ the staff necessary for the
36 purposes of interpretation, evaluation, and
37 dissemination of Iowa's Comprehensive Plan to Combat
38 Mental Retardation and to carry on needed research.

39 Sec. 95. Section 221.3, Code 1981, is amended
40 to read as follows:

41 221.3 AIDS AND GRANTS RECEIVED. The director
42 of mental [health] *retardation services* of the [state]
43 department of social services [is authorized and
44 empowered to] *may* apply for and receive federal aids,
45 grants, and gifts for purposes relating to mental
46 retardation.

47 Sec. 96. Section 222.1, unnumbered paragraph 2,
48 Code 1981, is amended to read as follows:

49 A special mental retardation unit may be maintained
50 at one of the [state mental health institutes]

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1 *institutions under the jurisdiction of the department*
2 *of social services* for the purposes set forth in
3 sections 222.88 to 222.91[, inclusive].

4 Sec. 97. Section 222.2, subsections 2 and 3, Code
5 1981, are amended to read as follows:

6 2. "Special unit" means a special mental
7 retardation unit established [at a state mental health
8 institute] pursuant to sections 222.88 to 222.91[,
9 inclusive].

10 3. "Director" or "state director" means the
11 director of the division of mental [health] *retardation*
12 *services* of the department of social services.

13 Sec. 98. Section 222.89, Code 1981, is amended
14 to read as follows:

15 222.89 LOCATION—STAFF AND PERSONNEL. The
16 commissioner may:

17 1. Designate a portion of the physical facilities
18 of one of the [mental health institutes] *institutions*
19 *under the jurisdiction of the department of social*
20 *services* to be occupied by the offices and facilities
21 of the special unit.

22 2. Determine the extent to which the special unit
23 may effectively utilize services of the [mental health
24 institute] *institution's staff*, and what staff personnel

25 should be employed for and assigned specifically to
26 the special unit.

27 Sec. 99. Section 223.4, subsection 1, Code 1981,
28 is amended to read as follows:

29 1. Residents of any institution under the
30 jurisdiction of the department of social services
31 *or the department of mental health.*

32 Sec. 100. Section 226.1, unnumbered paragraph
33 1, Code 1981, is amended to read as follows:

34 The hospitals for the mentally ill *operated by*
35 *the department of mental health* shall be designated
36 as follows:

37 Sec. 101. Section 226.47, Code 1981, is amended
38 to read as follows:

39 226.47 "DIRECTOR" DEFINED. For the purpose of
40 this chapter "director" or "state director" [shall
41 mean] *means* the director of the [division of mental
42 health of the] department of [social services] *mental*
43 *health.*

44 Sec. 102. Section 227.2, Code 1981, is amended
45 to read as follows:

46 227.2 INSPECTION. [Said]

47 1. *The state director and the commissioner of*
48 *social services* shall make, or cause to be made, at
49 least [two inspections] *one accreditation inspection*
50 *each year of every county care facility. Either the*

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1 *state director or the commissioner of social services*
2 *upon receipt of a complaint or with other good cause,*
3 *may make or cause to be made a review of any other*
4 *private [and] or county institution [wherein] where*
5 *mentally ill or mentally retarded persons [are kept]*
6 *reside. [Such] The inspection shall be made by the*
7 *state director or the commissioner of social services*
8 *or by [some] a competent and disinterested person,*
9 *appointed by [him. Inspectors shall be persons who*
10 *are] the state director or commissioner, who is*
11 *acquainted with and interested in the [handling and]*
12 *care of [mental patients and] mentally ill and mentally*
13 *retarded persons. The objective of the inspection*
14 *or review shall be an evaluation of the programming*
15 *and treatment provided by the facility. After each*
16 *inspection of a county care facility, the person who*
17 *made the inspection shall [be required to] consult and*
18 *advise the county authorities on plans and*
19 *practices that will improve the care given [patients]*
20 *residents and shall make [such] recommendations to the*

21 state director for [co-ordinating] *coordinating* and
 22 improving the relationships between the [stewards]
 23 *administrators* of county care facilities, the state
 24 director, *the commissioner of social services*, the
 25 superintendents of [hospitals] *state mental health*
 26 *institutes and state hospital schools, community*
 27 *mental health centers*, and other [co-operating]
 28 *cooperating* agencies, as will make for improved and
 29 more satisfactory care of [patients] *residents*. [Written]
 30 *A written report as to [such inspections] each inspection*
 31 *of a county care facility or other county or private*
 32 *facilities under this section shall be filed with*
 33 *the state director or commissioner and shall [embrace]*
 34 *include:*

35 [1] a. The capacity of [said] *the institution for*
 36 *the care of [patients] residents.*

37 [2] b. The number, [and] sex, *ages and primary*
 38 *diagnoses* of [the patients kept therein] *all persons*
 39 *residing in the institution.*

40 [3. The arrangement, method of construction, and
 41 adaptability of buildings for the purposes intended.

42 4. The condition of buildings as to sewerage,
 43 ventilation, light, heat cleanliness, means of water
 44 supply, fire escapes, and fire protection.

45 5] c. The care of [patients] *residents*, their food,
 46 *clothing, [medical] treatment, [and] employment, and*
 47 *opportunity for recreational activities and for*
 48 *productive work intended primarily as therapeutic*
 49 *activity.*

50 [6] d. The number, [kind] *job classification, sex,*

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1 duties, and salaries of all employees.

2 [7. The cost to the state or county of maintaining
 3 mentally ill patients therein separate from the cost
 4 of maintaining sane paupers.

5 8] e. The recommendations given to and received
 6 from county authorities on methods and practices that
 7 will improve the conditions under which the county
 8 care facility is operated.

9 [9. Such] f. *Any failure to comply with standards*
 10 *adopted under section 104 of this Act which is not*
 11 *covered in information submitted pursuant to paragraphs*
 12 *a through e of this subsection, and any other matters*
 13 *[as] which the state director [may require] or commissioner*
 14 *requires.*

15 2. *A copy of each written report prescribed by*
 16 *subsection 1 of this section shall be furnished to*

17 *the county board of supervisors, to the administrator*
18 *of the facility inspected and to its care review*
19 *committee, to the state department of health, the*
20 *department of mental health, the department of social*
21 *services, and to the commission on the aging.*

22 *3. The state department of health shall inform*
23 *the department of mental health and the department*
24 *of social services of any action by the state*
25 *department of health to suspend, revoke or deny renewal*
26 *of any license issued by the department to a county*
27 *care facility, and the reasons for the action. The*
28 *state department of health shall also furnish to the*
29 *department of mental health and department of social*
30 *services all information referred to in paragraph*
31 *d of subsection one 1 which the department of health*
32 *obtains by inspection or otherwise under chapter 135C.*
33 *The state director shall direct inspectors appointed*
34 *under this section not to gather any of the information*
35 *so furnished by the department of health.*

36 *4. In addition to the [aforesaid] inspections*
37 *required or authorized by this section, the state*
38 *director and the commissioner of social services shall*
39 *[make or] cause to be made an [inspection] evaluation*
40 *of each [county care facility where mental patients*
41 *are kept] person cared for in a county care facility*
42 *at least once each year by [a competent psychiatrist*
43 *employed by the state hospital in the hospital district*
44 *where the county care facility is located] one or more*
45 *qualified mental health or mental retardation*
46 *professionals.*

47 *a. The department of mental health shall secure*
48 *an annual evaluation for each individual who is on*
49 *convalescent leave from a state mental health institute*
50 *and who has not been discharged from that facility.*

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1 *The department of mental health shall consult with*
2 *the department of social services when so requested*
3 *in the evaluation for each individual who is on*
4 *convalescent leave from a state hospital school who*
5 *has not been discharged from that facility. The*
6 *county shall secure an annual evaluation for all other*
7 *mentally ill persons in the county care of facility.*

8 *b. The department of social services shall secure*
9 *an annual evaluation for each individual who is on*
10 *convalescent leave from a state hospital school and*
11 *who has not been discharged from that facility. The*
12 *department of social services shall consult with the*

13 *department of mental health when it is in the best*
 14 *interest of the individual. The county shall secure*
 15 *an annual evaluation for all other mentally retarded*
 16 *persons in the county care facility. The county shall*
 17 *consult with the department of mental health when*
 18 *it is in the best interest of the individual.*

19 *c. The county board of supervisors shall cause*
 20 *to be made an annual medical evaluation of each*
 21 *resident of a county care facility to whom neither*
 22 *paragraph a or paragraph b of this subsection is*
 23 *applicable.*

24 *d. The county responsibilities under this*
 25 *subsection apply only when the appropriation to the*
 26 *community mental health services fund created by*
 27 *section 14 of this Act is equal to at least four*
 28 *million dollars per year.*

29 5. [Such inspection shall] *The evaluations required*
 30 *by subsection 4 include an examination of each [mental*
 31 *patient] resident which shall reveal the [patient's]*
 32 *resident's condition of mental and physical health*
 33 *and the likelihood of improvement or discharge and*
 34 *[such] other recommendations concerning the care of*
 35 *[patients as] those persons the [inspector] evaluator*
 36 *deems pertinent. One copy of [said inspection report]*
 37 *the evaluation shall be filed with the state director,*
 38 *one copy shall be filed with the commissioner of*
 39 *social services, one copy mailed to the county board*
 40 *of supervisors and one copy [mailed to the steward]*
 41 *shall be filed with the administrator of the facility*
 42 *inspected.*

43 Sec. 103. Section 227.3, Code 1981, is amended
 44 to read as follows:

45 227.3 [PATIENTS] **RESIDENTS TO HAVE HEARING.** The
 46 *inspector conducting any inspection under section*
 47 *227.2 shall give each [patient] resident an opportunity*
 48 *to converse with [him] the inspector out of the hearing*
 49 *of any officer or employee of the institution, and*
 50 *shall fully investigate all complaints and report*

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1 the result [thereof] in writing to [said] *the state*
 2 *director. The state director before acting on [said]*
 3 *the report adversely to the institution, shall give*
 4 *the persons in charge [thereof] a copy of [such] the*
 5 *report and an opportunity to be heard.*

6 Sec. 104. Chapter 227, Code 1981, is amended by
 7 adding after section 227.3 the following new section:

8 **NEW SECTION. STANDARDS FOR CARE IN COUNTY CARE**

9 FACILITIES. The state director and the commissioner
10 of social services, with the approval respectively
11 of the mental health commission and the council on
12 social services and in accordance with chapter 17A,
13 shall jointly formulate and jointly adopt and may
14 jointly revise standards for the care of and ser-
15 vices to mentally ill and mentally retarded persons
16 residing in county care facilities. The objective
17 of the standards is to insure that mentally ill and
18 mentally retarded persons are not only adequately
19 fed, clothed, and housed, but that individualized
20 treatment plans are established that will include
21 reasonable opportunities for productive work,
22 recreational activities, and therapeutic programming
23 suited to their physical and mental abilities. When
24 formulating or revising standards under this section,
25 the state director and commissioner shall jointly
26 consult with a designated advisory committee, agreed
27 upon by both directors, representing county care
28 facility administrators, care review committees, and
29 county supervisors to assist in the formulation or
30 revision of standards. Each group shall have equal
31 representation on the advisory committee.

32 Sec. 105. Section 227.6, Code 1981, is amended
33 to read as follows:

34 227.6 REMOVAL OF [PATIENTS] *RESIDENTS*. [Said state
35 director, in case of failure] *If a county care facility*
36 *or other county or private institution fails to comply*
37 *with [his] rules[, is authorized to] and standards adopted*
38 *under this chapter, the state director may remove*
39 *all [said] mentally ill persons [kept] cared for in such*
40 *institutions at public expense, to the proper state*
41 *[hospital] mental health institute, or to [some] a private*
42 *or county institution or hospital for the care of*
43 *the mentally ill that has complied with the rules*
44 *prescribed by [said] the state director[, such]. The*
45 *removal of patients, if to a state [hospitals, to] mental*
46 *health institute, shall be made by an attendant or*
47 *attendants sent from the [state hospital] institute.*
48 *If a [female] person is removed under [the provisions*
49 *of] this section, at least one attendant shall be a*
50 *[female] person of the same gender.*

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1 Sec. 106. Section 227.19, Code 1981, is amended
2 to read as follows:

3 227.19 "DIRECTOR" DEFINED. For the purpose of
4 this chapter "director" or "state director" [shall

5 mean] means the director of the [division of mental
6 health of the] department of [social services] *mental*
7 *health*.

8 Sec. 107. Section 229.1, subsection 13, Code 1981,
9 is amended to read as follows:

10 13. "Director" or "state director" means the
11 director of [that division of the department of social
12 services having jurisdiction of the state] mental
13 health [institutes], or that director's designee.

14 Sec. 108. Section 230.20, subsection 5, Code 1981,
15 is amended to read as follows:

16 5. An individual statement shall be prepared for
17 a patient on or before the fifteenth day of the month
18 next succeeding the month in which that patient leaves
19 the hospital, and a general statement shall be prepared
20 at least quarterly for each county to which charges
21 are made under this section. Except as otherwise
22 required by sections 125.33 and 125.34 the general
23 statement shall list the name of each patient
24 chargeable to that county who was served by the
25 hospital during the preceding month or calendar quarter
26 and the amount due on account of each patient, and
27 the county shall be billed for [one hundred percent]
28 *the proportion* of the stated charge for each patient,
29 [unless otherwise] specified in [the current appropriation
30 for support of the state hospitals] *this subsection*.
31 The statement prepared for each county shall be
32 certified by the superintendent of the hospital to
33 the state comptroller and a duplicate statement shall
34 be mailed to the auditor of that county.

35 a. *During the fiscal year beginning July 1, 1981,*
36 *an amount equal to eighty percent of the stated charge*
37 *for each patient.*

38 b. *During the fiscal year beginning July 1, 1982,*
39 *an amount equal to seventy-five percent of the stated*
40 *charge for each patient.*

41 c. *During the fiscal year beginning July 1, 1983,*
42 *an amount equal to seventy percent of the stated*
43 *charge for each patient.*

44 d. *During the fiscal year beginning July 1, 1984,*
45 *an amount equal to sixty-five percent of the stated*
46 *charge for each patient.*

47 e. *During the fiscal year beginning July 1, 1985,*
48 *and each succeeding fiscal year, an amount equal to*
49 *sixty percent of the stated charge for each patient.*

50 Sec. 109. Section 230.31, Code 1981, is amended

1 to read as follows:

2 230.31 DEPARTERS FROM OTHER STATES. When any
3 mentally ill person departs without proper authority
4 from an institution in another state and is found
5 in this state, any peace officer in any county in
6 which [such] *the* patient is found may take and detain
7 [him] *that person* without order and shall report [such]
8 *the* detention to the state director who shall provide
9 for the return of [such] *the* patient to the authorities
10 of the state where the unauthorized [leave was made]
11 *departure occurred*. Pending such return [such] *the*
12 patient may be detained temporarily at one of the
13 institutions of this state governed by the [state
14 director or any other director of the state] department
15 of [social services] *mental health*. Expenses incurred
16 under this section shall be paid in the same manner
17 as [is] provided for transfers in section 230.8.

18 Sec. 100. Section 230.34, Code 1981, is amended
19 to read as follows:

20 230.34. "DIRECTOR" DEFINED. As used in this
21 chapter, "director" or "state director" means the
22 director of [the division of] mental health [of the
23 department of social services].

24 Sec. 111. Section 230A.1, Code 1981, is amended
25 to read as follows:

26 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY
27 MENTAL HEALTH CENTERS. A county or affiliated counties
28 [having a total or combined population of thirty-five
29 thousand or more] may by action of the board or boards
30 of supervisors, with approval of the Iowa mental
31 health [authority] *commission*, establish a community
32 mental health center to serve the county or counties.
33 In establishing the community mental health center,
34 the board of supervisors of each county involved may
35 make a single nonrecurring expenditure from the county
36 mental health and institutions fund in an amount not
37 exceeding two hundred fifty dollars per thousand
38 population or major fraction thereof in the county,
39 but no such expenditure shall be made under this
40 section by any county which has prior to July 1, 1974,
41 expended funds to assist in establishment of a
42 community mental health center under section 230.24,
43 third paragraph, Code 1966 or Code 1971, or section
44 230.24, second paragraph, Code 1972, [Nothing in this]
45 *This* section [shall] *does not* limit the authority of
46 the board or boards of supervisors of any county or
47 group of counties, which prior to July 1, 1974,
48 established or joined in establishing a community
49 mental health center in a manner consistent with [the
50 requirements of] section 230A.3, to continue to expend

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1 money from the county mental health and institutions
2 fund to support operation of the center, and to form
3 agreements with the board of supervisors of any
4 additional county for that county to join in supporting
5 and receiving services from or through the center.

6 *The requirement that the mental health commission*
7 *approve establishment of community mental health*
8 *centers does not affect the status of any community*
9 *mental health center established and operating under*
10 *this chapter on the date the mental health commission*
11 *is established.*

12 Sec. 112. Section 230A.2, subsection 2, Code 1981,
13 is amended to read as follows:

14 2. Aftercare and, where indicated, rehabilitative
15 services for persons who have received services under
16 subsection 1, or have been treated by a state mental
17 health institute or other psychiatric facility, and
18 upon request of a *county which provides financial*
19 *support to the center or of a state mental health*
20 *institute or other psychiatric facility, screening*
21 *or other prehospitalization services to persons*
22 *seeking, awaiting, or being considered for admission*
23 *or commitment to [such] the facility.*

24 Sec. 113. Section 230A.2, Code 1981, is amended
25 by adding the following new subsection:

26 **NEW SUBSECTION.** Services for children and for
27 the elderly.

28 Sec. 114. Section 230A.16, Code 1981, is amended
29 to read as follows:

30 230A.16 ESTABLISHMENT OF STANDARDS. The [Iowa]
31 *director of mental health [authority], with approval*
32 *of the [committee on mental hygiene] mental health*
33 *commission and subject to [the provisions of] chapter*
34 *17A, shall formulate and adopt and may [from time to*
35 *time] revise standards for community mental health*
36 *centers and comprehensive community mental health*
37 *programs, with the [overall] objective of ensuring that*
38 *each center and each affiliate providing services*
39 *under contract with a center furnishes high quality*
40 *mental health services [within a framework of] with*
41 *accountability to the community it serves. The*
42 *standards shall be in substantial conformity with*
43 *[those of the psychiatric committee of the joint*
44 *committee on accreditation of hospitals and other]*
45 *recognized national standards for evaluation of*
46 *psychiatric facilities unless in the judgment of the*
47 *[Iowa] director of mental health [authority], with approval*

48 of the [committee on mental hygiene] *mental health*
49 *commission*, there are sound reasons for departing
50 from such standards. When formulating or revising

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1 standards under this section, the [Iowa] *director of*
2 *mental health [authority]* shall designate an advisory
3 committee representing boards of directors and
4 professional staff of community mental health centers
5 to assist in the formulation or revision of standards.
6 *At least a majority of the members of the advisory*
7 *committee shall be lay representatives of community*
8 *mental health center boards of directors, and at least*
9 *three of those individuals shall be persons holding*
10 *office as county supervisors at the time of their*
11 *appointments to the advisory committee.* The standards
12 established under this section shall include
13 requirements that each community mental health center
14 established or operating as authorized by section
15 230A.1 shall:

16 1. Maintain and make available to the public a
17 written statement of the services it offers to
18 residents of the county or counties it serves, and
19 employ or contract for services with affiliates
20 employing specified minimum numbers of professional
21 personnel possessing specified appropriate credentials
22 to assure that the services offered are furnished
23 in a manner consistent with currently accepted
24 professional standards in the field of mental health.

25 2. Unless it is governed by a board of trustees
26 elected or selected under sections 230A.5 and 230A.6,
27 be governed by a board of directors which adequately
28 represents interested professions, consumers of the
29 center's services, socio-economic, cultural, and age
30 groups, and various geographical areas in the county
31 or counties served by the center.

32 3. [The] *Arrange for the* financial condition and
33 transactions of [each] *the* community mental health
34 center [shall] *to* be audited once each year by the
35 auditor of state[, provided], however, [that] in lieu
36 of an audit by state accountants, the local governing
37 body of a community mental health center [organized
38 under the terms of this chapter in case it elects
39 to do so,] may contract with or employ certified public
40 accountants to conduct [such] *the* audit, pursuant to
41 the applicable terms and conditions prescribed by
42 sections 11.18 and 11.19 and audit format prescribed
43 by the auditor of state. Copies of each audit shall

44 be furnished by the accountant [employed] to the Iowa
 45 *department of mental health* [authority] and the board
 46 of supervisors supporting the audited community mental
 47 health center.

48 4. *Adopt and implement rules ensuring that no*
 49 *member of the center's board of directors or board*
 50 *of trustees receives from the center information which*

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1 *identifies or is intended to permit the members of*
 2 *the board to identify any individual who is a client*
 3 *of that center.*

4 Sec. 115. Section 230A.17, Code 1981, is amended
 5 to read as follows:

6 230A.17 REVIEW AND EVALUATION. The [committee
 7 on mental hygiene] *director of mental health* may review
 8 and evaluate any community mental health center upon
 9 [its own motion or upon] the recommendation of the [Iowa]
 10 mental health [authority] *commission*, and [the committee]
 11 shall do so upon the written request of the center's
 12 board of directors, its chief medical or administrative
 13 officer, or the board of supervisors of any county
 14 from which the center receives public funds. The
 15 cost of the review shall be paid by the [Iowa] *department*
 16 *of mental health* [authority].

17 Sec. 116. Section 230A.18, Code 1981, is amended
 18 to read as follows:

19 230A.18 REPORT OF REVIEW AND EVALUATION. Upon
 20 completion of a review made pursuant to section
 21 230A.17, the reviewing team shall submit its findings
 22 to the board of directors and chief medical or
 23 administrative officer of the center in [such] a manner
 24 [as] the team members deem most appropriate. If the
 25 reviewing team concludes that the center fails to
 26 meet any of the standards established pursuant to
 27 section 230A.16, subsection 1, and that the response
 28 of the center to this finding is unsatisfactory, these
 29 conclusions shall be reported to the [committee on
 30 mental hygiene] *mental health commission* which may
 31 forward the conclusions to the board of directors
 32 of the center and request an appropriate response
 33 within [a reasonable period of time] *thirty days*. If
 34 no response is received within [a reasonable period
 35 of time] *thirty days*, or if the response is
 36 unsatisfactory, the [committee] *commission* may as its
 37 ultimate sanction call this fact to the attention
 38 of the board of supervisors of the county or counties
 39 served by the center, and in doing so shall indicate

40 what corrective steps have been recommended to the
41 center's board of directors.

42 Sec. 117. Section 234.36, Code 1981, is amended
43 to read as follows:

44 234.6 WHEN COUNTY TO PAY FOSTER CARE COSTS.

45 Each county shall pay from the county mental health
46 and institutions fund as provided by section 444.12,
47 subsection [2] 5, the cost of foster care for a child
48 placed by a court as provided in section 232.50 or
49 section 232.99. However, in any fiscal year for which
50 the general assembly appropriates state funds to pay

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1 for foster care for children placed by courts under
2 the statute or sections of chapter 232 cited in this
3 section, the county shall become responsible for these
4 costs only when the funds so appropriated to the
5 department for that fiscal year have been exhausted.
6 The rate of payment by the county or the state[, as
7 the case may be,] under this section shall be that
8 fixed by the department of social services pursuant
9 to section 234.38.

10 Sec. 118. Section 255.28, Code 1981, is amended
11 to read as follows:

12 255.28 TRANSFER OF PATIENTS FROM STATE
13 INSTITUTIONS. The commissioner of [the department
14 of] social services and the director of any of the
15 divisions of [such] that department, [and] the board [in
16 control] of *regents, with respect to* the Iowa braille
17 and sight-saving school[,], and the Iowa school for the
18 deaf, *and the director of mental health* may,
19 respectively, send any inmate, student or patient
20 of any of [said] *the institutions under their*
21 *jurisdictions*, or any person committed or applying
22 for admission thereto, to the hospital of the medical
23 college of the state university for treatment and
24 care as provided in this chapter, without securing
25 the order of court required in other cases. [Said
26 state] *The* department of social services, [and] board
27 [in control of the Iowa braille and sight saving school
28 and the Iowa school for the deaf] *of regents, and*
29 *department of mental health* shall respectively pay
30 the traveling expenses of any patient thus committed,
31 and when necessary the traveling expenses of an
32 attendant for [such] *the* patient, out of funds
33 appropriated for the use of the institution from which
34 [he] *the patient* is sent.

35 Sec. 119. Section 257.17, subsection 1, Code 1981,

36 is amended to read as follows:

37 1. Exercise general supervision over the state
38 system of public education, including the public
39 elementary and secondary schools, the [junior] *area*
40 *vocational schools and community* colleges, and shall
41 have educational supervision over the elementary and
42 secondary schools under the control of a director
43 of a division of the department of social services
44 *or of the division of community services of the*
45 *department of mental health*, and nonpublic schools
46 to the extent that is necessary to ascertain compliance
47 with [the provisions of the] Iowa school laws.

48 Sec. 120. Section 263.10, Code 1981, is amended
49 to read as follows:

50 263.10 PERSONS ADMITTED. Every resident of the

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1 state who is not more than twenty-one years of age,
2 *and* who is so severely handicapped as to be unable
3 to acquire an education in the common schools, and
4 every such person who is twenty-one and under thirty-
5 five years of age who has the consent of the state
6 board of regents, [shall be] *is* entitled to receive
7 an education, care, and training in the institution,
8 and nonresidents similarly situated may be entitled
9 to an education and care therein upon [such] terms [as
10 may be] fixed by the state board of regents. The fee
11 for nonresidents shall be not less than the average
12 expense of resident pupils and shall be paid in
13 advance. Residents and persons *who are* under the
14 care and control of a director of a division of the
15 department of social services *or of the head of the*
16 *division of community services of the department of*
17 *mental health* and who are severely handicapped may
18 be transferred to the hospital-school upon [such] terms
19 [as may be] agreed upon by the state board of regents
20 and [such] *the* director.

21 Sec. 121. Section 282.18, Code 1981, is amended
22 to read as follows:

23 282.18 CHILDREN FROM CHARITABLE INSTITUTION OR
24 STATE INSTITUTION. Children who are living in a
25 charitable institution organized under the laws of
26 this state or are living in any institution under
27 the jurisdiction of a director of a division of the
28 department of social services *or of the head of the*
29 *division of community services of the department of*
30 *mental health* and who have completed a course of study
31 for the eighth grade and who do not require special

32 education [shall be permitted to] *may* enter any approved
 33 public high school in Iowa that will receive them
 34 and the tuition and transportation when required by
 35 law shall be paid by the treasurer of state from any
 36 money in [his hands] *the general fund of the state* not
 37 otherwise appropriated and upon warrants drawn and
 38 signed by the state comptroller on requisition issued
 39 by the superintendent of public instruction. The
 40 superintendent of public instruction [is hereby
 41 empowered to] *may* require [such] reports, from [such] *the*
 42 institution and from the high school [such] *the* pupils
 43 attend, as [are] necessary properly to carry out [the
 44 provisions of] this section.

45 Sec. 122. Section 422.45, subsection 5, unnumbered
 46 paragraph 1, Code 1981, is amended to read as follows:

47 The gross receipts [or] from services rendered,
 48 furnished, or performed and of all sales of goods,
 49 wares or merchandise used for public purposes to any
 50 tax-certifying or tax-levying body of the state of

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1 Iowa or governmental] subdivision [thereof] *of Iowa*,
 2 including the state board of regents, [state] department
 3 of social services, *department of mental health*, state
 4 department of transportation, any municipally owned
 5 solid waste facility which sells all or part of its
 6 processed waste as fuel to a municipally owned public
 7 utility and all divisions, boards, commissions,
 8 agencies or instrumentalities of state, federal,
 9 county or municipal government which have no earnings
 10 going to the benefit of an equity investor or
 11 stockholder, except *receipts from sales of goods*,
 12 wares or merchandise or from services rendered,
 13 furnished, or performed and used by or in connection
 14 with the operation of any municipally owned public
 15 utility engaged in selling gas, electricity or heat
 16 to the general public.

17 Sec. 123. Section 444.12, Code 1981, is amended
 18 to read as follows:

19 444.12 COUNTY MENTAL HEALTH AND INSTITUTIONS FUND.

20 1. The board of supervisors of each county shall
 21 establish a county mental health and institutions
 22 fund, [from] which shall be [paid.] *used only for the*
 23 *purposes stated in subsections 2 through 6.*

24 [1. All] 2. *There shall be paid from the fund all*
 25 charges which the county is obligated by statute to
 26 pay for:

27 a. Care and treatment of patients by any state

28 mental health institute.

29 b. Care and treatment of patients by either of
30 the state hospital-schools or by any other facility
31 established under chapter 222.

32 c. Care and treatment of patients by the
33 [psychopathic] *psychiatric* hospital at Iowa City.

34 d. Care and treatment of persons at the alcoholic
35 treatment center at Oakdale or any facilities as
36 provided in chapter 125, [provided,] however, [that] any
37 admission to a facility shall be reported to the
38 county board of supervisors within five days by the
39 center or facility offering [such] *the* treatment.

40 e. Care of children admitted or committed to the
41 Iowa juvenile home at Toledo.

42 f. Clothing, transportation, and medical or other
43 services provided persons attending the Iowa braille
44 and sight-saving school, the Iowa school for the deaf,
45 or the state hospital-school for severely handicapped
46 children at Iowa City, for which the county becomes
47 obligated to pay pursuant to sections 263.12, 269.2,
48 and 270.4 through 270.7.

49 [2. Any portion which] *3. The board of*
50 supervisors *may pay from the fund any portion it deems*

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1 *advisable of the cost of* [psychiatric examination and
2 treatment of persons in need thereof or of] professional
3 evaluation, treatment, training, habilitation, and
4 care of persons who are mentally retarded, autistic
5 children or persons who are afflicted by any other
6 developmental disability, at any suitable public or
7 private facility providing inpatient or outpatient
8 care in [such] *the* county. As used in this subsection:

9 a. "Developmental disability" has the meaning
10 assigned that term by title 42, section 2691,
11 subsection 1, United States Code, as amended to January
12 1, 1974.

13 b. "Autistic children" means persons, regardless
14 of age, with severe communication and behavior
15 disorders that became manifest during the early stages
16 of childhood development and that are characterized
17 by a severely disabling inability to understand,
18 communicate, learn and participate in social
19 relationships. "Autistic children" includes but is
20 not limited to those persons afflicted by infantile
21 autism, profound aphasia and childhood psychosis.

22 [The board of supervisors may require any public
23 or private facility as a condition of payment from

24 county funds to furnish the board with a statement
 25 of the income, assets, and township or municipality
 26 and the county of legal residence of each person
 27 receiving services under this section, provided,
 28 however, the facility shall not disclose to anyone
 29 without the permission of the person receiving services
 30 for which commitment is not required such person's
 31 name or street or route address.

32 3. The] 4. *There shall be paid from the fund the*
 33 *cost of care and treatment of persons placed in the*
 34 *county hospital, county care facility, a health care*
 35 *facility as defined in section 135C.1, subsection*
 36 *8, or any other public or private facility:*

37 a. *In lieu of admission or commitment to, or upon*
 38 *discharge, removal, or transfer from, a state mental*
 39 *health institute[, hospital school, or other facility]*
 40 *established pursuant to chapter [222] 226*

41 b. [Upon] *In lieu of admission or commitment to,*
 42 *or upon discharge, removal, or transfer from a [state*
 43 *mental health institute or] state hospital-school or*
 44 *other institution established pursuant to chapter*
 45 *222.*

46 5. *The cost of foster care and related services*
 47 *provided to any child who is under the jurisdiction*
 48 *of the juvenile court, if provided upon the order*
 49 *of the court, shall be paid from the fund.*

50 [4. Any contribution which the] 6. *The board of*

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1 supervisors [may make to the] *shall pay from the fund,*
 2 *or from the county's share of the general allocation*
 3 *of the state community mental health services fund,*
 4 *any amounts budgeted by the board of supervisors for*
 5 *either or both of the following purposes:*

6 a. *Mental health services furnished to individuals*
 7 *on either an outpatient or inpatient basis, or to*
 8 *a school or other public agency or to the community*
 9 *care facility, by a community mental health center, county*
 10 *care facility, or other suitable facility located*
 11 *in or reasonably near the county, provided that any*
 12 *services paid for with the fund, or with money received*
 13 *from the state community mental health services fund*
 14 *shall meet the standards of the state mental health*
 15 *commission and be consistent with the annual plan*
 16 *for services approved by the board of supervisors.*

17 b. *The costs of establishment and initial operation*
 18 *of a community mental health center in the manner*
 19 *and subject to the limitations provided by law.*

20 7. The board of supervisors shall, at the time
 21 of levying other taxes, estimate the amount necessary
 22 to meet the [foregoing] expenses *authorized by this*
 23 *section* which it is anticipated that the county will
 24 incur in the coming year, and levy a tax sufficient
 25 to raise the amount needed. *The tax shall be computed*
 26 *and spread as a single levy, but the board of*
 27 *supervisors shall determine and enter of record the*
 28 *respective separate amounts budgeted for payment from*
 29 *county tax revenues under subsections 2 through 6.*
 30 *The proceeds of the tax shall be credited to the*
 31 *county mental health and institutions fund, and used*
 32 *only for the purposes prescribed by this section.*
 33 *[Should] If any county [fail] fails to levy a tax*
 34 *sufficient to meet the expenses which the county is*
 35 *required to pay, or which the board of supervisors*
 36 *chooses to pay, from the county mental health and*
 37 *institutions fund pursuant to this section, the*
 38 *deficiency shall be met by transfer of funds from*
 39 *the county general fund to the county mental health*
 40 *and institutions fund.*
 41 [5. Foster care and related services provided to
 42 any child who is under the jurisdiction of the juvenile
 43 court, if provided upon the order of the court.]
 44 8. *The board of supervisors may require any public*
 45 *or private facility, as a condition of receiving*
 46 *payment from county funds for services it has provided,*
 47 *to furnish the board with a statement of the income,*
 48 *assets, and township or city and county of legal*
 49 *residence of each person who has received services*
 50 *from that facility for which payment has been made*

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1 *from county funds under this section. However, the*
 2 *facility shall not disclose to anyone the name or*
 3 *street or route address of any person receiving*
 4 *services for which commitment is not required, without*
 5 *first obtaining that person's written permission.*
 6 9. Nothing in this section or any other statute
 7 [shall be construed to prohibit] *prohibits* parents or
 8 other persons from voluntarily reimbursing the county
 9 or state for the reasonable cost of caring for an
 10 individual while [he] *the individual was a patient or*
 11 *inmate in the county hospital, county [home] care*
 12 *facility, mental health institute, hospital-school,*
 13 *training school, or home for children.*
 14 Sec. 124. Section 601C.2, subsection 1, Code 1981,
 15 is amended to read as follows:

16 1. "Public office building" means the state
17 capitol, all county courthouses, all city halls, and
18 all buildings used primarily for governmental offices
19 of the state or any county or city. It does not
20 include public schools or buildings at institutions
21 of the state board of regents, *state department of*
22 *mental health*, or the state department of social
23 services.

24 Sec. 125. Section 601F.3, Code 1981, is amended
25 by adding the following new subsection:
26 *NEW SUBSECTION.* The director of mental health
27 or the director's designee.

28 Sec. 126. Section 719.7, Code 1981, is amended
29 to read as follows:

30 719.7 FURNISHING INTOXICANT TO INMATES. Any
31 person not authorized by law who furnishes or knowingly
32 makes available any intoxicating beverage to any
33 inmate at any detention facility, correctional
34 institution or any institution under the management
35 of the department of social services *or the department*
36 *of mental health*, or who introduces any intoxicating
37 beverage into the premises of any such institution,
38 commits a simple misdemeanor.

39 Sec. 127. Section 719.8, Code 1981, is amended
40 to read as follows:

41 719.8 FURNISHING CONTROLLED SUBSTANCE TO INMATES.
42 Any person not authorized by law who furnishes or
43 knowingly makes available any controlled substance
44 to any inmate at any detention facility or correctional
45 institution, or at any institution under the management
46 of the department of social services *or the department*
47 *of mental health*, or who introduces any controlled
48 substance into the premises of any such institution,
49 commits a class "D" felony.

50 Sec. 128. Sections 225B.1, 225B.2, 225B.3, and

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1 225B.8, Code 1981, are repealed effective July 1,
2 1981; chapter 225B, Code 1977, is repealed effective
3 July 1, 1982; however, the Iowa mental health authority
4 shall continue to be governed by chapter 225B, Code
5 1977, until July 1, 1982 and the division of mental
6 health resources of the department of social services
7 shall continue to be governed by sections 217.10,
8 217.11, and 217.12, Code 1981, until July 1, 1982.
9 Sections 225B.4 through 225B.7, Code 1981, are repealed
10 effective July 1, 1982.

11 Sec. 129. The effective dates of the provisions

12 of this Act are as follows:

13 1. This section and sections 4, 19, 26, and 128
14 of this Act take effect July 1, 1981.

15 2. Notwithstanding section 4 of this Act, the
16 governor shall appoint the initial members of the
17 mental health commission on or after July 1, 1981,
18 and shall complete the appointments no later than
19 October 1, 1981. Of the initial appointees to the
20 mental health commission, the governor shall designate
21 three members to serve two-year terms, four members
22 to serve three-year terms, and four members to serve
23 special four-year terms. The initial terms shall
24 begin as soon as the members are appointed but shall
25 end, as provided in section 69.19, as if the fixed
26 terms began on May 1, 1981.

27 Notwithstanding section 4 of this Act, a commission
28 member whose initial term is longer than three years
29 by virtue of this section is eligible for reap-
30 pointment to a second consecutive term of three years.
31 The commission and other existing state agencies
32 affected by this Act shall begin preparations to
33 implement this Act July 1, 1981.

34 3. As soon as possible after the effective date
35 of this section, the director of the division of
36 mental health resources of the department of social
37 services shall undertake a study of possible
38 alternatives to the present method of supporting the
39 state mental health institutes with the objective
40 of encouraging the process of deinstitutionalization
41 and containing the cost to counties of mental health
42 institute services. The director shall inform the
43 mental health commission of the progress made toward
44 completion of the tasks mandated by this section when
45 the commission assumes office, and shall continue
46 to make periodic reports to the commission as requested
47 by the commission during the period while the division
48 of mental health resources remains a part of the
49 department of social services.

50 4. All other sections of this Act take effect

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1 July 1, 1982. However, a county or counties shall
2 submit prior to September 15, 1981 an application
3 for a share of the general allocation for the 1982-
4 1983 fiscal year, and the department shall notify
5 the applicant county or counties of its action on
6 the application on or before November 1, 1981, as
7 required by section 17 of this Act. However, a county

8 shall, as soon as rasonably possible after January
 9 1, 1982, begin preparations to adopt the state
 10 auditor's accounting procedures.
 11 2. Title page, by striking lines 1 through 3 and
 12 inserting in lieu thereof the following: "An Act
 13 creating a department of mental health, transferring
 14 to the department certain responsibilities of other
 15 state agencies, establishing new funding mechanisms,
 16 making conforming amendments, and providing effective
 17 dates."

SUE YENGER
 FORREST V. SCHWENGELS
 TOM SLATER
 JAMES E. BRILES
 STEPHEN W. BIENIUS
 ALVIN V. MILLER
 BASS VAN GILST
 RICHARD F. DRAKE
 MERLIN D. HULSE
 C.W. BILL HUTCHINS
 BOB CARR
 LOWELL L. JUNKINS
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 JAMES D. WELLS
 EMIL J. HUSAK
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 TED ANDERSON
 CHARLES P. MILLER
 C. JOSEPH COLEMAN
 JAMES V. GALLAGHER
 DONALD V. DOYLE
 BERL E. PRIEBE
 ARTURH A. SMALL, JR.
 BOB RUSH
 NORMAN RODGERS
 DALE L. TIEDEN

S-3296

1 Amend Senate File 527 as follows:
 2 1. Page 1, line 7, by striking the words
 3 "*guardian, or custodian*".
 4 2. Amend the title, lines 1 and 2, by striking
 5 the words "*custodial guardian's, or custodian's*".

JOHN S. MURRAY

S—3297

- 1 Amend amendment S—3292 to Senate
 2 File 456 as follows:
 3 1. Page 1, by striking line 10 and inserting
 4 in lieu thereof the following: "size of the
 5 primary road systems, and the department in conjunction
 6 with the county boards of supervisors or the supervisors'
 7 designee shall conduct a study to determine the size of
 8 the secondary road systems and".
 9 2. Page 1, line 13, by striking the word "shall"
 10 and inserting in lieu thereof the word "may".

JACK W. HESTER

S—3298

- 1 Amend amendment S—3295 to Senate
 2 File 370 as follows:

DIVISION S—3298A

- 3 1. Page 9, line 31, by striking the words "and
 4 mentally retarded".

DIVISION S—3298B

- 5 2. Page 16, by striking lines 9 through 24.

DIVISION S—3298A (cont'd.)

- 6 3. Page 57, by inserting after line 10 the
 7 following:
 8 "Sec. ____ . Any appropriations made to the state
 9 mental health advisory council for the fiscal period
 10 beginning July 1, 1981, and ending June 30, 1983,
 11 shall be deemed to be appropriations to the mental
 12 health commission, effective July 1, 1981. Any
 13 appropriations made to the Iowa mental health
 14 authority, to the division of mental health resources
 15 of the department of social services relating to
 16 mental health services, or to the state mental health
 17 institutes for the fiscal year beginning July 1, 1982,
 18 and ending June 30, 1983, shall be deemed to be
 19 appropriations to the department of mental health,
 20 effective July 1, 1982."

SUE YENGER
 FORREST V. SCHWENGELS
 TOM SLATER

S—3299

- 1 Amend amendment S—3295 to Senate File 370
- 2 as follows:
- 3 1. Page 20, by striking lines 38 through 46.

SUE YENGER

S—3300

- 1 Amend Senate File 370 as follows:
- 2 1. Page 3, line 40, by inserting after the word
- 3 “in” the word “the”.
- 4 2. Page 5, line 23, by striking the word “manner”
- 5 and inserting in lieu thereof the word “matter”.
- 6 3. Page 10, line 9, by striking the word “the”
- 7 and inserting in lieu thereof the word “that”.
- 8 4. Page 12, line 16, by striking the word
- 9 “expanded” and inserting in lieu thereof the word
- 10 “expanded”.
- 11 5. Page 24, line 21, by inserting after the word
- 12 “by” the word “chapter”.
- 13 6. Page 25, line 7, by striking the word “[said]”.
- 14 7. Page 26, line 28, by striking the word
- 15 “chairman” and inserting in lieu thereof the words
- 16 “[chairman] *chairperson*”.
- 17 8. Page 32, line 23, by striking the word
- 18 “draftsmen” and inserting in lieu thereof the words
- 19 “[draftsmen] *drafts persons*”.
- 20 9. Page 34, line 8, by striking the words
- 21 “*patients, residents, or*” and inserting in lieu thereof
- 22 the words “*patients, residents, or*”.
- 23 10. Page 40, line 3, by striking the words “[,
- 24 inclusive]”.
- 25 11. Page 40, lines 8 and 9, by striking the words
- 26 “[, inclusive]”.
- 27 12. Page 41, line 5, by striking the word
- 28 “mentally” and inserting in lieu thereof the word
- 29 “mentally”.
- 30 13. Page 48, line 29, by striking the words “socio-
- 31 economic, cultural,” and inserting in lieu thereof
- 32 the words “socioeconomic, cultural[,]”.
- 33 14. Page 50, line 8, by striking the word
- 34 “prusant” and inserting in lieu thereof the word
- 35 “pursuant”.
- 36 15. Page 52, line 50, by striking the word “*may*”
- 37 and inserting in lieu thereof the words “*may [deem]*”.
- 38 16. Page 53, line 1, by striking the words
- 39 “*advisable of the cost of*” and inserting in lieu
- 40 thereof the words “*advisable of the cost of*”.

- 41 17. Page 53, line 40, by striking the figure "226"
 42 and inserting in lieu thereof the figure "226."

SUE YENGER

S—3301

- 1 Amend Senate File 370 as follows:

DIVISION S—3301B

- 2 1. Page 8, line 34, by striking the word "seventy"
 3 and inserting in lieu thereof the word "eighty".
 4 2. Page 8, line 35, by striking the word "thirty"
 5 and inserting in lieu thereof the word "twenty".
 6 3. Page 11, line 3, by inserting after the word
 7 "director" the words "and a committee representing
 8 appropriate county officials".
 9 4. Page 15, line 31, by inserting after the word
 10 "Act." the words "However, notwithstanding the
 11 mandatory language requiring preliminary diagnostic
 12 evaluations in this section and sections 17, 18, and
 13 19 of this Act, preliminary diagnostic evaluations
 14 shall not be required until the fiscal year for which
 15 the general assembly has appropriated moneys to the
 16 state community mental health and mental retardation
 17 services fund under section 7 of this Act."
 18 5. Page 19, by inserting after line 28 the
 19 following:
 20 "Sec. ____ . Section 217.2, Code 1981, is amended
 21 to read as follows:
 22 217.2 COUNCIL ON SOCIAL SERVICES. There is [hereby]
 23 created within the department of social services a
 24 council on social services which shall act in a policy-
 25 making and advisory capacity on matters within the
 26 jurisdiction of the department. The council shall
 27 consist of [five] *seven* members appointed by the governor
 28 subject to confirmation by the senate. Appointments
 29 shall be made on the basis of interest in public
 30 affairs, good judgment, and knowledge and ability
 31 in the field of social services. Appointments shall
 32 be made to provide a diversity of interest and point
 33 of view in the membership and without regard to
 34 religious opinions or affiliations. Members of the
 35 council shall serve for six-year staggered terms.
 36 Each term shall commence and end as provided by
 37 section 69.19.
 38 All members of the council shall be electors of
 39 the state of Iowa. No more than [three] *four* members
 40 shall belong to the same political party and no *more*

41 *than two members shall, at the time of appointment,*
42 *reside in the same congressional district. At least*
43 *one member of the council shall be a member of a*
44 *county board of supervisors at the time of appointment*
45 *to the council. Vacancies occurring during a term*
46 *of office shall be filled in the same manner as the*
47 *original appointment for the balance of the unexpired*
48 *term subject to confirmation by the senate.”*
49 6. Page 27, by inserting after line 28 the
50 following:

Page 2

DIVISION S—3301B (cont'd.)

1 “Sec. ____ . Section 230.20, unnumbered paragraph
2 1, subsection 1, unnumbered paragraph 1, subsection
3 2, and subsection 3, are amended to read as follows:

4 The superintendent of each state hospital for the
5 mentally ill established by section 226.1, or his
6 designee, shall [on the tenth day of July, October,
7 January and April of each year] *for each semiannual*
8 *period, which shall either begin January 1 or July*
9 1, compute the amounts which are due the state from
10 each county for services rendered by the hospital
11 to patients chargeable to those counties, *and shall*
12 *bill the counties quarterly under subsection 4.* Each
13 hospital's charges for services rendered in a
14 [particular quarter] *semiannual period* shall be based
15 on that hospital's expenditures during the immediately
16 preceeding [quarter] *semiannual period*, and shall be
17 computed as follows:

18 The expenditures of the hospital during [the
19 preceeding calendar quarter] *a semiannual period* shall
20 be separately computed by program in accordance with
21 generally accepted accounting procedures. In so
22 doing, the superintendent or [his] *the superintendent's*
23 designee shall not include any of the following:

24 2. The total patient days of service provided
25 during [the preceeding calendar quarter] *a semiannual*
26 *period* shall be identified and accumulated for each
27 program for which expenditures are separately computed
28 under subsection 1 of this section.

29 3. The total expenditure during [the preceeding
30 calendar quarter] *a semiannual period* computed for
31 each program pursuant to subsection 1 shall be divided
32 by the total patient days of service provided during
33 the [calendar quarter] *semiannual period* by that program,
34 determined pursuant to subsection 2, to derive the
35 average daily patient cost for each program.”

DIVISION S—3301A

36 7. Page 29, line 11, by striking the word "*shall*"
 37 and inserting in lieu thereof the word "*may*".

DIVISION S—3301B (cont'd.)

38 8. Page 38, by inserting after line 32 the
 39 following:
 40 "The governor shall appoint the two new members
 41 of the council on social services pursuant to section
 42 217.2 for appropriately staggered terms beginning
 43 May 1, 1982. The member of a county board of
 44 supervisors appointed as a member of the council on
 45 social services shall be paid the per diem and expenses
 46 provided in section 217.4."

JULIA GENTLEMAN
 CHARLES P. MILLER

S—3302

1 Amend Senate File 539 as follows:
 2 1. By striking page 1, line 1 through page 4,
 3 line 8, and inserting in lieu thereof the following:
 4 "Section 1. Section 85.1, subsections 3, 4, and
 5 5, Code 1981, are amended to read as follows:
 6 3. Persons engaged in agriculture, insofar as
 7 injuries incurred by employees while engaged in
 8 agricultural pursuits or any operations immediately
 9 connected therewith whether on or off the premises
 10 of the employer, except:
 11 a. This chapter [shall apply] *applies* to such persons
 12 not specifically exempted by paragraph 'b' of this
 13 subsection if at the time of injury [such] *the* person
 14 is employed by an employer whose total cash payroll
 15 to one or more persons other than those exempted by
 16 paragraph 'b' of this subsection amounted to [one] *four*
 17 thousand dollars or more during the preceding calendar
 18 year.
 19 b. The following persons of employees or groups
 20 of employees [shall be] *are* specifically included within
 21 the [terms of the] exemption from coverage of this
 22 chapter provided by this subsection:
 23 (1) The spouse of the employer [and], parent,
 24 brothers, sisters, children and stepchildren of either
 25 the employer or the spouse of the employer[, and], *and*
 26 *the spouses of the brothers, sisters, children, and*
 27 *stepchildren of either the employer or the spouse*
 28 *of the employer.*

29 (2) [Any person engaged in agriculture as a farm
 30 operator or spouse of such farm operator or parents,
 31 brothers, sisters, children and stepchildren of either
 32 such farm operator or spouse while exchanging labor
 33 with another farm operator or spouse of such other
 34 farm operator or parents, brothers, sisters, children,
 35 and stepchildren of either such other farm operator
 36 or spouse for the mutual benefit of any or all such
 37 persons; and] *The spouse of a partner of a partnership,*
 38 *the parents, brothers, sisters, children, and*
 39 *stepchildren of either a partner or the spouse of*
 40 *a partner, and the spouses of the brothers, sisters,*
 41 *children, and stepchildren of either a partner or*
 42 *the spouse of a partner, who are employed by the*
 43 *partnership and actually engaged in agricultural*
 44 *pursuits or operations immediately connected with*
 45 *the agricultural pursuits either on or off the premises*
 46 *of the partnership. For the purpose of this section,*
 47 *'partnership' includes partnerships, limited*
 48 *partnerships, and joint ventures.*
 49 (3) [The president, vice president, secretary
 50 treasurer,] *Officers of a family farm corporation [and*

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1 their], spouses [and] *of the officers, the parents,*
 2 *brothers, sisters, children and stepchildren of [such]*
 3 *either the officers [and their] or the spouses of the*
 4 *officers, and the spouses of the brothers, sisters,*
 5 *children, and stepchildren of either the officers*
 6 *or the spouses of the officers who are employed by*
 7 *[such] the corporation, the primary purpose of which,*
 8 *although not necessarily the stated purpose, is farming*
 9 *or ownership of agricultural land, and [while such*
 10 *officer or person related to the officer is] who are*
 11 *actually engaged in agricultural pursuits or [any*
 12 *operation] operations immediately connected [therewith*
 13 *whether] with the agricultural pursuits either on or*
 14 *off the premises of the [employer] corporation.*
 15 (4) *A person engaged in agriculture as an owner*
 16 *of agricultural land, as a farm operator, or as a*
 17 *person engaged in agriculture who is exempt from*
 18 *coverage under this chapter by subsection 3, paragraph*
 19 *b, subparagraph 1, 2, or 3, while exchanging labor*
 20 *with another owner of agricultural land, farm operator,*
 21 *or person engaged in agriculture who is exempt from*
 22 *coverage under this chapter by subsection 3, paragraph*
 23 *b, subparagraph 1, 2, or 3, for the mutual benefit*
 24 *of all such persons.*

25 4. a. Any employee of an employer whose total
 26 cash payroll to one or more employees, other than
 27 an employee who is the spouse of the employer, and
 28 other than the parent, brother, sister, child, or
 29 stepchild of either the employer or the employer's
 30 spouse amounted to less than four thousand dollars
 31 during the preceding calendar year. For the purpose
 32 of this paragraph an employer means an employer who
 33 is an individual or a partner in a partnership.

34 b. The president, vice president, secretary,
 35 treasurer, and their spouses, and the parents,
 36 brothers, sisters, children, and stepchildren of
 37 either the officers or the officers' spouses, of a
 38 family corporation. A corporation is a family
 39 corporation if:

40 (1) A majority of its voting stock is held by
 41 and the majority of its stockholders are persons
 42 related to each other as a spouse, parent, grandparent,
 43 or lineal descendant of a grandparent or a
 44 grandparent's spouse, or persons acting in a fiduciary
 45 capacity for persons so related.

46 (2) All of its stockholders are natural persons
 47 or persons acting in a fiduciary capacity for the
 48 benefit of natural persons or family trusts as defined
 49 in section 172C.1, subsection 11.

50 [4] 5. Persons entitled to benefits pursuant to

Page 3

1 chapters 410 and 411.

2 [5] 6. Employers, including employers of employees
 3 engaged in any type of service in or about a private
 4 dwelling, employers of persons whose employment is
 5 of a casual nature and not for the purpose of the
 6 employer's trade or business, [and] employers of persons
 7 engaged in agriculture, and employers under subsection
 8 4, may with respect to any [such] employee or person
 9 or classification of employees exempt by subsections
 10 1, 2 and [4] 5 and subsection 3, paragraph 'a' and
 11 subsection 4, paragraph a of this section from coverage
 12 provided by this chapter, other than any [such] employee
 13 or classification of employees with respect to whom
 14 a rule of liability or a method of compensation has
 15 been or [may be] is established by the [Congress] congress
 16 of the United States, assume a liability for
 17 compensation imposed upon employers by this chapter
 18 for the benefit of employees within the coverage of
 19 this chapter. Employers of employees, persons or
 20 classifications of employees exempted by paragraph

21 'b' of subsection 3 and paragraph b of subsection
22 4 of this section may also with respect to any such
23 employee, person or classification of employees assume
24 a liability for compensation imposed upon employers
25 by this chapter by the purchase of valid workers'
26 compenstion insurance specifically including separate
27 classifications for (a) such persons who are the
28 spouse [and] of the employer, parents, brothers, sisters,
29 chidren and stepchildren of either the employer or
30 [his] the spouse of the employer, and the spouses of
31 the brothers, sisters, children, and stepchildren
32 of either the employer or the spouse of the employer,
33 (b) persons engaged in exchanging labor and (c) [the
34 president, vice president, treasurer and secretary]
35 officers of a family farm coproration or family
36 corporation, [their] spouses [and] of the officers, the
37 parents, brothers, sisters, children [or] of the
38 officers, and the spouses of the brothers, sisters,
39 children, and stepchildren of either the officers
40 or the spouses of the officers, and stepchildren of
41 [such] either the officers [and their] or the spouses,
42 and (d) the spouse of a partner of a partnership,
43 the parents, brothers, sisters, children, and
44 stepchildren of either a partner or the spouse of
45 a partner, and the spouses of the brothers, sisters,
46 children, and stepchildren of either a partner or
47 the spouse of a partner. The purchase of and
48 acceptance by [any such] an employer of valid workers'
49 compensation insurance applicable to such employee
50 or person or classification of employees [shall

Page 4

1 constitute as to such employer] constitutes an
2 assumption by [such] the employer of [such] liability
3 without any further act on the part of [such] the
4 employer, but only with respect to such employee or
5 person or [such] classification of employees as are
6 within the coverage of the [said] workers' compensation
7 insurance contract. [Whenever] If under [the provisions
8 of] this subsection an employer voluntarily elects
9 to assume the liability for the payment of compensation
10 to such employees or persons or [such] classification
11 of employees by the purchase of valid workers'
12 compensation insurance, the liability of [such] the
13 employer [shall take] takes effect and [continue] continues
14 from the effective date of [such] the workers'
15 compensation insurance contract as long [only] as [such]
16 the insurance contract [shall be] is in force. Upon

17 [such] an election, such employee or person or
 18 classification of employees shall accept compensation
 19 in the manner provided by the chapter and the employer
 20 shall be relieved from any other liability for recovery
 21 of damage, or other compensation for [such] injury."

22 2. Page 15, by inserting after line 6 the follow-
 23 ing:

24 "Sec. ____ . Section 85.62, Code 1981, is amended
 25 to read as follows:

26 85.62 INMATES OF COUNTY JAIL. The county board
 27 of supervisors of any county may elect to include
 28 as an employee for purposes of this chapter any person
 29 confined as an inmate in a county jail or confined
 30 in any other facility in lieu of confinement in a
 31 county jail. If [such] *the* election is made, [the
 32 provisions of] section 85.1, subsection [5] 6, [shall
 33 apply] *applies* to [such] *the* county. If an inmate in
 34 the performance of [his] *the inmate's* work in connection
 35 with the maintenance of a county jail or other local
 36 facility, or in connection with any industry maintained
 37 therein, or with any highway or public works activity
 38 outside a county jail or other local facility sustains
 39 an injury arising out of and in the course thereof,
 40 [he] *the inmate* shall be awarded and paid compensation
 41 at the minimum rate as provided in this chapter.
 42 If death results from [such] *the* injury, death benefits
 43 shall be awarded and paid to the dependents of the
 44 inmate. If [any such] *the* person is awarded weekly
 45 compensation under [the provisions of] this section
 46 and is still committed to the county jail or other
 47 facility, [his] *the person's* compensation benefits under
 48 section 85.33 or section 85.34, subsection 1, shall
 49 be paid to the county for so long as [he shall remain]
 50 *the person remains* so committed. Weekly compensation

Page 5

1 benefits awarded pursuant to section 85.34, subsection
 2 2, shall be held in trust and paid to [such] *the* person
 3 as provided in this chapter upon [his] *the person's*
 4 final discharge or parole, whichever occurs first.
 5 [In the event such] *If the* person is recommitted to
 6 the county jail or other facility prior to receiving
 7 in full, [his] weekly benefits pursuant to section 85.33
 8 or section 85.34, subsection 1, [such] *the* benefits
 9 shall again be paid to the county for so long as [he
 10 shall remain] *the person remains* so recommitted. Also,
 11 weekly benefits under section 85.34, subsection 2,
 12 shall be suspended and again held in trust until [such]

13 *the person is again released by final discharge or*
 14 *parole, whichever first occurs. However, the*
 15 *industrial commissioner may, if [he] the commissioner*
 16 *finds that dependents of the person awarded weekly*
 17 *compensation pursuant to section 85.33 or section*
 18 *85.34, subsections 1 and 2, would require welfare*
 19 *aid as a result of terminating the compensation, order*
 20 *[such] the weekly compensation to be paid to a*
 21 *responsible person for the use of [his] the inmate's*
 22 *dependents."*

23 3. Page 19, by inserting after line 29 the follow-
 24 ing:

25 "Sec. ____ . Section 1 of this Act takes effect
 26 January 1 following enactment. All other sections
 27 of this Act take effect July 1 following enactment."

28 4. By renumbering as necessary.

CALVIN O. HULTMAN

S-3303

- 1 Amend amendment S-3295 to Senate File
- 2 370 as follows:
- 3 1. Page 3, line 40, by inserting after the word
- 4 "in" the word "the".
- 5 2. Page 5, line 23, by striking the word "manner"
- 6 and inserting in lieu thereof the word "matter".
- 7 3. Page 10, line 9, by striking the word "the"
- 8 and inserting in lieu thereof the word "that".
- 9 4. Page 12, line 16, by striking the word
- 10 "exapnded" and inserting in lieu thereof the word
- 11 "expanded".
- 12 5. Page 24, line 21, by inserting after the word
- 13 "by" the word "chapter".
- 14 6. Page 25, line 7, by striking the word "[said]".
- 15 7. Page 26, line 28, by striking the word
- 16 "chairman" and inserting in lieu thereof the words
- 17 "[chairman] *chairperson*".
- 18 8. Page 32, line 23, by striking the word
- 19 "draftsmen" and inserting in lieu thereof the words
- 20 "[draftsmen] *drafts persons*".
- 21 9. Page 34, line 8, by striking the words
- 22 "*patients, residents, or*" and inserting in lieu thereof
- 23 the words "*patients, residents, or*".
- 24 10. Page 40, line 3, by striking the words "[,
- 25 inclusive]".
- 26 11. Page 40, lines 8 and 9, by striking the words
- 27 "[, inclusive]".
- 28 12. Page 41, line 5, by striking the word
- 29 "mentally" and inserting in lieu thereof the word

- 30 "mentally".
- 31 13. Page 48, line 29, by striking the words "socio-
- 32 economic, cultural," and inserting in lieu thereof
- 33 the words "socioeconomic, cultural."
- 34 14. Page 50, line 8, by striking the word
- 35 "prusuant" and inserting in lieu thereof the word
- 36 "pursuant".
- 37 15. Page 52, line 50, by striking the word "*may*"
- 38 and inserting in lieu thereof the words "*may [deem]*".
- 39 16. Page 53, line 1, by striking the words
- 40 "*advisable of the cost of*" and inserting in lieu
- 41 thereof the words "advisable of the cost of".
- 42 17. Page 53, line 40, by striking the figure "*226*"
- 43 and inserting in lieu thereof the figure "*226*".

SUE YENGER

S—3304

- 1 Amend Senate File 456 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 in lieu thereof the following: "transfers which have
- 4 been executed prior to April 1, 1981 or until such time
- 5 as the general assembly provides".
- 6 2. Page 1, lines 11 and 12, by striking the words
- 7 "the effective date of this Act" and inserting in lieu
- 8 thereof the words "April 1, 1981".

C.W. BILL HUTCHINS

S—3305

- 1 Amend amendment S—3292 to Senate
- 2 File 456 as follows:
- 3 1. Page 1, line 6, by striking the word "the"
- 4 and inserting in lieu thereof the words "April 1, 1981".
- 5 2. Page 1, line 7, by striking the words "effective
- 6 date of this Act".

C.W. BILL HUTCHINS
 JAMES E. BRILES
 C. JOSEPH COLEMAN

S—3306

- 1 Amend amendment S—3295 to Senate File
- 2 370 as follows:
- 3 1. Page 45, by striking lines 27 through 30, and
- 4 inserting in lieu thereof the words "the county shall
- 5 be billed for [one hundred] *eighty* percent of the stated
- 6 charged for each patient[, unless otherwise specified

- 7 in the current appropriation for support of the state
8 hospitals].”
9 2. Page 45, by striking lines 35 and 49.

SUE YENGER

S—3307

- 1 Amend Senate File 456 as follows:
2 1. Page 1, by inserting after line 13 the following:
3 “Sec. ____ . This Act takes effect from and after
4 its publication in The Glidden Graphic, a newspaper published
5 in Glidden, Iowa, and in The Messenger, a newspaper
6 published in Fort Dodge, Iowa, and is retroactive to
7 April 1, 1981.”.

C.W. BILL HUTCHINS
C. JOSEPH COLEMAN

S—3308

- 1 Amend House File 293 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 29 through 32.

BERL E. PRIEBE

S—3309

- 1 Amend Senate File 414 as follows:
2 1. Page 1, lines 13 and 14, by striking the words
3 “*average combined city and highway estimated*” and
4 inserting in lieu thereof the words “*average of the*
5 *estimated*”.
6 2. Page 1, line 19, by striking the word “*twenty-*
7 *five*” and inserting in lieu thereof the word “*twenty-*
8 *four*”.
9 3. Page 1, line 31, by striking the words “*average*
10 *combined city and highway estimated*” and inserting
11 in lieu thereof the words “*average of the estimated*”.
12 4. Page 1, line 33, by inserting after the word
13 “*use*” the words “*for emergency and law enforcement*
14 *purposes, including vehicles used by driver licensing*
15 *crews.*”
16 5. Page 1, line 34, by striking the words “*defense*
17 *and*” and inserting in lieu thereof the word “*defense.*”
18 6. Page 1, line 34, by inserting after the word
19 “*safety*” the words “*, and the state department of*
20 *transportation*”.
21 7. Page 2, line 9, by inserting after the word
22 “*manufactured*” the words “*or assembled*”.

23 8. Page 2, line 9, by inserting after the period
 24 the words "For purposes of this section, a motor
 25 vehicle is manufactured or assembled in this country
 26 where not less than seventy-five percent of the value
 27 of the motor vehicle is attributable to the cost of
 28 United States labor and materials to make the motor
 29 vehicle operational and functional."

TED ANDERSON
 RICHARD F. DRAKE

S-3310

1 Amend House File 396 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, lines 3 and 4, by striking the words
 4 "either a single or joint state" and inserting in
 5 lieu thereof the words "an individual or a joint".
 6 2. Page 1, lines 5 and 6, by striking the words
 7 "an amount of at least one dollar but not to exceed
 8 ten dollars" and inserting in lieu thereof the words
 9 "any amount of a refund due on the return".
 10 3. Page 1, line 7, by inserting after the word
 11 "fund." the words "The amount designated shall not
 12 exceed the amount of refund due on the return."
 13 4. Page 1, by striking lines 10 through 15 and
 14 inserting in lieu thereof the words "state fish and
 15 game protection fund. The revenue may be used for
 16 the".
 17 5. Page 2, by inserting after line 1, the words:
 18 "The department of revenue on or before January
 19 31 of the year following the preceding calendar year
 20 shall certify the total amount designated on the tax
 21 return forms due in the preceding calendar year and
 22 shall report the amount to the state treasurer.
 23 The state treasurer shall credit the amount to the
 24 state fish and game protection fund.
 25 The general assembly shall appropriate annually
 26 from the state fish and game protection fund the
 27 amount credited to the fund from the checkoff to the
 28 division of fish and game of the commission for the
 29 purposes pursuant to section 1 of this Act.
 30 The action taken by a person for the checkoff is
 31 irrevocable.
 32 The department shall adopt rules to implement this
 33 Act. However, before a checkoff pursuant to section
 34 1 of this Act shall be permitted, all liabilities
 35 on the books of the department of revenue and accounts
 36 identified as owing under section 421.17, subsection
 37 21, paragraph b, shall be satisfied."

38 6. Page 2, by striking lines 2 through 6 and
 39 inserting in lieu thereof the following new section:
 40 "Sec. ____ . This Act takes effect January 1
 41 following enactment for tax years beginning on or
 42 after that date."

COMMITTEE ON NATURAL RESOURCES
 FORREST V. SCHWENGELS, Chairperson

S—3311

1 Amend amendment S—3284 to Senate
 2 File 464 as follows:
 3 1. Page 1, line 9, by striking the word
 4 "coordination" and inserting in lieu thereof the
 5 word "coordinating".

FORREST V. SCHWENGELS

S—3312

1 Amend House File 293 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 8, by inserting before the word
 4 "The" the words "Before any department sells farmland
 5 under the control of the department the sale shall
 6 be approved by the governor and by the chairpersons
 7 of the joint appropriations subcommittee that handled
 8 the appropriation for the department during the past
 9 legislative session."

BERL E. PRIEBE

S—3313

1 Amend Senate File 521 as follows:
 2 1. Page 2, by inserting after line 29 the
 3 following:
 4 "Sec. ____ . Section 279.34, Code 1981, is amended
 5 to read as follows:
 6 279.34 FINANCIAL STATEMENT—PUBLICATION. In each
 7 school district, the board shall, [during the second
 8 week of July] *not later than August 1* of each year,
 9 publish by one insertion in at least one newspaper,
 10 if there is a newspaper published in [said] *the* district,
 11 a summarized statement verified by affidavit of the
 12 secretary of the board showing the receipts and
 13 disbursements of all funds for the preceding school
 14 year. [In all such districts of more than one hundred
 15 twenty-five thousand population, the] *The* statement

- 16 of disbursements [is to show] *shall list* the names of
 17 the persons[, firms, or corporations,] and the total
 18 amount paid to each during the school year.”
 19 2. Page 5, by inserting after line 5 the following:
 20 “Sec. ____ . Section 279.36, Code 1981, is repealed.”
 21 3. By numbering and renumbering sections and
 22 correcting internal references as necessary.

EDGAR H. HOLDEN

S—3314

- 1 Amend Senate File 321 as follows:
 2 1. Page 1, by striking lines 1 through 22.
 3 2. By renumbering sections and correcting internal
 4 references as required by this amendment.

COMMITTEE ON AGRICULTURE
 RAY TAYLOR, Chairperson

S—3315

- 1 Amend Senate File 513 as follows:
 2 1. Page 1, line 6 and 7, by striking the words
 3 “[per day for each day of violation]” and inserting in
 4 lieu thereof the words “per day for each day of
 5 violation”.
 6 2. Page 1, line 7, by inserting before the word
 7 “The” the words “*However, before any fine is assessed,*
 8 *the county board of review shall review such violation*
 9 *and may waive all or any part of the fine if the board*
 10 *is satisfied that the violation was unintentional.*”.

BERL E. PRIEBE
 BASS VAN GILST
 C. JOSEPH COLEMAN
 JAMES V. GALLAGHER

S—3316

- 1 Amend Senate File 536 as follows:
 2 1. Page 1, line 9, by inserting after the word
 3 “*forcement.*” the words “*Upon request by the department,*
 4 *a multidisciplinary team may assist the department in*
 5 *the diagnosis, assessment, and disposition of a child*
 6 *abuse case.*”

RICHARD VANDE HOEF

S—3317

- 1 Amend Senate File 414 as follows:

- 2 1. Page 2, by striking lines 2 through 9.

ROLF V. CRAFT

S-3318

- 1 Amend House File 466 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 19, by striking the word "*section*"
4 and inserting in lieu thereof the word "*subsection*".
5 2. Page 1, line 24, by striking the word "*county's*"
6 and inserting in lieu thereof the words "*soil*
7 *conservation district's*".

ARNE WALDSTEIN

S-3319

- 1 Amend Senate File 535 as follows:
2 1. Page 1, line 14, by striking the word "*health*,"
3 and inserting in lieu thereof the word "*health*."
4 2. Page 1, by striking line 15.
5 3. Page 1, line 18, by striking the words
6 "*department of public health*" and inserting in lieu
7 thereof the words "*state department of health*".
8 4. Page 2, line 2, by striking the words "this
9 division" and inserting in lieu thereof the words
10 "the program".
11 5. Page 2, line 26, by striking the word "federal".
12 6. Page 2, line 28, by striking the word "the"
13 and inserting in lieu thereof the word "an".
14 7. Page 2, by striking lines 33 and 34 and
15 inserting in lieu thereof the words "the state."
16 8. Page 3, line 33, by inserting after the word
17 "by" the words "an applicant or".
18 9. Page 4, line 18, by inserting after the word
19 "to" the word "the".
20 10. Title, by striking line 2 and inserting in
21 lieu thereof the words "the state department of
22 health."

SUE YENGER

S-3320

- 1 Amend Senate File 517 as follows:
2 1. Page 1, by striking line 28 through page 2,
3 line 6 and inserting in lieu thereof the following:
4 "704.1 REASONABLE FORCE. 'Reasonable force' is
5 that force *and no more* which a reasonable person,
6 in like circumstances, would judge to be necessary

7 to prevent an injury or loss[, and no more, except
 8 that the use of deadly force against another is
 9 reasonable only to resist a like force or threat].
 10 Reasonable force, including deadly force, may be used
 11 even if an alternative course of action is available
 12 if the alternative entails a risk to [one's] life or
 13 safety, or the life or safety of a third party, or
 14 requires one to abandon or retreat from [his or her]
 15 *one's dwelling or place of business or employment.*"

DICK RAMSEY
 GARY L. BAUGHER
 DALE L. TIEDEN
 STEPHEN W. BISENIUS

S—3321

1 Amend Senate File 517 as follows:
 2 1. Page 3, line 30, by striking the word
 3 "*five*" and inserting in lieu thereof the word "*one*".

DICK RAMSEY

S—3322

1 Amend Senate File 517 as follows:
 2 1. Page 1, by striking line 28 through page 2,
 3 line 6 and inserting in lieu thereof the following:
 4 "704.1 REASONABLE FORCE. 'Reasonable force' is
 5 that force *and no more* which a reasonable person,
 6 in like circumstances, would judge to be necessary
 7 to prevent an injury or loss[, and no more, except
 8 that the use of deadly force against another is
 9 reasonable only to resist a like force or threat] *and*
 10 *can include deadly force if it is reasonable to believe*
 11 *that such force is necessary to avoid injury or risk*
 12 *to one's life or safety or the life or safety of*
 13 *another, or it is reasonable to believe that such*
 14 *force is necessary to resist a like force or threat.*
 15 Reasonable force, including deadly force, may be used
 16 even if an alternative course of action is available
 17 if the alternative entails a risk to [one's] life or
 18 safety, or the life or safety of a third party, or
 19 requires one to abandon or retreat from [his or her]
 20 *one's dwelling or place of business or employment.*"

DICK RAMSEY
 GARY L. BAUGHER
 DALE L. TIEDEN
 STEPHEN W. BISENIUS

S-3323

- 1 Amend Senate File 459 as follows:
- 2 1. Page 1, lines 11 and 12, by striking the words
3 "*eighty hours of*".
- 4 2. Page 1, by striking lines 14 through 16 and
5 inserting in lieu thereof the following: "attendance
6 at sessions of the [course and] *courses, workshops,*
7 *seminars, or symposiums and, in the case of a course*
8 *designated by the commission, attending a grade of*
9 *at least seventy percent on an examination administered*
10 *at the conclusion of the course*".
- 11 3. Page 1, line 17, by striking the words "*or*
12 *symposiums*".
- 13 4. Page 1, line 25, by striking the word "[The]"
14 and inserting in lieu thereof the word "The"
- 15 5. Page 1, by striking lines 26 through 28 and
16 inserting in lieu thereof the following "examinations
17 shall be confidential to the commission and persons
18 designated by the commission to have access to [said]
19 *the examinations.*"
- 20 6. Page 1, line 29, by striking the word "*eighty*"
21 and inserting in lieu thereof the words "*one hundred*
22 *fifty*".
- 23 7. Page 1, line 31, by inserting after the word
24 "office" the words "*of which at least ninety hours*
25 *are from courses requiring an examination upon*
26 *conclusion of the course*".
- 27 8. Page 2, line 8, by striking the words "[except
28 that] *and*" and inserting in lieu thereof the words
29 "except that".
- 30 9. Page 2, line 10, by inserting after the word
31 "[said]" the words "*of which at least forty-eight hours*
32 *are from courses requiring an examination upon*
33 *conclusion of the course*".

JACK W. HESTER

S-3324

- 1 Amend Senate File 506 as follows:
- 2 1. Page 1, by striking lines 30 through 33
3 and inserting in lieu thereof the following:
4 "enterprise or utility *or for the disposal,*
5 *including without limitation recycling, of solid waste.*
6 'Improve', 'improving' and 'improvements' shall embrace".

DAVID M. READINGER

S—3325

- 1 Amend Senate File 414 as follows:
- 2 1. Page 2, by inserting after line 9, the
- 3 following:
- 4 "This section is repealed effective July 1, 1983."

JAMES V. GALLAGHER
 GARY L. BAUGHER
 TED ANDERSON
 LOWELL L. JUNKINS

S—3326

- 1 Amend Senate File 491 as follows:
- 2 1. Page 24, by inserting after line 27 the
- 3 following:
- 4 "Sec. 67. Section 524.706, subsection 1, paragraph
- 5 c, Code 1981, is amended to read as follows:
- 6 c. For the purposes of this subsection the term
- 7 'executive officer' means every officer of a state
- 8 bank who participates or has authority to participate,
- 9 otherwise than in the capacity of a director, in major
- 10 policymaking functions of the bank, regardless of
- 11 whether [he] *the officer* has an official title or whether
- 12 [his] *the officer's* title contains a designation of
- 13 assistant and regardless of whether [he] *the officer*
- 14 is serving without salary or other compensation.
- 15 The [chairman] *chairperson* of the board, the president,
- 16 every vice president, the cashier, secretary, and
- 17 treasurer of a state bank are assumed to be executive
- 18 officers, unless, by resolution of the board of
- 19 directors or by the bank's bylaws, but subject to
- 20 contrary notice by the superintendent as provided
- 21 for in section [524.704] *524.701*, and such officer is
- 22 excluded from participation in major policymaking
- 23 functions, otherwise than in the capacity of a director
- 24 of the bank, and [he] *the officer* does not actually
- 25 participate therein."
- 26 2. By renumbering sections as necessary.

LUCAS J. DE KOSTER

S—3327

- 1 Amend Senate File 506 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "purpose" the words ", or of one or more physicians
- 4 for a professional office building, including
- 5 appropriate ancillary facilities,"

- 6 2. Title page, line 4, by inserting after the
7 word "waste" the words "or to be used by physicians
8 for office buildings and ancillary facilities".

EDGAR H. HOLDEN

S—3328

- 1 Amend Senate File 517 as follows:
2 1. Page 3, line 27, by inserting after the word
3 "felony" the words "*punishable as provided in section*
4 *8 of this Act*".
5 2. Page 3, line 33, by inserting after the word
6 "misdemeanor" the words "*punishable as provided in*
7 *section 8 of this Act*".
8 3. Page 3, by inserting after line 33 the
9 following:
10 "Sec. 8. Chapter 714, Code 1981, is amended by
11 adding the following new section:
12 **NEW SECTION. RESTITUTION—PENALTY—FOR SECOND**
13 **AND THIRD DEGREE THEFT.**
14 1. Upon a plea of guilty, a verdict of guilty
15 or a special verdict upon which a judgment of
16 conviction of theft in the second or third degree
17 is rendered, the court shall order the defendant to
18 pay restitution to the victim for any pecuniary damages
19 resulting from the theft and court costs.
20 2. For purposes of this section the terms 'victim'
21 and 'pecuniary damages' have the same meanings as
22 provided in section 907.12, subsection 1, paragraphs
23 a and b, respectively.
24 3. For the purposes of this section the term
25 'restitution' means full payment of pecuniary damages
26 plus the payment of a sum equal to:
27 a. Ten percent of the amount of pecuniary damages
28 to the victim less the amount of court costs, for
29 the first offense of theft.
30 b. Twenty-five percent of the amount of the
31 pecuniary damages to the victim less the amount of
32 court costs, for the second offense of theft.
33 c. Fifty percent of the amount of the pecuniary
34 damages to the victim less the amount of court costs,
35 for the third offense of theft.
36 4. The penalties provided for in this section
37 shall be in lieu of the penalties provided for in
38 section 902.9, subsection 4, and section 903.1,
39 subsection 1 for theft in the second and third degree
40 respectively for the first through third offenses
41 for theft, for the fourth offense and each offense
42 thereafter of theft this section shall not apply."

RAY TAYLOR

S—3329

- 1 Amend Senate File 521 as follows:
- 2 1. Page 3, by striking lines 5 through 18.

JOHN S. MURRAY

S—3330

- 1 Amend Senate File 474 as follows:
- 2 1. Page 1, line 6, by striking the words "An
- 3 officer or employee of a".
- 4 2. Page 1, by striking lines 7 through 9.

C. JOSEPH COLEMAN

S—3331

- 1 Amend Senate File 474 as follows:
- 2 1. Page 2, lines 2 and 3, by striking the
- 3 words "or by reason of making an inadequate or
- 4 negligent inspection".

EDGAR H. HOLDEN

S—3332

- 1 Amend Senate File 123 as follows:
- 2 1. Page 4, by inserting after line 2 the following:
- 3 "Sec. 7. Section 17A.19, subsection 2, Code 1981,
- 4 is amended to read as follows:
- 5 2. Proceedings for judicial review shall be
- 6 instituted by filing a petition either in Polk county
- 7 district court or in the district court for the county
- 8 in which the petitioner resides or has its principal
- 9 place of business. When a proceeding for judicial
- 10 review has been commenced, a court may, in the interest
- 11 of justice, transfer the proceeding to another county
- 12 where the venue is proper. Within ten days after
- 13 the filing of a petition for judicial review *the*
- 14 *petitioner shall serve by the means provided in the*
- 15 *Iowa rules of civil procedure for the personal service*
- 16 *of an original notice, or shall mail [file stamped]*
- 17 *copies of the petition [shall be mailed by the*
- 18 *petitioner] to all parties named in the petition and,*
- 19 *if the petition involves review of agency action in*
- 20 *a contested case, all parties of record in that case*
- 21 *before the agency. Such personal service or mailing*
- 22 *shall be jurisdictional [and shall be addressed to*
- 23 *the parties at their last known mailing address.]*
- 24 *The delivery by personal service or mailing referred*

25 *to in this subsection may be made upon the party's*
 26 *attorney of record in the preceeding before the agency.*
 27 *A mailing shall be addressed to the parties or their*
 28 *attorney of record at their last known mailing address.*
 29 Proof of mailing shall be by affidavit. Any party
 30 of record in a contested case before an agency wishing
 31 to intervene and participate in the review proceeding
 32 [thereon] must file an appearance within forty-five
 33 days from the time the petition is filed."

EDGAR H. HOLDEN

S-3333

1 Amend Senate File 480 as follows:
 2 1. Page 1, by inserting after line 22 the
 3 following:
 4 "Sec. 3. Section 627.6, Code 1981, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 627.6 GENERAL EXEMPTIONS. A debtor who is a
 8 resident of this state may hold exempt from execution
 9 the following property:
 10 1. All wearing apparel of the debtor and the
 11 debtor's dependents kept for actual use and the trunks
 12 or other receptacles necessary for the wearing apparel,
 13 not to exceed in value two hundred dollars in any
 14 particular item or one thousand dollars in the
 15 aggregate.
 16 2. One shotgun, and either one rifle or one musket.
 17 3. Private libraries, family bibles, portraits,
 18 pictures, and paintings not to exceed two hundred
 19 dollars in value for any particular item or one
 20 thousand dollars in the aggregate.
 21 4. An interment space or an interest in a public
 22 or private burying ground, not exceeding one acre
 23 for any defendant.
 24 5. Two cows, two calves, fifty sheep, six stands
 25 of bees, five hogs, and all pigs under six months
 26 of age, together with the feed for all exempt animals
 27 for six months.
 28 6. The debtor's interest, not to exceed two hundred
 29 dollars in value in any particular item, in household
 30 furnishings, household goods, and appliances held
 31 primarily for the personal, family, or household use
 32 of the debtor or a dependent of the debtor, not to
 33 exceed in value one thousand dollars in the aggregate.
 34 7. Any unmatured life insurance policy owned by
 35 the debtor, other than a credit life insurance
 36 contract.

- 37 8. Professionally prescribed health aids for the
 38 debtor or a dependent of the debtor.
 39 9. The debtor's rights in:
 40 a. A social security benefit, unemployment
 41 compensation, or a local public assistance benefit.
 42 b. A veteran's benefit.
 43 c. A disability or illness benefit.
 44 d. Alimony, support, or separate maintenance,
 45 to the extent reasonably necessary for the support
 46 of the debtor and dependents of the debtor.
 47 e. A payment under a pension, annuity, or similar
 48 plan or contract on account of illness, disability,
 49 death, age, or length of service, to the extent
 50 reasonably necessary for the support of the debtor

Page 2

- 1 and any dependent of the debtor.
 2 10. Any combination of the following, not to
 3 exceed a value of five thousand dollars in the
 4 aggregate:
 5 a. Musical instruments, not including radios,
 6 television sets, or record or tape playing machines,
 7 held primarily for the personal, family, or household
 8 use of the debtor or a dependent of the debtor.
 9 b. One motor vehicle, with the debtor's interest
 10 not exceeding one thousand two hundred dollars in
 11 value.
 12 c. If the debtor is engaged in any profession
 13 or occupation other than farming, the proper
 14 implements, professional books, or tools of the trade
 15 of the debtor or a dependent of the debtor.
 16 d. If the debtor is engaged in farming, a team
 17 consisting of not more than two horses or mules or
 18 two yoke of cattle, and the wagon or other vehicle,
 19 with the proper harness or tackle, or other necessary
 20 implements of husbandry, or a combination of these.
 21 e. In the event of a bankruptcy proceeding, the
 22 debtor's interest in accrued wages and in state and
 23 federal tax refunds as of the date of filing of the
 24 petition in bankruptcy, not to exceed one thousand
 25 dollars in the aggregate. This exemption is in
 26 addition to the limitations contained in sections
 27 642.21 and 537.5105."

ARTHUR A. SMALL, JR.
 GARY L. BAUGHER
 BOB RUSH
 EDGAR H. HOLDEN

S-3334

1 Amend Senate File 435 as follows:

2 1. Page 4, line 33, by inserting after the period
3 the words "*These loans shall contain a provision*
4 *equivalent to the following: 'If, upon the due date*
5 *of any final payment that becomes due under this loan*
6 *or any extension or renewal of this loan and during*
7 *the term of the mortgage that secures this loan and*
8 *the extension or renewal of this loan, no part of*
9 *this loan is delinquent and there exists a home*
10 *mortgage market condition within this community that*
11 *precludes the mortgagor from obtaining a new loan*
12 *from another savings and loan association, bank, or*
13 *other financial institution on similar terms and with*
14 *an interest rate no greater than one percentage point*
15 *above the numerical average of the monthly national*
16 *average contract interest rates charged on conventional*
17 *home mortgages on previously occupied homes as*
18 *published by the federal home loan bank board for*
19 *the calendar month second preceding the due date of*
20 *the final payment, then the mortgagee shall extend*
21 *the term of this loan or the extension, or renewal*
22 *of this loan for one or more years, but not beyond*
23 *the end of the term of the mortgage. In the event*
24 *that the mortgage extends the term of this loan or*
25 *an extension or renewal of this loan as prescribed*
26 *in this provision, the interest rate charged may be*
27 *one percentage point above the numerical monthly*
28 *average described above.'*"

LOWELL L. JUNKINS
PATRICK J. DELUHERY

S-3335

1 Amend Senate File 439 as follows:

2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 "Section 1. Section 123.45, unnumbered paragraph
5 2, Code 1981, is amended to read as follows:
6 No person engaged in the business of manufacturing,
7 bottling, or wholesaling alcoholic beverages or beer,
8 nor any jobber or agency of such person, shall directly
9 or indirectly supply, furnish, give, or pay for any
10 furnishings, fixtures, or equipment used in this
11 storage, handling, serving, or dispensing of alcoholic
12 beverages, beer, or food within the place of business
13 of a licensee or permittee authorized under the
14 provisions of this chapter, to sell at retail; nor

15 shall [he] *the person* directly or indirectly extend
 16 any credit for alcoholic beverages or beer or pay
 17 for any such license or permit, nor directly or
 18 indirectly be interested in the ownership, conduct,
 19 or operation of the business of another licensee or
 20 permittee authorized under the provisions of this
 21 chapter to sell at retail, *except that a person engaged*
 22 *in the business of manufacturing beer may sell beer*
 23 *at retail for consumption on or off the premises of*
 24 *the manufacturing facility and, notwithstanding any*
 25 *other provision of this chapter or the fact that such*
 26 *a person may be the holder of a class 'A' beer permit,*
 27 *may be granted not more than one class 'B' permit*
 28 *as defined in section 123.124 for such purpose. Any*
 29 licensee or permittee who shall permit or assent or
 30 be a party in any way to any such violation or
 31 infringement of the provisions of this chapter shall
 32 be deemed guilty of a violation of the provisions
 33 of this chapter."

34 2. Title page, by striking lines 1 and 2 and
 35 inserting in lieu thereof the following: "An Act
 36 relating to the retail sale of beer by manufacturers
 37 of beer on the premises of the manufacturing facility
 38 for on or off premises consumption."

BOB CARR

S—3336

- 1 Amend Senate File 474 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "officer" the following: ", agent,".

BOB RUSH

S—3337

- 1 Amend Senate File 474 as follows:

DIVISION S—3337A

- 2 1. Page 1, by inserting after line 9 the following:
- 3 "Sec. ____ . Chapter 613A, Code 1981, is amended
- 4 by adding the following new section:
- 5 **NEW SECTION. DEFAULT JUDGMENTS.** A default judgment
- 6 shall not be taken against an employee, officer, or
- 7 agent of a municipality unless the municipality is
- 8 a party to the action and the time for special
- 9 appearance, motion or answer by the municipality under
- 10 rule 53 of the rules of civil procedure has expired."

DIVISION S—3337B

- 11 2. Page 2, by striking lines 9 through 35.
 12 3. Page 3, by striking lines 1 through 4.

BOB RUSH

S—3338

- 1 Amend Senate File 474 as follows:
 2 1. Page 1, by striking lines 10 through 22.
 3 2. By renumbering to conform to this amendment.

BOB RUSH

S—3339

- 1 Amend Senate File 493 as follows:
 2 1. Amend the title, by striking line 2, and
 3 inserting in lieu thereof the following: "parents
 4 in connection with the support of their children."

LUCAS J. DE KOSTER
DICK RAMSEY

S—3340

- 1 Amend amendment S—3092 to Senate
 2 File 123 as follows:
 3 1. Page 1, line 43, by striking the word
 4 "third" and inserting in lieu thereof the word "fifth".

BERL E. PRIEBE

S—3341

- 1 Amend Senate File 514 as follows:
 2 1. Page 3, by striking lines 4 through 16.
 3 2. Page 4, by inserting after line 9 the
 4 following:
 5 "Sec. ____ . Section 907.3, subsection 1,
 6 unnumbered paragraph 2, Code 1981, is amended by
 7 adding the following new lettered paragraph:
 8 *NEW LETTERED PARAGRAPH.* The offense is a violation
 9 of section 321.281."

GARY L. BAUGHER
EDGAR H. HOLDEN
ELVIE DREESZEN
RAY TAYLOR
RICHARD VANDE HOEF
JOHN W. JENSEN

S—3342

- 1 Amend Senate File 528 as follows:
- 2 1. Page 1, line 14, by striking the word "division"
- 3 and inserting in lieu thereof the word "chapter".
- 4 2. Page 1, line 22, by striking the word "division"
- 5 and inserting in lieu thereof the word "chapter".
- 6 3. Page 2, line 6, by striking the number "3" and
- 7 inserting in lieu thereof the number "4".
- 8 4. Page 2, line 8, by inserting after the word "for"
- 9 the word "a".
- 10 5. Page 2, line 9, by inserting after the word
- 11 "identification" the word "procedure".
- 12 6. Page 2, line 28, by striking the word "division"
- 13 and inserting in lieu thereof the word "chapter".

DICK RAMSEY

S—3343

- 1 Amend Senate File 484 as follows:
- 2 1. Page 1, line 5, by inserting after the words
- 3 "an audit" the words "of the continuing education
- 4 program".

CALVIN O. HULTMAN

S—3344

- 1 Amend Senate File 509 as follows:
- 2 1. Page 1, by striking lines 4 and 5 and inserting
- 3 in lieu thereof the words "exceed an amount equal
- 4 to [one and one half percent of that part of] *the rate*
- 5 *of finance charge agreed to in writing by the parties*
- 6 *and in effect under this chapter multiplied by the*
- 7 *maximum amount pursuant to".*
- 8 2. Page 1, by striking lines 19 and 20 and
- 9 inserting in lieu thereof the words "exceed an amount
- 10 equal to [one and one half percent of that part of]
- 11 *the rate of finance charge agreed to in writing by*
- 12 *the parties and in effect under this chapter multiplied*
- 13 *by the maximum amount pursuant to".*
- 14 3. Amend the title by striking lines 1 through
- 15 3 and inserting in lieu thereof the words "An act
- 16 removing the maximum finance charge limitation on
- 17 consumer credit transactions pursuant to open end
- 18 credit."

WILLIAM D. PALMER
ROLF V. CRAFT

S-3345

- 1 Amend Senate File 482 as follows:
- 2 1. Page 1, line 22, by inserting after the
- 3 word "months" the words "or which has been constructed
- 4 after July 1, 1981".

ARTHUR A. SMALL, JR.

S-3346

- 1 Amend amendment S-3323 to Senate
- 2 File 459 as follows:
- 3 1. Page 1, line 22, by striking the word
- 4 "fifty" and inserting in lieu thereof the word
- 5 "twenty".
- 6 2. Page 1, line 24, by striking the word
- 7 "ninety" and inserting in lieu thereof the word
- 8 "sixty".
- 9 3. Page 1, by inserting after line 26 the
- 10 following:
- 11 " ____ . Page 1, line 35, by inserting after the
- 12 word "or" the words '*for assessors and deputy assessors*'".
- 13 4. By numbering and renumbering as necessary.

ARNE WALDSTEIN

S-3347

- 1 Amend Senate File 509 as follows:
- 2 1. Page 1, by inserting after line 30 the
- 3 following:
- 4 "Sec. ____ . Section 537.2501, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 *NEW SUBSECTION.* A creditor shall not impose any
- 7 charge, other than the finance charge permitted by
- 8 sections 537.2202 and 537.2402, for the issuance to
- 9 or the use by a consumer of a credit card.
- 10 Sec. ____ . Section 537.2501, subsection 1, paragraph
- 11 d, is amended by striking the paragraph."

BOB CARR

S-3348

- 1 Amend Senate File 507 as follows:
- 2 1. Page 1, line 3, by inserting after the
- 3 word "orders" the words "*that may be reissued once*".

RICHARD COMITO

S—3349

- 1 Amend Senate File 394 as follows:
- 2 1. Page 10, by inserting after line 18 the
- 3 following:
- 4 *"For fixture filings there shall be a fee of three*
- 5 *dollars per page for recording and a fee of three*
- 6 *dollars per page for a total or partial release of*
- 7 *the fixture filing."*

ARTHUR A. SMALL, JR.
JOHN N. NYSTROM

S—3350

- 1 Amend Senate File 459 as follows:
- 2 1. Page 2, by striking lines 16 through 20 and
- 3 inserting in lieu thereof the following: *"of credit*
- 4 *required for the deputy to be certified as eligible*
- 5 *for reappointment shall be prorated according to,*
- 6 *the amount of time remaining in the term to which*
- 7 *the deputy was appointed."*

ARNE WALDSTEIN

S—3351

- 1 Amend Senate File 507 as follows:
- 2 1. Page 1, by striking lines 3 and 4, and
- 3 inserting in lieu thereof the following:
- 4 "2. A city may issue revenue bonds to refund
- 5 revenue bonds, and pledge orders[,] may be reissued
- 6 once to refund pledge order and other obligations".

RICHARD COMITO

S—3352

- 1 Amend Senate File 506 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "business," the words *"or of a telephone company,"*.
- 4 2. Title, line 4, by inserting after the word
- 5 "waste" the words *"or for the purpose of a telephone*
- 6 *company"*.

ALVIN V. MILLER

S—3353

- 1 Amend Senate File 474 as follows:
- 2 1. Page 1, by striking line 35.

A.R. BUD KUDART

S—3354

1 Amend Senate File 539 as follows:

2 1. Page 17, by inserting after line 19 the
3 following:

4 "Sec. ____ . Section 86.9, Code 1981, is amended
5 to read as follows:

6 86.9 BIENNIAL REPORTS. The commissioner shall,
7 at the time provided by law, make a biennial report
8 to the governor setting forth in appropriate form
9 the business and expense of the office for the two
10 preceding years, [the number of arbitrations and the
11 results thereof,] and such other matters pertaining to [his]
12 *the commissioner's* office as may be of public interest,
13 together with any recommendations for change or amendment
14 of the laws as found in this chapter and chapters 85 and
15 87, and such recommendations, if any, shall be transmitted
16 by the governor to the first general assembly in
17 session thereafter."

BOB RUSH

S—3355

1 Amend Senate File 459 as follows:

2 1. Page 2, line 9, by striking the word "*eighty*"
3 and inserting in lieu thereof the word "*sixty*".

4 2. Page 2, line 10, by inserting after the
5 word "[said]" the words "*of which at least thirty hours*
6 *are from courses requiring an examination upon*
7 *conclusion of the course*".

C.W. BILL HUTCHINS

S—3356

1 Amend Senate File 509 as follows:

2 1. Page 1, by striking lines 4 through 8 and
3 inserting in lieu thereof the following: "exceed
4 an amount equal to one and one-half percent of that
5 part of the maximum amount pursuant to subsection 2
6 which is five hundred dollars or less and one and
7 [one-fourth] *three-fourths* percent of that part of the
8 maximum amount which is more than five hundred dollars.
9 If the billing cycle".

10 2. Page 1, by striking lines 19 through 23 and
11 inserting in lieu thereof the following: "exceed
12 an amount equal to one and one-half percent of that
13 part of the maximum amount pursuant to subsection 2
14 which is five hundred dollars or less and one and

- 15 [one fourth] *three-fourths* percent of that part of the
 16 maximum amount which is more than five hundred dollars.
 17 If the biling cycle”.

BOB CARR

S—3357

- 1 Amend Senate File 508 as follows:
 2 1. Page 4, by inserting after line 23 the
 3 following new section:
 4 “Sec. ____ . *NEW SECTION*. If the successor
 5 in interest does not assume the franchise, the
 6 franchisor shall account to the heirs or the estate
 7 of the deceased franchisee for the value of branded
 8 products purchased directly from the franchisor.”

RICHARD COMITO
 JOHN W. JENSEN

S—3358

- 1 Amend Senate File 487 as follows:
 2 1. Page 1, line 7, by inserting after the period
 3 the words “However, a golf cart shall not be operated
 4 upon a city street which is a primary road extension
 5 through the city but shall be allowed to cross a city
 6 street which is a primary road extension through the
 7 city.”

DICK RAMSEY
 RICHARD F. DRAKE

S—3359

- 1 Amend Senate File 539 as follows:
 2 1. Page 9, line 3, by striking the words
 3 “*However, if the employee is a minor or a full-time*”.
 4 2. Page 9, by striking lines 4 through 7.
 5 3. Page 9, line 8, by striking the words
 6 “*average weekly wage*”.
 7 4. Page 10, line 1, by striking the words
 8 “*However, if the employee is a minor or a full-time*”.
 9 5. Page 10, by striking lines 2 through 5.
 10 6. Page 10, line 6, by striking the words
 11 “*average weekly wage*”.

BOB RUSH

S—3360

- 1 Amend Senate File 514 as follows:

2 1. Page 2, by inserting after line 19 the
3 following:

4 "Sec. ____ . Chapter 321, Code 1981, is amended
5 by adding the following new section:

6 *NEW SECTION. OPTION TO FILE PETITION FOR LICENSE*

7 *REVOCAATION.* In lieu of filing an indictment or trial
8 information for a violation of section 321.281 against
9 a person not previously convicted of violating the
10 section, or a person having been sentenced pursuant
11 to section 907.3 for violation of section 321.281
12 the county attorney may file with the district court
13 a petition alleging the person to have been operating
14 a motor vehicle within the state of Iowa while
15 intoxicated or to have been operating a motor vehicle
16 while having thirteen hundredths or more of one percent
17 by weight of alcohol in the blood.

18 The petition shall be tried by a district associate
19 judge or part-time magistrate of the district court
20 within thirty days of filing.

21 The state of Iowa may appear and present evidence
22 by any person authorized by the county attorney.

23 Upon a finding by the preponderance of the evidence
24 that the respondent was operating a motor vehicle
25 within the state while having thirteen hundredths
26 or more of one percent by weight of alcohol in the
27 blood the court shall grant the petition and shall
28 by appropriate judgment, direct the person not to
29 operate a motor vehicle on the streets or highways
30 of this state for a period to be determined by the
31 court, of not more than ninety days nor less than
32 thirty days. In such case the defendant shall
33 surrender to the court all licenses or permits to
34 operate a motor vehicle upon the streets or highways
35 of this state. The clerk of the court shall transmit
36 a copy of the judgment together with any licenses
37 or permits surrendered to the department of transporta-
38 tion."

39 2. By renumbering to conform to this amendment.

BOB RUSH
A.R. (BUD) KUDART

S-3361

1 Amend Senate File 514 as follows:

2 1. Page 2, by striking lines 12 through 17,
3 and inserting in lieu thereof the following:

4 "Any person failing to stop or to comply with
5 [said] *the* requirements [under such circumstances shall
6 upon conviction be punished by imprisonment for not
7 less than thirty days nor more than one year or by fine

8 of not less than one hundred dollars nor more than
 9 five thousand dollars, or by both such fine and
 10 imprisonment] *in unnumbered paragraph 1 of this section,*
 11 *in the event of an accident resulting in an injury to*
 12 *any person is guilty upon conviction of a serious*
 13 *misdemeanor.*
 14 *Any person failing to stop or to comply with the*
 15 *requirements in unnumbered paragraph 1 of this section,*
 16 *in the event of an accident resulting in the death of*
 17 *any person is guilty upon conviction of an aggravated*
 18 *misdemeanor."*

RICHARD COMITO
 DICK RAMSEY

S—3362

- 1 Amend Senate File 514 as follows:
- 2 1. Page 2, by striking lines 20 through 35.
- 3 2. Page 3, by striking lines 1 through 28.
- 4 3. By renumbering to conform to this amendment.

BOB RUSH

S—3363

- 1 Amend amendment S—3341 to Senate File 514,
- 2 as follows:
- 3 1. Page 1, by inserting after line 1, the following:
- 4 "1. Page 2, by striking lines 20 through 35.
- 5 2. Page 3, by striking lines 1 through 3."
- 6 2. Page 1, by inserting after line 2 the following:
- 7 "____. Page 3, by striking lines 17 through 28."
- 8 3. By renumbering to conform to this amendment.

BOB RUSH

S—3364

- 1 Amend Senate File 514 as follows:
- 2 1. Page 2, by striking lines 20 through 35.
- 3 2. Page 3, by striking lines 1 through 3.
- 4 3. Page 3, by striking lines 17 through 28.
- 5 4. By renumbering to conform with this amendment.

BOB RUSH

S—3365

- 1 Amend Senate File 514 as follows:
- 2 1. Page 3, line 7, by striking the word
- 3 "thirty" and inserting in lieu thereof the words

- 4 "one hundred twenty".
5 2. Page 3, line 8, by striking the words
6 "ninety days" and inserting in lieu thereof the words
7 "one year".

MICK LURA

S-3366

- 1 Amend Senate File 531 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 478.6, unnumbered paragraph
5 1, Code 1981, is amended to read as follows:
6 Upon the filing of [such] objections or when a
7 petition involves the taking of property under the
8 right of eminent domain the commission shall set the
9 matter for hearing and fix a time and place [therefor.
10 Said] *for the hearing. The hearing shall be not less*
11 *than thirty days from the date of last publication*
12 *and [at the offices of the commission before which*
13 *said matter is pending, unless a different place is*
14 *specified in the notice thereof] where a new proposed*
15 *transmission line exceeds one mile in length, shall*
16 *be held in the county seat of the county located at*
17 *the midpoint of the proposed electric transmission*
18 *line. Written notice of the time and place of [such]*
19 *the hearing shall be served by the commission, by*
20 *ordinary mail, on the applicant, and those having*
21 *filed objections. If no objections are filed [as*
22 *hereinbefore provided] and the petition does not involve*
23 *the taking of property under the right of eminent*
24 *domain the commission may grant a franchise without*
25 *a hearing [thereon], however, [nothing herein shall be*
26 *construed as prohibiting] the commission [from conducting]*
27 *may conduct a hearing if [it] the commission deems it*
28 *necessary."*
29 2. Page 5, by inserting after line 16 the
30 following:
31 "Sec. 10. Section 479.8, Code 1981, is amended
32 to read as follows:
33 479.8 TIME AND PLACE. [Said] *The hearing shall*
34 *not be less than ten days nor more than thirty days*
35 *from the date of the last publication and where the*
36 *proposed new pipeline would operate under pressure*
37 *exceeding one hundred fifty pounds per square inch*
38 *and exceed five miles in length, shall be held in*
39 *the [office of said state commerce commission, or such*
40 *place as the commission shall designate] county seat*
41 *of the county located at the midpoint of the proposed*

- 42 *line or lines or the county in which the proposed*
 43 *gas storage facility would be located."*
 44 3. By renumbering the sections and correcting
 45 internal references to conform with this amendment.

DALE L. TIEDEN

S—3367

- 1 Amend Senate File 514 as follows:
 2 1. Page 2, by striking lines 22 through 35.
 3 2. Page 3, by striking lines 1 through 3.
 4 3. Page 3, by striking lines 17 through 28
 5 4. By renumbering to conform with this amendment.

BOB RUSH

S—3368

- 1 Amend Senate File 24 as follows:
 2 1. Page 2, by striking lines 3 through 5 and
 3 inserting in lieu thereof the words "*applicant would*
 4 *not have incurred if the facility or portion of the*
 5 *facility had been constructed in compliance with the*
 6 *requirements of this chapter or of the rules or*
 7 *standards adopted pursuant to it and in effect at*
 8 *the time the plans and specifications were submitted.*
 9 *If within two years from the completion of the*
 10 *construction or alteration of the facility or portion*
 11 *thereof, a department or agency of the state orders*
 12 *that the new or reconstructed facility or portion*
 13 *thereof be brought into compliance with the*
 14 *requirements of this chapter or the rules or standards*
 15 *adopted pursuant to it and in effect at the time the*
 16 *plans and specifications were submitted, the state*
 17 *shall have a claim for damages to the extent of any*
 18 *reimbursement paid to the licensee or applicant against*
 19 *any person who designed the facility or portion thereof*
 20 *for negligence in the preparation of the plans and*
 21 *specifications therefor, subject to all defenses based*
 22 *upon the negligence of the state in reviewing and*
 23 *approving those plans and specifications, but not*
 24 *thereafter."*

ARTHUR A. SMALL, JR.
 EDGAR H. HOLDEN

S—3369

- 1 Amend Senate File 531 as follows:
 2 1. Page 7, line 3, by inserting after the word

3 *"backfilling." the words "The pipeline company and*
4 *its contractor shall keep all county inspectors*
5 *continually informed of the work schedule and any*
6 *schedule changes."*

RAY TAYLOR

S--3370

1 Amend Senate File 531 as follows:

DIVISION S--3370A

2 1. Page 1, line 33, by inserting after the word
3 "negotiation" the word " , arbitration".
4 2. Page 1, line 35, by inserting after the word
5 "litigation" the words "or arbitration".

DIVISION S--3370B

6 3. Page 1, by inserting after line 35 the
7 following:
8 "With the exception of claims for damage to drain
9 tile and future crop deficiency, landowners and tenants
10 must submit in writing their claims for damages caused
11 by installation of the pipeline within one year of
12 final cleanup on the real property."

DIVISION S--3370C

13 4. Page 2, by striking lines 8 through 12.

DIVISION S--3370D

14 5. Page 5, by striking lines 10 through 16 and
15 inserting in lieu thereof the following: "shall be
16 paid by the pipeline company. At least two weeks
17 prior to the installation of new tile, the landowner
18 shall submit the tile plan to the pipeline company
19 for its approval together with a copy of the tile
20 contractor's bid showing the additional costs caused
21 by the pipeline. The additional costs shall be paid
22 by the pipeline company upon presentation of an
23 invoice, verified by the county engineer and
24 specifically showing the added costs caused by the
25 presence of the pipeline. A copy of the county
26 engineer's verification of additional costs shall
27 accompany the invoice to the pipeline company.
28 A landowner or tiling contractor shall not install
29 tile across or adjacent to the pipeline until the

30 landowner or tiling contractor has given the pipeline
 31 company five days written notice for the pipeline
 32 company to locate and stake its pipeline. The pipeline
 33 company shall not charge the landowner or tile
 34 contractor for locating and staking the pipeline.
 35 A pipeline company representative shall be notified
 36 and may be present at the time of installation of
 37 the new tile."

DIVISION S—3370E

38 6. Page 6, by striking line 9 and inserting in
 39 lieu thereof the words "*NEW SUBSECTION*. An inspector".
 40 7. Page 6, line 10, by striking the words "a
 41 landowner".
 42 8. Page 6, line 15, by striking the words "is
 43 brought to the site to consult" and inserting in lieu
 44 thereof the word "consults".
 45 9. Page 6, line 17, by striking the word
 46 "landowner's" and inserting in lieu thereof the word
 47 "inspector's".

DIVISION S—3370F

48 10. Page 6, by inserting after line 21 the
 49 following:
 50 "*NEW SUBSECTION*. The commerce commission shall

Page 2

DIVISION S—3370F (cont'd.)

1 instruct inspectors appointed by the board of
 2 supervisors regarding the content of the statutes
 3 and rules and the inspector's responsibility to require
 4 construction conforming with the standards provided
 5 by this chapter."
 6 11. Page 6, by striking lines 28 through 32 and
 7 inserting in lieu thereof the following: "the top
 8 soil of the easement area. *The existing topsoil shall*
 9 *be removed separately for the full width of the*
 10 *pipeline excavation to a maximum depth of twelve*
 11 *inches and shall be stockpiled and preserved separately*
 12 *during subsequent construction operations, unless*
 13 *other means for separating the topsoil are provided*
 14 *in the easement. The topsoil shall be replaced so*
 15 *the upper portion of the pipeline excavation and the*
 16 *crowned surface shall contain only the topsoil*
 17 *originally removed.*"

DIVISION S—3370G

- 18 12. Page 7, line 2, by inserting after the word
 19 "at" the words "each phase and separate activity of".

RAY TAYLOR
 ELVIE L. DREESZEN
 ALVIN V. MILLER
 C.W. BILL HUTCHINS
 RICHARD VANDE HOEF
 EMIL J. HUSAK
 JACK W. HESTER
 MERLIN D. HULSE
 ARNE WALDSTEIN
 BASS VAN GILST

S—3371

- 1 Amend amendment S—3370
 2 to Senate File 531 as follows:
 3 1. Page 2, by striking lines 8 through 11,
 4 and inserting in lieu thereof the following:
 5 "soil of the easement area. An existing topsoil
 6 layer extending at least one foot in width on either
 7 side of the pipeline excavation at a maximum depth
 8 of twelve inches shall be removed separately and shall
 9 be stockpiled and preserved separately".

ARNE WALDSTEIN
 BERL E. PRIEBE

S—3372

- 1 Amend amendment S—3370 to
 2 Senate File 531 as follows:
 3 1. Page 1, by striking lines 1 through 5, and
 4 inserting in lieu thereof the following:
 5 "1. Page 1, by striking lines 30 through 35.".

DICK RAMSEY

S—3373

- 1 Amend amendment S—3370 to
 2 Senate File 531 as 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 30 through 35.".

DICK RAMSEY

S—3374

1 Amend Senate File 24 as follows:

2 1. Page 1, by striking lines 20 through 22,
3 and inserting in lieu thereof the following:
4 "plans and specifications [unless a clear and present
5 danger exists that would adversely affect the residents
6 of the facility]. *When construction or alteration of
7 a facility or*".

8 2. Page 2, by inserting after line 5, the following:

9 "*The provisions of this subsection shall not apply
10 where the deficiency presents a clear and present danger
11 to the safety of the residents of the facility.*".

ARTHUR A. SMALL, JR.

S—3375

1 Amend Senate File 440 as follows:

2 1. Page 1, by striking lines 22 through 35 and
3 inserting in lieu thereof the following new section:
4 "Sec. ____ . Section 327H.20, Code 1981, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 327H.20 ASSISTANCE AGREEMENTS. The department
8 may enter into agreements with railroad corporations,
9 the United States Government, persons, cities, and
10 counties for carrying out the purposes of this chapter.
11 Agreements entered into between the department and
12 railroad corporations under this section may require
13 a railroad corporation to reimburse all or part of
14 the costs paid from the railroad assistance fund from
15 revenue derived from all railroad cars and traffic
16 using the main line, branch line, switching yard,
17 or sidings defined in the agreement. An agreement
18 which does not require the repayment of railroad
19 assistance funds used for rehabilitation projects
20 shall require the railroad corporation to establish
21 and maintain a separate corporation account to which
22 an amount equal to all or part of the costs paid from
23 the railroad assistance fund shall be credited from
24 revenue derived from all railroad cars and traffic
25 using the main line, branch line, switching yard,
26 or siding defined in the agreement. Credits to the
27 corporation account by the railroad corporation may
28 be used for the improvement, restoration, or
29 conservation of the railroad corporation's main line,
30 branch lines, switching yards, and sidings within
31 the state. The agreement shall stipulate the terms
32 and conditions governing the use of credits to the

33 corporation account as well as a penalty for the use
34 of the account in a manner other than as provided
35 in the agreement."
36 2. Page 2, by striking lines 1 through 15.

RICHARD F. DRAKE

S—3376

1 Amend amendment S—3370 to
2 Senate File 531 as follows:
3 1. Page 1, by striking lines 16 through 21,
4 and inserting in lieu thereof the following:
5 "paid by the pipeline company. The additional costs
6 shall be paid".

ARNE WALDSTEIN
BERL E. PRIEBE
JACK W. HESTER
MERLIN D. HULSE

S—3377

1 Amend Senate File 509 as follows:
2 1. Page 1, by striking lines 5 through 8 and
3 inserting in lieu thereof the following: "percent of
4 that part of the maximum amount pursuant to subsection
5 2 which is five hundred dollars or less and one and
6 [one fourth] *one-half* percent of that part of the
7 maximum amount which is more than five hundred dollars.
8 If the billing cycle".
9 2. Page 1, by striking lines 20 through 23 and
10 inserting in lieu thereof the following: "percent of
11 that part of the maximum amount pursuant to subsection
12 2 which is five hundred dollars or less and one and
13 [one fourth] *one-half* percent of that part of the
14 maximum amount which is more than five hundred dollars.
15 If the billing cycle".

BOB CARR

S—3378

1 Amend Senate File 528 as follows:
2 1. Page 1, by striking lines 11 through 35.
3 2. By striking pages 2 and 3.
4 3. Page 4, by striking lines 1 through 20.
5 4. By renumbering to conform to this amendment.

BOB RUSH

S—3379

1 Amend Senate File 521 as follows:

2 1. Page 4, by inserting after line 4 the following:

3 "Sec. ____ . Section 282.3, subsection 2, unnumbered
4 paragraphs 3 and 4, Code 1981, are amended to read
5 as follows:

6 [No] A child shall *not* be admitted to school work
7 for the year immediately preceding the first grade
8 unless [he] *the child* is five years of age on or before
9 [the fifteenth of] September 15 of the [current] school
10 year.

11 *However, a child who is five years of age between*
12 *September 15 and December 15 may be admitted to school*
13 *work for the year immediately preceding the first*
14 *grade if the child has demonstrated sufficient ability*
15 *to successfully perform the work assigned during the*
16 *school year on the basis of tests and other evaluations*
17 *approved by the department of public instruction.*

18 [No] A child shall *not* be admitted to the first grade
19 unless [he] *the child* is six years of age on or before
20 [the fifteenth of] September 15 of the [current] school
21 year[, except that]. *However, a child under six years*
22 *of age who has completed the school work for the year*
23 *immediately preceding the first grade, who has been*
24 *admitted to school work for the year immediately*
25 *preceding the first grade under conditions approved*
26 *by the department of public instruction, or who has*
27 *demonstrated the possession of sufficient ability*
28 *to profit by first-grade work on the basis of tests*
29 *or other means of evaluation recommended or approved*
30 *by the department of public instruction, may be*
31 *admitted to first grade at any time before December*
32 *31."*

33 2. By numbering and renumbering sections as
34 necessary.

SUE YENGER
TOM SLATER

S—3380

1 Amend Senate File 476 as follows:

2 1. Page 1, line 6, by inserting after the word
3 "certification," the words "*except for certified lists*
4 *of police officers, which lists shall hold preference*
5 *for two years,*".

BOB CARR
JAMES E. BRILES

S—3381

- 1 Amend Senate File 521 as follows:
- 2 1. By striking page 2, line 30 through page 3,
- 3 line 4.
- 4 2. By numbering and renumbering sections as
- 5 necessary.

ROLF V. CRAFT

S—3382

- 1 Amend Senate File 527 as follows:

DIVISION S—3382A

- 2 1. Page 1, by inserting after line 14 the
- 3 following:
- 4 "Sec. ____ . Section 232.147, subsection 5, Code
- 5 1981, is amended to read as follows:
- 6 5. Inspection of social records and disclosure
- 7 of their contents shall not be permitted except
- 8 pursuant to court order or unless otherwise provided
- 9 in this *subsection or chapter*.
- 10 *If an intake officer determines under section*
- 11 *232.28, subsection 8 or 9 that a complaint is legally*
- 12 *sufficient for the filing of a petition and that*
- 13 *either an informal adjustment of the complaint or*
- 14 *the filing of a petition is in the best interests*
- 15 *of the child and the public, the portions of the*
- 16 *juvenile court social records, compiled by the intake*
- 17 *officer in making the determination, which identify*
- 18 *the name and address of the child and the delinquent*
- 19 *act alleged to have been committed by the child shall*
- 20 *be disclosed to the victim of the delinquent act by*
- 21 *the intake officer or other court officer upon the*
- 22 *request of the victim."*

DIVISION S—3382B

- 23 2. Page 1, line 17, by striking the words "two
- 24 thousand five hundred" and inserting in lieu thereof
- 25 the words "five thousand".
- 26 3. Page 1, line 19, by striking the word "five"
- 27 and inserting in lieu thereof the word "ten".

RAY TAYLOR

S—3383

- 1 Amend Senate File 474 as follows:

2 1. Page 2, by inserting after line 8 the following:
 3 "Sec. ____ . Section 613A.7, Code 1981, is amended
 4 to read as follows:
 5 613A.7 INSURANCE. The governing body of any
 6 municipality may purchase a policy of liability
 7 insurance [insuring against], or *may self insure, or*
 8 *may enter into agreements with other municipalities*
 9 *under chapter 520 with respect to all or any part*
 10 *of liability which might be incurred by [such] the*
 11 *municipality or its officers, employees and agents*
 12 *under the provisions of section 613A.2 and section*
 13 *613A.8 [and may similarly purchase insurance covering],*
 14 *or with respect to torts specified in section 613A.4.*
 15 *The premium costs and other costs of [such] these*
 16 *insurance policies or other agreements may be paid*
 17 *out of the general fund or any available funds or*
 18 *may be levied in excess of any tax limitation imposed*
 19 *by statute. Any independent or autonomous board of*
 20 *commission in the municipality having authority to*
 21 *disburse funds for a particular municipal function*
 22 *without approval of the governing body [may similarly*
 23 *procure liability insurance] has, within the field*
 24 *of its operation, the same authority as a municipality*
 25 *under this section. The procurement of [such] insurance*
 26 *against torts specified in section 613A.4 constitutes*
 27 *a waiver of the defense of governmental immunity as*
 28 *to those exceptions listed in section 613A.4 to the*
 29 *extent stated in such policy but shall have no further*
 30 *effect on the liability of the municipality beyond*
 31 *the scope of this chapter. The existence of any*
 32 *insurance which covers in whole or in part any judgment*
 33 *or award which may be rendered in favor of the*
 34 *plaintiff, or lack of any such insurance, shall not*
 35 *be material in the trial of any action brought against*
 36 *the governing body of any municipality, or their*
 37 *officers, employees or agents and any reference to*
 38 *such insurance, or lack of same, shall be grounds*
 39 *for a mistrial."*

DICK RAMSEY

S-3384

1 Amend Senate File 474 as follows:
 2 1. Page 2, by striking lines 1 through 4.
 3 2. By renumbering the new subsections to conform
 4 to this amendment.

DICK RAMSEY

S—3385

- 1 Amend amendment S—3379
- 2 to Senate File 521 as follows:
- 3 1. Page 1, line 12, by striking the word
- 4 "December" and inserting in lieu thereof the word
- 5 "November".

RAY TAYLOR

S—3386

- 1 Amend Senate File 521 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 word "and" the word "advanced".

RAY TAYLOR

S—3387

- 1 Amend Senate File 122 as follows:
- 2 1. Page 1, by inserting after line 17 the following
- 3 new section:
- 4 "Sec. ____ . Section 321.189, subsection 1,
- 5 unnumbered paragraph 2, and subsection 2, paragraph
- 6 a, Code 1981, are amended to read as follows:
- 7 After July 1, [1981] 1982, a person under the age
- 8 of eighteen applying for a motor vehicle license valid
- 9 for the operation of a motorcycle shall be required
- 10 to successfully complete a motorcycle education course
- 11 approved and established by the department of public
- 12 instruction or successfully complete an approved
- 13 motorcycle education course at a private or commercial
- 14 driver education school licensed by the department.
- 15 A public school district [may] *shall* charge a student
- 16 a fee which shall not exceed the actual costs of
- 17 instruction.
- 18 a. The department may issue a motorized bicycle
- 19 license to a person fourteen years of age or older
- 20 who has passed a vision test and a written examination
- 21 on the rules of the road. After July 1, [1981] 1982,
- 22 persons under the age of sixteen applying for a
- 23 motorized bicycle license shall also be required to
- 24 successfully complete a motorized bicycle education
- 25 course approved and established by the department
- 26 of public instruction or successfully complete an
- 27 approved motorized bicycle education course at a
- 28 private or commercial driver education school licensed
- 29 by the department. A public school district [may] *shall*
- 30 charge a student a fee which shall not exceed the

31 actual cost of instruction. A motorized bicycle
 32 license entitles the licensee to operate a motorized
 33 bicycle upon the highway while having the license
 34 in the licensee's immediate possession. The license
 35 is valid for a period of two years, subject to
 36 termination or cancellation as provided in this
 37 section."
 38 2. Renumber sections and correct internal
 39 references as are necessary in accordance with this
 40 amendment.

DONALD V. DOYLE
 RICHARD F. DRAKE

S-3388

1 Amend Senate File 521 as follows:
 2 1. Page 2, by inserting after line 29 the
 3 following:
 4 "Sec. ____ . Chapter 279, Code 1981, is amended
 5 by adding the following new section:
 6 **NEW SECTION. MERIT RATING SYSTEM.** The boards
 7 of directors of school districts shall establish
 8 a merit rating system for teachers employed by the
 9 board on merit rating forms designed by the superin-
 10 tendent and approved by the board. The merit rating
 11 forms shall be completed by pupils enrolled in the
 12 public school for teachers still employed in the
 13 district as follows:
 14 1. Prior to the beginning of the second semester
 15 of the ninth grade, for teachers the pupils had in
 16 grades kindergarten through eighth.
 17 2. Following completion of academic work but
 18 prior to commencement, for teachers the pupils had in
 19 grades nine, ten, eleven, and twelve.
 20 Merit rating forms are confidential, not subject
 21 to chapter 68A, and may be read only by the superinten-
 22 dent, principals, school administrator charged with the
 23 responsibility of recommending teachers for employment
 24 by the board, supervisors of the teachers, and board
 25 members.
 26 The forms shall be used as one factor in determining
 27 whether teachers will be granted merit pay increases and
 28 whether a teacher's contract will be continued."

ARNE WALDSTEIN

S-3389

1 Amend Senate File 82 as follows:
 2 1. Page 1, by striking line 1, and inserting in

3 lieu thereof the following:

4 "Section 1. Section 422.9, subsection 2, Code
5 1981, is amended by adding the following new paragraph:

6 *NEW PARAGRAPH.* Add a deduction for expenses
7 incurred by the taxpayer in official olympic trials
8 upon invitation of the olympic event committee, and
9 in olympic competition sanctioned by the United States
10 olympic committee. The expenses may include travel,
11 lodging, and meals.

12 Sec. 2. This Act takes effect January 1 following
13 enactment for tax years beginning on or after that
14 date."

DONALD V. DOYLE

S-3390

1 Amend Senate File 521 as follows:

2 1. Page 5, by inserting after line 5 the following:

3 "Sec. ____ . Section 321.178, subsection 1,
4 unnumbered paragraphs 1 and 2, Code 1981, are amended
5 to read as follows:

6 An approved driver education course as programmed
7 by the department of public instruction shall consist
8 of at least thirty clock hours of classroom
9 instruction[, and six or more clock hours of laboratory
10 instruction of which at least three clock hours shall
11 consist of street or highway driving].

12 Every public school district in Iowa shall offer
13 or make available to all students residing in the
14 school district or Iowa students attending a nonpublic
15 school in the district an approved course in driver
16 education. [Said] *The* courses may be offered at sites
17 other than at the public school, including nonpublic
18 school facilities within the public school districts.

19 An approved course offered during the summer months,
20 on Saturdays, after regular school hours during the
21 regular terms on partly in one term or summer vacation
22 period and partly in the succeeding term or summer
23 vacation period, [as the case may be,] shall satisfy
24 the requirements of this section to the same extent
25 as an approved course offered during the regular
26 school hours of the school term. [A student who
27 successfully completes and obtains certification in
28 an approved course in driver education may, upon proof
29 of such fact, be excused from any field test which
30 he would otherwise be required to take in demonstrating
31 his ability to operate a motor vehicle.]

32 2. By numbering and renumbering sections as
33 necessary.

ROLF V. CRAFT

S—3391

- 1 Amend Senate File 521 as follows:
 2 1. Page 1, by striking lines 10 through 28 and
 3 inserting in lieu thereof the following:
 4 "Sec. ____ . Section 257.25, Code 1981, is amended
 5 by adding the following new subsection after subsection
 6 7:
 7 *NEW SUBSECTION.* The boards of directors of two
 8 or more school districts may by agreement provide
 9 for attendance of pupils residing in one district
 10 in the schools of another district for the purpose
 11 of taking courses not offered in the district of their
 12 residence or for participating in the extracurricular
 13 programs of another district. Courses or programs
 14 made available to students in this manner shall be
 15 considered as complying with any standards or laws
 16 requiring the offering of the courses or programs.
 17 The boards of directors of districts entering into
 18 agreements may provide for sharing the costs and
 19 expenses of the courses or programs. However, in
 20 order for the boards to enter into an agreement for
 21 participation in extracurricular programs, the
 22 districts must be contiguous to each other and the
 23 agreement must also include attendance of pupils
 24 residing in one district in the schools of the other
 25 district for the purpose of taking courses."
 26 2. Page 5, by inserting after line 5 the following:
 27 "Sec. ____ . Section 257.28, Code 1981, is repealed."

CLARENCE CARNEY

S—3392

- 1 Amend amendment S—3313 to Senate
 2 File 521 as follows:
 3 1. Page 1, line 17, by striking the words
 4 "[, firms, or corporations,]" and inserting in lieu
 5 thereof the words ", firms, or corporations,".

ARTHUR L. GRATIAS

S—3393

- 1 Amend Senate File 471 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting in lieu thereof the following:
 4 "Section 1. There is appropriated from the general
 5 fund of the state to the state department of health
 6 for the fiscal year beginning July 1, 1980, and ending

7 June 30, 1981, thirty-one thousand five hundred fifty-
8 one (31,551) dollars, or so much thereof as is
9 necessary, for the licensing and certification
10 division.

11 Sec. 2. This Act, being deemed of immediate
12 importance, takes effect from and after its publication
13 in the Ottumwa Courier, a newspaper published in
14 Ottumwa, Iowa, and in The Lyon County Reporter, a
15 newspaper published in Rock Rapids, Iowa."

16 2. Title page, by striking lines 1 and 2 and
17 inserting in lieu thereof the following: "An Act
18 making a supplemental appropriation to the state
19 department of health for the licensing and
20 certification division for the fiscal year ending
21 June 30, 1981, effective upon publication."

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S-3394

1 Amend House File 509 as passed by the House as
2 follows:

3 1. Page 1, by inserting after line 33 the
4 following:

5 "Sec. ____ . This Act, being deemed of immediate
6 importance, takes effect from and after its publication
7 in The Marion Sentinel, a newspaper published in Marion,
8 Iowa, and in The Sioux County Index-Reporter, a newspaper
9 published in Hull, Iowa."

COMMITTEE ON COMMERCE
EDGAR H. HOLDEN, Chairperson

S-3395

1 Amend amendment S-3391 to Senate
2 File 521 as follows:

3 1. Page 1, by inserting after line 25 the
4 following:

5 "Boards cannot enter into more than one
6 agreement for each extracurricular activity.
7 The intent of this section excludes token
8 attendance of pupils residing in one district in the
9 schools of the other district or districts for the
10 purpose of taking courses."

ELVIE L. DREESZEN

S-3396

1 Amend Senate File 521 as follows:

- 2 1. Page 1, line 28, by inserting after the word
3 "*taking*" the words "*more than fifty percent of their*".

ARTHUR L. GRATIAS

S-3397

- 1 Amend amendment S-3390 to Senate
2 File 521 as follows:
3 1. Page 1, line 11, by inserting after the
4 word "[driving]" the words "*and approval of*
5 *laboratory or driving instruction by the instructor*
6 *not to exceed six hours*".

ARTHUR L. GRATIAS

S-3398

- 1 Amend senate File 521 as follows:
2 1. Page 2, by striking lines 30 through 35.
3 2. Page 3, by striking lines 1 through 4.

ARTHUR L. GRATIAS

S-3399

- 1 Amend Senate File 521 as follows:
2 1. Page 3, by striking lines 1 through 4
3 and inserting in lieu thereof the following: "keep
4 administrative costs as low as possible."

ARTHUR L. GRATIAS

S-3400

- 1 Amend Senate File 521 as follows:
2 1. Page 4, by inserting after line 4, the following
3 section:
4 "Sec. ____ . Section 282.6, unnumbered paragraph
5 1, Code 1981, is amended to read as follows:
6 Every school shall be free of tuition to all
7 actual residents between the ages of five and twenty-
8 one years and to resident honorably discharged
9 soldiers, sailors, and marines, as many months after
10 becoming twenty-one years of age as they have spent
11 in the military or naval service of the United States
12 before they became twenty-one[, provided, however,].
13 *However* fees may be charged covering instructional
14 costs for a summer school program *and an approved*
15 *course in driver education*. The board of education
16 may, in a hardship case, exempt a student from payment

17 of the above fees. Every person, however, who shall
18 attend any school after graduation from a four-year
19 course in an approved high school or its equivalent
20 shall be charged a sufficient tuition fee to cover
21 the cost of the instruction received by such person.”

22 2. Page 5, by inserting after line 5, the following
23 section:

24 “Sec. ____ . Section 321.178, subsection 1,
25 unnumbered paragraph 2, Code 1981, is amended to read
26 as follows:

27 Every public school district in Iowa shall offer
28 or make available to all students residing in the
29 school district or Iowa students attending a nonpublic
30 school in the district an approved course in driver
31 education. *The public school district may charge*
32 *each student enrolled in the course a fee which shall*
33 *not exceed the actual cost of the instruction.* [Said]
34 *The courses may be offered at sites other than at*
35 *the public school, including nonpublic school*
36 *facilities within the public school districts. An*
37 *approved course offered during the summer months,*
38 *on Saturdays, after regular school hours during the*
39 *regular terms or partly in one term or summer vacation*
40 *period and partly in the succeeding term or summer*
41 *vacation period[, as the case may be], shall satisfy*
42 *the requirements of this section to the same extent*
43 *as an approved course offered during the regular*
44 *school hours of the school term. A student who*
45 *successfully completes and obtains certification in*
46 *an approved course in driver education may, upon proof*
47 *of [such fact] certification, be excused from any field*
48 *test which [he] the student would otherwise be required*
49 *to take in demonstrating [his] the ability to operate*
50 *a motor vehicle.”*

ARTHUR A. SMALL, JR.

S—3401

1 Amend amendment S—3391 to Senate

2 File 521 as follows:

3 1. Page 1, line 25, by inserting after the

4 word “taking” the words “more than fifty percent

5 of their”.

ARTHUR L. GRATIAS

S—3402

1 Amend Senate File 521 as follows:

- 2 1. Page 2, by striking lines 30 through 35.
- 3 2. Page 3, by striking lines 1 through 4.
- 4 3. Renumber and change internal references to
- 5 conform to this amendment.

CLARENCE S. CARNEY
 JOE BROWN
 JULIA B. GENTLEMAN
 C.W. BILL HUTCHINS
 ALVIN V. MILLER
 DALE L. TIEDEN

S—3403

- 1 Amend Senate File 521 as follows:
- 2 1. Page 5, by inserting after line 5 the
- 3 following new section:
- 4 "Sec. ____ . *NEW SECTION.* Payment of unpaid
- 5 balances due on any activities fund account shall
- 6 at no time be paid from the school's general fund
- 7 including any unpaid balance at the end of the
- 8 fiscal year."

ARNE WALDSTEIN
 JOHN W. JENSEN

S—3404

- 1 Amend amendment S—3379 filed to Senate File 521
- 2 as follows:
- 3 1. Page 1, line 12, by striking the word "*December*"
- 4 and inserting in lieu thereof the word "*November*".
- 5 2. Page 1, line 14, by inserting after the word
- 6 "*demonstrated*" the words "*to the board of directors*
- 7 *of the school district*".
- 8 3. Page 1, line 17, by inserting after the word
- 9 "*instruction.*" the words "*The tests and other*
- 10 *evaluations shall be conducted during a period*
- 11 *beginning thirty days prior to the date set for school*
- 12 *to commence.*"

JOE BROWN

S—3405

- 1 Amend Senate File 521 as follows:

DIVISION S—3405A

- 2 1. Page I, by inserting before line 1 the
- 3 following:

4 "Section 1. Section 257.25, subsection 6,
5 unnumbered paragraph 1, Code 1981, is amended to read -
6 as follows:

7 In grades nine through twelve, a unit of credit
8 shall consist of a course or equivalent related
9 components or partial units taught throughout the
10 academic year. *The department may waive on an annual*
11 *basis the course requirements of any of the paragraphs*
12 *of this subsection upon the request of the board of*
13 *directors of a school district or the authorities*
14 *in charge of a nonpublic school if the board or*
15 *authorities are able to prove that a certificated*
16 *teacher was employed and assigned a schedule that*
17 *would have allowed students to enroll in a course*
18 *required under any of the paragraphs of this*
19 *subsection, the course was properly scheduled, students*
20 *were aware that the course was properly scheduled,*
21 *and no students enrolled in the course. The minimum*
22 *program for grades nine through twelve shall be:"*

DIVISION S—3405B

23 2. Page 1, by inserting after line 9 the following:

24 "Sec. ____ . Section 257.25, subsection 6, paragraph
25 f, Code 1981, is amended to read as follows:

26 f. Two units of one foreign language; the units
27 of foreign language may be taught in alternate years,
28 provided there is no break in the progression of
29 instruction from one year to the next. [However, the
30 department may waive on an annual basis the foreign
31 language requirement upon the request of the board
32 of directors of a school district or the authorities
33 in charge of a nonpublic school if the board or
34 authorities are able to prove that a certificated
35 teacher was employed and assigned a schedule that
36 would have allowed students to enroll in a foreign
37 language class, the foreign language class was properly
38 scheduled, students were aware that a foreign language
39 class was scheduled and no students enrolled in the
40 class.]"

41 3. By numbering and renumbering sections as
42 necessary.

RAY TAYLOR
ARTHUR L. GRATIAS
JOE BROWN
BERL E. PRIEBE

S—3406

1 Amend Senate File 521 as follows:

- 2 1. Page 2, by inserting after line 3 the following
 3 section:
 4 "Sec. ____ . Chapter 260, Code 1981, is amended
 5 by adding the following new section:
 6 *NEW SECTION. READING DISABILITIES.* A person
 7 offering services to remediate, correct, or ameliorate
 8 a reading disability shall possess a valid certificate
 9 issued under this chapter with endorsement as a reading
 10 clinician, reading specialist or teacher with approval
 11 to teach reading, whichever is applicable."
 12 2. By numbering and renumbering sections as
 13 necessary.

JOE BROWN

S—3407

- 1 Amend Senate File 521 as follows:
 2 1. Page 1, by striking lines 34 and 35, and
 3 inserting in lieu thereof the following:
 4 "of additional semester hours in the area of reading."
 5 2. Page 2, by striking lines 1 through 3.

BERL E. PRIEBE
 DALE L. TIEDEN
 EDGAR H. HOLDEN

S—3408

- 1 Amend amendment S—3087 to Senate
 2 File 271 as follows:
 3 1. Page 1, line 11, by inserting after the
 4 word "brands" the words "which are properly registered
 5 in Iowa".
 6 2. Page 1, line 12, by inserting after the
 7 word "verified" the words "and corrected, if necessary".
 8 3. Page 1, by inserting after line 14 the
 9 following:
 10 "Upon verification and correction, if necessary,
 11 the owner or owners of, if the owner is a corporation
 12 or association, the manager of a sale barn, packing
 13 plant, or stockyard shall record the brand on the
 14 bill of sale for each head of branded cattle sold."
 15 4. Page 1, line 19, by inserting after the word
 16 "brands" the words "which are properly registered in
 17 Iowa".

RICHARD VANDE HOEF

S—3409

- 1 Amend House amendment S—3268 to Senate File

2 116 as amended, passed and reprinted by the Senate
3 as follows:

- 4 1. Page 1, by inserting after line 9 the following:
5 "Sec. ____ . Section 173.2, subsection 9, Code 1981,
6 is amended to read as follows:
7 9. The president, or an accredited representative,
8 of the Iowa horse [and mule breeders association]
9 *industry council.*"

JACK W. HESTER

S—3410

1 Amend amendment S—3301 to Senate File
2 370 as follows:

- 3 1. Page 1, line 20, by inserting after the word
4 "Sec." the figures "22".
5 2. Page 2, by inserting after line 37 the
6 following:
7 " ____ . Page 38, line 13, by inserting after the
8 figures '13,' the figures '22,'"
9 3. Page 2, lines 42 and 43, by striking the words
10 and figures "beginning May 1, 1982" and inserting
11 in lieu thereof the words and figures "which shall
12 begin on July 1, 1981, and end, as provided in section
13 69.19, as if the fixed terms began on May 1, 1981".
14 4. By renumbering as necessary.

JULIA GENTLEMAN

S—3411

1 Amend Senate File 506 as follows:

- 2 1. Page 1, line 22, by inserting after the word
3 "purpose" the words "*; or of any commercial amusement*
4 *or theme park,*".
5 2. Title page, line 4, by inserting after the
6 word "waste" the words "or to be used as part of any
7 commercial amusement or theme park".

RICHARD VANDE HOEF

S—3412

1 Amend Senate File 521 as follows:

- 2 1. Page 1, by inserting after line 28 the
3 following:
4 "Sec. ____ . Section 260.6, Code 1981, is amended
5 by adding the following new unnumbered paragraph:
6 *NEW UNNUMBERED PARAGRAPH.* Persons hired to coach
7 public school students participating in extracurricular

8 interscholastic athletic contests or competitions
 9 are not required to hold a certificate issued under
 10 this chapter but are required to possess a
 11 baccalaureate degree and have completed a course in
 12 first aid approved by the department.”

13 2. Page 3, by inserting after line 18 the
 14 following:

15 “Sec. ____ . Section 280.13, Code 1981, is amended
 16 to read as follows:

17 280.13 REQUIREMENTS FOR INTERSCHOLASTIC CONTESTS

18 AND COMPETITIONS. [No] A public school shall *not*
 19 participate in or allow students representing a public
 20 school to participate in any extracurricular
 21 interscholastic contest or competition [which is]
 22 sponsored or administered by an organization as defined
 23 in this section, unless the organization is regis-
 24 tered with the state department of public instruction,
 25 files financial statements with the state department
 26 in the form and at the intervals prescribed by the
 27 state board of public instruction, and [is in compliance]
 28 *complies* with rules [and regulations] which the state
 29 board of public instruction shall adopt for the proper
 30 administration, supervision, operation, adoption of
 31 eligibility requirements, and scheduling of such
 32 extracurricular interscholastic contests and
 33 competitions and [such] organizations. For the purposes
 34 of this section “organization” means [any] a corporation,
 35 association, or organization which has as one of its
 36 primary purposes the sponsoring or administration
 37 of extracurricular interscholastic contests or
 38 competitions, but [shall] *does* not include an agency
 39 of this state, a public or private school or school
 40 board, or an athletic conference or other association
 41 whose interscholastic contests or competitions do
 42 not include more than twenty schools. *An organization*
 43 *shall not require that a person hired to coach public*
 44 *school students participating in extracurricular*
 45 *interscholastic athletic contests or competitions*
 46 *must hold a certificate issued under chapter 260 but*
 47 *shall require that the person possess a baccalaureate*
 48 *degree and have completed a course in first aid*
 49 *approved by the department.”*

50 3. By numbering and renumbering sections as

Page 2

1 necessary.

ARTHUR A. SMALL, JR.

S-3413

- 1 Amend amendment S-3312 to House File
- 2 293 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 5, by inserting after the word
- 5 "shall" the word "notify".
- 6 2. Page 1, by striking line 6 and inserting in
- 7 lieu thereof the following: "the governor and the
- 8 chairpersons".

LUCAS J. DE KOSTER
BERL E. PRIEBE

S-3414

- 1 Amend amendment S-3312 to House
- 2 File 293 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, by striking lines 5 and 6, and
- 5 inserting in lieu thereof the following: "under
- 6 the control of the department, that department shall
- 7 notify the governor and the chairpersons".

LUCAS J. DE KOSTER

S-3415

- 1 Amend Senate File 492 as follows:
- 2 1. Page 1, by inserting after line 22, the
- 3 following:
- 4 "Sec. ____ . Section 321.372, Code 1981, is
- 5 amended by adding the following new subsection:
- 6 *NEW SUBSECTION.* This section shall not apply
- 7 to designated loading and unloading zones at
- 8 school attendance centers or at extracurricular
- 9 or educational activity locations where students
- 10 exiting the bus do not have to cross the street or
- 11 highway."

CHARLES P. MILLER
RAY TAYLOR
ARTHUR L. GRATIAS
RICHARD VANDE HOEF
JOE BROWN
JAMES V. GALLAGHER
ALVIN V. MILLER

S-3416

- 1 Amend House File 303 as passed by the House as

2 follows:

3 1. Page 2, by inserting after line 28, the

4 following new section:

5 "Sec. ____ . Chapter 237A, Code 1981, is amended

6 by adding the following new section:

7 *NEW SECTION. WAIVERS.* A child day care facility,
8 subject to the licensing or registration requirements
9 of this chapter may request a waiver of the applicable
10 licensing or registration requirements of this chapter
11 and of the rules adopted pursuant to those requirements
12 from the department of social services. Upon receipt
13 of a request for a waiver the department of social
14 services shall compile its information concerning
15 the child day care facility and forward the information
16 to the county board of social welfare in the county
17 in which the facility is located. The county board
18 shall review the information and the request for the
19 waiver and shall make a recommendation on the waiver
20 request to the department of social services. The
21 department of social services shall consider the
22 county board's recommendation and may waive any or
23 all of the licensing or registration requirements
24 of this chapter and of the rules adopted pursuant
25 to those requirements. The department shall base
26 its decision to waive any or all of the requirements
27 or rules on an overall assessment of the facility's
28 ability to provide child day care in a healthy and
29 safe environment."

30 2. By renumbering as necessary.

C.W. BILL HUTCHINS

S-3417

1 Amend House File 303 as passed by the House as

2 follows:

3 1. Page 2, by striking line 29.

C.W. BILL HUTCHINS

S-3418

1 Amend Senate File 521 as follows:

2 1. Page 5, by inserting after line 5 the following

3 sections:

4 "Sec. ____ . Section 321.178, subsection 1,

5 unnumbered paragraph 1, Code 1981, is amended to read

6 as follows:

7 An approved driver education course as programmed

8 by the department of public instruction shall consist

9 of at least thirty clock hours of classroom
 10 instruction, and six or more clock hours of laboratory
 11 instruction of which at least three clock hours shall
 12 consist of street or highway driving, *except as*
 13 *otherwise provided in this subsection.*

14 Sec. ____ . Section 321.178, subsection 1, Code
 15 1981, is amended by inserting after unnumbered
 16 paragraph 1 the following new unnumbered paragraph:
 17 *NEW UNNUMBERED PARAGRAPH.* The instructor of an
 18 approved driver education course shall evaluate each
 19 student's driving ability to determine if the student
 20 requires all of the hours of laboratory instruction.
 21 The instructor shall notify the parent or guardian
 22 of the student of the intent to waive all or a portion
 23 of the hours of laboratory instruction. Upon receipt
 24 of written approval of the parent or guardian, the
 25 instructor may waive the laboratory instruction for
 26 the student as provided in the notification to the
 27 parent or guardian. A waiver of laboratory instruction
 28 requirements for a student does not excuse the student
 29 from the requirement that the student successfully
 30 complete a field test given by the instructor."
 31 2. By numbering and renumbering sections as
 32 necessary.

RAY TAYLOR

S—3419

1 Amend Senate File 463, as follows:
 2 1. Page 1, line 12, by striking the words "four
 3 thousand" and inserting in lieu thereof the words
 4 "two thousand five hundred".
 5 2. Page 2, by striking lines 4 through 11 and
 6 inserting in lieu thereof the following:
 7 "4. a. An employer who is an individual or a
 8 partner in a partnership, the employer's spouse, and
 9 the parent, brother, sister, child, or stepchild of
 10 either the employer or the employer's spouse."

TED ANDERSON
 CALVIN O. HULTMAN

S—3420

1 Amend House File 750 as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting before the word
 4 "appointed" the word "initially".
 5 2. Page 1, line 6, by inserting after the word

6 "association" the words "*and thereafter to be elected*
7 *by the producers*".

8 3. Page 1, by inserting after line 14 the following
9 new sections:

10 "Sec. ____ . Chapter 181, Code 1981, is amended
11 by adding after section 181.6 sections 3 through 7
12 of this Act.

13 Sec. 3. *NEW SECTION. ELECTION.* Notice of the
14 initial election for elected members of the executive
15 committee shall be given by the Iowa cattlemen's
16 association by publication in a newspaper of general
17 circulation in the state at least five days prior
18 to the date of the election, to be held before January
19 1, 1983, and in any other reasonable manner as may
20 be determined by the Iowa cattlemen's association.
21 The notice shall set forth the period of time for
22 voting, voting places, and such other information
23 as the Iowa cattlemen's association may deem necessary.

24 Notice of subsequent elections for elected members
25 of the executive committee in a district shall be
26 given by the executive committee by publication in
27 a newspaper of general circulation in the district
28 and in any other reasonable manner as may be determined
29 by the executive committee and shall set forth the
30 period of time for voting, voting places, and such
31 other information as the executive committee may deem
32 necessary.

33 Sec. 4. *NEW SECTION. WHO ELECTED.* In district
34 elections, the candidate receiving the highest number
35 of votes shall be elected.

36 Sec. 5. *NEW SECTION. TERMS.* Terms for elected
37 members shall be for three years and an elected member
38 of the executive committee shall not serve for more
39 than three complete consecutive terms.

40 The terms of office for the initial elected members
41 of the executive committee shall be determined by
42 lot. As nearly as possible one-third of the elected
43 members shall serve for one year, one-third of the
44 elected members shall serve for two years, and one-
45 third of the elected members shall serve for three
46 years.

47 Sec. 6. *NEW SECTION. FUTURE ELECTIONS.* After
48 election of the initial elected members of the
49 executive committee, the executive committee shall
50 administer subsequent elections for elected members

Page 2

1 of the executive committee with the assistance of

2 the Iowa cattlemen's association. Prior to the
 3 expiration of an elected member's term of office,
 4 the executive committee shall appoint a nominating
 5 committee for the district represented by such elected
 6 member. The nominating committee shall consist of
 7 five producers who are residents of the district from
 8 which an elected member must be elected. The
 9 nominating committee shall nominate two resident
 10 producers as candidates for each elected member
 11 position for which an election is to be held.
 12 Additional candidates may be nominated by a written
 13 petition of fifty producers. Procedures governing
 14 the time and place of filing shall be promulgated
 15 and publicized by the executive committee.
 16 Sec. 7. *NEW SECTION. VACANCIES.* The executive
 17 committee shall be appointment fill an unexpired term
 18 if a vacancy occurs in the executive committee."
 19 4. Renumber and correct internal references as
 20 are necessary in accordance with this amendment.

BERL E. PRIEBE

S-3421

Amend House File 750 as passed by the House, as
 2 follows:
 3 1. Page 1, line 9, by inserting after the word
 4 "association," the words "*the director of the Iowa*
 5 *development commission or director's designee,*"

BERL E. PRIEBE

S-3422

1 Amend House File 750 as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by striking the word "*five*"
 4 and inserting in lieu thereof the word "*six*".
 5 2. Page 1, line 5, by inserting after the word
 6 "members" the words "*one from each congressional*
 7 *district,*".
 8 3. Page 1, line 9, by inserting after the word
 9 "agriculture," the words "*or the secretary's*
 10 *designee,*".
 11 4. Page 1, line 11, by inserting after the word
 12 "technology," the words "*or the dean's designee,*".

BERL E. PRIEBE

S-3423

1 Amend amendment S-3312 to House File

2 293 as amended, passed and reprinted by the House
 3 as follows:
 4 1. Page 1, by striking lines 4 through 9, and
 5 inserting in lieu thereof the following: "The" the
 6 words "Before an department sells farmland having
 7 a market value in excess of one hundred thousand
 8 (100,000) dollars, a joint resolution must be passed
 9 by the legislature granting approval to the executive
 10 council to excute the sale."

ARNE WALDSTEIN
 BERL E. PRIEBE
 JAMES E. BRILES
 DALE L. TIEDEN

S-3424

1 Amend Senate File 530 as follows:
 2 1. Page 1, by inserting after line 25 the following
 3 sections:
 4 "Sec. ____ . Section 97B.49, subsection 5, unnumbered
 5 paragraph 1, Code 1981, is amended to read as follows:
 6 For each active member retiring on or after January
 7 1, 1976, with four or more complete years of service,
 8 a monthly benefit shall be computed which is equal
 9 to one-twelfth of an amount equal to [forty-seven]
 10 *forty-eight* percent of the five-year average covered
 11 wage multiplied by a fraction of years of service.
 12 For the purposes of this subsection, "fraction of
 13 years of service" means a number, not to exceed one,
 14 equal to the sum of the years of membership service
 15 and the number of years of prior service divided by
 16 thirty years.
 17 Sec. ____ . Section 97B.49, subsection 7, Code 1981,
 18 is amended to read as follows:
 19 7. Notwithstanding the provisions of this chapter,
 20 a member who is or has been employed as a conservation
 21 peace officer under the provisions of section 107.13
 22 and who retires on or after July 1, 1978 and at the
 23 time of retirement is at least sixty years of age
 24 and has completed at least twenty-five years of
 25 membership service as a conservation peace officer,
 26 may elect to receive, in lieu of the receipt of any
 27 benefits under subsection 5 of this section, a monthly
 28 retirement allowance equal to one-twelfth of [forty-
 29 seven] *forty-eight* percent of the member's five-year
 30 average covered wage as a conservation peace officer
 31 multiplied by a fraction of years of service, with
 32 benefits payable during the member's lifetime. There
 33 is appropriated from the general fund of the state

34 to the Iowa department of job service from funds not
 35 otherwise appropriated an amount sufficient to pay
 36 eight and forty-three hundredths percent of the covered
 37 wages of each conservation peace officer, in addition
 38 to the contribution paid by the employer under section
 39 97B.11, to finance increased benefits to conservation
 40 peace officers under this subsection.

41 Sec. ____ . Section 97B.49, subsection 8, paragraph
 42 a, Code 1981, is amended to read as follows:

43 a. Notwithstanding the provisions of this chapter,
 44 a member who is or has been employed as a county
 45 sheriff, as defined in section 39.17, or as a deputy
 46 sheriff appointed pursuant to chapter 341, and who
 47 retires on or after January 1, 1978 and at the time
 48 of retirement is at least sixty years of age and has
 49 completed at least twenty-five years of membership
 50 service as a county sheriff or deputy sheriff, may

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1 elect to receive, in lieu of the benefits under
 2 subsection 5 of this section, a monthly retirement
 3 allowance equal to one-twelfth of [forty-seven] *forty-*
 4 *eight* percent of the member's five-year average covered
 5 wage as a sheriff or deputy sheriff multiplied by
 6 a fraction of years of service, with benefits payable
 7 during the member's lifetime.

8 Sec. ____ . Section 97B.49, subsection 10, unnumbered
 9 paragraph 1, Code 1981, is amended to read as follows:

10 Notwithstanding sections of this chapter relating
 11 to eligibility for and determination of retirement
 12 benefits, a vested member who is or has been employed
 13 as a correctional officer by the department of social
 14 services and who retires on or after July 1, 1983
 15 and at the time of retirement is at least sixty years
 16 of age and has completed at least thirty years of
 17 membership service as a correctional officer, may
 18 elect to receive, in lieu of the receipt of benefits
 19 under subsection 5 of this section, a monthly
 20 retirement allowance equal to one-twelfth of [forty-
 21 seven] *forty-eight* percent of the member's five-year
 22 average covered wages as a correctional officer
 23 multiplied by a fraction of years of service, with
 24 benefits payable during the member's lifetime."

25 2. By numbering sections as necessary.

JOHN N. NYSTROM

S-3425

1 Amend amendment S-3420 to House

- 2 File 750 as passed by the House, as follows:
 3 1. Page 2, line 13, by striking the word
 4 "fifty" and inserting in lieu thereof the word
 5 "twenty-five".

C. JOSEPH COLEMAN

S-3426

- 1 Amend Senate File 438 as follows:

DIVISION S-3426A

- 2 1. Page 1, line 14, by striking the word
 3 "Applications" and inserting in lieu thereof the words
 4 "Information contained in applications".

DIVISION S-3426B

- 5 2. Page 1, line 16, by inserting after the word
 6 "districts" the words "when disclosure would needlessly
 7 and irreparably injure the reputation of the applicant.
 8 The name, address, date of birth, former employers,
 9 education, training and experience of an applicant
 10 shall not be kept confidential under this subsection".

A.R. BUD KUDART

S-3427

- 1 Amend Senate File 524 as follows:
 2 1. Page 8, by striking lines 8 and 9, and
 3 inserting in lieu thereof the following: "trans-
 4 portation regulation authority."

RICHARD F. DRAKE

S-3428

- 1 Amend Senate File 491 as follows:
 2 1. Page 2, by inserting after line 27 the
 3 following:
 4 "Sec. ____ . Section 86.9, Code 1981, is amended
 5 to read as follows:
 6 86.9 BIENNIAL REPORTS. The commissioner shall,
 7 at the time provided by law, make a biennial report
 8 to the governor setting forth in appropriate form
 9 the business and expense of the office for the two
 10 preceding years, [the number of arbitrations and the
 11 results thereof,] and [such] other matters pertaining
 12 to [his] *the* office as may be of public interest,

- 13 together with any recommendations for change or
14 amendment of the laws as found in this chapter and
15 chapters 85 and 87, and [such] *the* recommendations,
16 if any, shall be transmitted by the governor to the
17 first general assembly in session thereafter.”
18 2. By renumbering sections as necessary.

BOB RUSH

S—3429

- 1 Amend amendment S—3254 to Senate
2 File 399 as follows:
3 1. Page 1, line 18, by inserting after the
4 word “*less*” the words “, *between one hour after*
5 *sunset and one hour before sunrise*”.

JOHN S. MURRAY

S—3430

- 1 Amend Senate File 399 as follows:
2 1. Page 10, by striking lines 29 through 32,
3 and inserting in lieu thereof the following:
4 “(1) No motorboard shall be operated at speeds
5 greter than five miles per hour when within two
6 hundred fifty feet of another craft traveling at five
7 miles per hour or less or any sailboat at any time.”
8 2. Page 12, by striking lines 16 through 17,
9 and inserting in lieu thereof the following:
10 “b. Boats equipped with outboard motors of not
11 more than six horsepower on all artificial”.

JULIA GENTLEMAN

S—3431

- 1 Amend Senate File 511 as follows:
2 1. Page 1, line 11, by inserting after the period
3 the following: “On levy, the lien shall attach as
4 of the date of the judgment.”

DONALD V. DOYLE

S—3432

- 1 Amend Senate File 399 as follows:
2 1. Page 11, line 19, by striking the words
3 “[December] *November*” and inserting in lieu thereof
4 the word “December”.

BERL E. PRIEBE
LUCAS J. DE KOSTER

S—3433

- 1 Amend Senate file 501 as follows:
- 2 1. Page 1, line 12, by inserting after the
- 3 word "nursery." the words "Preference shall be
- 4 given to a site where prison labor is or can be
- 5 made readily available."

LUCAS J. DE KOSTER
GARY L. BAUGHER

S—3434

- 1 Amend Senate File 434 as follows:
- 2 1. Page 3, line 14, by inserting after the period
- 3 the following:
- 4 "However, if such person disclaims only the future
- 5 interest, in whole or in part, that person shall
- 6 retain the present interest, and the disclaimer shall
- 7 only effect the future interest involved."

A.R. BUD KUDART

S—3435

- 1 Amend Senate File 506 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 number "4," the words "*or of one or more physicians*
- 4 *for an office building to be used by professional*
- 5 *health care providers, including appropriate*
- 6 *ancillary facilities.*"
- 7 2. Title page, line 4, by inserting after the
- 8 word "waste" the words "or to be used for an
- 9 office building, including appropriate ancillary
- 10 facilities, by professional health care providers".

EDGAR H. HOLDEN

S—3436

- 1 Amend Senate File 506 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 number "4," the words "*or of one or more physicians*
- 4 *for an office building to be used exclusively by*
- 5 *professional health care providers, including*
- 6 *appropriate ancillary facilities.*"
- 7 2. Title page, line 4, by inserting after the
- 8 word "waste" the words "or to be used for an
- 9 office building, including appropriate ancillary
- 10 facilities, exclusively by professional health
- 11 care providers".

EDGAR H. HOLDEN

S--3437

- 1 Amend Senate File 508 as follows:
- 2 1. By striking pages 1 and 2.
- 3 2. Page 3, by striking lines 1 through 4.
- 4 3. Page 3, by inserting before line 5 the
- 5 following:
- 6 "Section 1. Chapter 323, Code 1981, is amended
- 7 by adding the following new section:".
- 8 4. By renumbering sections as necessary.

JOHN W. JENSEN

S--3438

- 1 Amend House File 154 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by striking lines 12 through 25.

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S--3439

- 1 Amend House File 739 as passed by the House
- 2 as follows:
- 3 1. Page 1, line 17, by inserting after the
- 4 word "adoption" the words "of a person".
- 5 2. Page 1, line 20, by inserting after the
- 6 word "adoption" the words "of a person".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S--3440

- 1 Amend Senate File 321 as follows:
- 2 1. Page 22, by inserting after line 30 the
- 3 following:
- 4 "Sec. ____ . Section 214.1, Code 1981, is amended
- 5 by adding the following new subsection:
- 6 *NEW SUBSECTION.* 'Bulk terminal meter' shall mean
- 7 any pump, meter or similar measuring device used in
- 8 the wholesale distribution of motor vehicle fuel or
- 9 fuel oil.
- 10 Sec. ____ . Section 214.2, Code 1981, is amended
- 11 to read as follows:
- 12 214.2 LICENSE. Every person who [shall use] *uses*
- 13 or [display] *displays* for use [any] a public scale, pump
- 14 or meter used in measuring the quantity of gasoline
- 15 or fuel oil sold to consumer customers *or a bulk*

16 *terminal meter used for the wholesale distribution*
 17 *of motor vehicle fuel or fuel oil shall secure a*
 18 license for [said] *the scale, pump or meter from the*
 19 *department."*

20 2. Page 22, line 34, by striking the words "scales
 21 and" and inserting in lieu thereof the word "scales,".

22 3. Page 22, line 35, by inserting after the word
 23 "pumps" the words "and bulk terminal meters".

24 4. Page 23, line 2, by inserting after the word
 25 "pump" the words "and bulk terminal meter".

26 5. Page 23, by inserting after line 2 the
 27 following:

28 "Sec. ____ . Section 214.5, Code 1981, is amended
 29 to read as follows:

30 214.5 LICENSE TO BE DISPLAYED. The license plate
 31 shall be displayed prominently on the front of the
 32 scale or pump *or bulk terminal meter*, and the defacing
 33 or wrongful removal of such plate shall be punished
 34 as provided in chapter 189. Absence of license plate
 35 shall be prima-facie evidence that the weighing or
 36 measuring device is being operated contrary to law."

37 6. By numbering and correcting internal references
 38 as required by this amendment.

JOE BROWN

S-3441

1 Amend Senate File 399 as follows:

2 1. Page 19, lines 8 and 9, by striking the words
 3 "e and f" and inserting in lieu thereof the words
 4 "and e".

DONALD V. DOYLE
 BASS VAN GILST

S-3442

1 Amend Senate File 511 as follows:

2 1. Page 1, by striking line 7, and inserting
 3 in lieu thereof the following: "demand on the
 4 owner of the judgment. The demand shall state that
 5 the lien and all benefits derived therefrom".

6 2. Page 1, by striking line 10, and inserting
 7 in lieu thereof the following: "that real estate
 8 within twenty days".

LUCAS J. DE KOSTER
 DONALD V. DOYLE

S-3443

1 Amend amendment S-3290 to Senate File

2 470 as follows:

- 3 1. Page 1, by striking lines 10 through 19, and
 4 inserting in lieu thereof the following:
 5 "____. Page 1, line 30, by striking the words
 6 "The department may contract".
 7 _____. Page 1, by striking lines 31 and 32.
 8 _____. Page 1, line 33, by striking the words
 9 'service to administer,' and inserting in lieu thereof
 10 the words "The state department of public instruction
 11 shall'."

GARY L. BAUGHER

S-3444

1 Amend Senate File 504 as follows:

- 2 1. Page 2, by striking lines 13 through 25 and
 3 inserting in lieu thereof the following:
 4 "110.3 WILDLIFE HABITAT STAMP AND FEES. A resident
 5 or nonresident person required to have a hunting or
 6 trapping license shall not hunt or trap unless [he
 7 or she] *the person* has on his or her person a valid
 8 wildlife habitat stamp signed in ink with [his or
 9 her] *the person's* signature across the face of the
 10 stamp. This section shall not apply to residents
 11 who are permanently disabled or who are younger than
 12 sixteen or older than sixty-five years of age. [Special
 13 wildlife habitat stamps shall be administered in the
 14 same manner as hunting and trapping licenses except
 15 all revenue derived from the sale of the wildlife
 16 habitat stamps shall be used within the state of Iowa
 17 for habitat development and shall be deposited in
 18 the state fish and game protection fund.] *Three dollars*
 19 *of each*".
 20 2. Page 2, by inserting after line 29 the
 21 following: "*Special wildlife habitat stamps shall*
 22 *be distributed with the licenses specified in this*
 23 *section when the licenses are sold.*"

JOE BROWN

S-3445

1 Amend Senate File 470 as follows:

- 2 1. Page 1, by striking lines 18 through 23.

ARTHUR A. SMALL, JR.

S-3446

1 Amend Senate File 321 as follows:

- 2 1. By striking everything after the enacting

3 clause and inserting in lieu thereof the following:

4 "Section 1. Chapter 159, Code 1981, is amended

5 by adding the following new section:

6 *NEW SECTION. LICENSES AND FEES.* For those statutes
7 which provide for licenses or certificates to be
8 issued by the department and for the payment of fees
9 for the licenses or certificates, the secretary shall
10 review the fees every two years and make
11 recommendations to the general assembly for needed
12 changes. If an annual fee for a license or certificate
13 is less than one hundred dollars, a biennial license
14 or certificate may be issued by the secretary at the
15 option of the applicant and twice the annual fee shall
16 be collected. A biennial license will expire one
17 year from the date the annual license would expire,
18 but this shall not prohibit the department from
19 carrying out inspections as would be required for
20 an annual license.

21 Sec. 2. Section 162.3, Code 1981, is amended to
22 read as follows:

23 162.3 CERTIFICATE OF REGISTRATION FOR POUND.

24 [No] A pound shall *not* be operated unless a certificate
25 of registration for the pound is granted by the
26 secretary. Application for the certificate shall
27 be made in the manner approved by the secretary.

28 [No] A fee of *twenty-five dollars* shall be required
29 for the application or certificate. Certificates
30 of registration shall expire annually on March 1
31 unless revoked and may be renewed upon application
32 in the manner provided by the secretary. A registered
33 pound may engage in the sale of dogs or cats, or both,
34 under its control, if [it] *the pound* obtains a license
35 for [such] *that* activity, but [no] a fee shall *not* be
36 charged [therefor] unless the registered pound is
37 privately owned.

38 Sec. 3. Section 162.4, Code 1981, is amended to
39 read as follows:

40 162.4 CERTIFICATE OF REGISTRATION FOR ANIMAL

41 SHELTER. [No] A person shall *not* operate an animal
42 shelter unless a certificate of registrtrion for the
43 animal shelter is granted by the secretary.

44 Application for the certificate shall be made in the
45 manner provided by the secretary. [No] A fee shall
46 *not* be required for the application or certificate.
47 Certificates of registration shall expire annually
48 on March 1 unless revoked and may be renewed in the
49 manner provided by the secretary. A registered animal
50 shelter may engage in the sale of dogs or cats, or

Page 2

1 both, under its control, if [it] *the shelter* obtains
2 a license for [such] *the* activity, but [no] a fee shall
3 *not* be charged [therefor].

4 Sec. 4. Section 162.5, Code 1981, is amended to
5 read as follows:

6 162.5 PET SHOP LICENSE. [No] *A* person shall *not*
7 operate a pet shop unless [he] *the person* has obtained
8 a license to operate a pet shop issued by the
9 secretary. Application for the license shall be made
10 in the manner provided by the secretary. The license
11 shall expire [annually] on March 1 [of each year] unless
12 revoked and may be renewed in the manner provided
13 by the secretary. The license fee shall be [forty]
14 *fifty* dollars per year [or ten dollars for each quarter
15 or portion of a quarter of a year]. The license may
16 be renewed if the licensee has conformed to all
17 statutory and regulatory requirements.

18 Sec. 5. Section 162.6, Code 1981, is amended to
19 read as follows:

20 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

21 [No] *A* person shall *not* operate a commercial kennel
22 or public auction, as defined in section 162.2, unless
23 [he] *the person* has obtained a license to operate a
24 commercial kennel or a public auction issued by the
25 secretary [or unless he has obtained a certificate
26 of registration issued by the secretary if his kennel
27 is federally licensed]. Application for the license
28 [or the certificate] shall be made in the manner provided
29 by the secretary. The license [and the certificate]
30 shall expire [annually] on March 1 unless revoked.
31 The license fee shall be twenty-five dollars per year
32 [or seven dollars for each quarter or portion of a
33 quarter of a year and the certification fee shall
34 be five dollars annually]. If the person has obtained
35 a [federal license, he need only obtain a certificate]
36 *license for a commercial kennel, the person may*
37 *register and operate the same facility as a boarding*
38 *kennel or a pound with no additional license fee*
39 *required.* The license may be renewed upon application
40 and payment of the prescribed fee in the manner
41 provided by the secretary [provided] *if* the licensee
42 has conformed to all statutory and regulatory
43 requirements. [The certificate may be renewed upon
44 application and payment of the prescribed fee in the
45 manner provided by the secretary.]

46 Sec. 6. Section 162.7, Code 1981, is amended to
47 read as follows:

48 162.7 DEALER LICENSE. [No] A person shall *not*
49 operate as a dealer unless [he] *the person* has obtained
50 a license issued by the secretary [or unless he has

Page 3

1 obtained a certificate of registration issued by the
2 secretary if his kennel is federally licensed].
3 Application for the license [or the certificate] shall
4 be made in the manner provided by the secretary.
5 The license [and certificate] shall expire [annually]
6 on March 1 unless revoked. The license fee shall
7 be fifty dollars per year [or fifteen dollars for each
8 quarter or portion of a quarter of a year, and the
9 certification fee shall be five dollars per year].
10 The license may be renewed upon application and payment
11 of the prescribed fee in the manner provided by the
12 secretary[, provided] *if* the licensee has conformed
13 to all statutory and regulatory requirements. [The
14 certificate may be renewed upon application and payment
15 of the prescribed fee in the manner provided by the
16 secretary.]

17 Sec. 7. Section 162.8, Code 1981, is amended to
18 read as follows:

19 162.8 COMMERCIAL BREEDER'S LICENSE. [No] A person
20 shall *not* operate as a commercial breeder unless [he]
21 *the person* has obtained a license issued by the
22 secretary [or unless he has obtained a certificate
23 of registration issued by the secretary if his kennel
24 is federally licensed]. Application for the license
25 [or the certificate] shall be made in the manner provided
26 by the secretary. The [annual] license [or the
27 certification] period shall commence March 1 [of each
28 year]. The license fee shall be twenty-five dollars
29 per year [or seven dollars for each quarter or portion
30 of a quarter of a year and the certificate fee shall
31 be five dollars per year]. The license may be renewed
32 upon application and payment of the prescribed fee
33 in the manner provided by the secretary [provided] *if*
34 the licensee has conformed to all statutory and
35 regulatory requirements. [The certificate may be
36 renewed upon application and payment of the prescribed
37 fee in the manner provided by the secretary.]

38 Sec. 8. Section 162.9, Code 1981, is amended to
39 read as follows:

40 162.9 BOARDING KENNEL OPERATOR'S LICENSE. [No]
41 A person shall *not* operate a boarding kennel unless
42 [he] *the person* has obtained a license to operate a
43 boarding kennel issued by the secretary. Application

44 for the license shall be made in the manner provided
45 by the secretary. The [annual] license period shall
46 commence March 1 [of each year]. The license fee shall
47 be [fifteen] *twenty* dollars per year [or four dollars
48 for each quarter or portion of a quarter of a year].
49 The license may be renewed upon application and payment
50 of the prescribed fee in the manner provided by the

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1 secretary [provided] if the licensee has conformed to
2 all statutory and regulatory requirements.

3 Sec. 9. Section 162.10, Code 1981, is amended
4 to read as follows:

5 162.10 HOBBY KENNEL OWNER'S LICENSE. [No] A person
6 shall *not* operate a hobby kennel unless [he] *the person*
7 obtains a license issued by the secretary. Application
8 for the license shall be in the manner provided by
9 the secretary. The [annual] license period shall
10 commence March 1. The license fee shall be [two] *ten*
11 dollars per year. The license may be renewed upon
12 application in the manner prescribed by the secretary,
13 provided the licensee has conformed to all statutory
14 and regulatory requirements.

15 Sec. 10. Chapter 163, Code 1981, is amended by
16 adding sections 11 and 12 of this Act as a new division
17 entitled "Livestock Dealers and Agents".

18 Sec. 11. *NEW SECTION. DEFINITIONS.* When used
19 in this division:

20 1. "Department" means the Iowa department of
21 agriculture.

22 2. "Livestock dealer" means a person engaged in
23 the business of buying for resale, or selling, leasing,
24 or exchanging livestock, except feeder swine, as a
25 principal, or one who holds himself or herself out
26 as so engaged, but does not include the owner or
27 operator of a farm who does not hold himself or herself
28 out as so engaged, and who sells, leases, or exchanges
29 only the livestock which have been kept by the person
30 for feeding or breeding purposes.

31 3. "Livestock agent" means an employee or agent
32 doing business by buying for resale, selling, or
33 exchanging livestock, except feeder swine, in the
34 name of a licensed livestock dealer.

35 4. "Livestock" means cattle, horses, sheep, goats,
36 swine other than feeder swine, or any other animals
37 of the bovine, equine, ovine, caprine, or porcine
38 species.

39 Sec. 12. *NEW SECTION. LICENSE REQUIRED.*

40 1. A person shall not act as a livestock dealer
41 without obtaining a livestock dealer's license from
42 the department. The fee for a livestock dealer's
43 license is one hundred dollars per year. To secure
44 a license, the applicant must file with the department
45 a bond in an amount equal to or greater than that
46 required for livestock dealers by the federal Packers
47 and Stockyards Act, with the secretary named as trustee
48 for the use and benefit of anyone damaged by a
49 violation of this title by a livestock dealer.
50 2. A person shall not act as a livestock agent

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1 without obtaining a livestock agent's license from
2 the department. The fee for a license of a livestock
3 agent is twenty dollars per year.

4 3. All licenses of this section shall expire on
5 the first day of September. The licenses shall be
6 numbered and the dealer or agent shall retain the
7 number when the license is renewed. Licenses shall
8 be issued upon application forms furnished by the
9 department.

10 4. This section does not apply to persons licensed
11 as required in chapter 172A.

12 Sec. 13. Section 163.27, Code 1981, is amended
13 to read as follows:

14 163.27 [BOILING] *FEEDING GARBAGE PROHIBITED.* It
15 shall be unlawful for any person, firm, partnership,
16 or corporation to feed garbage to animals [unless such
17 garbage has been heated to a temperature of 212 F.
18 for thirty minutes, or other acceptable method, as
19 provided by rules promulgated by the department,
20 provided this]. *This* requirement shall not apply to
21 an individual who feeds to his *or her* own animals
22 only the garbage obtained from his *or her* own
23 household. [It shall be unlawful for any person, firm,
24 partnership, or corporation to feed any public or
25 commercial garbage to swine after September 1, 1970.]

26 Sec. 14. Section 163.30, subsection 3, unnumbered
27 paragraphs 1 and 2, Code 1981, are amended to read
28 as follows:

29 [No] A person shall *not* act as a dealer without first
30 securing a dealer's license from the department.
31 The fee for a dealer's license shall be [five] *one*
32 *hundred* dollars per annum and all licenses shall
33 expire on the first day of July [following date of
34 issue]. Licenses shall be numbered and the dealer
35 shall retain [his] *the* number from year to year. To

36 secure a license, the applicant [must] *shall* file with
37 the department a bond in the sum of ten thousand
38 dollars with the secretary named as trustee, for the
39 use and benefit of anyone damaged by a violation of
40 this section, except that the bond shall not be
41 required for dealers who are bonded in the same or
42 a greater amount than required pursuant to the federal
43 Packers and Stockyards Act.

44 Each employee or agent doing business by buying
45 for resale, selling or exchanging feeder swine in
46 the name of a licensed dealer, shall [be required to]
47 secure a permit and identification card issued by
48 the department showing [he] *that the person* is employed
49 by or represents a licensed dealer. All [such] permits
50 and identification cards shall be issued upon

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1 application forms furnished by the department at a
2 cost of [three] *twenty* dollars per annum, and shall
3 expire on the first day of July [following the date
4 of issue].

5 Sec. 15. Section 163.41, unnumbered paragraph
6 1, Code 1981, is amended to read as follows:

7 A person shall not engage in the business of leasing
8 a breeding bull without having obtained a *livestock*
9 *dealer's* license from the department of agriculture
10 and registering each breeding bull as provided in
11 this division. [An annual license may be obtained
12 from the department of agriculture upon application
13 and payment of a ten dollar fee. Each license shall
14 expire on the first of July following the date of
15 issue]. An application shall be made on a form provided
16 by the department of agriculture and shall contain
17 the name of the person engaged in the business of
18 leasing breeding bulls as lessor, the address of [such]
19 *the* business, the registration number of each breeding
20 bull, and a description as to breed, color and other
21 distinguishing marks, leased as lessor, and [such] other
22 information [as] the secretary of agriculture may specify
23 by rule promulgated pursuant to chapter 17A.

24 Sec. 16. Section 166A.2, unnumbered paragraph
25 1, Code 1981, is amended to read as follows:

26 [Any] A person engaged as a dealer shall [be required
27 to] obtain a *livestock dealer's* license from the
28 department. [The fee for such license shall be five
29 dollars per year and all licenses shall expire on
30 the first day of July following date of issue].

31 Licenses shall be numbered and the dealer shall retain

32 [his] *the* number [from year to year] *with each renewal.*

33 Sec. 17. Section 168.3, Code 1981, is amended

34 to read as follows:

35 168.3 TERM AND FEE. The license fee shall be
36 *twenty-five dollars per annum for a person engaged*
37 *in the business of custom hatching, producing, and*
38 *selling baby chicks, and ten dollars per annum[, and*
39 *each] for a person engaged strictly in selling or*
40 *offering for sale baby chicks at retail. Each license*
41 *shall expire on July 1 after date of issue.*

42 Sec. 18. Section 171.2, Code 1981, is amended

43 to read as follows:

44 171.2 LICENSE. Every person engaged in the
45 business of operating a cold storage plant and who
46 charges a fee for the service rendered shall obtain
47 a *food establishment* license from the department for
48 each establishment at which said business is conducted.
49 Applications for such licenses shall be made upon
50 blanks furnished by the department and shall conform

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1 to the prescribed rules of the department.

2 Sec. 19. Section 172.2, Code 1981, is amended

3 to read as follows:

4 172.2 LICENSE. [No] A person shall *not* engage in
5 the operation of a frozen food locker plant or a
6 branch frozen food locker plant until [he] *the person*
7 has obtained a [separate] license from the department
8 for each [such location or] establishment. *If a plant*
9 *is subject to inspection under chapter 170 or 189A*
10 *on the effective date of this Act, its license shall*
11 *be issued under the chapter which governs its*
12 *inspection. If a plant is established after the*
13 *effective date of this Act, the person operating the*
14 *plant may choose either license, depending upon the*
15 *type of food handled, processed, or stored, subject*
16 *to later correction by the department. Application*
17 *for such license or licenses shall be made upon forms*
18 *furnished by the department and shall contain the*
19 *items required by it as to ownership, management,*
20 *location, equipment, and other data concerning the*
21 *business for which each license is desired.*

22 Sec. 20. Section 187.4, Code 1981, is amended

23 to read as follows:

24 187.4 RECORDING—FEE: Any person desiring to
25 adopt a brand shall forward to the secretary proper
26 brand application forms of [such] *the* desired brand,
27 together with a recording fee [in an amount established

28 by rule of the secretary pursuant to chapter 17A,
29 which amount shall be based upon the administrative
30 costs of maintaining the brand program provided for
31 by this chapter] of *twenty-five dollars*. Upon receipt
32 of [such] *the* application and fee, the secretary shall
33 file [the same] *them* and unless [such] *the* brand is of
34 record as that of some other person or conflicts with
35 or closely resembles the brand of another person,
36 the secretary shall record [the same] *it*. If the
37 secretary determines that [such] *the* brand is of record
38 or conflicts with or closely resembles the brand of
39 another person [he] *the secretary* shall not record it
40 but shall return [such] *the* facsimile and fee to the
41 forwarding person. The power of examination, approval,
42 acceptance, or rejection [shall be] *is* vested in the
43 secretary. It [shall be] *is* the duty of the secretary
44 to file all brands offered for record pending the
45 examination provided for in this section. The
46 secretary shall make [such] *the* examination as promptly
47 as possible. If the brand is accepted, the ownership
48 [thereof shall vest] of *the brand vests* in the person
49 recording it from the date of filing.

50 Sec. 21. Section 187.8, Code 1981, is amended

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1 to read as follows:
2 187.8 SALE OR ASSIGNMENT OF BRAND. Any brand
3 recorded as provided in section 187.4 [shall be] *is*
4 the property of the person causing [such] *the* record
5 to be made and [shall be] *is* subject to sale, assignment,
6 transfer, devise, and descent as personal property.
7 Instruments of writing, evidencing the sale,
8 assignment, or transfer of [such] *the* brand shall be
9 recorded by the secretary and the fee for recording
10 such sale, assignment, or transfer [shall be in an
11 amount established by rule of the secretary pursuant
12 to chapter 17A, which amount shall be based upon the
13 administrative costs of maintaining the brand program
14 provided for by this chapter] *is twenty-five dollars*.
15 Sec. 22. Section 187.13, Code 1981, is amended
16 to read as follows:
17 187.13 FEE EACH FIFTH YEAR. Each owner of a brand
18 of record [beginning on January 1, 1970,] shall pay
19 to the secretary [a fee of five dollars and] a renewal
20 fee on January 1 of each fifth year after [the payment
21 of the five dollar fee, or on January 1 of each fifth
22 year following] the original recording of a brand
23 [recorded after June 30, 1975]. The [amount of the]

24 renewal fee [required for January 1, 1976 and each
 25 year thereafter shall be established by rule of the
 26 secretary pursuant to chapter 17A] *is twenty dollars.*
 27 [Such amount shall be based upon the administrative
 28 costs of maintaining the brand program provided for
 29 in this chapter. It shall be the duty of the] *The*
 30 secretary [to] *shall* notify every owner of a brand of
 31 record at least thirty days prior to the date of the
 32 renewal period. The secretary shall give a receipt
 33 for all [such] payments made and if any owner of a brand
 34 of record [shall fail, refuse,] *fails, refuses, or*
 35 [neglect] *neglects* to pay [such] *the* fee by July 1 of
 36 each year in which it is due, [such] *the* brand shall
 37 become forfeited and no longer carried in the record.
 38 [Any such] *A* forfeited brand shall not be issued to
 39 any other person within a period of less than five
 40 years following date of forfeiture.

41 Sec. 23. Section 189.19, subsection 3, Code 1981,
 42 is amended by striking the subsection and inserting
 43 in lieu thereof the following:

44 3. INSPECTION OF RECORDS. The department shall
 45 have access to an applicant's place of business and
 46 office to examine relevant records to determine gross
 47 sales when the information is used to determine the
 48 appropriate license or inspection. This shall apply
 49 to applicants for licenses issued under title IX as
 50 well.

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1 Sec. 24. Section 189A.3, unnumbered paragraph
 2 1, subsections 1 and 2, and unnumbered paragraph 2,
 3 Code 1981, are amended to read as follows:

4 [No] *A* person shall *not* operate an establishment
 5 other than a grocery store or food service
 6 establishment as defined in section 170A.2 without
 7 first obtaining a license from the department. The
 8 license fee for each establishment per year or any
 9 part of a year shall be:

10 1. For all meat and poultry slaughtered or
 11 otherwise prepared not exceeding twenty thousand
 12 pounds per year for sale, resale, or custom, [twenty-
 13 five] *fifty* dollars.

14 2. For all meat and poultry slaughtered or
 15 otherwise prepared in excess of twenty thousand pounds
 16 per year for sale, resale, or custom, [fifty] *one hundred*
 17 dollars.

18 The funds shall be deposited with the department
 19 of agriculture. The license [year] *period* shall [be

20 from July 1 to] *end on* June 30. Applications for
21 licenses shall be in writing on forms prescribed by
22 the department.

23 Sec. 25. Section 192.40, Code 1981, is amended
24 to read as follows:

25 192.40 FEES. The fee for each license shall be
26 [three] *ten* dollars, and standard test bottles and
27 pipettes shall be furnished at actual cost.

28 Sec. 26. Section 194.14, Code 1981, is amended
29 to read as follows:

30 194.14 FEE. Each license shall, unless sooner
31 revoked, be valid until July 1 [after date of issuance].
32 The fee [therefor] shall be [three] *ten* dollars, which
33 shall be paid before the license is issued.

34 Sec. 27. Section 195.9, Code 1981, is amended
35 to read as follows:

36 195.9 TENURE—FEE. Each license shall, unless
37 sooner revoked, be valid until July 1 [after date of
38 issuance]. The fee [therefor] shall be [three] *ten* dollars
39 which shall be paid before the license is issued.

40 Sec. 28. Section 195.17, Code 1981, is amended
41 to read as follows:

42 195.17 TENURE—FEES. [Such] *The* license, unless
43 sooner revoked, shall expire December 31 after the
44 date of issuance. The fee [therefor], payable to the
45 secretary before its issuance, shall be:

- 46 1. For each creamery, [five] *fifty* dollars.
- 47 2. For each cream station, [three] *twenty-five*
48 dollars.
- 49 3. For each vehicle, [three] *ten* dollars.
- 50 4. For each cheese factory, [five] *fifty* dollars.

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1 Sec. 29. Section 198.9, subsection 1, unnumbered
2 paragraph 1, Code 1981, is amended to read as follows:

3 An inspection fee to be fixed annually by the
4 secretary, at the rate of no more than [ten] *twelve*
5 cents per ton shall be paid on commercial feeds
6 distributed in this state, by the person who
7 distributes the commercial feed to the consumer,
8 subject to the following:

9 Sec. 30. Section 199.15, Code 1981, is amended
10 to read as follows:

11 199.15 PERMIT NUMBER—FEE—FRAUD. No person shall
12 sell, distribute, solicit orders for, offer or expose
13 for sale, any agricultural seed without first obtaining
14 from the department a permit number to engage in such
15 business. No permit number shall be required of

16 persons selling seeds, including seed corn, which
 17 has been packed and distributed by a seedsman holding
 18 and having in force a permit number as herein provided.
 19 No permit number shall be required of persons selling,
 20 offering or exposing for sale seed of their own
 21 production, provided that [such] the seed is stored
 22 or delivered to purchaser only on or from the farm
 23 or premises where grown. The fee for each permit
 24 number shall be [five dollars per annum, and all] based
 25 on sales volume as follows:

26 1. For a sales volume of less than ten thousand
 27 dollars, fifteen dollars.

28 2. For ten thousand to less than fifty thousand
 29 dollars, thirty-five dollars.

30 3. For fifty thousand to less than one hundred
 31 thousand dollars, fifty dollars.

32 4. For one hundred thousand to less than two
 33 hundred thousand dollars, seventy-five dollars.

34 5. For two hundred thousand dollars or more, one
 35 hundred dollars.

36 **PARAGRAPH DIVIDED.** All permit numbers shall expire
 37 on the first day of July [following date of issue].
 38 After due notice given at least ten days prior to
 39 a date of hearing fixed by the secretary of
 40 agriculture, the department may revoke or refuse to
 41 renew any permit issued under the authority of this
 42 section, if intent to defraud is established. The
 43 failure to fulfill any contract to repurchase the
 44 seed crop produced from any agricultural seed, other
 45 than hybrid seed corn, if the same meets the
 46 requirements set forth in the contract and the
 47 standards specified in this chapter, [shall be] is
 48 prima-facie evidence of intent to defraud the purchaser
 49 at the time of entering into the contract.

50 Sec. 31. Section 201.12, Code 1981, is amended

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1 to read as follows:

2 201.12 RULES [AND REGULATIONS]. The secretary of
 3 agriculture [is hereby empowered to] may prescribe and
 4 enforce [such] rules [and regulations] relating to
 5 agricultural lime, limestone, or aglime as [may be
 6 deemed] necessary to carry into effect the full intent
 7 and meaning of this chapter, [including establishing]
 8 and [collecting a reasonable] collect an annual fee
 9 of forty dollars from the producers of agricultural
 10 lime to cover the cost of obtaining samples and
 11 analyzing [same] them as prescribed in sections 201.6

12 and 201.7, and [to] *may* refuse the registration of [any]
 13 agricultural lime, limestone, or aglime under a name
 14 or claim which would be misleading.

15 Sec. 32. Section 201.13, Code 1981, is amended
 16 to read as follows:

17 201.13 FEES TO [STATE TREASURY] *FERTILIZER FUND.*

18 The moneys received under [the provisions of] this
 19 chapter shall be [paid into the state treasury] *placed*
 20 *in the fertilizer fund created by section 200.9 for*
 21 *the payment of costs of inspection, sampling, analysis,*
 22 *supportive research, and other expenses necessary*
 23 *for the administration of this chapter.* The secretary
 24 of agriculture shall issue a quarterly report showing
 25 a statement of moneys received from license fees for
 26 the sale of agriculture lime, limestone or aglime,
 27 and of fines collected from prosecutions in the
 28 enforcement of this chapter. The secretary shall
 29 also issue a quarterly report, which shall be available
 30 to the public, showing the certifications of ECCE
 31 for all agricultural lime, limestone, or aglime
 32 certified as provided in this chapter, which report
 33 shall be by manufacturer or producer and location
 34 or locations. The reports required by this section
 35 shall be issued not later than twenty days after March
 36 31, June 30, September 30, and December 31.

37 Sec. 33. Section 214.1, subsections 1 and 2, Code
 38 1981, are amended to read as follows:

39 1. "[Public] *Commercial scale*" shall mean any scale
 40 or weighing device for the use of which a charge is
 41 made or compensation is derived.

42 2. "[Gasoline] *Motor vehicle fuel pump*" shall mean
 43 any pump, meter, or similar measuring device used
 44 for measuring [gasoline] *motor vehicle fuel for sale*
 45 *at retail.*

46 Sec. 34. Section 214.1, Code 1981, is amended
 47 by adding the following new subsection:

48 *NEW SUBSECTION.* "Bulk truck pump" shall mean any
 49 pump, meter, or similar measuring device used to
 50 measure motor vehicle fuel or fuel oil on a bulk truck

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1 or tank used for fuel deliveries.

2 Sec. 35. Section 214.2, Code 1981, is amended
 3 to read as follows:

4 214.2 LICENSE. [Every] A person who [shall use] *uses*
 5 or [display] *displays* for use [any public] *a commercial*
 6 *scale, or a motor vehicle fuel pump or a bulk truck*
 7 *pump [or meter] used in measuring the quantity of*

8 [gasoline] *motor vehicle fuel* or fuel oil sold to
 9 consumer customers shall secure a license for [said]
 10 the scale[,] or pump [or meter] from the department.

11 Sec. 36. Section 214.3, unnumbered paragraph 1,
 12 Code 1981, is amended to read as follows:

13 The license for a [public] *commercial* scale shall
 14 expire on December 31 of each year, and for a [gasoline]
 15 *motor vehicle fuel* pump or [meter] *bulk truck pump* on
 16 June 30 of each year.

17 Sec. 37. Section 214.3, unnumbered paragraph 2,
 18 Code 1981, is amended by striking the paragraph and
 19 inserting in lieu thereof the following:

20 A fee shall not be charged for a commercial scale
 21 license. The license fee for a motor vehicle fuel
 22 pump shall be five dollars per annum. The license
 23 fee for a bulk truck pump shall be twenty-five dollars
 24 per annum.

25 Sec. 38. Section 214.6, Code 1981, is amended
 26 to read as follows:

27 214.6 OATH OF WEIGHMASTERS. All persons keeping
 28 [public] *commercial* scales, before entering upon their
 29 duties as weighmasters, shall be sworn before some
 30 person having authority to administer oaths, to keep
 31 their scales correctly balanced, to make true weights,
 32 and to render a correct account to the person having
 33 weighing done.

34 Sec. 39. Section 215.2, Code 1981, is amended
 35 to read as follows:

36 215.2 FEES. An inspection fee shall be charged
 37 the person owning or operating the scale so inspected
 38 in accordance with the following schedule:

39 1. Railroad track scales, fifty dollars each.

40 2. Other scales,

41 a. 500 to 1,000 pounds capacity, [five] *ten* dollars
 42 each;

43 b. 1,001 to 30,000 pounds capacity, [fifteen] *twenty-*
 44 *five* dollars each, except as provided in subsection
 45 3;

46 c. 30,001 to 50,000 pounds capacity, [thirty-five]
 47 *fifty* dollars each;

48 d. 50,001 pounds capacity or more, [fifty] *seventy-*
 49 *five* dollars each.

50 3. A minimum fee of twenty-five dollars shall

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1 be charged for each vehicle and livestock scale.

2 Sec. 40. Section 215.20, Code 1981, is amended

3 to read as follows:

4 215.20 LIQUID PETROLEUM GAS METERS—FEE. The
5 secretary of agriculture shall annually inspect and
6 test all liquid meters used for the measurement and
7 retail sale of liquefied petroleum gas and [he] *the*
8 *secretary* shall condemn all meters which are found
9 to be inaccurate. A reasonable tolerance within a
10 maximum of two percent, plus or minus, shall be
11 allowed. It is unlawful to use a meter for retail
12 measurement and sale which has been condemned. All
13 condemned meters shall be conspicuously marked
14 "inaccurate", and the mark shall not be removed or
15 defaced except upon authorization of the secretary
16 of agriculture or [his] *the secretary's* authorized
17 representative. The secretary of agriculture shall
18 charge an annual fee of [ten] *twenty-five* dollars for
19 each meter tested but the testing fee provided for
20 by this section shall not be charged more than once
21 in a calendar year to each meter tested. When
22 liquefied petroleum gas is sold or delivered to a
23 consumer as a liquid and by liquid measurement, the
24 volume of liquid sold and delivered shall be corrected
25 to a temperature of 60 F. through use of an approved
26 volume correction factor table, or through use of
27 an approved meter with sealed automatic compensation
28 mechanism. All sale tickets shall show the delivered
29 gallons, the temperature at the time of delivery and
30 the corrected gallonage, or shall state that
31 temperature correction was automatically made.

32 Any person violating any provision of this section
33 is guilty of a simple misdemeanor.

34 Sec. 41. Chapter 215A, Code 1981, is amended by
35 adding after section 215A.1 the following new section:

36 *NEW SECTION.* A person shall not use a moisture-
37 measuring device in commerce in this state unless
38 the device has been licensed by the department. The
39 license fee for each moisture-measuring device is
40 twenty dollars per year. The license for a moisture-
41 measuring device shall expire July 1 of each year.

42 Sec. 42. Section 215A.2, Code 1981, is amended
43 to read as follows:

44 215A.2 INSPECTION BY DEPARTMENT. The department
45 shall inspect or cause to be inspected at least
46 annually every moisture-measuring device used in
47 commerce in this state, except those belonging to
48 the United States or the state, or any subdivision
49 of either, except as herein provided]. The department
50 may inspect or cause to be inspected at the convenience

2 a request [in writing] from the owner thereof.

3 Sec. 43. Section 215A.8, Code 1981, is amended
4 to read as follows:

5 215A.8 UNTESTED DEVICES NOT TO BE USED—EXCEPTION.

6 [No] A person shall *not* use or cause to be used any
7 grain moisture-measuring device which has not been
8 *licensed*, inspected and approved for use by the
9 department; except, a newly purchased grain moisture-
10 measuring device may be used prior to regular
11 *licensing*, inspection and approval if the user of
12 such device has given notice to the department of
13 the purchase and before use of [such] *the* new device.

14 Sec. 44. Section 215A.10, Code 1981, is amended
15 to read as follows:

16 215A.10 PENALTY. Every person who uses or causes
17 to be used a moisture-measuring device in commerce
18 with knowledge that [such] *the* device has not been
19 *licensed*, inspected and approved by the department
20 in accordance with the provisions of this chapter
21 shall be guilty of a simple misdemeanor.

22 Sec. 45. Sections 162.11, 163.28, 171.4, 172.4,
23 192.39, 192.41, 214.4, 214.5, and 215A.9 and chapter
24 166, Code 1981, are repealed.”

COMMITTEE ON AGRICULTURE
RAY TAYLOR, Chairperson

S—3447

1 Amend Senate File 470 as follows:

2 1. Page 1, line 34, by inserting after the word
3 “examinations.” the words “The department may charge
4 to applicants a fee based upon the cost of developing,
5 administering, scoring, and analyzing the results
6 of the examinations.”

ARTHUR A. SMALL, JR.

S—3448

1 Amend Senate File 491 as follows:

2 1. Page 29, by inserting after line 35 the
3 following:
4 “Sec. ____ . If legislation prescribing the title,
5 administrative structure, and specific powers and
6 duties of the unified state mental health agency has
7 not been approved prior to July 1, 1981 and
8 notwithstanding sections 225B.2, 225B.8, Acts of the
9 Sixty-eighth General Assembly, 1980 Session, chapter
10 1001, section 15, Acts of the Sixty-eighth General

11 Assembly, 1979 Session, chapter 54, section 3, and
12 Acts of the Sixty-seventh General Assembly, 1978
13 Session, chapter 1087, section 21, the division of
14 mental health resources of the department of social
15 services and the Iowa mental health authority shall
16 continue to be governed respectively by sections
17 217.10 through 217.12, Code 1981 and chapter 225B,
18 Code 1977, until July 1, 1982. The Iowa mental health
19 authority shall continue to be the designated state
20 agency for the purpose of directing the benefits of
21 United States Pub. L. No. 79-487, 60 Stat. L. 538(1946)
22 and amendments thereto.”

23 2. By renumbering sections as necessary.

SUE YENGER
TOM SLATER
RICHARD F. DRAKE

S—3449

1 Amend Senate File 491 as follows:
2 1. Page 17, by inserting after line 11 the
3 following:
4 “Sec. ____ . Section 321.382, Code 1981, is amended
5 to read as follows:
6 321.382 UPGRADE PULLS—MINIMUM SPEED. [No] A motor
7 vehicle or combination of vehicles, which cannot
8 proceed up a three percent grade, on dry concrete
9 pavement, at a minimum speed of twenty miles per hour,
10 shall *not* be operated[, after January 1, 1938,] upon
11 the highways of this state.”
12 2. Page 24, by inserting after line 27 the
13 following:
14 “Sec. 67. Section 524.706, subsection 1, paragraph
15 c, Code 1981, is amended to read as follows:
16 c. For the purposes of this subsection the term
17 ‘executive officer’ means every officer of a state
18 bank who participates or has authority to participate,
19 otherwise than in the capacity of a director, in major
20 policymaking functions of the bank, regardless of
21 whether [he] *the officer* has an official title or whether
22 [his] *the officer’s* title contains a designation of
23 assistant and regardless of whether [he] *the officer*
24 is serving without salary or other compensation.
25 The [chairman] *chairperson* of the board, the president,
26 every vice president, the cashier, secretary, and
27 treasurer of a state bank are assumed to be executive
28 officers, unless, by resolution of the board of
29 directors or by the bank’s bylaws, but subject to
30 contrary notice by the superintendent as provided

31 for in section [524.704] 524.701, any such officer is
 32 excluded from participation in major policymaking
 33 functions, otherwise than in the capacity of a director
 34 of the bank, and [he] *the officer* does not actually
 35 participate therein.”
 36 3. By renumbering sections as necessary.

BOB CARR
 LUCAS J. DE KOSTER

S—3450

1 Amend House File 154 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by striking lines 6 through 11 and
 4 inserting in lieu thereof the following: “*The three*
 5 *days notice to quit may accompany or be included in*
 6 *a three days notice to pay rent provided to a tenant*
 7 *under section 562A.27, subsection 2 or section 562B.25,*
 8 *subsection 2, if the notice provides that the action*
 9 *may be commenced three days after the tenancy is*
 10 *terminated under one of those subsections.”*

PATRICK J. DELUHERY

S—3451

1 Amend amendment S—3446 to Senate File 321
 2 as follows:
 3 1. Page 11, line 47, by striking the word
 4 “subsection” and inserting in lieu thereof the word
 5 “subsections”.
 6 2. Page 12, by inserting after line 1 the
 7 following:
 8 “*NEW SUBSECTION. ‘Bulk terminal pump’ means any*
 9 *pump, meter, or similar measuring device used to*
 10 *measure motor vehicle fuel or fuel oil for sale at*
 11 *wholesale.”*
 12 3. Page 12, line 9, by inserting after the word
 13 “customers” the words “*or a bulk terminal pump*”.
 14 4. Page 12, line 15, by striking the words “or
 15 [meter]” and inserting in lieu thereof the words “[or
 16 meter]”.
 17 5. Page 12, line 15, by inserting after the words
 18 “*truck pump*” the words “*and bulk terminal pump*”.
 19 6. Page 12, line 24, by inserting after the word
 20 “annum.” the words “*The license fee for a bulk terminal*
 21 *pump shall be fifty dollars per annum.”*

JOE BROWN

S-3452

- 1 Amend amendment S-3446 to Senate File
- 2 321 as follows:
- 3 1. Page 14, by inserting after line 24 the
- 4 following:
- 5 "Sec. ____ . This bill takes effect January 1,
- 6 1982."

RAY TAYLOR

S-3453

- 1 Amend the committee on Agriculture amendment,
- 2 S-3446 to Senate File 321 as follows:
- 3 1. Page 8, line 26, by striking the word
- 4 "twenty" and inserting in lieu thereof the word
- 5 "ten".

JACK W. HESTER

S-3454

- 1 Amend the committee on Agriculture amendment,
- 2 S-3446 to Senate File 321 as follows:
- 3 1. Page 10, line 25, by inserting after the
- 4 word "volume" the words "in this state".

RAY TAYLOR

S-3455

- 1 Amend Senate File 399 as follows:
- 2 1. Page 14, line 19, by striking the word
- 3 "board,".
- 4 2. Page 14, line 24, by inserting after the
- 5 word "commission." the words "An officer may board
- 6 a vessel in the course of an inspection if the operator
- 7 is unable to supply visual evidence that the vessel is
- 8 properly registered and equipped as required by this
- 9 chapter and rules of the commission."

BASS VAN GILST
BOB CARR

S-3457

- 1 Amend House File 804 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 2, by inserting after line 27 the
- 4 following:

5 "Sec. ____ . Section 86.9, Code 1981, is amended
 6 to read as follows:
 7 86.9 BIENNIAL REPORTS. The commissioner shall,
 8 at the time provided by law, make a biennial report
 9 to the governor setting forth in appropriate form
 10 the business and expense of the office for the two
 11 preceding years, [the number of arbitrations and the
 12 results thereof,] and [such] other matters pertaining
 13 to [his] *the* office as may be of public interest,
 14 together with any recommendations for change or
 15 amendment of the laws as found in this chapter and
 16 chapters 85 and 87, and [such] *the* recommendations,
 17 if any, shall be transmitted by the governor to the
 18 first general assembly in session thereafter."
 19 2. By renumbering sections as necessary.

BOB RUSH

S—3458

1 Amend House File 804 as amended, passed and reprinted
 2 by the House as follows:
 3 1. Page 30, by inserting after line 26 the
 4 following:
 5 "Sec. ____ . If legislation prescribing the title,
 6 administrative structure, and specific powers and
 7 duties of the unified state mental health agency has
 8 not been approved prior to July 1, 1981 and
 9 notwithstanding sections 225B.2 and 225B.8, and Acts
 10 of the Sixty-eighth General Assembly, 1980 Session,
 11 chapter 1001, section 15, and Acts of the Sixty-eighth
 12 General Assembly, 1979 Session, chapter 54, section
 13 3, the division of mental health resources of the
 14 department of social services and the Iowa mental
 15 health authority shall continue to be governed
 16 respectively by sections 217.10 through 217.12, Code
 17 1981 and chapter 225B, Code 1977, until July 1, 1982.
 18 The Iowa mental health authority shall continue to
 19 be the designated state mental health authority as
 20 defined in 42 U.S.C. sec 201(m) (1976) for the purpose
 21 of directing the benefits of the National Mental
 22 Health Act, 42 U.S.C. sec. 201 et. seq."
 23 2. By renumbering sections as necessary.

SUE YENGER
 TOM SLATER
 RICHARD F. DRAKE

S—3459

1 Amend House File 754 as amended, passed and

- 2 reprinted by the House as follows:
3 1. Page 1, line 8, by striking the words "*However,*
4 *a driver who is*".
5 2. Page 1, by striking lines 9, 10, and 11.

RICHARD F. DRAKE

S—3460

- 1 Amend the committee on Agriculture amendment,
2 S—3446, to Senate File 321 as follows:
3 1. Page 8, line 26, by striking the word
4 "*twenty*" and inserting in lieu thereof the word
5 "*fifteen*".

JACK W. HESTER
RAY TAYLOR

S—3461

- 1 Amend Senate File 470 as follows:
2 1. Page 1, by striking lines 1 and 2, and
3 inserting in lieu thereof the following:
4 "Section 1. Chapters 260, 261, 262, 273 and
5 280A, Code 1981, are amended by adding sections 2 and
6 3 of this Act".
7 2. Page 1, by striking lines 3 through 11, and
8 inserting in lieu thereof the following:
9 "Sec. 2. *NEW SECTION. TEACHER EXAMINATIONS.*
10 1. Commencing July 1, 1982 prior to initial
11 employment as a teacher in the state of Iowa under
12 these chapters, a person shall demonstrate through
13 a comprehensive written examination and other
14 procedures that may be prescribed by the board of
15 educational examiners, a mastery of minimum essential
16 generic and specialization competencies and other
17 related criteria adopted by the board, including but
18 not limited to the following:".

GARY L. BAUGHER

S—3462

- 1 Amend Senate File 470 as follows:
2 1. Page 1, by inserting after line 34 the
3 following:
4 "Sec. ____ . Chapter 279, Code 1981, is amended
5 by adding the following new section:

6 *NEW SECTION. MERIT RATING SYSTEM.* The boards
 7 of directors of school districts shall establish a
 8 merit rating system for teachers employed by the
 9 board on merit rating forms designed by the superin-
 10 tendent and approved by the board. The merit rating
 11 forms shall be completed by pupils enrolled in the
 12 public school for teachers still employed in the
 13 district as follows:

14 1. Prior to the beginning of the second semester
 15 of the ninth grade, for teachers the pupils had in
 16 grades kindergarten through eighth.

17 2. Following completion of academic work but
 18 prior to commencement, for teachers the pupils had in
 19 grades nine, ten, eleven, and twelve.

20 Merit rating forms are confidential, not subject
 21 to chapter 68A, and may be read only by the superinten-
 22 dent, principals, school administrator charged with the
 23 responsibility of recommending teachers for employment
 24 by the board, supervisors of the teachers, and board
 25 members.

26 The forms shall be used as one factor in determining
 27 whether teachers will be granted merit pay increase and
 28 whether a teacher's contract will be continued."

ARNE WALDSTEIN

S—3463

1 Amend amendment S—3446 to Senate File 321
 2 as follows:

3 1. Page 1, by striking lines 12 through 20, and
 4 inserting in lieu thereof the word "changes."

5 2. Page 2, lines 25 through 27, by striking the
 6 words "[or unless he has obtained a certificate of
 7 registration issued by the secretary if his kennel
 8 is federally licensed]," and inserting in lieu thereof
 9 the words "or unless [he] *the person* has obtained a
 10 certificate of registration issued by the secretary
 11 if [his] *the kennel* is federally licensed."

12 3. Page 2, line 28, by striking the words "[or
 13 the certificate]" and inserting in lieu thereof the
 14 words "or the certificate".

15 4. Page 2, line 29, by striking the words "[and
 16 the certificate]" and inserting in lieu thereof the
 17 words "and the certificate".

18 5. Page 2, lines 33 and 34, by striking the words
 19 "[and the certification fee shall be five dollars
 20 annually]" and inserting in lieu thereof the words
 21 "and the certification fee shall be five dollars
 22 annually".

- 23 6. Page 2, line 35, by striking the word
24 “[certificate]” and inserting in lieu thereof the words
25 “certificate or a”.
- 26 7. Page 2, lines 43 through 45, by striking the
27 words “[The certificate may be renewed upon application
28 and payment of the prescribed fee in the manner
29 provided by the secretary.]” and inserting in lieu
30 thereof the words “The certificate may be renewed
31 upon application and payment of the prescribed fee
32 in the manner provided by the secretary.”
- 33 8. By striking page 2, line 50 through page 3,
34 line 2 and inserting in lieu thereof the words “a
35 license issued by the secretary or unless [he] *the*
36 *person* has obtained a certificate of registration
37 issued by the secretary if [his] *the* kennel is federally
38 licensed.”
- 39 9. Page 3, line 3, by striking the words “[or the
40 certificate]” and inserting in lieu thereof the words
41 “or the certificate”.
- 42 10. Page 3, line 5, by striking the words “[and
43 certificate]” and inserting in lieu thereof the words
44 “and certificate”.
- 45 11. Page 3, lines 8 and 9, by striking the words
46 “[and the certification fee shall be five dollars per
47 year]” and inserting in lieu thereof the words “and
48 the certification fee shall be five dollars per year”.
- 49 12. Page 3, by striking lines 13 through 16, and
50 inserting in lieu thereof the words “to all statutory

Page 2

- 1 and regulatory requirements. The certificate may
2 be renewed upon application and payment of the
3 prescribed fee in the manner provided by the
4 secretary.”
- 5 13. Page 3, lines 22 through 24, by striking the
6 words “[or unless he has obtained a certificate of
7 registration issued by the secretary if his kennel
8 is federally licensed].” and inserting in lieu thereof
9 the words “or unless [he] *the person* has obtained a
10 certificate of registration issued by the secretary if [his]
11 *the* kennel is federally licensed.”
- 12 14. Page 3, line 25, by striking the words “[or
13 the certificate]” and inserting in lieu thereof the
14 words “or the certificate”.
- 15 15. Page 3, lines 26 and 27, by striking the words
16 “[or the certification]” and inserting in lieu thereof
17 the words “or the certification”.
- 18 16. Page 3, lines 30 and 31, by striking the words

19 “[and the certificate fee shall be five dollars per
20 year]” and inserting in lieu thereof the words “and
21 the certificate fee shall be five dollars per year”.

22 17. Page 3, by striking lines 35 through 37 and
23 inserting in lieu thereof the words “regulatory
24 requirements. The certificate may be renewed upon
25 application and payment of the prescribed fee in the
26 manner provided by the secretary.”

RAY TAYLOR
C.W. BILL HUTCHINS

S—3464

1 Amend House File 740 as passed by the House as
2 follows:

3 1. Page 4, by inserting after line 11 the following
4 new sections:

5 “Sec. ____ . Section 321.271, unnumbered paragraph
6 2, Code 1981, is amended to read as follows:

7 All written reports filed by a law enforcement
8 officer as required under section 321.266 shall be
9 made available to any party to an accident, [his] *the*
10 *party's* insurance company or its agent, or [his] *the*
11 *party's* attorney on written request to the department
12 and the payment of a fee of [two] *five* dollars for each
13 copy.

14 Sec. ____ . Section 321A.3, Code 1981, is amended
15 to read as follows:

16 321A.3 DIRECTOR TO FURNISH OPERATING RECORD—FEES
17 TO BE CHARGED AND DISPOSITION OF FEES. The director
18 shall upon request furnish any person a certified
19 abstract of the operating record of any person subject
20 to [the provisions of] this chapter, which abstract
21 shall also fully designate the motor vehicles, if
22 any, registered in the name of [such] *the* person, and,
23 if there shall be no record of any conviction of [such]
24 *the* person having violated any law related to the
25 operation of a motor vehicle or of any injury or
26 damage caused by [such] *the* person, the director shall
27 so certify. A fee of [two] *five* dollars shall be paid
28 for each [such] abstract except by state, county, city
29 or court officials. [Such] *The* abstracts shall not
30 be admissible as evidence in any action for damages
31 or criminal proceedings arising out of a motor vehicle
32 accident.”

33 2. Renumber sections and correct internal
34 references as are necessary in accordance with this
35 amendment.

RICHARD F. DRAKE

S-3465

- 1 Amend Senate File 470 as follows:
- 2 1. Page 1, line 5, by striking the words
- 3 "as a teacher".

GARY L. BAUGHER

S-3466

- 1 Amend Senate File 399 as follows:
- 2 1. Page 17, line 30, by striking the word
- 3 "six" and inserting in lieu thereof the word
- 4 "ten".

BOB CARR

S-3467

- 1 Amend Senate File 544, as follows:
- 2 1. Page 2, by inserting after line 32 the
- 3 following:
- 4 "c. Within ten days of the election at which a
- 5 majority of those voting on the question favor the
- 6 imposition, repeal, continuation, or adjustment in
- 7 the rate of a local income surtax, the governing body
- 8 shall give written notice to the director of revenue
- 9 of the result of the election."
- 10 2. Page 3, line 6, by inserting after the word
- 11 "residence" the words "at the end of the taxpayer's
- 12 tax year".
- 13 3. Page 3, line 8, by inserting after the word
- 14 "imposed" the words "and 'computed' state individual
- 15 income tax' means the tax computed under section 422.5
- 16 less the deductions allowed in section 422.12".
- 17 4. Page 3, line 11, by inserting after the word
- 18 "election" the words and figure "for tax years
- 19 beginning on or after January 1".
- 20 5. Page 3, line 12, by inserting after the figure
- 21 "31" the words and figure "for tax years beginning
- 22 after December 31".
- 23 6. Page 3, line 19, by striking the word "may"
- 24 and inserting in lieu thereof the word "shall".
- 25 7. Page 3, lines 24 through 26, by striking the
- 26 words "powers to impose interest and penalties and
- 27 requirements for hearing and appeal" and inserting
- 28 in lieu thereof the words and figures "the provisions
- 29 of sections 422.20, 422.22 to 422.31, 422.68, and
- 30 422.72 to 422.75".
- 31 8. Page 3, line 33, by inserting after the word

32 "surtax" the words "and any interest and penalties".

33 9. Page 3, line 34, by inserting after the word
34 "receipts" the words "and any interest and penalties
35 collected from returns filed on or before November
36 1 following the calendar year for which the local
37 income surtax is imposed".

38 10. Page 4, line 1, by inserting after the word
39 "state." the words "All local income surtax receipts
40 and any interest and penalties received or refunded
41 from returns filed after November 1 following the
42 calendar year for which the local income surtax is
43 imposed shall be deposited in or withdrawn from the
44 state general fund."

45 11. Page 4, by striking lines 4 through 19 and
46 inserting in lieu thereof the following:

47 "1. On or before January 15, the director of
48 revenue shall make an accounting of the local income
49 surtax receipts and any interest and penalties
50 collected from returns filed on or before November

Page 2

1 1 of the preceding year and shall certify to the
2 treasurer of state the amount collected. The
3 treasurer of state shall remit within fifteen days
4 of the certification by the director of revenue to
5 each city and county which has imposed a local income
6 surtax the amount in the local income surtax fund
7 collected as a result of its surtax."

8 12. Page 4, line 20, by striking the figure "3"
9 and inserting in lieu thereof the figure "2".

ROLF V. CRAFT

HOUSE AMENDMENT TO SENATE FILE 130

S-3468

1 Amend Senate File 130 as amended and passed by
2 the Senate as follows:

3 1. Page 1, by striking lines 31 and 32 and
4 inserting in lieu thereof the following: "of Iowa
5 and state statutes."

6 2. Page 7, line 9, by inserting after the figure
7 "42.4." the following: "If more than one incumbent
8 supervisor resides in the same supervisor district
9 after the districts have been redrawn following the
10 federal decennial census, the terms of office of those
11 supervisors shall expire on the second day of January

12 that is not a Sunday or a holiday following the next
13 general election.”

14 3. Page 8, line 13, by striking the words “or
15 a deputy auditor”.

16 4. Page 8, line 14, by striking the words “auditor
17 or” and inserting in lieu thereof the word “auditor.”

18 5. Page 8, line 15, by inserting after the word
19 “auditor” the words “or an employee designated by
20 the auditor”.

21 6. Page 23, by striking lines 7 through 9 and
22 inserting in lieu thereof the following: “to an
23 elective officer, the board shall set the initial
24 salary for the elective officer, which salary shall
25 be at thirty percent greater than the salary otherwise
26 established for the combined office or position with
27 the highest salary. Thereafter, the salary shall
28 be determined as provided in section 906 of this Act.
29 When the duties of officers or employees”.

30 7. Page 23, by striking lines 13 through 18.

31 8. Page 29, line 1, by striking the words “Civil
32 War.”

33 9. Page 29, lines 1 and 2, by striking the words
34 “Spanish-American War.”

35 10. Page 41, lines 13 and 13a, by striking the
36 words “and bonds issued upon petition of the county
37 conservation board”.

38 11. Page 43, line 2, by inserting after the word
39 “dollars” the words “on property not within a city”.

40 12. Page 56, by striking lines 19 through 22 and
41 inserting in lieu thereof the words “in the county.
42 As used in this subsection:”.

43 13. Page 59, line 7, by inserting after the period,
44 the following: “All funds remaining the county
45 indemnification fund created under prior Codes as
46 of the effective date of this act are transferred
47 to the county indemnification fund under this section.”

48 14. Page 79, by striking lines 19 and 20 and
49 inserting in lieu thereof the words “for the purchase
50 or sale of water.”

Page 2

1 15. Page 89, line 11, by striking the figure
2 “573.15” and inserting in lieu thereof the figure
3 “573.24”.

4 16. Page 104, lines 17 and 18, by striking the
5 words “rule the book to show in separate columns”
6 and inserting in lieu thereof the word “record”.

7 17. Page 108, line 17, by striking the figure

- 8 "135D.27" and inserting in lieu thereof the figure
9 "135D.26".
- 10 18. Page 124, line 20, by striking the figure
11 "1208" and inserting in lieu thereof the figure "1206".
- 12 19. Page 125, line 23, by striking the figure
13 "321.144" and inserting in lieu thereof the figure
14 "321.135".
- 15 20. Page 129, line 3, by striking the figure "655"
16 and inserting in lieu thereof the figure "665".
- 17 21. Page 133, line 35, by inserting after the
18 word "section." the following sentence: "The board
19 may determine the manner in which means are provided
20 for the prisoners."
- 21 22. Page 139, line 13, by striking the figure
22 "1208" and inserting in lieu thereof the figure "1206".
- 23 23. Page 143, by striking line 35 through page
24 144, line 2.
- 25 24. Page 144, line 4, by striking the figure
26 "579".
- 27 25. Page 176, by inserting after line 9 the
28 following:
- 29 "8. Where donation of the remains of the deceased
30 to a medical school or similar institution equipped
31 with facilities to perform autopsies is provided by
32 will or directed by the spouse, parents or children
33 of full age, of the deceased, any autopsy under this
34 section shall be performed at the direction of the
35 school or institution, and in such a manner as to
36 further the purpose of the donation, while serving
37 the public interest."
- 38 26. Page 204, line 27, by inserting after the
39 word "Sunday" the words "or legal holiday".
- 40 27. Page 208, by striking line 26 and inserting
41 in lieu thereof the following: "to [labor faithfully
42 on the streets or highways] *work on public programs*
43 *or projects at the*".
- 44 28. Page 208, line 30, by striking the words
45 "working streets and highways" and inserting in lieu
46 thereof the following: "[working streets and highways]
47 *such public programs or projects*".
- 48 29. Page 208, by inserting after line 34 the
49 following unnumbered paragraph:
50 "*The board shall record its proceedings relating*

Page 3

- 1 *to the provision of relief to specific persons under*
2 *this chapter. A person who is aggrieved by a decision*
3 *of the board may appeal the decision as if it were*

4 a contested case before an agency and as if the person
5 had exhausted administrative remedies in accordance
6 with the procedures and standards in section 17A.19,
7 subsections 2 through 8 except paragraphs b and c
8 of subsection 8, and section 17A.20.”

9 30. Page 210, line 25, by striking the figure
10 “2” and inserting in lieu thereof the figure “3”.

11 31. Page 210, line 28, by striking the figure
12 “309.7” and inserting in lieu thereof the words and
13 figures “[309.7] 421, subsections 12 and 13 of this
14 Act”.

15 32. Page 211, line 3, by striking the figure “2”
16 and inserting in lieu thereof the figure “3”.

17 33. Page 231, line 3, by striking the figure “400”
18 and inserting in lieu thereof the figure “440”.

19 34. Page 246, line 25, by striking the words
20 “shall, in blue or black ink,” and inserting in lieu
21 thereof the words “shall[, in blue or black ink,]”.

22 35. Page 247, by striking lines 14 through 16
23 and inserting in lieu thereof the following:
24 “446.1 SALE SHOWN. The [auditor] county treasurer],
25 when making up the tax list, before it is placed in
26 the hands of the county treasurer,] shall designate
27 on the tax list each piece or parcel”.

28 36. Page 247, line 19, by striking the words “made
29 for that purpose and” and inserting in lieu thereof
30 the words “[made for that purpose and]”.

31 37. Page 248, by striking lines 20, 21, and 22
32 and inserting in lieu thereof the following: “[or
33 auditor] failing to attend a sale of lands in person,
34 [or] by deputy treasurer or by designated employee [shall
35 be] is guilty of a simple misdemeanor. If [such officer]
36 the treasurer, [or] deputy treasurer or designated
37 employee [shall sell or assist]”.

38 38. Page 248, line 29, by inserting after the
39 word “treasurer” the words “, deputy treasurer or
40 designated employee”.

41 39. Page 255, line 7, by striking the figure
42 “[836A.4]” and inserting in lieu thereof the figure
43 “[336A.4]”.

S—3469

1 Amend Senate File 450 as follows:

2 1. Page 1, line 5, by inserting after the
3 word “scene,” the words “or the nearest safe mooring
4 area.”

DALE L. TIEDEN

S-3470

- 1 Amend House File 804 as amended, passed, and
- 2 reprinted by the House as follows:

DIVISION S-3470A

- 3 1. Page 15, line 32, by striking the word "fifteen"
- 4 and inserting in lieu thereof the words "[fifteen]"
- 5 *sixteen*".

DIVISION S-3470B

- 6 2. Page 15, line 33, by inserting after the word
- 7 "tons" the words "*up to and including twenty tons*".

ROLF V. CRAFT
RICHARD F. DRAKE

S-3471

- 1 Amend Senate File 399 as follows:
- 2 1. Page 16, line 22, by striking the word "or".
- 3 2. Page 16, line 23, by inserting after the word
- 4 "or" the words ", with the consent of the owner,".

BOB CARR
JULIA GENTLEMAN

S-3472

- 1 Amend Senate File 399 as follows:
- 2 1. Page 10, by striking lines 5 through 10.

BOB CARR

S-3473

- 1 Amend Senate File 399 as follows:

DIVISION S-3473A

- 2 1. Page 14, lines 31 and 32, by striking the
- 3 words "or citation".

DIVISION S-3473B

- 4 2. By striking page 18, line 25 through page 19,
- 5 line 20.
- 6 3. Amend the title, lines 2 and 3, by striking
- 7 the words ", including penalties and scheduled fines

8 for violations of boating laws”.

BOB CARR

S—3474

1 Amend House File 572 as amended, passed and
2 reprinted by the House, as follows:

DIVISION S—3474A

3 1. Page 1, by inserting after line 33 the following
4 new section:
5 “Sec. ____ . Section 441.35, subsection 2, unnumbered
6 paragraph 2, Code 1981, is amended to read as follows:
7 In any year after the year in which an assessment
8 has been made of all of the real estate in any taxing
9 district, it shall be the duty of the board of review
10 to meet as provided in section 441.33, and where it
11 finds the same has changed in value, to revalue and
12 reassess any part or all of the real estate contained
13 in such taxing district, and in such case, it shall
14 determine the actual value as of January 1 of the
15 year of the revaluation and reassessment and compute
16 the taxable value thereof, and any aggrieved taxpayer
17 may petition for a revaluation of his property, but
18 [no] a reduction or increase shall be made for prior
19 years *only if the assessor made a mathematical or*
20 *assessment error.* If the assessment of any such
21 property is raised, or any property is added to the
22 tax list by the board, the clerk shall give notice
23 in the manner provided in section 441.36, provided,
24 however, that if the assessment of all property in
25 any taxing district is raised the board may instruct
26 the clerk to give immediate notice by one publication
27 in one of the official newspapers located in the
28 taxing district, and such published notice shall take
29 the place of the mailed notice provided for in section
30 441.36, but all other provisions of said section shall
31 apply. The decision of the board as to the foregoing
32 matters shall be subject to appeal to the district
33 court within the same time and in the same manner
34 as provided in section 441.38.”

DIVISION S—3474B

35 2. Page 2, by inserting after line 8 the following
36 new section:
37 “Sec. ____ . Section 441.37, Code 1981, is amended
38 by inserting after subsection 5 the following new

39 unnumbered paragraph:

40 *NEW UNNUMBERED PARAGRAPH.* Upon the request of
 41 the taxpayer prior to or at the hearing before the
 42 board of review, the board shall visit the property
 43 and view the property whose assessment is being
 44 appealed by the taxpayer.”
 45 3. Renumber sections and correct internal
 46 references as are necessary in accordance with this
 47 amendment.

EDGAR H. HOLDEN

S—3475

1 Amend Senate File 399 as follows:
 2 1. By striking page 13, line 26, through page
 3 14, line 8.
 4 2. Page 15, by striking lines 14 through 27.

C.W. BILL HUTCHINS

S—3476

1 Amend Senate File 399 as follows:
 2 1. Page 10, by striking lines 11 through 23.

DALE L. TIEDEN
 BERL E. PRIEBE
 RAY TAYLOR
 EMIL J. HUSAK
 EDGAR H. HOLDEN

S—3477

1 Amend Senate File 399 as follows:
 2 1. Page 15, line 18, by striking the words
 3 “and the public wealth of the people”.

C.W. BILL HUTCHINS

S—3478

1 Amend Senate File 399 as follows:
 2 1. Page 16, line 26, by striking the words
 3 “for that purpose” and inserting in lieu thereof
 4 the words “to determine vessel or component part
 5 identification”.

LUCAS J. DE KOSTER
 BASS VAN GILST

S—3479

1 Amend House File 804 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 18, by striking line 6, and inserting
4 in lieu thereof the following: "*2 of the appendix of*
5 *forms.*"

6 2. Page 27, by striking line 14, and inserting
7 in lieu thereof the following: "[you by the court.]"
8 *rules of civil procedure, form 3 of the appendix of*
9 *forms.*"

BOB CARR

S—3480

1 Amend House File 828 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 4, by striking line 25 and inserting in
4 lieu thereof the following:

5 "15. Administer monuments and memorials".

6 2. Page 4, by inserting after line 27 the
7 following:

8 "____. In cooperation with the Iowa state arts
9 council, administer, preserve, and inventory the
10 works of art on the grounds and in the buildings
11 at the seat of government."

12 3. By renumbering and correcting internal
13 references as necessary.

JOHN S. MURRAY

S—3481

1 Amend House File 632 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 2, by striking lines 1 through 4.

4 2. Page 2, line 25, by striking the words "*for*
5 *metallic*" and inserting in lieu thereof the words
6 "*and production of metallic*".

7 3. Page 2, by striking lines 31 and 32 and
8 inserting in lieu thereof the words "*or gas or the*
9 *production of metallic minerals or*".

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chairperson

S—3482

1 Amend amendment S—3295 to

- 2 Senate File 370 as follows:
 3 1. Page 56, line 10, by inserting after the
 4 figure 1982." the words "Sections 227.16 through
 5 227.18, Code 1981, are repealed effective July 1, 1982."

TOM SLATER

S—3483

- 1 Amend Senate File 487 as follows:
 2 1. Page 1, line 4, by striking the words "of less
 3 than five thousand population".
 4 2. Amend the title, line 2, by striking the words "of
 5 less than five thousand population".

DAVID M. READINGER
 WILLIAM D. PALMER
 GARY L. BAUGHER
 CHARLES P. MILLER
 GEORGE R. KINLEY
 ALVIN V. MILLER
 RICHARD F. DRAKE
 BOB CARR
 RICHARD COMITO
 BOB RUSH

S—3484

- 1 Amend Senate File 487 as follows:
 2 1. Page 1, lines 5 and 6, by striking the words
 3 "four wheel, electric".
 4 2. Page 1, by striking lines 10, 11, and 12, and
 5 inserting in lieu thereof the word "sunset."

C.W. BILL HUTCHINS

S—3485

- 1 Amend Senate File 440 as follows:
 2 1. Page 1, line 16, by inserting after the
 3 word "*lines*" the words "*, switching yards and sidings*".

BERLE E. PRIEBE

S—3486

- 1 Amend amendment S—3382 to Senate
 2 File 527 as follows:
 3 1. Page 1, by striking lines 10 through 22,
 4 and inserting in lieu thereof the following:
 5 "*If an informal adjustment of a complaint is*

6 *made pursuant to section 232.29, the intake officer*
 7 *shall disclose to the victim of the delinquent act,*
 8 *upon the request of the victim, the name and address*
 9 *of the child who committed the delinquent act."*

JOHN S. MURRAY

S—3487

1 Amend amendment S—3295 to Senate File 370
 2 as follows:

DIVISION S—3487A

3 1. Page 2, line 23, by striking the word "two"
 4 and inserting in lieu thereof the word "four".

DIVISION S—3487B

5 2. Page 22, by inserting after line 16 the
 6 following:

7 "Sec. 45. Section 217.2, Code 1981, is amended
 8 to read as follows:

9 217.2 COUNCIL ON SOCIAL SERVICES. There is [hereby]
 10 created within the department of social services a
 11 council on social services which shall act in a policy-
 12 making and advisory capacity on matters within the
 13 jurisdiction of the department. The council shall
 14 consist of [five] *seven* members appointed by the governor
 15 subject to confirmation by the senate. Appointments
 16 shall be made on the basis of interest in public
 17 affairs, good judgment, and knowledge and ability
 18 in the field of social services. Appointments shall
 19 be made to provide a diversity of interest and point
 20 of view in the membership and without regard to
 21 religious opinions or affiliations. Members of the
 22 council shall serve for six-year staggered terms.

23 Each term shall commence and end as provided by
 24 section 69.19.

25 All members of the council shall be electors of
 26 the state of Iowa. No more than [three] *four* members
 27 shall belong to the same political party and no *more*
 28 *than* two members shall, at the time of appointment,
 29 reside in the same congressional district. *At least*
 30 *one member of the council shall be a member of a*
 31 *county board of supervisors at the time of appointment*
 32 *to the council.* Vacancies occurring during a term
 33 of office shall be filled in the same manner as the
 34 original appointment for the balance of the unexpired
 35 term subject to confirmation by the senate."

36 3. Page 56, line 13, by inserting after the figure
 37 "26," the figure "45,".

- 38 4. Page 56, by inserting after line 33 the
- 39 following:
- 40 "The governor shall appoint the two new members
- 41 of the council on social services pursuant to section
- 42 217.2 for appropriately staggered terms which shall
- 43 begin on July 1, 1981, and end as provided in section
- 44 69.19, as if the fixed terms began on May 1, 1981.
- 45 The member of a county board of supervisors appointed
- 46 as a member of the council on social services shall
- 47 be paid the per diem and expenses provided in section
- 48 217.4."
- 49 5. By renumbering as necessary.

TOM SLATER
SUE YENGER

S-3488

- 1 Amend Senate File 370 as follows:
- 2 1. Page 19, line 4, by striking the word "two-
- 3 thirds" and inserting in lieu thereof the word "one-
- 4 half".

BOB CARR
DALE L. TIEDEN
SUE YENGER
STEPHEN W. BISENIUS
TOM SLATER
FORREST V. SCHWENGELS

S-3489

- 1 Amend Senate File 370 as follows:
- 2 1. Page 30, by striking lines 13 and 14 and
- 3 inserting in lieu thereof the words "with [those of
- 4 the psychiatric committee of the joint committee on
- 5 accreditation of hospitals and other] recognized
- 6 national".

FORREST V. SCHWENGELS
SUE YENGER
STEPHEN W. BISENIUS
TOM SLATER

S-3490

- 1 Amend Senate File 370 as follows:
- 2 1. Page 19, by striking lines 12 through 18.

3 2. By relettering as necessary.

FORREST V. SCHWENGELS
SUE YENGER
STEPHEN W. BIENIUS
TOM SLATER

S-3491

1 Amend Senate File 474 as follows:

2 1. Page 2, line 1, by striking the word "the"

3 and inserting in lieu thereof the word "a".

4 2. Page 2, by striking lines 2 through 4 and

5 inserting in lieu thereof the following:

6 "municipality's failure to discover a latent defect

7 in the course of an inspection."

DICK RAMSEY

S-3492

1 Amend Senate File 450 as follows:

2 1. Page 1, by striking lines 5 and 6, and

3 inserting in lieu thereof the words and figures

4 "applicable department rules is prohibited from

5 operating a vessel on the waters of this state which

6 are under the jurisdiction of the state conservation

7 commission as defined in section 106.2, if within

8 thirty days of the date of the accident the operator

9 fails to provide to the commission proof".

10 2. Page 1, line 7, by striking the word "shall"

11 and inserting in lieu thereof the words "fails to".

12 3. Page 1, lines 10 and 11, by striking the words

13 "A person failing to comply with this subsection is

14 guilty of a serious misdemeanor." and inserting in lieu

15 thereof the words "A person who operates a vessel on the

16 waters of this state which are under the jurisdiction of

17 the state conservation commission as defined in section

18 106.2 after having failed to comply with this subsection

19 is guilty of a serious misdemeanor."

DICK RAMSEY

S-3493

1 Amend House amendment S-3268 to Senate

2 File 116 as amended, passed and reprinted by the

3 Senate as follows:

4 1. Page 1, by inserting after line 9, the

5 following:

6 "____. Page 1, by inserting after line 11 the

- 7 following:
 8 'Sec. ____ . Section 173.2, subsection 9, Code 1981,
 9 is amended by striking the subsection and inserting in
 10 lieu thereof the following:
 11 9. The president, or an accredited representative,
 12 of the Iowa horse industry council.' "

SUE YENGER
 GEORGE R. KINLEY

S—3494

- 1 Amend Senate File 527 as follows:
 2 1. Page 1, line 6, by striking the words
 3 "*The order may*" and inserting in lieu thereof the
 4 words "*After notice and hearing on the issue of*
 5 *damages the court may by order*".

RAY TAYLOR

S—3495

- 1 Amend Senate File 487 as follows:
 2 1. Page 1, line 5, by inserting after the words
 3 "operation of" the words "three or".

DAVID M. READINGER
 GEORGE R. KINLEY
 DONALD V. DOYLE

S—3496

- 1 Amend amendment S—3301
 2 to Senate File 370 as follows:
 3 1. Page 2, line 45, by striking the words
 4 "the per diem and".

CHARLES P. MILLER
 JULIA GENTLEMAN

S—3497

- 1 Amend amendment S—3301
 2 to Senate File 370 as follows:
 3 1. Page 1, by striking line 43, and inserting
 4 in lieu thereof the following: "*two members of the*
 5 *council shall be members of*".
 6 2. Page 1, line 44, by inserting after the
 7 word "*supervisors*" the words "*, one member coming*
 8 *from a county with a population of twenty-five thousand*
 9 *or less and one member coming from a county with a*

10 *population of twenty-five thousand or more.*"

C.W. BILL HUTCHINS

S-3498

- 1 Amend Senate File 474 as follows:
 2 1. Page 2, line 7, by striking the word "care"
 3 and inserting in lieu thereof the word "design".

JOHN S. MURRAY
 LUCAS J. DE KOSTER

S-3499

- 1 Amend amendment S-3464 to House
 2 File 740 as passed by the House as follows:
 3 1. Page 1, line 27, by striking the word
 4 "five" and inserting in lieu thereof the word
 5 "three".

RICHARD F. DRAKE

S-3500

- 1 Amend House File 767 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. Section 572.8, Code 1981, is amended
 6 to read as follows:
 7 572.8 PERFECTION OF LIEN.
 8 1. A person shall perfect a mechanic's lien by
 9 filing with the clerk of the district court of the
 10 county in which the building, land, or improvement
 11 to be charged with the lien is situated a verified
 12 statement of account of the demand due the person,
 13 after allowing all credits, setting forth:
 14 [1] a. The time when such material was furnished
 15 or labor performed, and when completed.
 16 [2] b. The correct description of the property to
 17 be charged with the lien.
 18 [3] c. The name and last known mailing address of
 19 the owner, agent, or trustee of the property.
 20 Upon the filing of the lien, the clerk of court
 21 shall mail a copy of the lien to the owner, agent,
 22 or trustee *by first class mail, return receipt*
 23 *requested. A lien claimant may elect to have a copy*
 24 *of the lien served upon the owner, agent, or trustee*
 25 *in the manner permitted for service of an original*
 26 *notice. If the statement of the lien consists of*

27 more than one page, the clerk may omit such pages
 28 as consist solely of an accounting of the material
 29 furnished or labor performed. In this case, the clerk
 30 shall attach a notification that pages of accounting
 31 were omitted and may be inspected in the clerk's
 32 office.

33 *2. If the person perfecting the lien under*
 34 *subsection 1 is a subcontractor, the copy of the lien*
 35 *that is mailed to or served upon the owner, agent,*
 36 *or trustee shall be accompanied by a separate written*
 37 *notice containing the name of the owner, agent or*
 38 *trustee, the address of the property charged with*
 39 *the lien, the name, address and telephone number of*
 40 *the lien claimant, and the following statement:*

41 *'The person named in this notice as the*
 42 *subcontractor has provided labor or materials or both*
 43 *in connection with improvements, alterations, or*
 44 *repairs to your residence or real property. If you*
 45 *still owe money to your contractor at the time you*
 46 *receive this notice, chapter 572 of the Code of Iowa*
 47 *permits this subcontractor to enforce a claim known*
 48 *as a mechanic's lien against your property to obtain*
 49 *payment for the labor and materials supplied.*
 50 *Enforcement of the mechanic's lien of a subcontractor*

Page 2

1 *can result in your having to pay more for the im-*
 2 *provements, alterations, or repairs than you agreed*
 3 *to pay in the contract with your contractor, and can*
 4 *result in the sale of your property without your*
 5 *consent. Because you have received this notice, you*
 6 *should not make any further payments to your contractor*
 7 *until you have taken steps to assure that the lien*
 8 *of the subcontractor is not enforceable against your*
 9 *property. If you have questions about this notice,*
 10 *you should call the subcontractor at the telephone*
 11 *number listed in this notice, or you should contact*
 12 *your contractor or your attorney. You should obtain*
 13 *answers to your questions before you make any further*
 14 *payments to your contractor.'*

15 *Failure of an owner, agent, or trustee to receive*
 16 *the notice required by this subsection does not defeat*
 17 *the lien except as provided in section 572.14.*

18 Sec. 2. Section 572.14, Code 1981, is amended
 19 by striking the section and inserting in lieu thereof
 20 the following:

21 **572.14 LIABILITY TO SUBCONTRACTOR AFTER PAYMENT**
 22 **TO ORIGINAL CONTRACTOR.**

23 1. A subcontractor's lien perfected under section
 24 572.8, subsection 1, is enforceable against the
 25 property, or upon the bond if given by the owner,
 26 agent, or trustee only to the extent of the balance
 27 due from the owner, agent or trustee to the contractor
 28 at the time the written notice specified in section
 29 572.8, subsection 2, is received by the owner, agent,
 30 or trustee.

31 2. A subcontractor's lien perfected under section
 32 572.8, subsection 1, is enforceable against the bond
 33 of the contractor or the bond of the person contracting
 34 with the subcontractor to the full extent of the
 35 amount due the subcontractor.

36 Sec. 3. Section 572.16, Code 1981, is amended
 37 to read as follows:

38 572.16 RULE OF CONSTRUCTION. Nothing in this
 39 chapter shall be construed to require the owner to
 40 pay a greater amount or at an earlier date than is
 41 provided in [his] *the* contract with the principal
 42 contractor, unless [said] *the* owner pays a part or all
 43 of the contract price to the original contractor
 44 [before the expiration of the sixty days allowed by
 45 law for the filing of a mechanic's lien by a
 46 subcontractor] *after receipt of notice from the*
 47 *subcontractor under section 572.8, subsection 2.*

48 Sec. 4. Sections 572.10 and 572.11, Code 1981,
 49 are repealed.

50 Sec. 5. This Act does not apply to liens arising

Page 3

1 out of improvements, alterations or repairs commenced
 2 prior to the effective date of this Act."

3 2. Amend the title, by striking lines 1 through
 4 8 and inserting in lieu thereof the following: "An
 5 Act amending the mechanic's lien statute to limit
 6 the enforceability of the lien of a subcontractor
 7 to the amount owing to the contractor at the time
 8 notice of the lien is given to the property owner
 9 by the subcontractor."

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chairperson

S—3501

1 Amend House File 751 as passed by the House as
 2 follows:

3 1. Page 1, line 12, by inserting after the period
 4 the words "*Notwithstanding chapter 692, the fire*

- 5 *marshal may share information collected by the fire*
 6 *marshal's office relative to fires investigated by*
 7 *the fire marshal's office with local fire chiefs and*
 8 *fire marshals of fire departments organized under*
 9 *chapter 400 or arson investigators employed by those*
 10 *departments."*
- 11 2. Page 1, lines 13 and 14, by striking the words
 12 "*, except where there are reasonable grounds to suspect*
 13 *involvement or participation in criminal activity*".
- 14 3. Page 1, line 14, by inserting after the period
 15 the words "*However, in those unusual circumstances*
 16 *where disclosure of particular facts in the record*
 17 *would plainly and seriously jeopardize an investigation*
 18 *of suspected criminal activity, those portions of*
 19 *the record pertaining to those facts shall be deemed*
 20 *to be peace officers' investigative reports and subject*
 21 *to chapter 68A.*"
- 22 4. Page 2, by striking line 35.
- 23 5. Page 3, by striking lines 1 through 19.
- 24 6. Amend the title, by striking lines 2, 3, and
 25 4 and inserting in lieu thereof the words "for the
 26 inspection of property damaged or destroyed by fire
 27 for the purpose of determining the cause, origin,
 28 and circumstances of the fire and the availability
 29 of information obtained from inspections."

COMMITTEE ON JUDICIARY
 LUCAS J. DE KOSTER, Chairperson

S—3502

- 1 Amend Senate File 481 as follows:
 2 1. Page 2, line 2, by inserting after the
 3 word "*damages*" the words "*to the extent of actual*
 4 *damages sustained*".

LUCAS J. DE KOSTER

S—3503

- 1 Amend amendment S—3484 to
 2 Senate File 487 as follows:
 3 1. Page 1, by striking lines 4 and 5, and
 4 inserting in lieu thereof the following:
 5 "____. Page 1, by striking lines 10 and 11,
 6 and inserting in lieu thereof the following: 'sunset.
 7 Golf carts operated on city streets shall be equipped
 8 with adequate brakes and shall meet any other safety
 9 requirements imposed by the governing body. Golf
 10 carts' "

DICK RAMSEY
 C.W. BILL HUTCHINS

S—3504

1 Amend House File 737 as passed by the House as
 2 follows:
 3 1. Page 1, line 2, by striking the word "paragraph"
 4 and inserting in lieu thereof the word "paragraphs".
 5 2. Page 1, by inserting after line 12 the following
 6 new unnumbered paragraph:
 7 "NEW UNNUMBERED PARAGRAPH. Preference shall be
 8 given to purchasing American made products and
 9 purchases from American based businesses if the life
 10 cycle costs are comparable to those products of foreign
 11 businesses and otherwise meet the required
 12 specifications."

TED ANDERSON
 GARY L. BAUGHER
 JOHN W. JENSEN
 RICHARD COMITO
 SUE YENGER
 RICHARD F. DRAKE
 C.W. BILL HUTCHINS

S—3505

1 Amend amendment S—3504
 2 to House File 737 as passed by the House as follows:
 3 1. Page 1, lines 11 and 12, by striking the
 4 words "otherwise meet the required specifications"
 5 and inserting in lieu thereof the words "and which
 6 most adequately fulfill the department's need".

ARNE WALDSTEIN
 RICHARD F. DRAKE

S—3506

1 Amend House File 303 as passed by the House
 2 as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 237.10, Code 1981, is
 6 amended to read as follows:
 7 237.10 EXEMPTION. A facility licensed under
 8 this chapter or a facility subject to the licensing
 9 requirements of chapter 237A, if providing child
 10 day care, shall be exempt for a period of two hours or
 11 less in any day from the limitation of simultaneously
 12 providing child day care for a maximum of [six] nine
 13 children, *with no more than six children at one time*

14 *being less than six years of age.*"

SUE YENGER
 JOHN S. MURRAY
 C.W. BILL HUTCHINS
 BERL E. PRIEBE
 TOM SLATER

HOUSE AMENDMENT TO SENATE FILE 469

S-3507

- 1 Amend Senate File 469 as passed by the Senate,
 2 as follows:
 3 1. Page 1, lines 9 and 10, by striking the words
 4 and figure "*and*", as provided in section 282.17." and
 5 inserting in lieu thereof the following: "[, as
 6 provided in section 282.17]. *Distance shall be measured*
 7 *by the nearest traveled public road.*"
 8 2. Page 1, line 14, by striking the word
 9 "*Arrangements*" and inserting in lieu thereof the words
 10 and figure "*Notwithstanding section 282.1,*
 11 *arrangements*".
 12 3. Page 1, line 17, by inserting after the word
 13 "*boards*" the words "*, but the tuition and*
 14 *transportation fees shall not be less than the lower*
 15 *average cost per pupil for the previous school year*
 16 *of the two affected school districts. For the purpose*
 17 *of this section average cost per pupil for the previous*
 18 *school year is determined by dividing the district's*
 19 *operating expenditures for the previous school year*
 20 *by the number of children enrolled in the district*
 21 *on the second Friday of September of the previous*
 22 *school year*".
 23 4. Page 1, by inserting after line 20 the following
 24 section:
 25 "Sec. ____ . Section 282.17, Code 1981, is amended
 26 to read as follows:
 27 282.17 HIGH SCHOOL OUTSIDE HOME DISTRICT. Any
 28 person of school age who is a resident of a school
 29 corporation which does not offer a four-year high
 30 school course, and who has completed the course as
 31 approved by the department of public instruction for
 32 [such] *the* corporation, [shall be permitted to] *may* attend
 33 any public high school in the state approved in like
 34 manner that will receive [him, or may attend any public
 35 high school of equivalent standing in an adjoining
 36 state, if said school in the adjoining state be nearer
 37 to the pupil's residence than any approved public

38 high school in the state of Iowa, but no board shall
 39 pay tuition to a high school outside the state for
 40 pupils whose actual residence is nearer to an approved
 41 high school in Iowa when measured by the nearest
 42 traveled public road] *the person.*"
 43 5. Renumbering sections as necessary.

S—3508

1 Amend House File 303 as passed by the House as
 2 follows:
 3 1. Page 2, line 26, by inserting after the word
 4 "violation" the words "after conviction".
 5 2. Page 2, line 28, by inserting after the word
 6 "offense." the words "A single charge alleging con-
 7 tinuing violation may be made in lieu of filing
 8 charges for each day of violation."

RICHARD VANDE HOEF

HOUSE AMENDMENT TO SENATE FILE 235

S—3509

1 Amend Senate File 235 as amended, passed and
 2 reprinted as follows:
 3 1. Page 1, line 6, by striking the word "used".

S—3510

1 Amend House File 738 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 12, by inserting after the figure
 4 "109.113." the words "*Paddlefish may be taken, subject*
 5 *to minimum weight and length requirements, below dam*
 6 *number eleven on the Mississippi river.*"

FORREST V. SCHWENGELS

S—3511

1 Amend House File 772 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 21, by inserting after the period
 4 the following: "The commission shall establish the
 5 curriculum for the first eight hours of an approved
 6 hunter safety and ethics education course offered
 7 in this state. upon completion of the eight-hour
 8 curriculum, an applicant may request an examination
 9 based on the curriculum. If the examination is

10 successfully passed, a certificate of completion shall
11 be awarded to the applicant."

COMMITTEE ON NATURAL RESOURCES
FORREST V. SCHWENGELS, Chairperson

S-3512

1 Amend House File 779 as passed by the House as
2 follows:
3 1. Page 1, line 1, by striking the word "shall"
4 and inserting in lieu thereof the words "is requested
5 to".

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S-3513

1 Amend House File 822 as passed by the House as
2 follows:
3 1. Page 2, line 22, by inserting after the word
4 "heirs" the words "that are all".
5 2. Page 4, by striking lines 14 through 16 and
6 inserting in lieu thereof the following: "without
7 order of the court. [The personal representative has
8 no other power to sell property of the estate.]"

COMMITTEE ON JUDICIARY
LUCAS J. DE KOSTER, Chairperson

S-3514

1 Amend House File 771 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by striking lines 4 through 13 and
4 inserting in lieu thereof the following:
5 "1. The commission may establish one or more
6 programs providing for the continuous review of
7 operations of public utilities with respect to matters
8 that affect rates or charges for utility service.
9 2. The commission shall submit to the general
10 assembly meeting in January, 1982, such proposed
11 programs, including alternative proposals, as the
12 commission may deem appropriate under subsection 1.
13 Each proposal shall be accompanied by information
14 respecting the increased budgetary and staffing needs
15 that may be necessary to implement the proposal."
16 2. Page 1, by striking line 23 and inserting in
17 lieu thereof the following:

18 **"NEW SECTION. RULES GOVERNING HEARINGS.**

19 1. The commission".

20 3. Page 1, line 27, by inserting after the word
21 "complaint" the words and figures "under section
22 476.3, unnumbered paragraph 2".23 4. By striking page 1, line 30 through page 2,
24 line 17, and inserting in lieu thereof the following:
25 "These rules shall include deadlines for the submission
26 or completion of comments, testimony and exhibits,
27 briefs and hearings, and shall provide parties to
28 the proceedings and commission staff with reasonable
29 periods of time within which to meet these deadlines.
30 The rules may provide for the extension of a deadline
31 upon the request of a party to the proceeding or
32 commission staff for good cause shown."33 5. Page 2, by inserting before line 18 the
34 following:35 "2. The commission shall adopt rules that require
36 the commission, in rate regulatory proceedings under
37 sections 476.3 and 476.6, to use the most current
38 test period possible, subject only to the availability
39 of existing and verifiable data respecting costs and
40 revenues, and in addition to consider verifiable data
41 that exists as of the date of commencement of the
42 proceedings respecting known changes in costs and
43 revenues that are to occur after the date of
44 commencement of the proceeding and during the period
45 rates and charges are being collected subject to
46 refund. For purposes of this subsection, a proceeding
47 commences under section 476.6 upon the filing by a
48 public utility of new or changed rates, charges,
49 schedules or regulations. This subsection does not
50 limit the authority of the commission to consider**Page 2**1 other evidence in proceedings under sections 476.3
2 to 476.6.3 3. An extension of time granted under subsection
4 1 shall not extend the amount of time for which the
5 utility is required to file a bond or other undertaking
6 conditioned upon refund under section 476.3, and shall
7 not extend any period of time within which the
8 commission is required to act or to reach a decision
9 under section 476.6."10 6. Page 4, line 4, by striking the words "an
11 audit" and inserting in lieu thereof the words "a
12 review procedure".

13 7. Page 4, line 6, by inserting after the word

14 "filed" the words "*by commission staff*".

15 8. Page 4, by striking lines 23 and 24 and
16 inserting in lieu thereof the words "*of the complaint,*
17 *the commission shall*".

18 9. Page 4, by striking lines 27 and 28, and
19 inserting in lieu thereof the words "*and prior to*
20 *the date the decision*".

21 10. Page 4, by inserting after line 29 the
22 following:

23 "*A determination of utility rates by the commission*
24 *pursuant to this section that is based upon a departure*
25 *from previously established regulatory principles*
26 *shall apply prospectively from the date of the*
27 *decision.*"

28 11. By striking page 4, line 30 through page 5,
29 line 25 and inserting in lieu thereof the following:

30 "Sec. 6. Section 476.6, unnumbered paragraphs
31 4, 5 and 6, Code 1981, are amended to read as follows:
32 [Whenever there is filed with the commission by
33 any] *At the time a public utility subject to rate*
34 *regulation files with the commission any new or changed*
35 *rates, charges, schedules or regulations, [the*
36 *commission may, prior to the effective date thereof,*
37 *docket the case as a formal proceeding and set the*
38 *case for hearing. The commission shall give such*
39 *notice of such formal proceedings as it deems*
40 *appropriate] the public utility also shall submit*
41 *factual evidence, written argument, and affidavits*
42 *containing testimonial evidence to be offered in*
43 *support of the filing. The public utility may, as*
44 *a part of its filing or separately at any subsequent*
45 *time, submit a request for authority to place part*
46 *or all of the proposed rates, charges, schedules or*
47 *regulations into effect on a temporary basis and until*
48 *permanent rates, charges, schedules or regulations*
49 *take effect under this section.*

50 [After the initiation of such formal proceedings

Page 3

1 and pending the final decision thereon, the commission
2 may, at any time before they become effective, suspend
3 the operation of such new or changed rates, charges,
4 schedules or regulations, but not for a period longer
5 than twelve months from the date when they would have
6 become effective if not suspended.] *After the filing*
7 *by a public utility subject to rate regulation of*
8 *new or changed rates, charges, schedules or*
9 *regulations, the commission may, prior to the*

10 *expiration of thirty days after the filing date,*
11 *docket the case as a formal proceeding and set the*
12 *case for hearing. The commission shall give such*
13 *notice of formal proceedings as it deems appropriate.*
14 *Unless the commission otherwise orders, the docketing*
15 *of a case as a formal proceeding suspends the effective*
16 *date of the new or changed rates, charges, schedules*
17 *or regulations until temporary or permanent rates,*
18 *charges, schedules or regulations are approved by*
19 *the commission or otherwise take effect under this*
20 *section.*

21 *[However, a public utility may at any time after*
22 *rates, charges, schedules or regulations have been*
23 *suspended for ninety days] Upon the request of a public*
24 *utility, the commission shall, when required by this*
25 *paragraph, grant the public utility temporary authority*
26 *to place in effect any or all of the suspended rates,*
27 *charges, schedules or regulations by filing with the*
28 *commission a bond or other undertaking approved by*
29 *the commission conditioned upon the refund in a manner*
30 *to be prescribed by the commission of any amounts*
31 *collected in excess of the amounts which would have*
32 *been collected under rates, charges, schedules or*
33 *regulations finally approved by the commission. In*
34 *determining that portion of the new or changed rates,*
35 *charges, schedules or regulations to be placed in*
36 *effect prior to a final decision, the commission shall*
37 *apply previously established regulatory principles*
38 *and shall, at a minimum, permit rates and charges*
39 *which will allow the utility the opportunity to earn*
40 *a return on common stock equity equal to that which*
41 *the commission held reasonable and just in the most*
42 *recent rate case involving the same utility or the*
43 *same type of utility service, provided that if the*
44 *most recent final decision of the commission in an*
45 *applicable rate case was rendered more than twelve*
46 *months prior to the date of filing of the request*
47 *for temporary rates, the commission shall consider*
48 *current cost of capital data and shall adjust the*
49 *rate of return on common stock equity that was approved*
50 *in that decision as necessary to reflect current*

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1 *conditions. The commission shall render a decision*
2 *on a request for temporary authority within sixty*
3 *days after the date of filing of the request. The*
4 *decision shall be effective immediately. If the*
5 *commission has not rendered a final decision with*

6 *respect to suspended rates, charges, schedules or*
 7 *regulations upon the expiration of twelve months after*
 8 *the original filing date, those portions that were*
 9 *approved by the commission on a temporary basis shall*
 10 *be deemed finally approved by the commission and the*
 11 *utility may place them into effect on a permanent*
 12 *basis, and the utility may place into effect subject*
 13 *to refund any portion of the suspended rates, charges,*
 14 *schedules or regulations not previously approved on*
 15 *a temporary basis by filing with the commission a*
 16 *bond or other undertaking approved by the commission.*
 17 *If the commission has not rendered a final decision*
 18 *with respect to the remaining portion of the suspended*
 19 *rates, charges, schedules or regulations within*
 20 *eighteen months after the original filing date, the*
 21 *commission shall be deemed to have finally approved*
 22 *them as proposed and the utility may place them into*
 23 *effect on a permanent basis. The commission shall*
 24 *establish a rate of interest”.*

25 12. Page 6, by inserting after line 4 the
 26 following:

27 “Sec. 7. Section 476.10, Code 1981, is amended
 28 by adding the following new unnumbered paragraph:

29 *NEW UNNUMBERED PARAGRAPH. Whenever the commission*
 30 *shall deem it necessary in order to carry out the*
 31 *duties imposed upon it in connection with the rate*
 32 *regulation under section 476.6, the commission may*
 33 *contract with persons who are not state employees*
 34 *for engineering, accounting, or other professional*
 35 *services to be rendered during the pendency of*
 36 *proceedings under that section. The costs of these*
 37 *services shall be paid by the public utility whose*
 38 *rates are being reviewed in the same manner as other*
 39 *expenses are paid under this section. There is hereby*
 40 *appropriated out of any funds in the state treasury*
 41 *not otherwise appropriated, such sums as may be*
 42 *necessary to enable the commission to contract for*
 43 *services under this section.”*

44 13. By renumbering sections.

45 14. Amend the title, line 13, by inserting after
 46 the comma the words “and making an appropriation.”.

COMMITTEE ON COMMERCE
 EDGAR H. HOLDEN, Chairperson

S—3515

1 Amend House File 766 as amended and passed by the
 2 House as follows:

3 1. Page 3, line 20, by inserting after the word

4 "easement." the words "The application must be filed
5 before installation or construction of the solar
6 collector."

7 2. Page 4, line 2, by inserting after the word
8 "sought" the words "and a drawing that is a spatial
9 representation of the area of the servient estate
10 burdened by the easement illustrating the degrees
11 of the vertical and horizontal angles through which
12 the easement extends over the burdened property and
13 the points from which those angles and measured".

14 3. Page 4, by inserting after line 2 the following:
15 "____. A statement that the applicant has attempted
16 to voluntarily negotiate a solar access easement with
17 the owner of the servient estate and has been
18 unsuccessful in obtaining the easement voluntarily."

19 4. Page 4, by inserting before line 3 the follow-
20 ing:
21 "____. A statement that the space to be burdened
22 by the solar access easement is not obstructed at
23 the time of filing of the application by anything
24 other than vegetation that would shade the solar
25 collector."

26 5. Page 4, by striking line 4 and inserting in
27 lieu thereof the words "regulatory board shall
28 determine whether the application is complete and
29 contains the information required under subsection
30 1. The board may return an application for correction
31 of any deficiencies. Upon acceptance of an application
32 the board shall schedule a hearing. The board shall".

33 6. Page 4, line 25, by inserting after the word
34 "easement." the words "The board shall grant a solar
35 access easement if the board finds that there is a
36 need for the solar collector, that the space burdened
37 by the easement was not obstructed by anything except
38 vegetation that would shade the solar collector at
39 the time of filing of the application, that the
40 proposed location of the collector minimizes the
41 impact of the easement on the development of the
42 servient estate and that the applicant tried and
43 failed to negotiate a voluntary easement."

44 7. Page 5, line 7, by inserting after the word
45 "property." the words "Compensation shall be based
46 on the difference between the fair market value of
47 the property prior to and after granting the solar
48 access easement."

49 8. Page 5, by striking lines 25 through 34 and
50 inserting in lieu thereof the words "in or on the

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1 servient estate."

2 9. Page 5, by inserting before line 35 the
3 following:

4 "Sec. ____ . *NEW SECTION. REMOVAL OF EASEMENT.*

5 The owner of a servient estate may apply to the solar
6 access regulatory board or may petition the district
7 court for an order removing a solar access easement
8 granted by a solar access regulatory board under this
9 Act under any of the following conditions:

10 1. If the solar collector is not installed and
11 made operational within two years of recording the
12 easement under section 7.

13 2. If the dominant estate owner ceases to use
14 the solar collector for more than one year.

15 3. If the solar collector is destroyed or removed
16 and not replaced within one year.

17 The procedure for filing an application with the
18 solar access regulatory board under this section and
19 for notice and hearings on the application shall be
20 the same as that prescribed for an application for
21 granting a solar access easement. An order issued
22 by the district court or a solar access regulatory
23 board removing a solar access easement may provide
24 for the return by the servient estate owner for
25 compensation paid by the dominant estate owner for
26 the solar access easement after the deduction of
27 reasonable expenses incurred by the servient estate
28 owner in proceedings for the granting and removal
29 of the easement."

30 10. Renumber as necessary.

COMMITTEE ON ENERGY
DICK RAMSEY, Chairperson

S-3516

1 Amend House File 804 as amended, passed and re-
2 printed as follows:

3 1. Page 2, by inserting after line 18 the
4 following:

5 "Sec. ____ . Section 80.25, Code 1981, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 80.25 BEER AND LIQUOR LAW ENFORCEMENT. The depart-
9 ment is the primary beer and liquor law enforcement
10 authority for the state."

11 2. Page 4, by inserting after line 19 the
12 following:

13 "Sec. ____ . Section 123.14, Code 1981, is amended
14 to read as follows:

15 123.14 BEER AND LIQUOR LAW ENFORCEMENT.

16 1. The division of [beer and liquor law enforcement]
17 *criminal investigation* of the department of public
18 safety[, created pursuant to section 80.25, shall be]
19 *is* the primary beer and liquor law enforcement
20 authority for this state.

21 2. The other law enforcement divisions of the
22 department of public safety, the county attorney[,
23 the county sheriff and his deputies, and the police
24 department of every city, including the day and night
25 marshal of any city, shall be] *and peace officers as*
26 *defined in section 801.4, subsection 7, paragraphs*
27 *a and b* are supplementary aids to the division of
28 [beer and liquor law enforcement] *criminal investigation*
29 *of the department of public safety in enforcement*
30 *of beer and liquor laws.* Any neglect, misfeasance,
31 or malfeasance shown by any peace officer included
32 in this section [shall be] *is* sufficient cause for [his]
33 *the peace officer's* removal as provided by law.
34 [Nothing in this] *This* section [shall be construed to]
35 *does not* affect the duties and responsibilities of
36 any county attorney or peace officer with respect
37 to law enforcement.

38 3. The division of [beer and liquor law enforcement]
39 *criminal investigation of the department of public*
40 *safety* shall be allowed full access to all records,
41 reports, audits, tax reports and all other documents
42 and papers in the department pertaining to liquor
43 licensees and beer permittees and their business.”
44 3. Page 15, by striking lines 13 through 17 and
45 inserting in lieu thereof the following: “vehicle.
46 Any [said] officer upon receiving information that any
47 vehicle, which [he] *the officer* has previously reported
48 as stolen, has been recovered, shall immediately
49 report the fact of [such] *the* recovery to the [local
50 sheriff's office or police department] *law enforcement*

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1 *agency which originated the theft report* and to the
2 department.”

3 4. Page 15, by striking lines 20 through 27 and
4 inserting in lieu thereof the following:

5 “321.94 TEST TO DETERMINE TRUE NUMBER. Where
6 it appears that a vehicle identification number of
7 component part number has been altered, defaced or
8 tampered with, any [sheriff, state agent or] peace
9 officer, [or inspector employed by the department,]
10 or any other person acting under [their] *a peace*
11 *officer's* direction, may apply any recognized process

12 or test to the part containing [such] *the* number for
 13 the purpose of determining the true number.”

14 5. Page 17, by inserting after line 5 the
 15 following:

16 “Sec. ____ . Section 321.224, Code 1981, is amended
 17 to read as follows:

18 321.224 RECORD KEPT. Every person renting a motor
 19 vehicle to another shall keep a record of the
 20 registration number of the motor vehicle so rented,
 21 the name and address of the person to whom the vehicle
 22 is rented, the number of the license of [said] *the*
 23 latter person and the date and place when and where
 24 [said] *the* license was issued. [Such] *The* record shall
 25 be open to inspection by any [police] *peace* officer
 26 [or officer] *as defined in section 801.4, subsection*
 27 *7, paragraphs a, b, c, and h* or employee of the
 28 department.”

29 6. Page 28, by inserting after line 20 the
 30 following:

31 “Sec. ____ . Section 805.8, subsection 2, paragraphs
 32 b and k, Code 1981, are amended to read as follows:

33 b. For registration violations under sections
 34 321.32, 321.34, 321.37, 321.38, *and* 321.41, [and
 35 321.189, subsection 3,] the scheduled fine is five
 36 dollars. For violations of [sections] *section* 321.32
 37 [and 321.189, subsection 3], the case shall be dismissed
 38 without imposition of fine or costs if a license or
 39 registration valid at the time of the issuance of
 40 the citation is presented by the defendant to the
 41 magistrate or scheduled violations office.

42 k. For violations of traffic signs and signals,
 43 and for failure to obey an officer under sections
 44 321.229, 321.236, subsections 2 and 6, 321.256,
 45 321.257, subsections 2 and 3, 321.258, 321.294,
 46 321.304, subsection 3, 321.322, 321.341, 321.342,
 47 *and* 321.343 [and 321.345], the scheduled fine is twenty
 48 dollars.”

49 7. By renumbering sections as necessary.

DICK RAMSEY

S—3517

1 Amend Senate File 105 as follows:

2 1. Page 1, line 16, by inserting after the word
 3 “acre.” the following: “The state shall compensate
 4 each taxing district in which is located the wildlife
 5 habitat acreage assessed on a taxable value of fifteen
 6 dollars per acre under this paragraph for the property
 7 taxes which it would have received but for this

8 paragraph. The amount of compensation is determined
 9 by applying the tax rate of the taxing district to
 10 the excess of what the taxable value of the wildlife
 11 habitat acreage would be but for this paragraph over
 12 fifteen dollars per acre. The state comptroller shall
 13 draw warrants on the state general fund in payment
 14 of the amount of compensation payable to each taxing
 15 district in two equal installments to be paid on the
 16 applicable property tax due dates.”

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chairperson

S—3518

1 Amend House File 783 as passed by the House as
 2 follows:
 3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Section 1. Section 135B.5, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 *NEW UNNUMBERED PARAGRAPH.* A person licensed to
 8 practice medicine under chapter 148 who is denied
 9 access to or the right to practice in a hospital
 10 licensed under chapter 135B in the areas the person
 11 [has been] trained, may appeal the denial to the state
 12 board of medical examiners. The proceeding on an
 13 appeal filed under this paragraph shall follow the
 14 procedures specified in chapter 147 and 258A for
 15 revocation or suspension of a license. The state
 16 board of medical examiners upon a finding that the
 17 person is competent to practice medicine in the areas
 18 the person has been trained may direct the hospital
 19 to allow the person access or to practice medicine
 20 in the hospital in such areas.”
 21 2. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 JOHN N. NYSTROM, Chairperson

S—3519

1 Amend House File 467 as amended, passed, and
 2 reprinted by the House as follows:

DIVISION S—3519A

3 1. Page 1, by inserting before line 1, the
 4 following:
 5 “Section 1. Section 100.1, subsection 5, Code

6 1981, is amended to read as follows:

7 5. To promulgate fire safety [regulations] *rules*.
8 The state fire marshal shall have exclusive right
9 to promulgate fire safety rules as they apply to
10 enforcement or inspection requirements by the state
11 fire marshal, but [such regulations] *the rules* shall
12 be promulgated only after public hearing. Wherever
13 by any statute the fire marshal or the department
14 of public safety is authorized or required to
15 promulgate, proclaim, or amend rules and minimum
16 standards regarding fire hazards or fire safety or
17 protection in any establishment, building or structure,
18 [such] *the rules* and standards shall promote and enforce
19 fire safety, fire protection and the elimination of
20 fire hazards as the [same] *rules* may relate to the use,
21 occupancy and construction of [such] *the buildings*,
22 establishments or structures. The word "construction"
23 shall include, but is not limited to, electrical
24 wiring, plumbing, heating, lighting, ventilation,
25 construction materials, entrances and exits, and all
26 other physical conditions of the building which may
27 affect fire hazards, safety or protection. [Such] *The*
28 rules and minimum standards shall be in substantial
29 compliance *except as otherwise specifically provided*
30 *in this chapter*, with the standards of the National
31 Fire Protection Association relating to fire safety
32 as published in the national fire codes."

DIVISION S—3519B

33 2. Page 1, by striking lines 15 through 17 and
34 inserting in lieu thereof the following: "of the
35 fire marshal shall *upon conviction or a plea of guilty*,
36 be [deemed] guilty of a [simple] *serious* misdemeanor.
37 Each day of the continuing".

DIVISION S—3519A (cont'd.)

38 3. Page 1, by striking lines 21 through 26 and
39 inserting in lieu thereof the following: "*in lieu*
40 *of filing charges for each day of violation*. [Appeals]
41 *Appeal* may be [taken] *made* from [such convictions] *the*
42 *conviction* as in other criminal cases.
43 *Rules by the fire marshal affecting the construction*
44 *of new buildings, additions to buildings or*
45 *rehabilitation of existing buildings and related to*
46 *fire protection, shall be substantially in accord*
47 *with the provisions of the nationally recognized*
48 *building and related codes adopted as the state*

49 *building code or with codes adopted by a local*
50 *subdivision which are in substantial accord with the*

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DIVISION S—3519A (cont'd.)

- 1 *codes comprising the state building code."*
- 2 4. By renumbering to conform to this amendment.

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—3520

- 1 Amend House File 743 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, line 7, by striking the number "50"
- 4 and inserting in lieu thereof the number "100".

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—3521

- 1 Amend House File 792 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "facilities." the following: "*However, proceeds of*
- 5 *the fund shall not be used for the construction of*
- 6 *a new facility without approval of the general*
- 7 *assembly.*"

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

S—3522

- 1 Amend Senate File 548 as follows:
- 2 1. Page 3, by striking lines 16 through 19.

JOHN S. MURRAY
JOHN W. JENSEN

S—3523

- 1 Amend House File 768 as follows:
- 2 1. Page 1, line 14, by striking the words and
- 3 figures "subsection 5, Code 1981, is" and inserting
- 4 in lieu thereof the words and figures "subsections
- 5 1 and 5, Code 1981, are".

6 2. Page 1, by inserting after line 15 the follow-
7 ing:

8 "1. The commissioner shall issue rules to establish
9 minimum standards for benefits under each of the
10 following categories of coverage contained in policies
11 of individual accident and sickness insurance or
12 subscriber contracts:

- 13 a. Basic hospital expense coverage.
- 14 b. Basic medical-surgical expense coverage.
- 15 c. Hospital confinement indemnity coverage.
- 16 d. Major medical expense coverage.
- 17 e. Disability income protection coverage.
- 18 f. Accident only coverage.
- 19 g. Specified disease or specified accident
20 coverage.
- 21 h. Medicare supplement coverage *which shall include*
22 *a co-pay prescription drug benefit available at the*
23 *option of the insured.*
- 24 i. Limited benefit health coverage."

25 3. Page 1, by inserting after line 29 the
26 following:

27 "Sec. ____ . Chapter 514D, Code 1981, is amended
28 by adding the following new section as section 514D.9:
29 **NEW SECTION. 514D.9 CO-PAY PRESCRIPTION BENEFITS.**

30 1. As used in this section:

- 31 a. 'Medical practitioner' means a medical
32 practitioner as defined in section 155.3, subsection
33 11.
- 34 b. 'Prescription' means a written order issued
35 by a medical practitioner to a pharmacist for the
36 dispensing of a self-administered prescription drug
37 or insulin.

- 38 c. 'Self-administered prescription drug' means
39 a prescription drug as defined in section 155.3,
40 subsection 10, which is to be administered by the
41 individual for whom the drug is prescribed.

42 2. Rules adopted by the commissioner under section
43 514D.4 with respect to the optional co-pay prescription
44 drug benefit under the medicare supplement coverage
45 shall provide for the payment by the issuer of the
46 contract of all or a portion of the total cost to
47 the insured of self-administered prescription drugs
48 or insulin, and may authorize the insurer to impose
49 a deductible in an amount not to exceed three dollars
50 with respect to any one purchase of a drug or insulin."

BOB CARR

S-3524

1 Amend House File 804 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 27, by inserting after line 14 the
4 following:

5 "Sec. ____ . Chapter 622, Code 1981, is amended
6 by adding the following new section:

7 *NEW SECTION. FACSIMILES OF SIGNATURES.* Whenever
8 a law of this state requires that the signature of
9 judge of the supreme court or court of appeals, or
10 a district judge, district associate judge, magistrate,
11 clerk of court, county attorney, certified shorthand
12 reporter or law enforcement officer be affixed to
13 any official writing or document, a facsimile of the
14 person's signature may be placed on the writing or
15 document by means of a rubber stamp or other method
16 of reproduction and by the person whose signature
17 is required or at the direction of the person whose
18 signature is required in lieu of the actual signature
19 of the person. A facsimile of the signature of any
20 of these persons that is contained on an official
21 writing or document shall be presumptive evidence
22 of its validity."

DONALD V. DOYLE

S—3525

1 Amend amendment S—3514 to House File 771 as follows:

2 1. Page 1, by striking lines 43 through 46 and
3 inserting in lieu thereof the words "revenues that
4 are to occur within twelve months after the date of
5 commencement of the proceeding. For purposes of this
6 subsection, a proceeding".

7 2. Page 2, line 29, by striking the numerals "25"
8 and inserting in lieu thereof the numerals "29".

9 3. Page 2, line 31, by striking the word and
10 numerals "4, 5, and 6" and inserting in lieu thereof
11 the word and numerals "4, 5, 6 and 7".

12 4. Page 3, by striking lines 27 through 33 and
13 inserting in lieu thereof the words "charges, schedules
14 or regulations [by filing with the commission a bond
15 or other undertaking approved by the commission
16 conditioned upon the refund in a manner to be
17 prescribed by the commission of any amounts collected
18 in excess of the amounts which would have been
19 collected under rates, charges, schedules or
20 regulations finally approved by the commission]. *In*".

21 5. Page 4, by striking lines 12 through 16 and
22 inserting in lieu thereof the word "*basis*."

23 6. Page 4, by striking lines 23 and 24 and
24 inserting in lieu thereof the words "*effect on a*

25 *permanent basis.* [The commission shall establish a
 26 rate of interest to be paid by a public utility to
 27 persons receiving refunds. The rate of interest shall
 28 be a reasonable rate as determined by the commission,
 29 but not less than five percent per annum, and the
 30 interest shall be computed annually.] The public”.

31 7. Page 4, by inserting after line 24 the
 32 following:

33 “_____. Page 6, by inserting after line 4 the
 34 following:

35 ‘If, after hearing and decision on all issues
 36 presented for determination in such rate proceeding,
 37 the commission shall find the rates, charges, schedules
 38 or rules of the utility to be unlawful, the same shall
 39 be set aside and the commission shall by order
 40 authorize and direct the utility to file rates,
 41 charges, schedules or rules which, when approved by
 42 the commission and placed in effect, will satisfy
 43 the requirements of this chapter. The rates, charges,
 44 schedules or rules so approved shall be lawful and
 45 effective unless changed as herein provided. [In the
 46 event a petition for rehearing is filed or a petition
 47 for judicial review is sought from an order concerning
 48 rates, charges, schedules or rules which are in effect
 49 under bond, those rates, charges, schedules or rules
 50 may, notwithstanding the terms of the Iowa

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1 administrative procedure Act, be continued in effect
 2 by the utility under the terms of a bond or other
 3 undertaking pending final determination of the
 4 application for rehearing or proceeding for judicial
 5 review of an order of the commission.]”

6 8. By renumbering the remaining items of the
 7 amendment.

GARY L. BAUGHER

S—3526

1 Amend House File 754 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 32 the
 4 following:

5 “Sec. _____. Section 321A.7, subsection 2, Code
 6 1981, is amended to read as follows:

7 2. Twelve months after [such] *the suspension of*
 8 *the license or registration following the accident,*
 9 provided the department has not been notified by any

10 party to the action or an attorney for any party that
 11 an action for damages arising out of [such] *the* accident
 12 has been instituted within one year from the date
 13 of the accident; or”.

BOB RUSH

S—3527

1 Amend House File 816 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, lines 25 and 26, by striking the words
 4 “, expressly or by implication,”.
 5 2. Page 3, line 24, by striking the words “is
 6 subject to” and inserting in lieu thereof the words
 7 “offers or sells a package franchise or a product
 8 franchise as defined in”.
 9 3. Page 3, line 26, by inserting after the number
 10 “436” the words “if such person does not make any
 11 representations described in subsection 1, paragraph
 12 a, subparagraphs 2, 3 and 4”.
 13 4. Page 4, line 22, by striking the word “the”
 14 and inserting in lieu thereof the word “a”.
 15 5. Page 4, line 23, by striking the number “5”
 16 and inserting in lieu thereof the number “4”.
 17 6. Page 5, by striking lines 24 through 27 and
 18 inserting in lieu thereof the words “business in this
 19 state.”
 20 7. Page 9, by inserting after line 8 the following:
 21 “4. In lieu of the disclosure required by
 22 subsection 3, paragraphs a, b, c, d, f, g, and h,
 23 the seller may file the disclosure documents authorized
 24 by the federal trade commission and in compliance
 25 with 16 C.F.R. 436 et seq.”

DICK RAMSEY
 LUCAS J. DE KOSTER
 JOE BROWN
 PATRICK J. DELUHERY

S—3528

1 Amend the committee on Judiciary amendment,
 2 S—3500, to House File 767 as amended, passed and
 3 reprinted by the House as follows:
 4 1. Page 1, line 20, by inserting after the
 5 word “lien,” the words “*and upon the receipt of the*
 6 *prescribed costs,*”.
 7 2. Page 2, by inserting after line 14 the
 8 following:

9 *"The clerk of court shall make available to the*
 10 *lien claimant, without charge, blank forms providing*
 11 *for the written notice required in unnumbered paragraph*
 12 *1 of this section."*

DICK RAMSEY

S-3529

1 Amend House File 767 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 1, line 1, through page 3,
 4 line 20, and inserting in lieu thereof the following:
 5 "Section 1. Section 572.1, Code 1981, is amended
 6 by adding the following new subsection:
 7 *NEW SUBSECTION. 'Owner-occupied dwelling' means*
 8 the homestead of the owner actually occupied by the
 9 owner and shall include occupation by a spouse of
 10 the owner.
 11 Sec. 2. Section 572.14, Code 1981, is amended
 12 to read as follows:
 13 572.14 LIABILITY TO SUBCONTRACTOR AFTER PAYMENT
 14 TO ORIGINAL CONTRACTOR.
 15 1. [Payment] *Except as provided in subsection 2,*
 16 *payment to the original contractor by the owner of*
 17 *any part or all of the contract price of such building,*
 18 *or improvement before the lapse of the sixty days*
 19 *allowed by law for the filing of a mechanic's lien*
 20 *by a subcontractor, will not relieve the owner from*
 21 *liability to the subcontractor for the full value*
 22 *of any material furnished or labor performed upon*
 23 *said building, land, or improvement if the*
 24 *subcontractor file his lien within the time provided*
 25 *by law for the filing of the same.*
 26 2. a. *In the case of an owner-occupied dwelling,*
 27 *the lien of a subcontractor shall be enforced only*
 28 *to the extent of the balance due from the owner to*
 29 *the contractor at the time a written notice given*
 30 *as provided in section 572.10 is served, unless within*
 31 *five days after furnishing any material or performing*
 32 *any labor upon said building, land or improvement*
 33 *the subcontractor gives a written notice to the owner*
 34 *of the fact that the subcontractor has furnished*
 35 *material or labor and intends to rely upon the*
 36 *provisions of this chapter.*
 37 b. *The notice of intent to rely upon the provisions*
 38 *of this chapter shall be sufficient if it is*
 39 *substantially in the following form:*
 40 *'Notice to owner: The undersigned has furnished*
 41 *labor or material for improvements upon your real*

42 estate. Unpaid claimants who furnish labor or material
 43 for improvements upon real estate are entitled to
 44 file mechanics' liens against the property improved.
 45 That includes contractors and suppliers of labor and
 46 material to contractors. You are entitled to be
 47 furnished lienwaivers from those parties at the time
 48 of payment.
 49 c. Service of the written notice upon the owner
 50 may be made as follows:

Page 2

1 (1) By delivering a copy to the owner personally
 2 or to any person at least eighteen years of age who
 3 resides in the owner's dwelling.
 4 (2) By mailing a copy to the owner by certified
 5 mail, restricted delivery, return receipt to the party
 6 mailing the notice requested.
 7 (3) By personal service as provided in the rules
 8 of civil procedure.
 9 Sec. 3. This Act takes effect January 1 following
 10 enactment. This Act applies only to liens arising
 11 from works or improvements commenced on or after the
 12 effective date of this Act."
 13 2. Amend the title by striking lines 1 through
 14 8 and inserting in lieu thereof the following: "An
 15 Act providing that in order for a subcontractor to
 16 have a right to a mechanic's lien on an owner-occupied
 17 dwelling a notice of the intent to rely on the
 18 mechanic's liens statutes must be given within five
 19 days of the furnishing of labor or material, to be
 20 effective January 1 following enactment."

CALVIN O. HULTMAN

S—3530

1 Amend House amendment S—3468 to Senate File
 2 130, as follows:
 3 1. Page 1, by inserting after line 39 the
 4 following:
 5 "____. Page 44, line 9, by striking the words 'in
 6 a county of over seventy thousand population.'
 7 2. Page 3, by inserting after line 16 the
 8 following:
 9 "____. Page 218, by inserting after line 21 the
 10 following:
 11 'Sec. ____ . Section 346A.1, subsection 2, Code
 12 1981, is amended to read as follows:
 13 2. "Health center" means a building or buildings,

14 together with necessary equipment, furnishings,
 15 facilities, accessories and appurtenances and the
 16 site or sites therefor used primarily for the purposes
 17 of providing centralized locations, at which a county
 18 [having a population as required by section 346A.2]
 19 may:’.

20 ——. Page 218, by striking lines 26 and 27 and
 21 inserting in lieu thereof the words ‘*Counties* [having
 22 a population over seventy thousand, as determined
 23 by the last official United States census, are].’”

JULIA GENTLEMAN

S—3531

1 Amend amendment S—3510 to
 2 House File 738 as amended, passed and reprinted by
 3 the House as follows:

4 1. Page 1, line 4, by striking the figure
 5 “109.113” and inserting in lieu thereof the figure
 6 “109.113”.

7 2. Page 1, line 6, by striking the word
 8 “*eleven*” and inserting in lieu thereof the word
 9 “*twelve*”.

NORMAN J. GOODWIN
 FORREST V. SCHWENGELS

S—3532

1 Amend House File 472 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 1, lines 11 and 12, by striking the words
 4 “*one hundred twenty hours of*”.

5 2. Page 1, by striking lines 15 through 17 and
 6 inserting in lieu thereof the following: “*courses,*
 7 *workshops, seminars, or symposiums and, in the case*
 8 *of a course designated by the commission, attaining*
 9 *a grade of at least seventy percent on an examination*
 10 *administered at the conclusion of the course, the*
 11 *assessor or deputy*”.

12 3. Page 1, by striking lines 26 through 28 and
 13 inserting in lieu thereof the following “*designated*
 14 *by the commission. The examinations shall be*
 15 *confidential to the commission and persons designated*
 16 *by the commission to have access to [said] the*
 17 *examinations.*”

18 4. Page 1, line 29, by striking the words “*one*
 19 *hundred [forty] twenty*” and inserting in lieu thereof
 20 the words “[*hundred forty] twenty-five*”.

21 5. Page 1, line 30, by striking the word "during"
22 and inserting in lieu thereof the words "[during] in
23 each year of".

24 6. Page 1, line 31, by inserting after the word
25 "office" the words "of which at least fifteen of the
26 twenty-five hours are from courses requiring an
27 examination upon conclusion of the course".

28 7. Page 1, by striking line 33 through page 2,
29 line 4 and inserting in lieu thereof the following:
30 "reappointed to [his or her present] the position.
31 [For assessors whose present terms of office expire
32 before six years from January 1, 1979, or who are
33 appointed to complete an unexpired term, the number
34 of credits required to be certified as eligible for
35 reappointment shall be prorated according to the
36 amount of time remaining in the present term of said
37 assessor.]"

38 8. Page 2, line 8, by striking the words "[except
39 that] and" and inserting in lieu thereof the words
40 "except that".

41 9. Page 2, line 9, by striking the words "one
42 hundred [fifty] twenty" and inserting in lieu thereof
43 the words "[one hundred fifty] fifteen".

44 10. Page 2, line 10, by inserting after the word
45 "[said]" the words "in each year of the six-year period
46 of which at least ten of the fifteen hours are from
47 courses requiring an examination upon conclusion of
48 the course".

NORMAN RODGERS
ROLF V. CRAFT
JACK W. HESTER

S—3533

1 Amend amendment S—3406 to Senate
2 File 521 as follows:
3 1. Page 1, line 7, by inserting after the
4 word "services" the words "outside of the self-
5 contained classroom".

LUCAS J. DE KOSTER

HOUSE AMENDMENT TO SENATE FILE 199

S—3534

1 Amend Senate File 199, as amended and passed by
2 the Senate, as follows:
3 1. Page 1, by striking lines 1, 2, and 3 and

4 inserting in lieu thereof the following:
 5 "Section 1. *NEW SECTION.* APPOINTMENT OF PRIVATE
 6 LEGAL COUNSEL. At".

HOUSE AMENDMENT TO SENATE FILE 13

S—3535

1 Amend Senate File 13 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 "Section 1. Section 453.5, Code 1981, is amended
 6 to read as follows:
 7 453.5 REFUSAL OF DEPOSITS—PROCEDURE. If [nine
 8 of] the duly approved banks will *not* accept [said] *the*
 9 deposits under the conditions [herein] prescribed or
 10 authorized *in this chapter*, [said] *the* funds may be
 11 deposited, *on the same or better terms as were offered*
 12 *to the depositories*, in any approved bank or banks
 13 conveniently located within the state.
 14 If a governmental unit makes in writing to all
 15 qualified, approved depositories a bona fide proffer
 16 to deposit public funds either in a savings account,
 17 or in a time certificate of deposit, and [such] *the*
 18 proffer is not then accepted, then and only then may
 19 [such] *the* governmental unit invest [such] *the* funds so
 20 declined, *on the same or better terms as were offered*
 21 *to the depositories*, in bonds or other evidences of
 22 indebtedness issued, assumed, or guaranteed by the
 23 United States of America or by any agency or
 24 instrumentality thereof, but these provisions shall
 25 not affect the investment of funds as provided in
 26 sections 453.9 and 453.10]. *However, public funds*
 27 *that will not be deposited or invested for a term*
 28 *of at least fifteen days may be invested, without*
 29 *prior offer to an approved depository, in noted,*
 30 *certificates, bonds, or other direct obligations of*
 31 *the United States or any of its agencies.*
 32 [Public funds which cannot be deposited for periods
 33 of at least ninety days may be invested in notes,
 34 certificates, bonds, or other obligations of the
 35 United States or any of its agencies, as provided
 36 in section 452.10.] In addition to the investments
 37 herein authorized, the treasurer of state may invest
 38 in any of the investments authorized for the Iowa
 39 public employees' retirement system in section 97B.7,
 40 subsection 2, paragraph 'b' except that investment
 41 in common stocks shall not be permitted. *This section*

42 *does not affect the investment of funds as provided*
 43 *in sections 453.9 and 453.10."*

44 2. Page 1, line 7, by inserting after the word
 45 "[funds]" the words "*in a depository legally designated*
 46 *as depository for the funds*".

47 3. Page 1, line 10, by striking the word "the"
 48 and inserting in lieu thereof the words "[the] a
 49 *minimum*".

50 4. Page 1, line 14, by inserting after the word

Page 2

1 "at" the words "*not less than*".

2 5. Page 1, line 22; by inserting after the word

3 "*the*" the word "*minimum*".

4 6. Renumber to conform to this amendment.

HOUSE AMENDMENT TO SENATE FILE 479

S-3536

1 Amend Senate File 479 as passed by the Senate
 2 as follows:

3 1. Page 1, by striking lines 16 through 35 and
 4 inserting in lieu thereof the following:

5 "A fee of not less than [five] *fifteen* dollars *plus*
 6 *one dollar per acre or fraction thereof* nor more than
 7 [sixty-five] *five hundred* dollars per annum, according
 8 to the amount of stock inspected, shall be paid at
 9 the time of inspection or before a certificate is
 10 granted. *Certificates shall be issued to nursery*
 11 *stock growers and dealers and shall be valid for one*
 12 *year from the date of issue. However, a certificate*
 13 *may be revoked if the state entomologist determines*
 14 *that conditions violate the standards for which the*
 15 *certificate was issued. Inspections and certifications*
 16 *shall take place as necessary to enforce this chapter*
 17 *and the rules made pursuant to it. [Such certificate*
 18 *shall be valid for one year from date of issue, unless*
 19 *sooner revoked by the state entomologist. The*
 20 *inspection of nurseries shall take place between May*
 21 *1 and October 30 of each year and at such other times*
 22 *as may be necessary to make effective the provisions*
 23 *of this chapter and the rules made pursuant thereto.]"*

HOUSE AMENDMENT TO SENATE FILE 324

S-3537

1 Amend Senate File 324 as amended, passed and

2 reprinted by the Senate as follows:

- 3 1. Page 3, line 22, by inserting after the word
 4 "roomer." the following: "However a lessee, tenant,
 5 guest or roomer who has a residency of longer than
 6 30 days is required to provide the battery for a
 7 battery operated smoke detector."
 8 2. Page 3, by inserting after line 22 the
 9 following:
 10 " ____ . No person may render inoperable a smoke
 11 detector, which is required to be installed by this
 12 section, by tampering."
 13 3. By numbering and renumbering as necessary.

S—3538

1 Amend House File 386 as passed by the House as
 2 follows:

- 3 1. Page 1, by striking lines 1 through 12 and
 4 inserting in lieu thereof the following:
 5 "Section 1. *NEW SECTION. VALIDITY OF ARBITRATION*
 6 *AGREEMENT.*
 7 1. A written agreement to submit to arbitration
 8 an existing controversy is valid, enforceable, and
 9 irrevocable unless grounds exist at law or in equity
 10 for the revocation of the written agreement.
 11 2. A provision in a written contract to submit
 12 to arbitration a future controversy arising between
 13 the parties is valid, enforceable, and irrevocable
 14 unless grounds exist at law or in equity for the
 15 revocation of the contract. This subsection shall
 16 not apply to any of the following:
 17 a. A contract of adhesion.
 18 b. A contract between employers and employees.
 19 c. Any claim sounding in tort whether or not
 20 involving a breach of contract."
 21 2. Page 1, by striking lines 13 through 16 and
 22 inserting in lieu thereof the following:
 23 "Sec. 2. *NEW SECTION. PROCEEDINGS TO COMPEL OR*
 24 *STAY ARBITRATION.*
 25 1. On application of a party showing an agreement
 26 described in section 1 of this Act and the opposing
 27 party's refusal to arbitrate, the district court shall
 28 order the parties to proceed with arbitration.
 29 However, if the opposing party denies the existence
 30 of a valid and enforceable agreement to arbitrate,
 31 the district court shall proceed to the determination
 32 of the issue and shall order arbitration if a valid
 33 and enforceable agreement is found to exist. If no
 34 such agreement exists, the court shall deny the

35 application.

36 2. On application, the district court may stay
37 an arbitration proceeding commenced or threatened
38 on a showing that there is no valid and enforceable
39 agreement to arbitrate. The issue, when in substantial
40 and bona fide dispute, shall be tried and the stay
41 ordered if a valid and enforceable agreement to
42 arbitrate does not exist. If an agreement is found
43 to exist, the court shall order the parties to proceed
44 to arbitration.

45 3. If an issue referable to arbitration under
46 the alleged agreement is involved in an action or
47 proceeding pending in a district court, the
48 application shall be made to that court. Otherwise,
49 the application may be made in a district court as
50 provided in section 15 of this Act.

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1 4. An action or proceeding involving an issue
2 subject to arbitration shall be stayed if an order
3 for arbitration or an application for an order to
4 arbitrate has been made under this section or, if
5 the issue is severable, the stay may be made with
6 respect to the part of the issue which is subject
7 to arbitration only. When the application is made
8 in such an action or proceeding, the order for
9 arbitration shall include the stay.

10 5. An order for arbitration shall not be refused
11 on the ground that the claim in issue lacks merit
12 or because any fault or grounds for the claim sought
13 to be arbitrated have not been shown."

14 3. Page 1, by striking lines 17 through 22 and
15 inserting in lieu thereof the following:

16 "Sec. 3. **NEW SECTION. APPOINTMENT OF ARBITRATORS**
17 **BY DISTRICT COURT.** If the arbitration agreement
18 provides a method of appointment of arbitrators, this
19 method shall be followed. In the absence of a method
20 of appointing, or if the agreed method fails or for
21 any reason cannot be followed, or when an arbitrator
22 appointed fails or is unable to act and a successor
23 has not been appointed, the district court on
24 application of a party shall appoint one or more
25 arbitrators. An arbitrator appointed by the district
26 court has the same powers as an arbitrator specifically
27 named in the agreement.

28 Sec. 4. **NEW SECTION. MAJORITY ACTION BY**
29 **ARBITRATORS.** The powers of the arbitrators may be
30 exercised by a majority unless otherwise provided

31 by the agreement or by this Act.”

32 4. Page 2, by striking lines 9 through 12 and
33 inserting in lieu thereof the following:

34 “Sec. ____ . *NEW SECTION. REPRESENTATION BY*
35 *ATTORNEY.* A party has the right to be represented
36 by an attorney at any proceeding or hearing under
37 this Act. A waiver of this right before the proceeding
38 or hearing is ineffective.”

39 5. Page 5, by inserting after line 30 the
40 following: “Costs of the application and the
41 subsequent proceedings and disbursements may be awarded
42 by the district court.

43 Sec. 14. *NEW SECTION. APPLICATIONS TO DISTRICT*
44 *COURT.* Except as otherwise provided, an application
45 to the district court under this Act shall be by
46 motion and shall be heard in the manner and upon the
47 notice provided by law or rule of civil procedure,
48 for the making and hearing of motions. Unless the
49 parties have agreed otherwise, notice of an initial
50 application for an order shall be served in the manner

Page 3

1 provided by the Iowa rules of civil procedure for
2 the service of original notice in an action.

3 Sec. 15. *NEW SECTION. VENUE.* An initial
4 application shall be made to the district court of
5 the county in which the agreement provides the
6 arbitration hearing shall be held or, if the hearing
7 has been held, in the county in which it was held.
8 Otherwise the application shall be made in the district
9 court of the county where the adverse party resides
10 or has a place of business or, if the adverse party
11 has no residence or place of business in this state,
12 to the district court of any county. All subsequent
13 applications shall be made to the district court
14 hearing the initial application unless the district
15 court otherwise directs.

16 Sec. 16. *NEW SECTION. APPEALS.*

17 1. An appeal may be taken from:

18 a. An order denying an application to compel
19 arbitration made under section 2 of this Act.

20 b. An order granting an application to stay
21 arbitration made under section 2, subsection 2 of
22 this Act.

23 c. An order confirming or denying confirmation
24 of an award.

25 d. An order modifying or correcting an award.

26 e. An order vacating an award without directing

- 27 a rehearing.
28 f. A judgment or decree entered pursuant to the
29 provisions of this Act.
30 2. The appeal shall be taken in the manner and
31 to the same extent as from orders or judgments in
32 a civil action."
33 6. By numbering and renumbering sections to conform
34 to this amendment.

GARY L. BAUGHER

S—3539

- 1 Amend the committee on Judiciary amendment,
2 S—3500, to House File 767 as amended, passed and
3 reprinted by the House as follows:
4 1. Page 2, line 15, by inserting after the
5 word "receive" the words "service of".
6 2. Page 2, line 29, by striking the word
7 "received" and inserting in lieu thereof the
8 words "served upon".
9 3. Page 2, line 46, by inserting after the
10 word "of" the words "the service of the".

DICK RAMSEY

S—3540

- 1 Amend amendment S—3518 to House File 783, as
2 passed by the House, as follows:
3 1. Page 1, lines 10 and 11, by striking the words
4 "areas the person has been trained" and inserting
5 in lieu thereof the words "area the person resides".

JOHN N. NYSTROM
WILLIAM D. PALMER

S—3541

- 1 Amend amendment S—3251 to House File 413 as
2 amended, passed and reprinted by the House as follows:
3 1. Page 1, by striking lines 16 and 17 and
4 inserting in lieu thereof the the following:
5 "certified by the clerk of court. *A fee of four*
6 *dollars shall be collected for the*".
7 2. Page 1, by striking lines 22 and 23 and
8 inserting in lieu thereof the following: " 'name.'
9 the following: '*A fee of four dollars shall be*
10 *collected for each amended*.'"
11 3. Page 1, by striking line 38 and inserting
12 in lieu thereof the words "*A fee of four dollars shall*".

- 13 4. Page 1, by inserting after line 41 the
 14 following:
 15 "____. Page 2, by striking lines 11 through 13,
 16 and inserting in lieu thereof the following:
 17 '144.46 FEE FOR COPY OF RECORD. A fee of [two]
 18 four dollars per copy shall be collected for.'"

EMIL J. HUSAK

S—3542

- 1 Amend the committee on State Government amendment,
 2 S—3519, to House File 467 as amended, passed and
 3 reprinted by the House as follows:
 4 1. Page 1, line 36, by striking the words "[simple]
 5 *serious*" and inserting in lieu thereof the word "simple".

RICHARD COMITO

HOUSE AMENDMENT TO SENATE FILE 355

S—3543

- 1 Amend Senate File 355 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 1, by striking lines 3 through 15 and
 4 inserting in lieu thereof the following:
 5 "*NEW SECTION. NEW CONSTRUCTION REQUIREMENT. The*
 6 *authority shall insure that fifty percent or more*
 7 *of the proceeds from sales of obligations of the*
 8 *authority in each three-year period beginning July*
 9 *1, 1981, are newly constructed housing units. Failure*
 10 *to comply with this requirement does not invalidate*
 11 *any bonds, notes, or other obligations of the*
 12 *authority, but in the event of noncompliance with*
 13 *this requirement the authority shall make a special*
 14 *report to the governor and to the general assembly*
 15 *as to the reasons for noncompliance, and the authority*
 16 *shall not commit further funds for housing units that*
 17 *do not help meet this requirement until this*
 18 *requirement is reached, other than to complete projects*
 19 *already started.*"

HOUSE AMENDMENT TO SENATE FILE 420

S—3544

- 1 Amend Senate File 420 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 3, line 26, by inserting after the word

4 "accepted." the words "An application rejected under
5 this subsection may be resubmitted only once. If
6 a resubmitted application is rejected the applicant
7 may reapply for a license by giving notice and
8 resubmitting an application as provided in subsections
9 1 and 2, including payment of the nonrefundable
10 application fee."

11 2. Page 5, line 13, by striking the words "linear
12 mile" and inserting in lieu thereof the words "mile
13 from the boundaries".

14 3. Page 6, line 16, by inserting after the word
15 "risk" the words "and effect".

16 4. Page 6, by striking lines 18 and 19 and
17 inserting in lieu thereof the words:

18 "i. The impact of the facility on the operations
19 and responsibilities of the city and county in which
20 the facility is proposed to be located and on cities
21 and counties near the proposed site."

22 5. Page 7, line 5, by inserting before the word
23 "A" the number "3."

24 6. Page 7, line 13, by inserting after the word
25 "liability." the words "A municipality shall not be
26 required to pay any portion of the costs associated
27 with the response to a release or threatened release
28 of a hazardous waste from a facility into the land,
29 air, or water that threatens or may threaten human
30 health or the environment unless the municipality
31 is responsible for or in control of the facility or
32 unless the municipality is otherwise subject to
33 liability under this subsection."

34 7. Page 7, line 19, by inserting after the word
35 "agrees" the words "and is able".

36 8. Page 9, line 8, by inserting after the period
37 the words: "The executive director shall forward
38 a copy of the site license to the director of revenue
39 which shall be the appropriate license for the
40 collection of the land burial surcharge tax and shall
41 be subject to suspension or revocation if the site
42 license holder fails to collect or remit the tax
43 collected under section 15 of this Act. The provisions
44 of sections 422.25, subsection 4, 422.30, 422.48 to
45 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69,
46 subsection 1, and 422.70 to 422.75, consistent with
47 the provisions of this Act, shall apply with respect
48 to the taxes authorized under this Act, in the same
49 manner and with the same effect as if the land burial
50 surcharge tax were retail sales taxes within the

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1 meaning of those statutes. Notwithstanding the

- 2 provisions of this paragraph, the director shall
 3 provide for only quarterly filing of returns as
 4 prescribed in section 422.51."

HOUSE AMENDMENT TO SENATE FILE 517

S-3545

- 1 Amend Senate File 517, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 1 through 5.
 4 2. Page 2, by striking lines 14 through 16 and
 5 inserting in lieu thereof the following:
 6 "2. *A person who commits an assault, as defined*
 7 *in section 708.1, without the intent to inflict a*
 8 *serious injury upon another, and who causes bodily*
 9 *injury or disabling mental illness, is guilty of a*
 10 *serious misdemeanor."*
 11 3. Page 2, by inserting after line 17 the
 12 following:
 13 "Sec. ____ . Section 708.3, Code 1981, is amended
 14 to read as follows:
 15 708.3 ASSAULT WHILE PARTICIPATING IN A FELONY.
 16 Any person who commits an assault, as defined in
 17 section 708.1, while participating in a felony *or*
 18 *with the intent to commit sexual abuse* is guilty of
 19 a class 'C' felony if the person thereby causes serious
 20 injury to any person; if no serious injury results,
 21 the person is guilty of a class 'D' felony."
 22 4. Page 2, by inserting after line 29 the
 23 following:
 24 "Sec. ____ . Chapter 709, Code 1981, is amended
 25 by adding the following new section:
 26 *NEW SECTION. INDECENT CONTACT WITH A CHILD. A*
 27 *person eighteen years of age or older who touches*
 28 *or fondles the body of a child whether clothed or*
 29 *unclothed, not the person's spouse, with or without*
 30 *the child's consent, for the purpose of arousing or*
 31 *satisfying the sexual desires of either of them, is*
 32 *guilty of an aggravated misdemeanor."*
 33 5. Amend the title, line 2, by inserting after
 34 the word "terrorism," the words "indecent contact
 35 with a child,".
 36 6. By renumbering to conform to this amendment.

S-3546

- 1 Amend House File 823 as passed by the House as
 2 follows:

DIVISION S—3546A

- 3 1. Page 2, lines 2 and 3, by striking the words
4 *"to the extent of actual damages sustained."*
5 2. Page 2, lines 4 through 6, by striking the words
6 *"If the court finds that the attachment was brought*
7 *maliciously, the consumer also may be awarded exemplary*
8 *damages."*

DIVISION S—3546B

- 9 3. Page 2, by striking lines 7 through 17.

BOB RUSH

HOUSE AMENDMENT TO SENATE FILE 87

S—3547

- 1 Amend Senate File 87, 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 103A.21, subsection 3, Code
6 1981, is amended to read as follows:
7 3. As an alternative to filing criminal charges
8 as provided in this section, the commissioner may
9 file a petition in the district court and obtain
10 injunctive relief for any violation of this chapter
11 or chapter 104A.
12 Sec. 2. Chapter 104A, Code 1981, is amended by
13 adding the following new section:
14 *NEW SECTION.* Effective January 1, 1982, all public
15 and private buildings and facilities, temporary and
16 permanent, used by the general public, which are not
17 residences and which provide forty-eight or more
18 parking spaces, shall set aside at least six-tenths
19 of one percent of the parking spaces provided as
20 handicapped parking spaces as defined in section
21 601E.1.
22 Effective January 1, 1982, all public and private
23 buildings and facilities, temporary and permanent,
24 which are residences excluding condominiums as defined
25 in Chapter 499B and which provide twelve or more
26 parking spaces, excluding extended health care
27 facilities, shall set aside at least one handicapped
28 parking space as defined in section 601E.1 for each
29 individual dwelling unit in which a handicapped person
30 resides.
31 Buildings and facilities required under this section

32 to provide handicapped parking spaces shall set aside
33 at least one such space.

34 Sec. 3. Section 321.484, Code 1981, is amended
35 by adding the following new unnumbered paragraph:
36 *NEW UNNUMBERED PARAGRAPH.* The owner of a vehicle
37 shall not be held responsible for a violation of a
38 provision regulating the stopping, standing or parking
39 of a vehicle, whether the provision is contained in
40 this chapter, or chapter 601E, or an ordinance or
41 other regulation or rule, if the owner establishes
42 that at the time of the violation the vehicle was
43 in the custody of an identified person other than
44 the owner pursuant to a lease as defined in chapter
45 321F. The furnishing to the clerk of court where
46 the charge is pending of a copy of the certificate
47 of responsibility prescribed by section 321F.6 that
48 was in effect for the vehicle at the time of the
49 alleged violation shall be prima facie evidence that
50 the vehicle was in the custody of an identified person

Page 2

1 other than the owner within the meaning of this
2 paragraph, and the charge against the owner shall
3 be dismissed. The clerk of court then shall cause
4 a uniform citation and complaint to be issued against
5 the lessee of the vehicle, and the citation shall
6 be served upon the defendant by ordinary mail directed
7 to the defendant at the address shown in the
8 certificate of responsibility.

9 Sec. 4. Section 601E.1, subsection 1, unnumbered
10 paragraph 1, Code 1981, is amended to read as follows:

11 'Handicapped [or paraplegic] person' means:

12 Sec. 5. Section 601E.1, Code 1981, is amended
13 by adding the following new subsections:

14 *NEW SUBSECTION.* 'Department' means the state
15 department of transportation.

16 *NEW SUBSECTION.* 'Director' means the director
17 of transportation.

18 *NEW SUBSECTION.* 'Handicapped identification device'
19 means an identification device bearing the
20 international symbol of accessibility issued by the
21 department.

22 *NEW SUBSECTION.* 'Handicapped parking space' means
23 a parking space designated for use by only motor
24 vehicles displaying a handicapped identification
25 device that meets the requirements of section 601E.8.

26 Sec. 6. Section 601E.2, Code 1981, is amended
27 to read as follows:

28 601E.2 DISABLED MOTOR VEHICLE—DISPLAY OF FLAG.

29 A person whose motor vehicle is disabled, may use
30 or display a distress flag as a distress signal if
31 he [qualifies as] *or she is* a handicapped [or paraplegic]
32 person and has been issued a permit and a distress
33 flag as provided in section 601E.3.

34 Sec. 7. Section 601E.3, Code 1981, is amended
35 to read as follows:

36 601E.3 APPLICATION—ISSUANCE OF FLAG. Any person
37 desiring a distress flag for use as provided in section
38 601E.2 shall apply to the department [of transportation,]
39 upon an application form furnished by the department,
40 providing [his] *the applicant's* name, address, date
41 of birth, a physician's signature attesting to the
42 disability and information on the type of physical
43 apparatus needed to operate a motor vehicle, if any,
44 and information relating to [his] *the applicant's*
45 handicap required by the director [of transportation].
46 Upon determination by the director that the applicant
47 qualified as a handicapped [or paraplegic] person as
48 defined in section 601E.1 and the payment of a fee,
49 the director shall issue the applicant a permit to
50 use a distress flag. The director shall determine

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1 the fee for the distress flag except that the fee
2 shall not exceed the cost of the flag to the
3 department. Each distress flag shall be numbered
4 and in the event of its loss or destruction, the
5 director may issue a duplicate upon payment of the
6 fee. The director shall maintain a record of all
7 applicants and those qualified applicants receiving
8 permits and distress flags.

9 Sec. 8. Section 601E.4, Code 1981, is amended
10 to read as follows:

11 601E.4 RETURN OF FLAG. If a person who has been
12 issued a permit and distress flag under this chapter
13 becomes disqualified as a handicapped [or paraplegic]
14 person, [he] *the person* shall return the permit and
15 the distress flag to the department.

16 Sec. 9. Section 601E.5, Code 1981, is amended
17 to read as follows:

18 601E.5 PENALTY. Any person who is not [qualified
19 as] a handicapped [or paraplegic] person and uses a
20 distress flag as provided in this chapter or for any
21 other purpose is guilty of a simple misdemeanor.

22 Sec. 10. Section 601E.6, Code 1981, is amended
23 to read as follows:

24 601E.6 [SPECIAL] *HANDICAPPED* IDENTIFICATION DEVICES
 25 [FOR HANDICAPPED PERSONS].

26 1. A [special] *handicapped* identification device
 27 [bearing the international symbol of accessibility]
 28 may be displayed in a motor vehicle being used *by*
 29 *a handicapped person*, either as operator or passenger,
 30 [by an individual who is confined to a wheelchair or
 31 is otherwise so physically handicapped that he or
 32 she has significant difficulty or insecurity in
 33 walking]. The devices shall be of uniform design and
 34 fabricated of durable material, suitable for display
 35 from within the passenger compartment of a motor
 36 vehicle, and readily transferable from one vehicle
 37 to another. They shall be acquired by the department
 38 and sold at cost, *not to exceed five dollars*, to
 39 *handicapped* persons [who are physically handicapped
 40 to the extent described in this section,] upon
 41 application on forms prescribed by the department.
 42 Before delivering a [special] *handicapped* identification
 43 device to a purchaser, the department shall permanently
 44 affix to the device a unique number which may be used
 45 by the department to identify that individual
 46 purchaser. *A handicapped registration issued under*
 47 *section 321.34, subsection 8, is also a valid*
 48 *handicapped identification device.*
 49 2. A city or other political subdivision which
 50 provides on-street parking areas or off-street parking

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1 facilities shall [in all cases where so required by
 2 chapters 103A and 104A, and may in all other cases,]
 3 set aside [special] *at least sixth-tenths of one percent*
 4 *of the metered parking* [places designated only for
 5 parking motor vehicles displaying a special
 6 identification device issued under this section] *spaces*
 7 *as handicapped parking spaces. A person may also*
 8 *set aside handicapped parking spaces on the person's*
 9 *property provided each parking space is clearly and*
 10 *prominently designated as a handicapped parking space.*
 11 The use of a *handicapped* parking [spaces which are
 12 so designated and are located on public] *space*
 13 by a motor vehicle not displaying [such] a *handicapped*
 14 *identification* device, or by a motor vehicle displaying
 15 such a device but not being used *by a handicapped*
 16 *person*, as operator or passenger [by the individual
 17 to whom the device has been issued or another
 18 individual physically handicapped to the extent
 19 described by this section, shall be] is a misdemeanor

20 for which a fine [not to exceed one hundred dollars]
21 may be imposed upon the owner, operator, or lessee
22 of the motor vehicle. The fine for each violation
23 is fifteen dollars. Proof of conviction of three
24 or more [such] violations involving improper use of
25 the same [special] *handicapped* identification device
26 [shall be] its grounds for revocation by the department
27 of the holder's privilege to use the device.

28 3. The department shall promulgate rules:

29 a. Establishing procedure for applying to the
30 department for issuance of a [special] *permanent or*
31 *temporary handicapped* identification device under
32 this section.

33 b. Requiring persons [issued special identification
34 devices to furnish evidence at appropriate intervals
35 that they remain physically handicapped to the extent
36 described by subsection 1] *who seek permanent*
37 *handicapped identification devices to furnish evidence*
38 *upon initial application that they are permanently*
39 *handicapped; and requiring persons who seek temporary*
40 *handicapped identification devices to furnish evidence*
41 *upon initial application that they are physically*
42 *handicapped and, in addition, to furnish evidence*
43 *at six-month intervals that they remain physically*
44 *handicapped.*

45 [c. Establishing advisory standards for dimensions
46 and general location of parking spaces, to be
47 considered by cities and other political subdivisions
48 which elect to proceed under subsection 2. The
49 advisory standards promulgated under this paragraph
50 shall not unnecessarily duplicate and shall not

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1 conflict with standards promulgated pursuant to
2 chapters 103A and 104A.

3 d] c. Governing the manner in which [special]
4 *handicapped* identification device are to be displayed
5 in motor vehicles parked in spaces designated under
6 subsection 2.

7 d. *Establishing procedure and proof requirements*
8 *for application to the department for issuance of*
9 *a handicapped identification device to nonhandicapped*
10 *individuals, government agencies, or private*
11 *organizations which are engaged in providing*
12 *transportation services for handicapped persons.*

13 Sec. 11. Section 601E.6, Code 1981, is amended
14 by adding the following new subsection:

15 **NEW SUBSECTION.** Handicapped identification devices

16 issued by other states to their handicapped citizens
 17 shall be valid handicapped identification devices
 18 in this state.

19 Sec. 12. Chapter 601E, Code 1981, is amended by
 20 adding the following new sections as sections 601E.7
 21 and 601E.8:

22 *NEW SECTION. 601E.7 HANDICAPPED PARKING SIGN.*

23 The handicapped parking sign shall bear the
 24 international symbol of accessibility. If a person
 25 who owns or leases real property in a city is required
 26 to provide handicapped parking spaces, the city shall
 27 provide the signs for the person. The signs shall
 28 be provided upon request at cost.

29 *NEW SECTION. 601E.8 HANDICAPPED PARKING SPACE-*
 30 *-LOCATION—REQUIREMENTS.*

31 1. Parking spaces for handicapped persons and
 32 accessible loading zones that serve a particular
 33 building shall be located on the shortest accessible
 34 route to an entrance to the building.

35 2. A handicapped parking space designated after
 36 July 1, 1981, shall meet the following requirements:

37 a. Each space shall be at least one hundred forty-
 38 four inches wide, or, if two or more spaces are
 39 adjacent to each other, each space shall be at least
 40 one hundred twenty inches wide with at least a forty-
 41 eight inch walkway between each space.

42 b. Each space shall be clearly designated as a
 43 handicapped parking space by the display of the
 44 international symbol of accessibility.

45 c. The requirements of this subsection which
 46 specify the dimensions of a handicapped parking space
 47 shall not apply to metered on-street parking spaces.

48 d. A variance to the space and location
 49 requirements may be granted by cities.

50 Sec. 13. Section 602.55, Code 1981, is amended

Page 6

1 to read as follows:

2 602.55 FUNDS, REPORTS. Each month each judicial
 3 magistrate and district associate judge shall file
 4 with the clerk of the district court of the proper
 5 county a sworn, itemized statement, of all cases
 6 disposed of and all funds received and disbursed per
 7 case, and at least monthly shall remit to the clerk
 8 all funds received [by him or her]. The clerk shall
 9 provide adequate clerical assistance to judicial
 10 magistrates and district associate judges to carry
 11 out this section. The clerk shall remit ninety percent

12 of all fines and forfeited bail received from a
 13 magistrate or district associate judge to the city
 14 that was the plaintiff in any action, *shall remit*
 15 *to the city or county ninety percent of all fines*
 16 *and forfeited bail received for improper use of*
 17 *handicapped parking spaces in violation of section*
 18 *601E.6, subsection 2, when the violations occurred*
 19 *within the city or the county when the violations*
 20 *occurred in the unincorporated area of the county,*
 21 and shall provide that city with a statement showing
 22 the total number of such cases, the total of all fines
 23 and forfeited bail collected and the total of all
 24 cases dismissed. The clerk shall remit the remaining
 25 ten percent to the county treasurer for deposit in
 26 the county general fund. The clerk shall remit to
 27 the treasurer of the county, for the benefit of the
 28 school fund, all other fines and forfeited bail
 29 received from a magistrate. All fees and costs for
 30 the filing of a complaint or information or upon
 31 forfeiture of bail received from a magistrate shall
 32 be remitted monthly by the clerk as follows:
 33 1. Two-thirds to the treasurer of state to be
 34 credited to the general fund of the state.
 35 2. One-third to the county treasurer to be credited
 36 to the general fund of the county.
 37 Sec. 14. Section 805.8, subsection 2, Code 1981,
 38 is amended by adding the following new lettered
 39 paragraph:
 40 *NEW LETTERED PARAGRAPH.* For a violation of section
 41 601E.6, regulating the use of handicapped parking
 42 spaces, the scheduled fine is fifteen dollars.”

S—3548

1 Amend House File 559 as passed by the House as
 2 follows:
 3 1. Page 1, by adding after line 14 the following:
 4 “Sec. ____ . Section 507B.4, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION. UNFAIR DISCRIMINATION IN PAYMENT*
 7 *OR REIMBURSEMENT OF HEALTH SERVICES PROVIDERS*
 8 *PROHIBITED.*
 9 a. Failing to pay or reimburse for performance
 10 of the services by a person licensed in the practice
 11 of chiropractic when a health maintenance organization
 12 organized under chapter 514B provides or contracts
 13 to provide health care services or basic health care
 14 services to enrollees, and the services are within
 15 the scope of practice of persons engaged in the

- 16 practice of chiropractic under chapter 151, and the
 17 enrollee requests that the services be provided by
 18 a person licensed in the practice of chiropractic.
 19 b. Notwithstanding a provision of a medical service
 20 insurance policy issued to an individual or group
 21 under chapter 514, which limits reimbursement or
 22 payment to certain persons, denying reimbursement
 23 or payment for a service that is within the scope
 24 of practice of a physician, as defined in section
 25 135.1, subsection 5, when the policy provides for
 26 reimbursement or payment for the service, and the
 27 service is rendered by a licensed physician acting
 28 within the scope of the physician's license.
 29 Terminology in the policy discriminatory against a
 30 physician or method of lawful practice is void."
 31 2. Renumber to conform to this amendment.

CHARLES P. MILLER
 RAY TAYLOR
 ELVIE L. DREESZEN
 JOHN W. JENSEN
 DALE L. TIEDEN
 RICHARD VANDE HOEF
 DAVID M. READINGER
 JOE BROWN
 ALVIN V. MILLER
 STEPHEN W. BISENIUS
 C.W. BILL HUTCHINS
 GARY L. BAUGHER
 JAMES V. GALLAGHER
 DONALD V. DOYLE
 JAMES D. WELLS
 TED ANDERSON
 BASS VAN GILST
 EMIL J. HUSAK
 NORMAN RODGERS
 JACK W. HESTER
 BERL E. PRIEBE

S—3549

- 1 Amend amendment S—3548 to
 2 House File 559 as passed by the House as follows:
 3 1. Page 1, lines 9 and 10, by striking the
 4 words "pay or reimburse for performance of" and
 5 inserting in lieu thereof the word "provide".

CHARLES P. MILLER

S—3550

- 1 Amend amendment S—3519 to House File

2 467 as follows:

- 3 1. Page 1, by striking lines 38 through 42 and
 4 inserting in lieu thereof the following:
 5 "2. Page 1, by striking lines 13 through 26 and
 6 inserting in lieu thereof the following: 'whether
 7 publicly or privately owned. [Any person, firm or
 8 corporation violating any of such rules of the fire
 9 marshal shall be deemed guilty of a simple misdemeanor.]
 10 *Violation of a rule adopted by the fire marshal is*
 11 *a misdemeanor, punishable by a fine not to exceed*
 12 *one thousand dollars as determined by the court.*
 13 Each day of the continuing violation of [such rules]
 14 a rule after conviction [shall be considered] of a
 15 violation of the rule is a separate offense. [Appeals
 16 may be taken from such convictions] A conviction is
 17 subject to appeal as in other criminal cases.' "

MICK LURA

S-3551

- 1 Amend House File 836 as passed by the House as
 2 follows:
 3 1. By striking lines 1 through 18 and inserting
 4 in lieu thereof the following:
 5 "Section 1. Acts of the Sixty-ninth General
 6 Assembly, 1981 Session, Senate File 130, section 900,
 7 subsection 6, is amended by adding the following new
 8 unlettered paragraph following paragraph g:
 9 *NEW LETTERED PARAGRAPH.* Within the restrictions
 10 of this subsection and after consultation with the
 11 county auditor, the board of supervisors, and the
 12 official charged with the administration of the fund
 13 in question, the county treasurer may honor warrants
 14 drawn upon a county fund at any time during the fiscal
 15 year rather than proceeding under chapter 74,
 16 regardless of the current availability of a cash
 17 balance in the fund on which the warrant is drawn,
 18 if there are sufficient funds available in the total
 19 cash balance of all county funds."

JAMES D. WELLS

S-3552

- 1 Amend House File 472 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, lines 11 and 12, by striking the words
 4 "one hundred twenty hours of".
 5 2. Page 1, by striking lines 15 through 17 and

6 inserting in lieu thereof the following: "*courses,*
 7 *workshops, seminars, or symposiums and, in the case*
 8 *of a course designated by the commission, attaining*
 9 *a grade of at least seventy percent on an examination*
 10 *administered at the conclusion of the course, the*
 11 *assessor or deputy*".

12 3. Page 1, by striking lines 26 through 28 and
 13 inserting in lieu thereof the following "designated
 14 by the commission. The examinations shall be
 15 confidential to the commission and persons designated
 16 by the commission to have access to [said] *the*
 17 *examinations.*"

18 4. Page 1, line 31, by inserting after the word
 19 "office" the words "*of which at least sixty hours*
 20 *are from courses requiring an examination upon*
 21 *conclusion of the course*".

22 5. Page 2, line 8, by striking the words "[except
 23 that] *and*" and inserting in lieu thereof the words
 24 "except that".

25 6. Page 2, line 9, by striking the words "one
 26 hundred [fifty] *twenty*" and inserting in lieu thereof
 27 the words "[one hundred fifty] *sixty*".

28 7. Page 2, line 10, by inserting after the word
 29 "[said]" the words "*of which at least thirty hours are*
 30 *from courses requiring an examination upon conclusion*
 31 *of the course*".

32 8. Page 2, by striking lines 16 through 20 and
 33 inserting in lieu thereof the following: "*of credit*
 34 *required for the deputy to be certified as eligible*
 35 *for reappointment shall be prorated according to the*
 36 *amount of time remaining in the term to which the*
 37 *deputy was appointed*".

C.W. BILL HUTCHINS
 ARNE WALDSTEIN

S-3553

1 Amend House File 503 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 1, by striking lines 30 and 31, and
 4 inserting in lieu thereof the following: "apply to
 5 all cases pending before the district court, court
 6 of appeals and supreme court in which a petition for
 7 judicial review has been mailed or personally served
 8 prior to the effective date of this Act in accordance
 9 with section 1 of this Act."

ARTHUR A. SMALL, JR.
 LUCAS J. DE KOSTER

S—3554

1 Amend House File 788 as passed by the House as
2 follows:

3 1. Page 1, by striking lines 14 through 25 and
4 inserting in lieu thereof the following:

5 "Sec. 3. Section 237A.1, subsection 8, Code 1981,
6 is amended to read as follows:

7 8. 'Child care center' or 'center' means a facility
8 providing child day care for seven or more children,
9 *except when the facility is registered as a group*
10 *day care home.*

11 Sec. 4. Section 237A.1, subsection 9, Code 1981,
12 is amended to read as follows:

13 9. a. 'Family day care home' means a facility
14 which provides child day care to less than seven
15 children.

16 b. *'Group day care home' means a facility providing*
17 *child day care for more than six but less than twelve*
18 *children, with no more than six children at one time*
19 *being less than six years of age.*

20 Sec. 5. Section 237A.1, subsection 10, Code 1981,
21 is amended to read as follows:

22 10. 'Child day care facility' or 'facility' means
23 a child care center, *group day care home*, or registered
24 family day care home.

25 Sec. 6. Section 237A.3, Code 1981, is amended
26 to read as follows:

27 237A.3 REGISTRATION OF FAMILY AND GROUP DAY CARE
28 HOMES.

29 1. A person who operates or establishes a family
30 day care home may apply to the department for
31 registration under [the provisions of] this chapter.
32 The department shall issue a certificate of
33 registration upon receipt of a statement from the
34 family day care home that the home complies with rules
35 [promulgated] *adopted* by the department. The
36 registration certificate shall be posted in a
37 conspicuous place in the family day care home, shall
38 state the name of the registrant, the number of
39 individuals who may be received for care at any one
40 time and the address of the home, and shall include
41 a check list of registration compliances. No greater
42 number of children than is authorized by the
43 certificate shall be kept in the family day care home
44 at any one time. The registration process may be
45 repeated on an annual basis. A facility which is
46 not a family day care home by reason of the definition
47 of child day care in section 237A.1, subsection 7,

48 but which provides care, supervision or guidance to
 49 a child may be issued a certificate of registration
 50 under [the provisions of] this chapter.

Page 2

1 2. A person shall not operate or establish a group
 2 day care home unless the person obtains a certificate
 3 of registration under this chapter. In order to be
 4 registered the group day care home shall have at least
 5 one responsible individual, age fourteen or over,
 6 on duty to assist the group day care home provider
 7 during those hours in which the provider cares for
 8 more than six children. All other requirements of
 9 this chapter for registered family day care homes
 10 and the rules adopted under this chapter for registered
 11 family day care homes apply to group day care homes.
 12 In addition, the department shall adopt rules relating
 13 to the provision in group day care homes for a separate
 14 area for sick children. In consultation with the
 15 state fire marshal, the department shall adopt rules
 16 relating to the provision of fire extinguishers, smoke
 17 detectors, and two exits accessible to children.

18 3. A person who operates or establishes a family
 19 day care home or a group day care home and who is
 20 a child foster care licensee under chapter 237 shall
 21 register with the department under this chapter.
 22 For purposes of registration and determination of
 23 the maximum number of children who can be provided
 24 child day care by the family day care home or group
 25 day care home, the children receiving child foster
 26 care shall be considered the children of the person
 27 operating the family day care home or group day care
 28 home.

29 Sec. 7. Section 237A.19, Code 1981, is amended
 30 by adding the following new unnumbered paragraph:
 31 **NEW UNNUMBERED PARAGRAPH.** A person who establishes,
 32 conducts, manages, or operates a group day care home
 33 without registering under this chapter is guilty of
 34 a simple misdemeanor. Each day of continuing violation
 35 after conviction, or notice from the department by
 36 certified mail of the violation, is a separate offense.
 37 A single charge alleging continuing violation may
 38 be made in lieu of filing charges for each day of
 39 violation.

40 Sec. 8. Section 237.10, Code 1981, is repealed.

41 Sec. 9. This Act, being deemed of immediate
 42 importance, takes effect from and after its publication
 43 in The Algona Upper Des Moines, a newspaper published

- 44 in Algona, Iowa, and in the West Des Moines Express,
 45 a newspaper published in West Des Moines, Iowa."

JULIA GENTLEMAN

S—3555

- 1 Amend House File 154 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Amend the title, line 3, by striking the
 4 words "and to judgments resulting therefrom".

LUCAS J. DE KOSTER

S—3556

- 1 Amend Senate File 547 as follows:
 2 1. Page 1, lines 8 and 9, by striking the
 3 words "[ten cents per head]" and inserting in lieu
 4 thereof the words "[ten] *not to exceed fifty* cents
 5 per head".

BERL E. PRIEBE
 JOHN W. JENSEN

S—3557

- 1 Amend amendment S—3548 to
 2 House File 559 as passed by the House as follows:
 3 1. Page 1, by striking lines 9 through 18.
 4 2. By relettering as necessary.

TED ANDERSON

S—3558

- 1 Amend amendment S—3519 to House File
 2 467 as follows:
 3 1. Page 1, by striking lines 38 through 42 and
 4 inserting in lieu thereof the following:
 5 "2. Page 1, by striking lines 13 through 26 and
 6 inserting in lieu thereof the following: 'whether
 7 publicly or privately owned. [Any person, firm or
 8 corporation violating any of such rules of the fire
 9 marshal shall be deemed guilty of a simple misdemeanor.]
 10 *Violation of a rule adopted by the fire marshal is*
 11 *a simple misdemeanor; provided, however, that upon*
 12 *proof that the fire marshal gave written notice to*
 13 *the defendant of the violation, and proof that the*
 14 *violation constituted a clear and present danger to*
 15 *life, and proof that the defendant failed to eliminate*

16 *the condition giving rise to the violation within*
 17 *thirty days after receipt of notice from the fire*
 18 *marshal, the penalty shall be that provided by law*
 19 *for a serious misdemeanor. Each day of the continuing*
 20 *violation of [such rules] a rule after conviction [shall*
 21 *be considered] of a violation of the rule is a separate*
 22 *offense. [Appeals may be taken from such convictions]*
 23 *A conviction is subject to appeal as in other criminal*
 24 *cases.' "*

ARTHUR A. SMALL, JR.
 MICK LURA
 LUCAS J. DE KOSTER

S—3559

1 Amend House File 754 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, line 19, by striking the words "and
 4 all registrations of each owner" and inserting in
 5 lieu thereof the words "[and all registrations of each
 6 owner]".

BERL E. PRIEBE
 ALVIN V. MILLER
 JAMES V. GALLAGHER

S—3560

1 Amend amendment S—3554 to House
 2 File 788 as passed by the House as follows:
 3 1. Page 1, by inserting after line 2 the following:
 4 " ____ . Page 1, by inserting after line 13 the
 5 following:
 6 'Sec. ____ . Section 237.10, Code 1981, is amended
 7 to read as follows:
 8 237.10 EXEMPTION. A facility licensed under this
 9 chapter or a facility subject to the licensing require-
 10 ments of chapter 237A, if providing child day care, shall
 11 be exempt for a period of two hours or less in any day
 12 from the limitation of simultaneously providing child
 13 day care for a maximum of [six] *nine* children, *with no*
 14 *more than six children at one time being less than six*
 15 *years of age.' "*
 16 2. Page 2, by inserting after line 39, the following:
 17 " ____ . Page 1, by inserting after line 25, the
 18 following:
 19 'Sec. ____ . Chapter 237A, Code 1981, is amended by
 20 adding the following new section:
 21 *NEW SECTION. WAIVERS. A child day care facility,*

22 subject to the licensing or registration requirements
23 of this chapter may request a waiver of the applicable
24 licensing or registration requirements of this chapter
25 and of the rules adopted pursuant to those requirements
26 from the department of social services. Upon receipt
27 of a request for a waiver the department of social
28 services shall compile its information concerning the
29 child day care facility and forward the information to
30 the county board of social welfare in the county in
31 which the facility is located. The county board shall
32 review the information and the request for the waiver and
33 shall make a recommendation on the waiver request to the
34 department of social services. The department of social
35 services shall consider the county board's recommendation
36 and may waive any or all of the licensing or registration
37 requirements of this chapter and of the rules adopted
38 pursuant to those requirements. The department shall base
39 its decision to waive any or all of the requirements or
40 rules on an overall assessment of the facility's ability to
41 provide child day care in a healthy and safe environment.' ”
42 3. Page 2, by striking line 40.
43 4. By renumbering as necessary.

C.W. BILL HUTCHINS

S—3561

- 1 Amend amendment S—3554 to House
- 2 File 788 as passed by the House as follows:
- 3 1. Page 2, by striking lines 41 through 45.

JAMES E. BRILES

S—3562

- 1 Amend House File 782 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 3 and 4 and inserting
- 4 in lieu thereof the following:
- 5 “29C.2 DEFINITIONS.”

BOB RUSH

HOUSE AMENDMENT TO SENATE FILE 528

S—3563

- 1 Amend Senate File 528 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:

5 "Sec. 2. Chapter 810, Code 1981, is amended by
6 adding the following new section:

7 *NEW SECTION. AUTHORITY TO ISSUE ORDER. A*
8 nontestimonial identification order authorized by
9 this chapter may be issued only by a district court
10 or district associate court judge upon written
11 application of a prosecuting attorney in the
12 investigation of a felony offense.

13 Sec. 3. Chapter 810, Code 1981, is amended by
14 adding the following new section:

15 *NEW SECTION. TIME OF APPLICATION.* Applications
16 for a nontestimonial identification order under this
17 chapter may be made prior to the arrest of a suspect.
18 The procedural provisions of this chapter shall not
19 limit the conduct of lineups or other nontestimonial
20 procedures after arrest.

21 Sec. 4. Chapter 810, Code 1981, is amended by
22 adding the following new section:

23 *NEW SECTION. CONTENTS OF APPLICATION.* The
24 application shall:

25 1. Describe the felony offense that is being
26 investigated;

27 2. Name or describe with particularity the person
28 to be detained for the desired nontestimonial
29 identification procedure;

30 3. State the time when and place where the
31 applicant requests that the nontestimonial
32 identification procedure be conducted; and

33 4. Be supported by one or more affidavits setting
34 forth the facts and circumstances showing that the
35 basis for issuance of an order under this chapter
36 exist. If an affidavit is based in whole or in part
37 on hearsay, the affiant shall set forth particular
38 facts bearing on the informant's reliability and shall
39 disclose, as far as is practicable, the means by which
40 the information was obtained.

41 Sec. 5. Chapter 810, Code 1981, is amended by
42 adding the following new section:

43 *NEW SECTION. BASIS FOR ORDER.* An order authorized
44 by this chapter shall be issued only if the court
45 finds that the application and the affidavit or
46 affidavits in support of the application establish
47 each of the following:

48 1. That there is probably cause to believe that
49 a felony described in the application has been
50 committed.

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1 2. That there are reasonable grounds to suspect

2 that the person named or described in the application
3 committed the felony and it is reasonable in view
4 of the seriousness of the offense to subject that
5 person to the requested nontestimonial identification
6 procedures.

7 3. That the results of the requested nontestimonial
8 identification procedures will be of material aid
9 in determining whether the person named or described
10 in the application committed the felony.

11 4. That such evidence cannot practicably be
12 obtained from other sources.

13 Sec. 6. Chapter 810, Code 1981, is amended by
14 adding the following new section:

15 *NEW SECTION. ISSUANCE OF ORDER.* Upon a showing
16 that the required grounds exist, the court shall issue
17 an order directing the person named or described in
18 the application to appear at a designated time and
19 place for nontestimonial identification procedures.

20 Sec. 7. Chapter 810, Code 1981, is amended by
21 adding the following new section:

22 *NEW SECTION. CONTENTS OF ORDER.* The order shall
23 be directed to the person named or described in the
24 application and shall inform the person of all of
25 the following:

26 1. That the presence of the person is required
27 for the purpose of conducting or permitting
28 nontestimonial identification procedures in order
29 to aid in the investigation of the felony specified
30 therein.

31 2. The time and place of the required appearance.

32 3. The nontestimonial identification procedures
33 to be conducted, the methods to be used, and the
34 approximate length of time the procedures will require.

35 4. The grounds to suspect that the person named
36 in the affidavit committed the felony specified
37 therein.

38 5. That the person will be under no legal
39 obligation to submit to any interrogation or to make
40 any statement during the period of the person's
41 appearance except for that required for voice
42 identification.

43 6. That the person may request the judge to make
44 a reasonable modification of the order with respect
45 to time and place of appearance, including a request
46 to have any nontestimonial identification procedure
47 other than a lineup conducted at the person's place
48 of residence.

49 7. That if the person fails to appear, he or she
50 may be held in contempt of court.

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1 8. That the right to counsel shall apply during
2 nontestimonial identification procedures, including
3 the right of indigent persons to appointed counsel.

4 9. That the person may request that the court
5 modify or vacate the order as provided in this chapter.

6 Sec. 8. Chapter 810, Code 1981, is amended by
7 adding the following new section:

8 *NEW SECTION. MODIFICATION OF ORDER.* At the request
9 of the person named or described in the application,
10 the issuing court may modify a nontestimonial
11 identification order with respect to time, place or
12 manner of conducting the identification procedures
13 if it appears reasonable under the circumstances to
14 do so.

15 Sec. 9. Chapter 810, Code 1981, is amended by
16 adding the following new section:

17 *NEW SECTION. VACATION OF ORDER.* On motion of
18 the person named or described in the application,
19 the issuing court shall vacate the nontestimonial
20 identification order if the court finds that the order
21 was improperly issued or that there are no longer
22 sufficient grounds for issuance of the order.

23 Sec. 10. Chapter 810, Code 1981, is amended by
24 adding the following new section:

25 *NEW SECTION. SERVICE OF ORDER.* The order issued
26 pursuant to this chapter shall be served by a law
27 enforcement officer by delivery of a copy of the order
28 to the person named or described in the order.

29 Sec. 11. Chapter 810, Code 1981, is amended by
30 adding the following new section:

31 *NEW SECTION. TIME OF SERVICE.*

32 1. The nontestimonial identification order shall
33 be served upon the person named or described in the
34 order within five days after its issuance, excluding
35 Saturdays, Sundays, and legal holidays, between the
36 hours of 8:00 a.m. and 12:00 midnight, and shall be
37 so served not later than twelve hours prior to the
38 time of the person's required participation.

39 2. If the issuing court finds reasonable cause
40 to believe that the person named or described in the
41 application may either flee or alter or destroy the
42 nontestimonial evidence sought, the court may direct
43 a law enforcement officer to bring the person before
44 the court. Upon presentation of the person, the court
45 shall read the nontestimonial identification order
46 to the person and afford a reasonable opportunity
47 for the person to consult with a lawyer and to seek

48 modification or vacation of the order. The court
49 may then direct the person to participate immediately
50 in the designated nontestimonial identification

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1 procedures. After the procedures have been completed,
2 the person shall be released or charged with a felony.

3 Sec. 12. Chapter 810, Code 1981, is amended by
4 adding the following new section:

5 **NEW SECTION. IMPLEMENTATION OF ORDER.**

6 Nontestimonial identification procedures may be
7 conducted by any law enforcement officer or other
8 person designated by the judge. The judge may require
9 medical supervision for any test ordered pursuant
10 to this chapter when the judge deems such supervision
11 necessary. A person who appears under an order of
12 appearance issued pursuant to this chapter shall not
13 be detained longer than is reasonably necessary to
14 conduct the specified nontestimonial identification
15 procedures unless he or she is arrested for a felony.

16 Sec. 13. Chapter 810, Code 1981, is amended by
17 adding the following new section:

18 **NEW SECTION. FAILURE TO COMPLY.** Any person who,
19 without adequate excuse, fails to comply with a
20 nontestimonial identification order served upon the
21 person pursuant to this chapter may be held in contempt
22 of the court which issued the order.

23 Sec. 14. Chapter 810, Code 1981, is amended by
24 adding the following new section:

25 **NEW SECTION. RETURN.** Within ten days after the
26 nontestimonial identification procedure, the order
27 shall be returned to the issuing court. The court,
28 the prosecuting attorney, and the person who was the
29 subject of the order, shall be furnished with a written
30 report of the results of any tests or comparisons
31 utilizing the evidence obtained in the authorized
32 procedures. This report shall be disclosed promptly
33 after it becomes available unless the court directs
34 that disclosure be delayed.

35 Sec. 15. Chapter 810, Code 1981, is amended by
36 adding the following new section:

37 **NEW SECTION. DISPOSITION OF EVIDENCE.** If at the
38 time of the return probably cause does not exist to
39 believe that the person committed the felony specified
40 in the application, the court shall order that the
41 products of the nontestimonial identification
42 procedures and all copies thereof, be promptly
43 destroyed. Upon motion of the prosecuting attorney,

44 the court may authorize further retention of the
 45 nontestimonial evidence so obtained for such time
 46 as reasonably necessary to facilitate a continuing
 47 investigation or prosecution.”

48 2. Page 1, line 11, by striking the figure “2”
 49 and inserting in lieu thereof the figure “16”.

50 3. Page 1, line 23, by striking the figure “3”

Page 5

1 and inserting in lieu thereof the figure “17”.

HOUSE AMENDMENT TO SENATE FILE 485

S—3564

1 Amend Senate File 485, as passed by the Senate,
 2 as follows:

3 1. Page 2, by striking lines 18 through 21 and
 4 inserting in lieu thereof the following: “facility
 5 or site to conduct reasonable monitoring, testing,
 6 analysis, and reporting with respect to the facility
 7 or site to determine the nature and extent of the
 8 hazard.”

9 2. Page 3, by striking lines 18 and 19 and
 10 inserting in lieu thereof the words “reasonable
 11 monitoring, testing, or analysis to determine the
 12 nature and extent of the”.

13 3. Page 4, line 11, by striking the word “Destroys,
 14 alters or conceals” and inserting in lieu thereof
 15 the words “Destroy, alter or conceal”.

16 4. Page 5, line 7, by inserting after the word
 17 “[conclusive]” the word “substantial”.

HOUSE AMENDMENT TO SENATE FILE 480

S—3565

1 Amend Senate File 480 as amended, passed and
 2 reprinted by the Senate as follows:

3 1. Page 1, line 3, by striking the words “—
 4 DIVORCED SPOUSE” and inserting in lieu thereof the
 5 words “[—DIVORCED SPOUSE]”.

6 2. Page 2, line 1, by striking the word “or”,
 7 and by inserting in lieu thereof the word “and”.

8 3. Page 2, line 4, by inserting after the word
 9 “bees,” the words “poultry to the value of one hundred
 10 dollars.”

11 4. Page 2, line 11, by striking the word “one”

12 and inserting in lieu thereof the word "two".
13 5. Page 3, line 10, by inserting after the period
14 the words "This exemption is in addition to any motor
15 vehicle held exempt under paragraph b."

16 6. Page 3, by inserting after line 16 the
17 following:

18 "Sec. ____ . Section 627.18, Code 1981, is amended
19 to read as follows:

20 627.18 PUBLIC PROPERTY. Public buildings owned
21 by the state, or any county, city, school district,
22 or other municipal corporation, or any other public
23 property which is necessary and proper for carrying
24 out the general purpose for which such corporation
25 is organized, are exempt from execution. [The property
26 of a private citizen can in no case be levied on to
27 pay the debt of any such.]"

28 7. Page 3, by striking line 17 and inserting in
29 lieu thereof the following:

30 "Sec. ____ . Sections 561.17, 627.1, 627.14, 627.15
31 and 627.16, Code 1981, are repealed."

32 8. By renumbering sections.

HOUSE AMENDMENT TO SENATE FILE 409

S-3566

1 Amend Senate File 409 as passed by the Senate as
2 follows:

3 1. Page 1, by striking lines 10 through 15 and
4 inserting in lieu thereof the following: "as both
5 superintendent and business manager. [When a] A hospital
6 administrator *or other person qualified in business*
7 *management* [is] appointed superintendent [he] may also
8 be designated to perform the duties of business
9 manager[,] without additional compensation [therefor,
10 and a]. A physician [having the requisite qualifications
11 for appointment as] *appointed* superintendent shall
12 be designated clinical director and shall".

HOUSE AMENDMENT TO SENATE FILE 225

S-3567

1 Amend Senate File 225 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 1, line 19, by inserting after the word
4 "improvement." the words "*The provisions of this*
5 *section and section 384.58 shall not apply if the*
6 *city has entered into a contract with the federal*

- 7 *government or accepted a federal grant which is*
 8 *governed by federal laws or rules that are contrary*
 9 *to this section and section 384.58."*
 10 2. Page 1, line 34, by inserting after the word
 11 "party," the words "*Interest shall not accrue on funds*
 12 *retained by a city to satisfy the provisions of section*
 13 *573.14 regarding claims on file."*
 14 3. Page 2, by striking lines 9 through 12 and
 15 inserting in lieu thereof the figure "*573.16."*
 16 4. Page 3, by striking lines 18 through 22 and
 17 inserting in lieu thereof the following: "*Interest*
 18 *shall not accrue on funds retained by the public*
 19 *corporation to satisfy the provisions of this section*
 20 *regarding claims on file. The provisions of this*
 21 *chapter shall not apply if the public corporation*
 22 *has entered into a contract with the federal government*
 23 *or accepted a federal grant which is governed by*
 24 *federal law or rules that are contrary to the*
 25 *provisions of this chapter."*

S—3568

- 1 Amend House File 754 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by inserting after line 11 the
 4 following:
 5 "Sec. ____ . Section 321A.3, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 *NEW UNNUMBERED PARAGRAPH.* When a request is made
 8 for a certified abstract of operating records under
 9 this section, the name of the person who made the
 10 request and a copy of the abstract shall be sent to
 11 the operator who is the subject of the abstract by
 12 the person who made the request. If the person making
 13 the request is the insurance company of the operator
 14 and the abstract reveals the operator has been involved
 15 in an accident, the insurance company shall first
 16 consult with the operator to determine if the operator
 17 was at fault in the accident before relying upon the
 18 abstract to determine the operator's automobile
 19 insurance premium."

BERL E. PRIEBE
 ALVIN V. MILLER
 JAMES V. GALLAGHER
 EMIL J. HUSAK

S—3569

- 1 Amend amendment S—3500 to House

2 File 767 as amended, passed and reprinted by the House
3 by striking everything after page 1, line 2, and
4 inserting in lieu thereof the following:

5 "1. By striking everything after the enacting
6 clause and inserting in lieu thereof the following:

7 'Section 1. Section 572.1, Code 1981, is amended
8 by adding the following new subsection:

9 *NEW SUBSECTION.* "Owner-occupied dwelling" means
10 the homestead of the owner actually occupied by the
11 owner and shall include occupation by a spouse of
12 the owner.

13 Sec. 2. Section 572.14, Code 1981, is amended
14 to read as follows:

15 572.14 LIABILITY TO SUBCONTRACTOR AFTER PAYMENT
16 TO ORIGINAL CONTRACTOR.

17 1. [Payment] *Except as provided in subsection 2,*
18 *payment* to the original contractor by the owner of
19 any part or all of the contract price of such building,
20 or improvement before the lapse of the sixty days
21 allowed by law for the filing of a mechanic's lien
22 by a subcontractor, will not relieve the owner from
23 liability to the subcontractor for the full value
24 of any material furnished or labor performed upon
25 said building, land, or improvement if the
26 subcontractor file his lien within the time provided
27 by law for the filing of the same.

28 2. a. *In the case of an owner-occupied dwelling,*
29 *the lien of a subcontractor shall be enforced only*
30 *to the extent of the balance due from the owner to*
31 *the contractor at the time a written notice given*
32 *as provided in section 572.10 is served, unless within*
33 *five days after furnishing any material or performing*
34 *any labor upon said building, land or improvement*
35 *the subcontractor gives a written notice to the owner*
36 *of the fact that the subcontractor has furnished*
37 *material or labor and intends to rely upon the*
38 *provisions of this chapter.*

39 b. *The notice of intent to rely upon the provisions*
40 *of this chapter shall be sufficient if it is*
41 *substantially in the following form:*

42 "Notice to owner: The undersigned has furnished
43 labor or material for improvements upon your real
44 estate. Unpaid claimants who furnish labor or material
45 for improvements upon real estate are entitled to
46 file mechanics' liens against the property improved.
47 That includes contractors and suppliers of labor and
48 material to contractors. You are entitled to be
49 furnished lien waivers from those parties at the time
50 of payment."

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- 1 c. Service of the written notice upon the owner
 2 may be made as follows:
 3 (1) By delivering a copy to the owner personally
 4 or to any person at least eighteen years of age who
 5 resides in the owner's dwelling.
 6 (2) By mailing a copy to the owner by certified
 7 mail, restricted delivery, return receipt to the party
 8 mailing the notice requested.
 9 (3) By personal service as provided in the rules
 10 of civil procedure.
 11 Sec. 3. This Act takes effect January 1 following
 12 enactment. This Act applies only to liens arising
 13 from works or improvements commenced on or after the
 14 effective date of this Act.
 15 2. Amend the title by striking lines 1 through
 16 8 and inserting in lieu thereof the following: 'An
 17 Act providing that in order for a subcontractor to
 18 have a right to a mechanic's lien on an owner-occupied
 19 dwelling a notice of the intent to rely on the
 20 mechanic's lien statutes must be given within five
 21 days of the furnishing of labor or material, to be
 22 effective January 1 following enactment.' "

CALVIN O. HULTMAN

S-3570

- 1 Amend House File 804 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 20, line 23, by inserting after the figure
 4 "35C.2)." the following:
 5 "For the purposes of this section, 'active duty'
 6 means full-time duty in the armed forces of the United
 7 States, excluding active duty for training purposes
 8 only and excluding any period a person was assigned
 9 by the armed forces to a civilian institution for
 10 a course of education or training which was
 11 substantially the same as established courses offered
 12 to civilians, or as a cadet or midshipman, however
 13 enrolled, at one of the service academies."

BOB CARR

S-3571

- 1 Amend Senate File 552 as follows:
 2 1. Page 11, by inserting after line 2 the
 3 following:

4 "As a condition of the appropriation made in this
 5 paragraph, funds appropriated in this paragraph shall
 6 not be used to perform abortions, except to prevent
 7 the death of the mother and shall not be used to
 8 operate the early termination of pregnancy clinic.
 9 For the purpose of this paragraph, an abortion is
 10 the purposeful interruption of pregnancy with the
 11 intention other than to produce a live-born infant
 12 or to remove a dead fetus."

JOHN W. JENSEN

S-3572

1 Amend House File 766 as amended and passed by the
 2 House, as follows:
 3 1. Page 2, line 25, by striking the word "shall"
 4 and inserting in lieu thereof the word "may".
 5 2. Page 3, line 14, by striking the word "shall"
 6 and inserting in lieu thereof the word "may".
 7 3. Page 4, line 5, by striking the word "send"
 8 and inserting in lieu thereof the word "cause".
 9 4. Page 4, line 6, by inserting after the word
 10 "to" the words "be served upon".
 11 5. Page 4, lines 6 and 7, by striking the words
 12 "by restricted certified mail" and inserting in lieu
 13 thereof the words "in the manner provided for service
 14 of original notice and".

DICK RAMSEY

S-3573

1 Amend Senate File 555 as follows:
 2 1. Page 1, by inserting after line 5 the following:
 3 "Sec. 2. Section 450.4, Code 1981, is amended
 4 by adding the following new subsection:
 5 *NEW SUBSECTION.* On property passing to the
 6 surviving spouse."
 7 2. Page 1, line 6, by striking the word and number
 8 "Sec. 2." and inserting in lieu thereof the word and
 9 number "Sec. 3."
 10 3. Page 2, by striking lines 9 through 29 and
 11 inserting in lieu thereof the following:
 12 "Sec. 4. Section 450.9, unnumbered paragraph 1
 13 and subsection 1, Code 1981, are amended to read as
 14 follows:
 15 In computing the tax on the net estate passing
 16 to the [surviving spouse,] heirs or beneficiaries of
 17 the deceased the following [credits or] exemptions shall

18 be allowed:

19 [1. Surviving spouse, eighty thousand dollars.]

20 Sec. 5. Section 450.9, subsections 2, 3, and 4,

21 Code 1981, are amended to read as follows:

22 2. Each son and daughter, including legally adopted
23 sons and daughters, or illegitimate sons and daughters
24 entitled to inherit under the law of this state,
25 [thirty] *fifty* thousand dollars.

26 3. Father or mother, [ten] *fifteen* thousand dollars.

27 4. Any other lineal descendant of the deceased,
28 [ten] *fifteen* thousand dollars.

29 Sec. 6. Section 450.10, subsection 1, unnumbered
30 paragraph 1, Code 1981, is amended to read as follows:

31 When [such] *the* property, interest, or income passes
32 [to the wife or the husband of the deceased, grantor,
33 donor, or vendor, or] to the father or mother, or to
34 any child or lineal descendant of [such] *the* decedent,
35 grantor, donor or vendor, including a legally adopted
36 child or illegitimate child entitled to inherit under
37 the laws of this state, the tax imposed shall be on
38 the individual share [so] passing in excess of the
39 exemptions [herein] allowed and shall be as follows:”

40 4. Page 2, line 30, by striking the word and
41 figure “Sec. 4.” and inserting in lieu thereof the
42 word and figure “Sec. 7.”

43 5. Page 3, line 3, by striking the word and figure
44 “Sec. 5.” and inserting in lieu thereof the word and
45 figure “Sec. 8.”

46 6. Page 3, line 21, by striking the word and
47 figure “Sec. 6.” and inserting in lieu thereof the
48 word and figure “Sec. 9.”

49 7. Page 3, line 34, by striking the word and
50 figure “Sec. 7.” and inserting in lieu thereof the

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1 word and figure “Sec. 10.”

2 8. Page 4, line 22, by striking the word and
3 figure “Sec. 8.” and inserting in lieu thereof the
4 word and figure “Sec. 11.”

5 9. Page 5, line 7, by striking the word and figure
6 “Sec. 9.” and inserting in lieu thereof the word and
7 figure “Sec. 12.”

8 10. Page 5, line 17, by striking the word and
9 figures “1, 3, and 5” and inserting in lieu thereof
10 the word and figures “1, 5, and 8”.

11 11. Page 5, line 21, by striking the word and
12 figures “2, 4, 6, 7, 8, and 9” and inserting in lieu
13 thereof the word and figures “2, 3, 4, 6, 7, 9, 10,

- 14 11, and 12".
15 12. By correcting internal references as is
16 necessary.

RAY TAYLOR
BERL E. PRIEBE

S—3574

- 1 Amend amendment S—3514 to House
2 File 771 as amended, passed and reprinted by the House as follows:

DIVISION S—3574A

- 3 1. Page 2, by striking lines 43 through 49 and
4 inserting in lieu thereof the words "*support of the*
5 *filing.*"

DIVISION S—3574B

- 6 2. Page 3, by striking lines 14 through 20 and
7 inserting in lieu thereof the words "*The docketing*
8 *of a case as a formal proceeding suspends the effective*
9 *date of the new or changed rates, charges, schedules*
10 *or regulations until emergency or permanent rates,*
11 *charges, schedules or regulations are approved by*
12 *the commission.*"

DIVISION S—3574C

- 13 3. Page 3, by striking lines 24 through 26 and
14 inserting in lieu thereof the words "*utility, the*
15 *commission may grant the public utility authority*
16 *to place in effect [any or all of the suspended]*
17 *emergency rates.*"

DIVISION S—3574D

- 18 4. By striking page 3, line 33 through page 4,
19 line 23 and inserting in lieu thereof the following:
20 "*regulations finally approved by the commission.*
21 *Emergency rates, charges, schedules or regulations*
22 *shall be sufficient to allow the public utility to*
23 *maintain financial integrity, to recover necessary*
24 *costs, and to fairly compensate investors for risks*
25 *they have assumed. The commission shall render a*
26 *decision on a request for emergency authority within*
27 *ninety days after the filing of the request. The*
28 *commission shall*".

PATRICK J. DELUHERY

S—3575

- 1 Amend amendment S—3514 to House File
- 2 771 as amended, passed and reprinted by the House as follows:

DIVISION S—3575A

3 1. Page 1, by striking lines 42 through 46 and
4 inserting in lieu thereof the following: "proceedings
5 respecting known and measurable changes in costs not
6 associated with a different level of revenue, and
7 known and measurable revenues not associated with
8 a different level of costs, that are to occur at any
9 time within twelve months after the date of
10 commencement of the proceeding. For purposes of this
11 subsection, a proceeding".

12 2. Page 2, by striking lines 3 through 9 and
13 inserting in lieu thereof the following:

14 "3. An extension of time granted under subsection
15 1 shall not extend the amount of time for which the
16 utility is required to file a bond or other undertaking
17 conditioned upon refund under section 476.3.
18 Subsection 1 does not authorize the commission to
19 extend any period of time within which it is required
20 to act under section 476.6, but extensions may be
21 granted under subsection 1 in conjunction with
22 extensions ordered by the commission under the
23 authority of section 476.6."

24 3. Page 2, line 43, by inserting after the word
25 "filing" the words ", provided that this requirement
26 shall not apply if the public utility is a rural
27 electric cooperative".

28 4. Page 3, lines 47 and 48, by striking the words
29 "shall consider current cost of capital data" and
30 inserting in lieu thereof the words "shall in addition
31 consider financial market data that is filed or is
32 otherwise available to the commission".

33 5. Page 4, line 2, by striking the word "sixty"
34 and inserting in lieu thereof the word "ninety".

35 6. Page 4, line 8, by inserting after the comma
36 the words "plus the length of any delay that
37 necessarily results from the failure of the public
38 utility to exercise due diligence in connection with
39 the proceedings or from intervening judicial
40 proceedings,".

41 7. Page 4, lines 16 and 17, by striking the words
42 "commission. If" and inserting in lieu thereof the
43 words "commission; and if"

44 8. Page 4, line 20, by inserting after the comma

45 the words "plus the length of any delay that
 46 necessarily results from the failure of the public
 47 utility to exercise due diligence in connection with
 48 the proceedings or from intervening judicial
 49 proceedings."

DIVISION S—3575B

50 9. Page 4, line 23, by inserting after the period

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DIVISION S—3575B (cont'd.)

1 the following: "If the commission finds that an
 2 extension of the preceding time limitations is
 3 necessary to permit the accumulation of necessary
 4 data with respect to the operation of a newly
 5 constructed electric generating facility that has
 6 a capacity of one hundred megawatts or more of
 7 electricity and that is proposed to be included in
 8 the rate base for the first time, the commission may
 9 extend the twelve-month limitation, or the eighteen-
 10 month limitation, or both, up to a maximum extension
 11 of either limitation of six months, but only with
 12 respect to that portion of the suspended rates,
 13 charges, schedules or regulations that are necessarily
 14 connected with the inclusion of the generating facility
 15 in the rate base."

EDGAR H. HOLDEN
 LUCAS J. DE KOSTER
 EMIL J. HUSAK

S—3576

1 Amend House File 771 as follows:
 2 1. Page 6, by inserting after line 12 the
 3 following:
 4 "Sec. 8. **NEW SECTION. DEFINITIONS.** As used in
 5 sections 8 through 11 of this Act unless the context
 6 otherwise requires:
 7 1. 'Commission' means the Iowa state commerce
 8 commission.
 9 2. 'Rate or service change' means the filing by
 10 a public utility of an application to change a rate
 11 or rate schedule for a public utility service, an
 12 application for a certificate of public convenience,
 13 use, and necessity to construct an electrical power
 14 generating plant, or an application for a franchise
 15 to construct a transmission line or a pipeline.

16 3. 'Public utility' means an electric, gas, or
17 telephone utility subject to regulation by the
18 commission.

19 Sec. 9. *NEW SECTION.* ADMINISTRATION. The
20 commission shall administer and implement this Act
21 and may adopt the rules necessary to carry out its
22 responsibilities. The rules shall be adopted in
23 accordance with chapter 17A.

24 Sec. 10. *NEW SECTION.* COUNTY AS INTERVENOR.

25 1. A county located within the service area to
26 be affected by a rate or service change has the right
27 of intervention.

28 2. Upon the filing of a petition of intervention
29 and serving notice of the petition on the public
30 utility, the public utility shall immediately provide
31 the intervenor with the documents and information
32 relating to the rate or service change filed by the
33 public utility with the commission. The information
34 shall include working papers filed with the commission
35 as supporting documents.

36 Sec. 11. *NEW SECTION.* ESTIMATED COST OF
37 PROCEEDINGS.

38 1. At the time of filing for a rate or service
39 change, the public utility shall report to the
40 commission an estimate of the amount that the public
41 utility has spent and proposes to spend in the rate
42 or service change proceedings for attorney fees,
43 witness fees, and other expenses in presenting its
44 case. The cost of the estimate may be included in
45 the expenses of the public utility which are considered
46 for rate-making purposes.

47 2. A county which desires to intervene may petition
48 the commission for funding for its estimated attorney
49 fees, witness fees, expert fees, and other related
50 expenses in intervening in the case. Two or more

Page 2

1 counties may petition as joint intervenors.

2 3. The commission shall authorize funding for
3 at least one county intervenor, upon petition. The
4 commission shall establish, by rule, the procedures
5 to be used in determining which county shall be funded
6 if more than one petition for funding. The following
7 factors shall be considered in determining the
8 recipients of the funds:

9 a. Evidence of the applicant's competence,
10 experience, and commitment to advancing the interests
11 of utility consumers.

- 12 b. The applicant's record of previous intervention.
13 c. The percentage and diversity of customers
14 represented by each applicant.
15 d. Other factors which the commission finds
16 relevant to assure adequate consumer representation.
17 4. The determination of which county is to be
18 funded shall be made at the earliest practicable time.
19 The commission shall direct the public utility to
20 advance the county the funds which the commission
21 finds reasonable and necessary to insure effective
22 representation and may order, after notice and a
23 public hearing, additional funds as needed. The
24 amount paid by the public utility shall not exceed
25 the total amount that the public utility has estimated
26 that it will spend as provided in subsection 1 of
27 this section. If the limit is reached, an inquiry
28 shall be made by the commission as to whether the
29 public utility has exceeded its estimate and, if so,
30 a revised estimate shall be required.
31 5. The amount ordered to be paid to a county under
32 this section may be included by the commission in
33 establishing the cost of service for rate-making
34 purposes in the same or subsequent rate proceedings."
35 2. By renumbering sections of the bill.

SUE YENGER
TOM SLATER
JAMES E. BRILES
NORMAN J. GOODWIN

S-3577

- 1 Amend House File 771 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, line 15, by inserting after the period
4 the following:
5 "Section 6 of this Act also applies to a proceeding
6 commenced by a public utility under section 476.6
7 prior to the effective date of this Act, unless the
8 public utility commenced the collection of new or
9 changed rates under bond prior to the effective date
10 of this Act."

TED ANDERSON

HOUSE AMENDMENT TO SENATE FILE 121

S-3578

- 1 Amend Senate File 121 as amended, passed and

2 reprinted by the Senate, as follows:

- 3 1. Page 2, by striking lines 2 through 4 and
 4 inserting in lieu thereof the following: "consent
 5 [for] to the name change. [If both parents do not file
 6 their consent, the court shall decide the
 7 appropriateness of the change of the minor child's
 8 name] *If one of the parents does not consent to the
 9 name change, a hearing shall be set on the petition
 10 on twenty days notice to the non-consenting parent
 11 pursuant to the rules of civil procedure. At the
 12 hearing the court may waive the requirement of consent
 13 as to one of the parents if it finds:*
 14 *1. That the parent has abandoned the child;*
 15 *2. That the parent has been ordered to contribute
 16 to the support of the child or to financially aid
 17 in the child's birth and has failed to do so without
 18 good cause; or*
 19 *3. That the parent does not object to the name
 20 change after having been given due and proper notice."*

HOUSE AMENDMENT TO SENATE FILE 146

S—3579

- 1 Amend Senate File 146 as passed by the Senate as
 2 follows:
 3 1. Page 1, by inserting after line 12 the
 4 following:
 5 "Sec. 2. Section 23.18, Code 1981, is amended
 6 to read as follows:
 7 **23.18 BIDS REQUIRED—PROCEDURE.** When the estimated
 8 total cost of construction, erection, demolition,
 9 alteration or repair of any public improvement exceeds
 10 [five] *twenty-five* thousand dollars, the municipality
 11 shall advertise for bids on the proposed improvement
 12 by two publications in a newspaper published in the
 13 county in which the work is to be done, the first
 14 of which shall be not less than fifteen days prior
 15 to the date set for receiving bids, and shall let
 16 the work to the lowest responsible bidder submitting
 17 a sealed proposal[, provided, however]. *However, if
 18 in the judgment of the municipality bids received
 19 [be] are not acceptable, all bids may be rejected and
 20 new bids requested. All bids must be accompanied,
 21 in a separate envelope, by a deposit of money or
 22 certified check in an amount to be named in the
 23 advertisement for bids as security that the bidder
 24 will enter into a contract for the doing of the work.
 25 The municipality shall fix [said] the bid security in*

26 an amount equal to at least five percent, but not
27 more than ten percent of the estimated total cost
28 of the work. The checks or deposits of money of the
29 unsuccessful bidders shall be returned as soon as
30 the successful bidder is determined, and the check
31 or deposit of money of the successful bidder shall
32 be returned upon execution of the contract documents.
33 This section shall not apply to the construction,
34 erection, demolition, alteration or repair of any
35 public improvement when the contracting procedure
36 for the doing of the work is provided for in another
37 provision of law.

38 Sec. 3. Section 111A.6, unnumbered paragraph 1,
39 Code 1981, is amended to read as follows:

40 Upon the adoption [of any county of the provisions]
41 of this chapter, the [county] board of supervisors of
42 [such] *the* county may by resolution appropriate an
43 amount of money from the general fund of the county
44 for the payment of expenses incurred by the county
45 conservation board in carrying out its powers and
46 duties. The board of supervisors may temporarily
47 transfer by resolution, [any] unobligated funds from
48 the general fund of the county to the county
49 conservation fund in anticipation of or to match
50 committed receipts of *private assistance or federal*

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1 [funds from the Heritage Conservation and Recreation
2 Service] *or state aid funds*. The transferred funds
3 shall be returned to the general fund of the county
4 within [such] a time not to exceed five years as
5 specified by the board of supervisors or upon receipt
6 of the federal *or state* funds, whichever date is
7 earlier. The board of supervisors may levy or cause
8 to be levied an annual tax, in addition to all other
9 taxes, of not more than twenty-seven cents per thousand
10 dollars of the assessed value of all real and personal
11 property subject to taxation within [such] *the* county,
12 upon proper certification by [said] *the* county con-
13 servation board may pursuant to and in compliance
14 with all of the provisions of chapter 24, which tax
15 shall be collected by the county treasurer as other
16 taxes are collected, and shall be paid into a separate
17 [and distinct] fund to be known as the county
18 conservation fund, to be paid out upon [the] warrants
19 drawn by the county auditor upon requisition of the
20 county conservation board for the payment of expenses
21 incurred in carrying out the powers and duties of

22 [said] *the* conservation board. The county conservation
 23 board shall [have no power or authority to] *not* contract
 24 any debt or obligation [in any year] in excess of the
 25 moneys in the hands of the county treasurer immediately
 26 available for such purposes, except the board of
 27 supervisors may authorize deferred payments for land
 28 acquisition purchases not to exceed one-fourth of
 29 the annual conservation fund levy nor to extend over
 30 a period of *more than* ten years [or], *and* except for
 31 projects to be financed from unobligated funds in
 32 the county conservation fund [and] *or* committed federal
 33 [matching] *or state* grants. [Any] *A* single expenditure
 34 of, or contract to expend, [a sum of five] *twenty-five*
 35 thousand dollars [shall be] *or more is* subject to the
 36 provisions of chapter 23. Gifts, contributions, and
 37 bequests of money and all rent, licenses, fees, and
 38 charges and other revenue or money received or col-
 39 lected by the board shall be deposited in the county
 40 conservation fund to be used for the purchase of [land,]
 41 property [and equipment] and the payment of expenses
 42 incurred in carrying out the activities of the board,
 43 except that moneys given, bequeathed, or contributed
 44 upon specified trusts shall be held and applied in
 45 accordance with the trust specified.

46 Sec. 4. Section 218.59, Code 1981, is amended
 47 to read as follows:

48 218.59 PLANS AND SPECIFICATIONS. [Said] *The*
 49 commissioner shall cause plans and specifications
 50 to be prepared for all improvements authorized and

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1 costing over [five] *twenty-five* thousand dollars. No
 2 appropriation for any improvement shall be expended
 3 until the adoption of suitable plans and
 4 specifications, prepared by a competent architect,
 5 and accompanied by a detailed statement of the amount,
 6 quality, and description of all material and labor
 7 required for the completion of [such] *the* improvement.

8 No plans shall be adopted, and no improvement shall
 9 be constructed, which contemplates an expenditure
 10 of money in excess of the appropriation.

11 Sec. 5. Section 218.60, Code 1981, is amended
 12 to read as follows:

13 218.60 LETTING OF CONTRACTS—REPAIRS OR
 14 ALTERATIONS. The commissioner shall, in writing,
 15 let all contracts for authorized improvements costing
 16 in excess of [five] *twenty-five* thousand dollars to
 17 the lowest responsible bidder, after such advertisement

18 for bids as the commissioner may deem proper in order
19 to secure full competition. The commissioner may
20 reject all bids and readvertise. [Provided, however,
21 if the improvement be the repair or alteration of
22 any building or grounds and is not new construction
23 and the estimated cost thereof does not exceed twenty-
24 five thousand dollars, the commissioner with the
25 approval of the executive council may proceed with
26 such repairs or alterations under a negotiated contract
27 on such terms as the commissioner and the executive
28 council may determine to be for the best interests
29 of the state.]”

30 2. Page 1, by inserting after line 30 the
31 following:

32 “Sec. 7. Section 297.7, subsection 1, Code 1981,
33 is amended by striking the subsection and inserting
34 in lieu thereof the following:

35 1. Sections 23.2 and 23.18 are applicable to the
36 construction and repair of school buildings. Before
37 construction of a school building for which the cost
38 of construction exceeds twenty-five thousand dollars,
39 the board of directors of a school district shall
40 send a copy of the plans to the building consultant
41 in the department of public instruction for review.
42 The board of directors may submit for review a copy
43 of the plans for repair or renovation of a school
44 building. The building consultant shall return the
45 plans together with any recommendations to the board
46 of directors within thirty days following the receipt
47 of the plans.

48 Sec. 8. Section 297.8, Code 1981, is amended to
49 read as follows:

50 297.8 EMERGENCY REPAIRS. When emergency repairs

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1 costing more than [twenty] *twenty-five* thousand dollars
2 are necessary in order to prevent the closing of any
3 school, the provisions of the law with reference to
4 advertising for bids shall not apply, and in that
5 event the board may contract for such emergency repairs
6 without advertising for bids. However, before such
7 emergency repairs can be made to any schoolhouse,
8 it shall be necessary to procure a certificate from
9 the area education agency administrator that such
10 emergency repairs are necessary to prevent the closing
11 of the school.

12 Sec. 9. Section 332.7, subsections 1 and 2, Code
13 1981, are amended to read as follows:

14 1. If the probable cost of constructing or
 15 repairing a court building will exceed [five] *twenty-*
 16 *five* thousand dollars, the county building shall be
 17 constructed or repaired only after bid proposals for
 18 the construction or repair have been invited by
 19 advertisement once each week for three consecutive
 20 weeks in all of the official newspapers of the county
 21 in which the work is to be done and under an express
 22 written contract. The detailed plans and
 23 specifications for [such] *the* improvements shall be
 24 on file and open to public inspection in the office
 25 of the auditor of the county in which the work is
 26 to be done before advertisement for bids.

27 2. If the probable cost of constructing or
 28 repairing a county building will not exceed [five]
 29 *twenty-five* thousand dollars, the county building
 30 shall be constructed or repaired under an express
 31 written contract awarded through the formal bidding
 32 procedures specified in subsection 1 or through
 33 informal bidding procedures by notifying in writing
 34 at least three qualified bidders at least two weeks
 35 before letting the contract, except for repairs
 36 specified in subsection 3. The informal bids received
 37 and a statement of the reasons for use of the informal
 38 procedure and bid acceptance shall be entered in the
 39 minutes of the meeting of the board of supervisors
 40 at which such action is taken.

41 Sec. 10. Section 346.26, subsection 4, Code 1981,
 42 is amended to read as follows:

43 4. Contracts for the construction of any building
 44 which involve the expenditure of [five] *twenty-five*
 45 thousand dollars or more shall be entered into pursuant
 46 to advertisement for bids in a manner approved and
 47 authorized by both the board of supervisors of the
 48 county and the council of the city. A county may
 49 apply for and accept federal aid in the construction
 50 of a building under this section, subject to conditions

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- 1 and stipulations imposed in connection with the federal
 2 aid and as approved by the board of supervisors."
 3 3. By renumbering to conform with this amendment.

HOUSE AMENDMENT TO SENATE FILE 170

S-3580

- 1 Amend Senate File 170 as amended, passed and

2 reprinted by the Senate as follows:

3 1. By striking page 1, line 32, through page 2,
4 line 6.

HOUSE AMENDMENT TO SENATE FILE 244

S—3581

1 Amend Senate File 244, as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Chapter 524, division VIII, Code 1981,
6 is amended by adding the following new section:

7 *NEW SECTION.* A state bank may act as an escrow
8 agent with respect to real property, and may receive
9 funds and make disbursements from escrowed funds in
10 that capacity. The state bank shall be deemed to
11 be acting in a fiduciary capacity with respect to
12 these funds. A bank which maintains such an escrow
13 account, whether or not the mortgage has been assigned
14 to a third person, shall deliver to the mortgagor
15 a written summary of all transactions made with re-
16 spect to the loan and escrow accounts during each
17 calendar year. However, the mortgagor and mortgagee
18 may, by mutual agreement, select a fiscal year
19 reporting period other than the calendar year. The
20 summary shall be delivered or mailed not later than
21 thirty days following the year to which disclosure
22 relates. The summary shall contain all of the
23 following information:

24 1. The name and address of the mortgagee.

25 2. The name and address of the mortgagor.

26 3. A summary of escrow account activity during
27 the year as follows:

28 a. The balance of the escrow account at the
29 beginning of the year.

30 b. The aggregate amount of deposits to the escrow
31 account during the year.

32 c. The aggregate amount of withdrawals from the
33 escrow account for each of the following categories:

34 (1) Payments against loan principal.

35 (2) Payments against interest.

36 (3) Payments against real estate taxes.

37 (4) Payments for real property insurance premiums.

38 (5) All other withdrawals.

39 d. The balance of the escrow account at the end
40 of the year.

41 4. A summary of loan principal for the year as

42 follows:

43 a. The amount of principal outstanding at the
44 beginning of the year.

45 b. The aggregate amount of payments against
46 principal during the year.

47 c. The amount of principal outstanding at the
48 end of the year.

49 Sec. 2, Chapter 533, Code 1981, is amended by
50 adding the following new section:

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1 *NEW SECTION.* A credit union may act as an escrow
2 agent with respect to real property that is mortgaged
3 to the credit union, and may receive funds and make
4 disbursements from escrowed funds in that capacity.
5 The credit union shall be deemed to be acting in a
6 fiduciary capacity with respect to these funds. A
7 credit union which maintains such an escrow account,
8 whether or not the mortgage has been assigned to a
9 third person, shall deliver to the mortgagor a written
10 summary of all transactions made with respect to the
11 loan and escrow accounts during each calendar year.
12 However, the mortgagor and mortgagee may, by mutual
13 agreement, select a fiscal year reporting period other
14 than the calendar year.

15 The summary shall be delivered or mailed not later
16 than thirty days following the year to which the
17 disclosure relates. The summary shall contain all
18 of the following information:

19 1. The name and address of the mortgagee.
20 2. The name and address of the mortgagor.
21 3. A summary of escrow account activity during
22 the year as follows:

23 a. The balance of the escrow account at the
24 beginning of the year.

25 b. The aggregate amount of deposits to the escrow
26 account during the year.

27 c. The aggregate amount of withdrawals from the
28 escrow account for each of the following categories:

29 (1) Payments against loan principal.

30 (2) Payments against interest.

31 (3) Payments against real estate taxes.

32 (4) Payments for real property insurance premiums.

33 (5) All other withdrawals.

34 d. The balance of the escrow account at the end
35 of the year.

36 4. A summary of loan principal for the year as
37 follows:

38 a. The amount of principal outstanding at the
39 beginning of the year.

40 b. The aggregate amount of payments against
41 principal during the year.

42 c. The amount of principal outstanding at the
43 end of the year.

44 Sec. 3. Chapter 534, Code 1981, is amended by
45 adding the following new section:

46 *NEW SECTION.* A savings and loan association may
47 act as an escrow agent with respect to real property
48 that is mortgaged to the association, and may receive
49 funds and make disbursements from escrowed funds in
50 that capacity. The association shall be deemed to

HOUSE AMENDMENT TO SENATE FILE 492

S-3584

1 Amend Senate File 492 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the words "two
4 hours" and inserting in lieu thereof the words "one
5 hour".

6 2. Page 1, by inserting after line 9 the following
7 section:

8 "Sec. ____ . Section 321.372, subsection 1,
9 unnumbered paragraph 1, Code 1981, is amended to read
10 as follows:

11 The driver of [any] a school bus used to transport
12 children to and from a public or private school shall,
13 when stopping to receive or discharge pupils, turn
14 on flashing warning lamps at a distance of not less
15 than three hundred feet nor more than five hundred
16 feet from the point where the pupils are to be received
17 or discharged from the bus. At the point of receiving
18 or discharging pupils the driver of the bus shall
19 bring the bus to a stop, turn off the amber flashing
20 warning lamps, turn on the red flashing warning lamps,
21 and extend the stop arm. After receiving or
22 discharging pupils, the bus driver shall turn off
23 all flashing warning lamps, retract the stop arm and
24 proceed on the route. Except to the extent that
25 reduced visibility is caused by fog, snow, or other
26 whether conditions, a school bus shall not stop to
27 [load or unload] *receive or discharge* pupils unless
28 there is at least three hundred feet of unobstructed
29 vision in each direction. *However, the driver of*
30 *a school bus is not required to use flashing warn-*
31 *ing lamps and the stop arm when receiving or*

32 *discharging pupils at a designated loading and*
33 *unloading zone at a school attendance center or at*
34 *extracurricular or educational activity locations*
35 *where students exiting the bus do not have to cross*
36 *the street or highway."*

37 3. Page 1, line 14, by striking the words "or
38 other carrier".

39 4. Page 1, lines 16 and 17, by striking the words
40 "or other carrier".

41 5. Page 1, line 19, by striking the words "or
42 other carrier".

43 6. Page 1, by striking lines 23 through 29.

44 7. Page 3, by adding the following section after
45 line 2:

46 "Sec. ____ . This Act, being deemed of immediate
47 importance, shall take effect from and after its
48 publication in The Hawk Eye, a newspaper published
49 in Burlington, Iowa, and in The Bulletin-Journal,
50 a newspaper published in Independence, Iowa."

Page 2

1 8. Renumbering sections and correcting internal
2 references as necessary.

3 9. Title page, by striking line 1 and inserting
4 in lieu thereof the following: "An Act relating to
5 transportation of persons."

HOUSE AMENDMENT TO SENATE FILE 524

S-3585

1 Amend Senate File 524, as passed by the Senate,
2 as follows:

3 1. Page 1, by inserting before line 1 the following
4 new section:

5 "Section 1. Section 13.7, Code 1981, is amended
6 to read as follows:

7 13.7 SPECIAL COUNSEL. No compensation shall be
8 allowed to any person for services as an attorney
9 or counselor to any executive department of the state
10 government, or the head thereof, or to any state board
11 or commission, but the executive council may employ
12 legal assistance, at a reasonable compensation, in
13 any pending action or proceeding to protect the
14 interests of the state, but only upon a sufficient
15 showing, in writing, made by the attorney general,
16 that the department of justice cannot for reasons
17 stated by the attorney general perform said service,

18 which reasons and action of the council shall be
19 entered upon its records. When the attorney general
20 determines that the department of justice cannot
21 perform legal service in an action or proceeding,
22 the executive council shall request the department
23 involved in the action or proceeding to recommend
24 legal counsel to represent the department. If the
25 attorney general concurs with the department that
26 the person recommended is qualified and suitable to
27 represent the department, the person recommended shall
28 be employed. If the attorney general does not concur
29 in the recommendation, the department shall submit
30 a new recommendation. This section shall not affect
31 the office of the commerce counsel, the transportation
32 regulation [board] *authority* counsel, or the legal
33 counsel of the Iowa department of job service.”
34 2. Page 7, line 27, by striking the figure “13.7.”
35 3. Renumber sections and correct internal
36 references as are necessary in accordance with this
37 amendment.

HOUSE AMENDMENT TO SENATE FILE 526

S—3586

1 Amend Senate File 526, as passed by the Senate
2 as follows:
3 1. Page 1, by striking lines 4 and 5 and inserting
4 in lieu thereof the following: “inspect a snowmobile
5 operated, parked, or stored on a public street,
6 highway, public land, or on frozen waters of the
7 state”.
8 2. Page 4, by inserting after line 28, the
9 following:
10 “Sec. ____ . Section 321G.9, subsection 6, unnumbered
11 paragraph 2, Code 1981, is amended by striking the
12 unnumbered paragraph.”

S—3587

1 Amend House File 771 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, by inserting after line 12 the
4 following:
5 “Sec. 8. Chapter 476, Code 1981, is amended by
6 adding the following new section:
7 *NEW SECTION. ENERGY CONSERVATION IMPROVEMENTS.*
8 1. As used in this section, unless the context
9 otherwise requires:

10 a. 'Energy conservation improvement' means the
 11 purchase or installation of any device, method, or
 12 material that increases the efficiency in the
 13 residential use of electricity or natural gas,
 14 including but not limited to:

- 15 (1) Insulation and ventilation.
- 16 (2) Storm or thermal doors or windows.
- 17 (3) Caulking and weatherstripping.
- 18 (4) Furnace efficiency modifications.
- 19 (5) Thermostate or lighting controls.
- 20 (6) Awnings.
- 21 (7) Systems to turn off or vary the delivery of
- 22 energy. The term 'energy conservaton improvement'
- 23 does not include any device or method which creates,
- 24 converts, or actively uses energy from renewable
- 25 sources such as solar, wind, and biomass.

26 b. 'Investments' means investments and expenses
 27 incurred by a public utility in connection with an
 28 energy conservation improvement including, but not
 29 limited to:

- 30 (1) The differential in interest cost between
- 31 the market rate and the rate charged on a no-interest
- 32 or below-market-interest loan made by a public utility
- 33 to a customer for the purchase or installation of
- 34 an energy conservation improvement.
- 35 (2) The difference between the utility's cost
- 36 of purchase or installation of energy conservation
- 37 improvements and any price charged by a public utility
- 38 to a customer for such improvements.
- 39 2. The commission shall, prior to January 1, 1982,
- 40 and after consultation with the Iowa energy policy
- 41 council, initiate a pilot program to examine and
- 42 demonstrate the feasibility of the use of public
- 43 utility investments in energy conservation improvements
- 44 to residential buildings.
- 45 3. As part of this program, the commission shall
- 46 require at least one public utility to make investments
- 47 for energy conservation improvements, subject to the
- 48 following conditions:
- 49 a. The commission specifically shall determine
- 50 the interest rates, prices, and terms under which

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- 1 the energy conservation improvements are to be offered
- 2 to customers of the public utility.
- 3 b. The commission shall assure that a customer
- 4 of a public utility is permitted to choose the
- 5 contractors to complete the energy conservation

6 improvements, but that bidding contractors satisfy
7 minimum standards of competency with respect to the
8 types of improvements involved.

9 c. The commission shall not order a public utility
10 to make an investment for energy conservation
11 improvement unless the commission first finds that
12 the improvement will result in energy savings, and
13 at a total cost to the public utility that is less
14 than the cost to the public utility to produce or
15 purchase an equivalent amount of new energy.

16 d. The public utility shall not undertake an
17 energy conservation improvement with respect to
18 residential property unless the utility is the primary
19 supplier of energy used for heating and cooling the
20 property.

21 e. Investments by the public utility shall be
22 treated for rate-making purposes in the same manner
23 as investments for new plant construction.

24 4. An energy conservation improvement made to
25 or installed in a residential building pursuant to
26 the energy conservation improvement program shall
27 be the exclusive property of the customer as against
28 the public utility, except to the extent of any
29 security interest taken by the public utility to
30 assure payment of a loan made by the public utility
31 to the customer.

32 5. If investments by a public utility in energy
33 conservation improvements are prohibited or restricted
34 in any manner by federal law and there is a provision
35 in that law under which the prohibition or restriction
36 may be waived, the commission or other state officer
37 or agency shall take whatever steps may be necessary
38 to obtain the waiver for public utilities participating
39 in the energy conservation improvement program.

40 Sec. 9. Section 476.8, Code 1981, is amended to
41 read as follows:

42 476.8 UTILITY CHARGES AND SERVICE.

43 1. Every public utility is required to furnish
44 reasonably adequate service and facilities.
45 *'Reasonably adequate serve' as used in this section*
46 *includes, for public utilities furnishing gas or elec-*
47 *tricity, programs and assistance to customers to*
48 *encourage energy conservation and the use of renewable*
49 *energy sources as defined in section 476.21 in addition*
50 *to the furnishing of energy. The commission shall*

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1 *adopt rules under chapter 17A further defining*

2 'reasonably adequate service' as it applies to energy
 3 conservation programs and assistance. The rules shall
 4 protect the public utility's right to recover costs
 5 plus a reasonable rate of return for services provided
 6 by the public utility.

7 2. The charge made by any public utility for [any]
 8 heat, light, gas, water, or power produced,
 9 transmitted, delivery, or furnished, or communications
 10 services, or for any service rendered or to be rendered
 11 in connection therewith shall be reasonable and just,
 12 and every unjust or unreasonable charge for such ser-
 13 vice is [prohibited and declared] unlawful. In
 14 determining reasonable and just rates, the commission
 15 shall consider all factors relating to value and shall
 16 not be bound by rate base decisions or rulings made
 17 prior to the adoption of this chapter.

18 3. The commission, in determining the value of
 19 materials or services to be included in valuations
 20 or costs of operations for rate-making purposes,
 21 may disallow any unreasonable profit made in the sale
 22 of materials to or services supplied for any public
 23 utility by any firm or corporation owned or controlled
 24 directly or indirectly by [such] the utility or any
 25 affiliate, subsidiary, parent company, associate,
 26 or any corportion whose controlling stockholders
 27 are also controlling stockholders of [such] the utility.
 28 The burden of proof [shall be] is on the public utility
 29 to prove that no unreasonable profit is made.

30 Sec. 10. Section 476A.6, subsection 3, Code 1981,
 31 is amended to read as follows:

32 3. The construction, maintenance, and operation
 33 of the facility will cause minimum adverse land use,
 34 environmental, and aesthetic impact and are consonant
 35 with reasonable utilization of air, land, and water
 36 resources for beneficial purposes considering available
 37 technology and the economics of available
 38 alternatives[.]; and,

39 Sec. 11. Section 476A.6, Code 1981, is amended
 40 by adding the following new subsection:

41 **NEW SUBSECTION.** The applicant has in effect a
 42 comprehensive energy management program designed to
 43 reduce peak loads and to increase efficiency of use
 44 of energy by all classes of customers of the utility,
 45 and the facility in the application is necessary
 46 notwithstanding the existence of the comprehensive
 47 energy management program. As used in this subsection,
 48 "maintenance of a comprehensive energy management
 49 program" includes at a minimum the following:

50 a. Establishment of load management and

Page 4

- 1 interruptible service programs for utility customers,
 2 where cost effective.
 3 b. Development of wheeling agreements and other
 4 energy sharing agreements with utility companies
 5 located near the utility's service area which have
 6 excess capacity.
 7 c. Offering all customers energy conservation
 8 information and services, including provisions for
 9 loans for home insulation and energy conservation
 10 devices.
 11 d. Compliance with commission rules regarding
 12 energy management procedures and energy conservation
 13 strategies and services.
 14 Sec. 12. Sections 9, 10, and 11 of this Act take
 15 effect January 1 following enactment. The commission
 16 shall adopt rules as required by section 9, subsection
 17 1 of this Act not later than six months after the
 18 effective date of that section."
 19 2. By renumbering sections of the bill and
 20 correcting internal references as necessary.

TOM SLATER

S-3588

- 1 Amend the Committee amendment, S-3514 to House
 2 File 771 as follows:

DIVISION S-3588A

- 3 1. Page 1, by striking lines 5 through 15 and
 4 inserting in lieu thereof the following:
 5 "The commission shall adopt not later than July
 6 1, 1982, rules and policies to implement a program
 7 providing for the continuous review of operations of
 8 public utilities with respect to all matters that
 9 affect rates or charges for utility service."

DIVISION S-3588B

- 10 2. Page 1, by striking lines 35 through 46 and
 11 inserting in lieu thereof the following:
 12 "2. The commission shall adopt rules that allow
 13 the commission, in rate regulatory proceedings under
 14 sections 476.3 and 476.6, to consider the use of the
 15 most current test period possible in determining
 16 reasonable and just rates. For purposes of this
 17 subsection, a proceeding".

DIVISION S—3588C

18 3. Page 2, by striking lines 3 through 9 and
 19 inserting in lieu thereof the following:
 20 "3. An extension of time granted under
 21 subsection 1 shall also extend the amount of time
 22 for which the utility is required to file a bond or
 23 other undertaking conditioned upon refund under
 24 section 476.3. The rules adopted under subsection 1
 25 shall provide for the extension of the time for
 26 completion of the proceedings under section 476.6
 27 for good cause shown."

DIVISION S—3588F

28 4. Page 2, by striking lines 13 through 20.

DIVISION S—3588D

29 5. By striking page 3, line 33 through page 4,
 30 line 23 and inserting in lieu thereof the following:
 31 "regulations finally approved by the commission.
 32 *Energy rates, charges, schedules or regulations*
 33 *shall be sufficient to allow the public utility to*
 34 *maintain financial integrity, to recover necessary*
 35 *costs, and to fairly compensate investors for risks*
 36 *they have assumed. The commission shall render a*
 37 *decision on a request for emergency authority within*
 38 *ninety days after the filing of the request. The*
 39 *commission shall".*

DIVISION S—3588E

40 6. Page 4, line 32, by inserting after the comma
 41 the words "investigations under section 476.3, or
 42 review proceedings under section 1 of this Act,".

BOB RUSH
 PATRICK J. DELUHERY
 LOWELL L. JUNKINS
 TED ANDERSON
 C. JOSEPH COLEMAN
 TOM SLATER
 JOE BROWN
 JAMES D. WELLS
 DONALD V. DOYLE

S—3589

1 Amend amendment S—3514 to House

2 File 771 as amended, passed and reprinted by the
3 House as follows:

4 1. Page 1, line 40, by inserting after the comma
5 the words "to allow inclusion in the rate base of
6 new investment in real property and other physical
7 facilities when these investments are made rather
8 than when the property or facilities are placed into
9 service,".

RAY TAYLOR

S—3590

1 Amend House File 771 as follows:

2 1. Page 5, by striking lines 33 and 34 and
3 inserting in lieu thereof the following: "which a
4 rate filing is pending [within twelve months following
5 the date a prior application was filed or] until after
6 the".

7 2. Page 6, by striking lines 1 through 4 and
8 inserting in lieu thereof the following: "filed rate
9 proceedings[, whichever is earlier, unless the public
10 utility applies to the commission for authority and
11 receives authority to place a portion of the subsequent
12 filed rate filing into effect on an interim basis]."

TED ANDERSON
BOB CARR
SUE YENGER

S—3591

1 Amend House File 771 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 6, by striking lines 5 through 12 and
4 inserting in lieu thereof the following:

5 "Sec. 7. *NEW SECTION*. ADVERTISING COSTS REGULATED.

6 In determining the costs of operations of a natural
7 gas or electric utility for purposes of rate regulation
8 under this chapter the commission shall disallow all
9 costs incurred with respect to advertising, except
10 such advertising as is devoted exclusively to energy
11 conservation or customer safety as they relate to
12 the use of natural gas or electricity.

13 The commission shall investigate the practice of
14 allowing public utilities to recover advertising costs
15 from customers. The commission shall recommend to
16 the general assembly whether or not it is appropriate
17 to adopt additional legislation to disallow the
18 recovery of advertising costs from customers of public

19 utilities.”

RICHARD COMITO
GARY L. BAUGHER
JOHN W. JENSEN
BERL E. PRIEBE
BOB RUSH
EMIL J. HUSAK

S—3592

- 1 Amend House File 771 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 2, line 32, by inserting after the numerals
- 4 “504A” the words “, or to a person furnishing
- 5 electricity to five or fewer customers from electricity
- 6 that is produced primarily for the person’s own use”.

ROLF V. CRAFT

S—3593

- 1 Amend amendment S—3515 to House File 766 as amended, and
- 2 passed by the House as follows:
- 3 1. Page 1, line 43, by inserting after the word
- 4 “easement.” the words “However, the board may refuse
- 5 to grant a solar access easement upon a finding that
- 6 the easement would require the removal of trees that
- 7 provide shade or a windbreak to a residence on the
- 8 servient estate.”

GARY L. BAUGHER
DALE L. TIEDEN
BERL E. PRIEBE

S—3594

- 1 Amend House Concurrent Resolution 13 as follows:
- 2 1. Page 1, line 19, by striking the word
- 3 “Tree” and inserting in lieu thereof the word
- 4 “Deficit”.

LOWELL L. JUNKINS
BERL E. PRIEBE

S—3595

- 1 Amend amendment S—3514 to House
- 2 File 771 as amended, passed and reprinted by the
- 3 House as follows:
- 4 1. Page 1, by striking line 37 and inserting in

5 lieu thereof the words and figure "section 476.6,
6 to consider the use of the most current".

ROLF V. CRAFT

S—3596

1 Amend amendment S—3514 to House
2 File 771 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 4, line 23, by striking the word "The"
5 and inserting in lieu thereof the following:
6 *"However, if a utility is proposing to include*
7 *in its rate base for the first time a newly constructed*
8 *electric generating facility that has a capacity of*
9 *one hundred megawatts or more of electricity, the*
10 *original filing date for the purpose of computing*
11 *the above-referenced twelve-month and eighteen-month*
12 *limitations, shall be computed from the date the*
13 *commission determines the new plant went into service.*
14 The".

ROLF V. CRAFT

S—3597

1 Amend amendment S—3591 to
2 House File 771 as amended, passed and reprinted by
3 the House as follows:
4 1. Page 1, line 14, by inserting after the word
5 "costs" the words "from environmental advertising,
6 informational consumer advertising, load factor adver-
7 tising, and franchise advertising".

RICHARD COMITO

S—3598

1 Amend amendment S—3514 to House
2 File 771 as amended, passed and reprinted by the House
3 as follows:
4 1. Page 4, line 23, by striking the word "The"
5 and inserting in lieu thereof the following:
6 *"If a utility is proposing to include in its rate*
7 *base for the first time a newly constructed electric*
8 *generating facility that has a capacity of one hundred*
9 *megawatts or more of electricity, the original filing date*
10 *for the purpose of computing the above-referenced twelve-*
11 *month and eighteen-month limitations, shall be computed*
12 *from the date the commission determines the new plant*
13 *went into service, but only with respect to that portion*

14 *of the suspended rates, charges, schedules or regulations*
 15 *that are necessarily connected with the inclusion of*
 16 *the generating facility in the rate base. The”.*

ROLF V. CRAFT

S—3599

1 Amend House amendment S—3545 to Senate File
 2 517 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 1, by striking lines 27 through 32 and
 5 inserting in lieu thereof the following: “person
 6 eighteen years of age or older is upon conviction
 7 guilty of an aggravated misdemeanor if the person
 8 commits any of the following acts with a child, not
 9 the person’s spouse, with or without the child’s
 10 consent, for the purpose of arousing or satisfying
 11 the sexual desires of either of them:
 12 1. Fondle or touch the groin, buttock, anus, or
 13 breast of the child.
 14 2. Touch the clothing covering the immediate area
 15 of the groin, buttock, anus, or breast of the child.
 16 3. Solicit or permit a child to fondle or touch
 17 the groin, buttock, anus, or breast of the person.”

DICK RAMSEY

S—3600

1 Amend Senate File 544 as follows:
 2 1. Page 1, line 5, by striking the words “income
 3 surtax” and inserting in lieu thereof the words “option
 4 tax”.
 5 2. Page 1, line 7, by striking the words “income
 6 surtax” and inserting in lieu thereof the words “option
 7 tax”.
 8 3. Page 1, line 11, by striking the words “income
 9 surtax” and inserting in lieu thereof the words “local
 10 option tax”.
 11 4. Page 1, line 14, by inserting after the word
 12 “county” the words “except that a local sales and
 13 services tax imposed by a county shall apply to all
 14 incorporated and unincorporated areas of the county”.
 15 5. Page 1, line 19, by striking the words “local
 16 income surtax” and inserting in lieu thereof the words
 17 “specific local option tax, except a local sales and
 18 services tax”.
 19 6. Page 1, line 22, by striking the words “a local
 20 income surtax” and inserting in lieu thereof the words
 21 “the specified local option tax which shall not be
 22 a local sales and services tax”.

- 23 7. Page 1, line 29, by striking the words "local
24 income surtax" and inserting in lieu thereof the words
25 "specific local option tax, except a local sales and
26 services tax".
- 27 8. Page 1, line 32, by striking the words "a local
28 income surtax" and inserting in lieu thereof the words
29 "the specified local option tax which shall not be
30 a local sales and services tax".
- 31 9. Page 1, by inserting after line 34 the
32 following:
33 "____. A county board of supervisors shall direct
34 within sixty days the county commissioner of elections
35 to submit the question of imposition of a local sales
36 and services tax to the qualified electors of the
37 incorporated and unincorporated areas of the county
38 upon receipt of a petition signed by eligible electors
39 of the whole county equal in number to five percent
40 of the persons in the whole county who voted at the
41 last preceding state general election or signed by
42 a majority of the governing bodies of the county and
43 cities located within the county."
- 44 10. Page 2, line 1, by striking the words "income
45 surtax" and inserting in lieu thereof the words "option
46 tax".
- 47 11. Page 2, line 5, by striking the word "surtax."
48 and inserting in lieu thereof the word "tax."
- 49 12. Page 2, line 8, by inserting after the word
50 "surtax." the words "The rate of a local sales and

Page 2

- 1 services tax shall be one percent. The rate of a
2 local vehicle tax shall be a dollar amount per axle
3 as set by the governing body of the city or county
4 seeking to impose the tax. The rate of a local payroll
5 tax shall be one percent."
- 6 13. Page 2, line 12, by striking the words "income
7 surtax" and inserting in lieu thereof the words "option
8 tax".
- 9 14. Page 2, line 13, by striking the word "surtax"
10 and inserting in lieu thereof the word "tax".
- 11 15. Page 2, line 14, by striking the word "surtax"
12 and inserting in lieu thereof the word "tax".
- 13 16. Page 2, line 15, by striking the word "surtax"
14 and inserting in lieu thereof the word "tax".
- 15 17. Page 2, lines 19 and 20, by striking the words
16 "income surtax" and inserting in lieu thereof the
17 words "option tax".
- 18 18. Page 2, line 22, by striking the word "surtax"

19 and inserting in lieu thereof the word "tax".
 20 19. Page 2, line 23, by striking the word "surtax"
 21 and inserting in lieu thereof the word "tax".
 22 20. Page 2, line 24, by striking the word "surtax"
 23 and inserting in lieu thereof the word "tax".
 24 21. Page 2, line 30, by striking the word "surtax"
 25 and inserting in lieu thereof the word "tax".
 26 22. Page 2, line 31, by striking the word "surtax"
 27 and inserting in lieu thereof the word "tax".
 28 23. Page 2, by inserting after line 32 the
 29 following:
 30 "____. More than one local option tax may be
 31 submitted at the same election and the different taxes
 32 shall be separately implemented as provided in this
 33 section.
 34 _____. Local option taxes authorized to be imposed
 35 as provided in sections 1 through ____ of this Act
 36 are a local income surtax at a rate of ten, twenty,
 37 or thirty percent, a local sales and services tax
 38 at a rate of one percent, a local vehicle tax at a
 39 rate expressed as a dollar amount per axle in
 40 increments of one dollar, and a local payroll tax
 41 at a rate of one percent."
 42 24. Page 4, by inserting after line 22 the
 43 following:
 44 "Sec. ____ . *NEW SECTION. LOCAL SALES AND SERVICES*
 45 *TAX.* A local sales and services tax at the rate of
 46 one percent may be imposed by a county on the gross
 47 receipts taxed by the state under chapter 422, divi-
 48 sion IV. A local sales and services tax shall be
 49 imposed on the same basis as the state sales and
 50 services tax and may not be imposed on the sale of

Page 3

1 any property or on any service not taxed by the state.
 2 A local sales and services tax is applicable to
 3 transactions within the incorporated and unincorporated
 4 area of the county where it is imposed and shall be
 5 collected by all persons required to collect state
 6 gross receipts taxes.
 7 The amount of the sale, for purposes of determining
 8 the amount of the local sales and services tax, does
 9 not include the amount of any state gross receipts
 10 taxes.
 11 A tax permit other than the state tax permit
 12 required under section 422.53 shall not be required
 13 by local authorities.
 14 Sec. ____ . *NEW SECTION. ADMINISTRATION.* A local

15 sales and services tax shall be imposed either January
16 1, April 1, July 1 or October 1 following the
17 notification of the director of revenue.

18 A local sales and services tax shall be repealed
19 only on March 31, June 30, September 30, or December
20 31. At least fifty-five days before the imposition
21 or repeal of the tax, a county shall provide notice
22 of the action by certified mail to the director of
23 revenue.

24 The director of revenue shall administer a local
25 sales and services tax as nearly as possible in con-
26 junction with the administration of state gross
27 receipts tax laws. The director shall provide
28 appropriate forms or provide on the regular state
29 tax forms for reporting local sales and services tax
30 liability.

31 The resolution of a county board of supervisors
32 imposing a local sales and services tax shall adopt
33 by reference the applicable provisions of the
34 appropriate sections of chapter 422, division IV.
35 All powers and requirements of the director to
36 administer the state gross receipts tax law are
37 applicable to the administration of a local sales
38 and services tax law, including but not limited to,
39 the provisions of sections 422.25, subsection 4,
40 422.30, 422.48 to 422.52, 422.54 to 422.58, 422.67,
41 422.68, 422.69, subsection 1, and 422.70 to 422.75.
42 Local officials shall confer with the director of
43 revenue for assistance in drafting the resolution
44 imposing a local sales and services tax. A certified
45 copy of the resolution imposing a local sales and
46 services tax shall be filed with the director as soon
47 as possible after passage.

48 The director, in consultation with local officials,
49 shall collect and account for a local sales and
50 services tax. The director shall certify each quarter

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1 the amount of local sales and services tax receipts
2 and any interest and penalties to be credited to the
3 'local sales and services tax fund' established in
4 the office of the treasurer of state.

5 All local tax moneys and interest and penalties
6 received or refunded one hundred eighty days or more
7 after the date on which the county repeals its local
8 sales and services tax shall be deposited in or
9 withdrawn from the state general fund.

10 Sec. ____ . *NEW SECTION*. PAYMENT TO LOCAL

11 GOVERNMENTS.

12 1. The treasurer of state shall credit the local
 13 sales and services tax receipts, and interest and
 14 penalties from a county to the county's account in
 15 the local sales and services tax fund and shall remit
 16 at least quarterly, pursuant to rules of the director
 17 of revenue, to each city in the county a pro rata
 18 share of the county account, based upon the percentage
 19 of the city's population residing in the county to
 20 the total population of the county, and shall remit
 21 at least quarterly to the board of supervisors a pro
 22 rata share of the county account based upon the
 23 percentage of population in the county outside of
 24 cities, all according to the population determined
 25 by the most recent certified federal census.

26 2. Local sales and services tax moneys received
 27 by a city or county may be expended for any lawful
 28 purpose of the city or county.

29 Sec. ____ . *NEW SECTION. LOCAL VEHICLE TAX.* An
 30 annual local vehicle tax at the dollar rate per axle
 31 specified in the election may be imposed by a city
 32 or county on every vehicle which is required to be
 33 registered by the state and is registered to either
 34 of the following:

35 1. A person residing within the city or
 36 unincorporated area of the county where the tax is
 37 imposed at the time of registration of the vehicle.

38 2. Any person, if the vehicle is usually kept,
 39 garaged, or stored during the night and on weekends
 40 and holidays within the limits of the city or
 41 unincorporated area of a county where the tax is
 42 imposed.

43 A person subject to tax under subsection 1 shall
 44 receive a credit for tax paid for that year under
 45 subsection 2.

46 For the purpose of the tax authorized by this
 47 section, 'person' means the same as defined in section
 48 321.1, 'vehicle' means any self-propelled vehicle
 49 subject to registration under section 321.18, and
 50 'axle' means the assembly of housing and axle shafts

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1 which supports and propels either a pair of wheels
 2 or one wheel only.

3 Sec. ____ . *NEW SECTION. ADMINISTRATION.* A local
 4 vehicle tax shall be imposed January 1 immediately
 5 following a favorable election and the repeal of the
 6 tax shall be as of December 31.

7 Local officials shall confer with the director
8 of the department of transportation for assistance
9 in drafting the ordinance or resolution imposing a
10 local vehicle tax. A certified copy of the ordinance
11 or resolution imposing a local vehicle tax shall be
12 filed with the director as soon as possible after
13 passage. The director shall inform the appropriate
14 county treasurers and in cooperation with them shall
15 collect and account for all local vehicle taxes and
16 any penalties, crediting local vehicle tax receipts
17 including penalties to a 'local vehicle tax fund'
18 established in the office of the treasurer of state.
19 From the local vehicle tax fund, the treasurer of
20 state shall remit annually at the beginning of each
21 fiscal year to each city and county which has imposed
22 a local vehicle tax the amount collected as a result
23 of its tax. Moneys received by a city or county from
24 this fund shall be credited to the general fund of
25 that city or county or shall be credited to the street
26 construction fund of that city or the secondary road
27 fund of that county.

28 Sec. ____ . *NEW SECTION. PAYMENT.* Taxpayers shall
29 pay a local vehicle tax to the county treasurer or
30 to the department of transportation at the time of
31 application for registration of the vehicle under
32 chapter 321. County treasurers and the department
33 of transportation shall require a person applying
34 for registration of a vehicle to state the person's
35 residence and where the vehicle is usually kept,
36 garaged, or stored during the night and on weekends
37 and holidays and shall not issue a state registration
38 certificate to the owner of a vehicle on which is a local
39 vehicle tax is due until the local vehicle tax is
40 paid.

41 Payment of a local vehicle tax shall be evidenced
42 by a stamp on the state registration certificate and
43 by issuance of a sticker, decal, or tag. The director
44 of the department of transportation shall prescribe
45 by rule the form of the sticker, decal, or tag, a
46 reasonable method of prorating local vehicle taxes
47 on vehicles originally registered for part of a year
48 only and a reasonable method for refunding part of
49 local vehicle taxes when a refund on a state
50 registration fee is due under section 321.126.

Page 6

1 Unpaid local vehicle taxes are a lien upon the
2 vehicle on which they are due. Penalties for late

3 payment which are comparable to the penalties for
 4 late payment of state registration fees shall be
 5 imposed by the ordinance or resolution imposing a
 6 local vehicle tax. Willful violation of a local
 7 vehicle tax ordinance or resolution is a simple
 8 misdemeanor.

9 Sec. ____ . *NEW SECTION. LOCAL PAYROLL TAX. A*
 10 city or county may impose an annual payroll tax of
 11 one percent on the payroll expense of persons who
 12 in connection with their business or trade hire,
 13 employ, contract, or engage one or more individuals
 14 to perform work or render services in whole or in
 15 part in the city or unincorporated area of the county
 16 imposing the tax. The amount of the payroll expense
 17 of the business or trade subject to the tax is the
 18 amount of the salaries, wages, bonuses, commissions,
 19 or other compensation which is attributable to the
 20 work performed or services rendered by the individuals
 21 in the city or unincorporated area of the county
 22 imposing the tax.

23 A local payroll tax shall be imposed on January
 24 1 and any repeal of the tax shall be as of December
 25 31. The tax shall be imposed on the payroll expense
 26 incurred in a calendar year. An ordinance or
 27 resolution imposing a local payroll tax may provide
 28 for, but is not limited to, the imposing of interest
 29 and penalties and any requirements for hearing and
 30 appeal. Local payroll tax moneys received by a city
 31 or county may be expended for any lawful purpose of
 32 the city or county.

33 Sec. ____ . Section 321.30, Code 1981, is amended
 34 by adding the following new subsection:

35 *NEW SUBSECTION.* If any local vehicle taxes due
 36 have not been paid.

37 Sec. ____ . Section 321.130, Code 1981, is amended
 38 to read as follows:

39 321.130 FEES IN LIEU OF TAXES. The registration
 40 fees imposed by this chapter upon private passenger
 41 motor vehicles or semitrailers [shall be] *are* in lieu
 42 of all state taxes[, general or] *and local personal*
 43 *property taxes based upon assessed valuation*, to which
 44 motor vehicles or semitrailers [may be] *are* subject,
 45 and if a motor vehicle or semitrailers [shall have] *has*
 46 been registered at any time under this chapter it
 47 [shall] *is* not thereafter [be] subject to a personal
 48 property tax *based upon assessed valuation*, unless
 49 [such] *the* motor vehicle or semitrailer [shall have] *has*
 50 been in storage continuously as an unregistered motor

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- 1 vehicle or semitrailer during the preceding
- 2 registration year."
- 3 25. By numbering, renumbering, and correcting
- 4 internal references as is necessary.

NORMAN RODGERS
 DAVID M. READINGER
 CLARENCE S. CARNEY
 GARY L. BAUGHER
 LOWELL L. JUNKINS
 A.R. (BUD) KUDART
 ROLF V. CARFT
 JAMES D. WELLS
 ARNE WALDSTEIN
 BOB CARR
 JULIA GENTLEMAN
 TOM SLATER

S—3601

- 1 Amend amendment S—3600 to Senate File 544 as
- 2 follows:
- 3 1. Page 2, line 48, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 from the sale of farm machinery, and the gross receipts
- 6 taxed under chapter 422A shall not be taxed".

ROLF V. CRAFT

S—3602

- 1 Amend Senate File 544 as follows:
- 2 1. Page 2, lines 5 and 6, by striking the words
- 3 "ten percent, twenty percent, or" and inserting in
- 4 lieu thereof the words "in an increment of five percent
- 5 but not exceeding".
- 6 2. Page 3, lines 3 and 4, by striking the words
- 7 "is ten percent, twenty percent, or" and inserting
- 8 in lieu thereof the words "shall be in an increment
- 9 of five percent but not exceeding".

DAVID M. READINGER

S—3603

- 1 Amend amendment S—3600 to Senate File 544 as
- 2 follows:
- 3 1. Page 2, line 48, by inserting after the Roman
- 4 numeral "IV" the words "except as otherwise provided

5 in this section”.

6 2. Page 3, line 10, by inserting after the word
7 “taxes” the words “, or the first ten thousand dollars
8 of the gross receipts from the sale of farm machinery”.

DAVID M. READINGER

S—3604

1 Amend amendment S—3600 to Senate File 544 as
2 follows:
3 1. Page 2, line 48, by inserting after the Roman
4 numeral “IV” the words “except the first ten thousand
5 dollars of the gross receipts from the sale of farm
6 machinery shall not be taxed”.

DAVID M. READINGER

S—3605

1 Amend amendment S—3600 to Senate File 544 as
2 follows:
3 1. Page 2, lines 36 and 37, by striking the words
4 “of ten, twenty, or” and inserting in lieu thereof
5 the words “in an increment of five percent but not
6 exceeding”.

DAVID M. READINGER

S—3606

1 Amend amendment S—3600 to Senate File 544 as
2 follows:
3 1. Page 2, line 48, by inserting after the Roman
4 numeral “IV” the words “except that the gross receipts
5 taxed under chapter 422A shall not be taxed”.

DAVID M. READINGER

S—3607

1 Amend amendment S—3600 to Senate File 544 as
2 follows:
3 1. Page 2, line 48, by inserting after the Roman
4 numeral “IV” the words “except as otherwise provided
5 in this section”.
6 2. Page 3, line 10, by inserting after the word
7 “taxes” the words “or the amount of gross receipts
8 taxed under chapter 422A”.

DAVID M. READINGER

S-3608

1 Amend Senate File 544 as follows:

- 2 1. Page 4, line 22, by inserting after the word
3 "tax." the following: "However, the financial officer
4 of the city or county treasurer, as applicable, shall
5 credit fifty percent of the local income surtax moneys
6 received by the city or county to a special account
7 for property tax relief which shall be granted as
8 provided in subsection 4 for a city or subsection
9 5 for a county.
- 10 4. The moneys on deposit in the special account
11 of the city on July 1 shall be used to provide a
12 special homestead tax credit as provided in this
13 subsection for homesteads which qualify for the
14 homestead tax credit to be received pursuant to section
15 425.1 in the fiscal year. The county auditor shall,
16 upon the request of the financial officer of the city,
17 certify to the officer the number of homesteads within
18 the limits of the city which have qualified for the
19 homestead tax credit to be granted during the fiscal
20 year and a description of each qualified homestead.
21 The financial officer of the city shall divide the
22 total amount in the special account for property tax
23 relief on July 1 by the number of qualified homesteads
24 within the corporate limits of the city to determine
25 the pro rata amount of the special homestead tax
26 credit to be granted to each qualified homestead,
27 except that a taxpayer shall not receive credits in
28 excess of the taxpayer's property tax liability payable
29 during the fiscal year. Excess credit shall be
30 credited proportionately to the other qualified
31 homesteads. The officer shall remit the special
32 homestead tax credit to each eligible taxpayer in
33 a manner as prescribed by resolution of the city
34 council.
- 35 5. The moneys on deposit in the special account
36 of the county on July 1 shall be used to provide a
37 special homestead tax credit for each homestead in
38 the unincorporated area of the county which qualifies
39 for the homestead tax credit to be received pursuant
40 to section 425.1 in the fiscal year. The county
41 auditor shall divide the total amount in the special
42 account for property tax relief on July 1 by the
43 number of homesteads within the unincorporated area
44 of the county qualified to receive the homestead
45 tax credit during the fiscal year to determine the
46 pro rata amount of the special homestead tax credit
47 to be granted to each qualified homestead, except

48 that a taxpayer shall not receive credits in excess
 49 of the taxpayer's property tax liability payable
 50 during the fiscal year. Excess credit shall be

Page 2

1 credited proportionately to the other qualified
 2 homesteads. The county auditor shall remit the special
 3 homestead tax credit to each eligible taxpayer in
 4 a manner prescribed by resolution of the board of
 5 supervisors."

DAVID M. READINGER

S-3609

1 Amend Senate File 544 as follows:
 2 1. Page 4, line 22, by inserting after the word
 3 "tax." the following: "However, the financial officer
 4 of the city or the county treasurer, as applicable,
 5 shall credit fifty percent of the local income surtax
 6 moneys received to a special account for property
 7 tax relief to be granted as provided in subsection
 8 4 for a city or subsection 5 for a county.
 9 4. Before the levy rates authorized under sections
 10 384.1 and 384.12 are certified by a city to the county
 11 auditor, the certifying official shall subtract from
 12 the total amount computed in dollars, as provided
 13 in section 444.2, an amount equal to the amount
 14 credited to the special account for property tax
 15 relief during the last preceding twelve-month period
 16 and shall certify only the net amount to the county
 17 auditor and board of supervisors and shall identify
 18 for what purposes the funds received for property
 19 tax relief are to be used. The county auditor shall
 20 determine the levy rates under section 444.3 upon
 21 the net amount so computed.
 22 5. Before the levy rates authorized under sections
 23 303B.9, 309.7, subsection 1, 317.19, 317.20, 358B.13,
 24 358B.18, subsection 4, and 455B.81 and other sections
 25 which limit the levy only to property outside
 26 incorporated areas are certified by a county to the
 27 county auditor, the certifying official shall subtract
 28 from the total amount computed in dollars, as provided
 29 in section 444.2, an amount equal to the amount
 30 credited to the special account for property tax
 31 relief during the last preceding twelve-month period
 32 and shall certify only the net amount and shall
 33 identify for what purposes the funds received for
 34 property tax relief are to be used. The county auditor

35 shall determine the levy rates under section 444.3
 36 upon the net amount so computed.
 37 Sec. ____ . Section 444.3, Code 1981, is amended
 38 by adding the following new unnumbered paragraph after
 39 unnumbered paragraph 1:
 40 *NEW UNNUMBERED PARAGRAPH.* However, in computing
 41 the tax rate under the preceding paragraph for a city
 42 or county which has imposed a local income surtax,
 43 the county auditor shall determine if the sum of the
 44 net amount certified and the amount deducted in
 45 determining that net amount under subsection 4 or
 46 5 of section 4 of this Act would exceed the amount
 47 which could be raised by the rate authorized by law.
 48 If the county auditor determines that this sum would
 49 exceed that amount, the county auditor shall reduce
 50 the net amount certified by the excess and determine

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1 the tax rate under the preceding paragraph on this
 2 reduced amount.”
 3 2. By numbering, renumbering, and correcting
 4 internal references as necessary.

DAVID M. READINGER

S—3610

1 Amend House amendment S—3582 to Senate
 2 File 289 as amended, passed and reprinted by the
 3 Senate as follows:
 4 1. Page 1, line 9, by striking the word
 5 “*may*” and inserting in lieu thereof the word “*shall*”.

LOWELL L. JUNKINS
GARY L. BAUGHER

S—3611

1 Amend amendment S—3546 to House File 823 as passed
 2 by the House as follows:
 3 1. Page 1, by striking line 9 and inserting in
 4 lieu thereof the following:
 5 “ ____ . Page 2, by striking lines 15 through 17
 6 and inserting in lieu thereof the words ‘chapter 631,
 7 the creditor shall not be found to be in violation
 8 of this section for purposes of section 537.5201 and
 9 the penalties provided in that section shall not apply
 10 if the creditor proves by a preponderance of the
 11 evidence that the creditor did not at the time of

12 the violation have either knowledge or reason to know
 13 of the requirements of this section, and for this
 14 purpose the court shall consider all relevant evidence,
 15 including but not limited to the education or
 16 experience of the creditor with respect to the
 17 collection of debts arising from consumer credit
 18 transactions and any representation of the creditor
 19 by legal counsel and any legal advice rendered to
 20 the creditor with respect to the collection of debts
 21 arising from consumer credit transactions.' ”

DONALD V. DOYLE
 GARY L. BAUGHER

S—3612

1 Amend House amendment S—3545 to Senate File 517
 2 as amended, passed and reprinted by the Senate as follows:
 3 1. Page 1, by inserting after line 32 the
 4 following:
 5 “6. Page 3, by inserting after line 34 the
 6 following:
 7 ‘Sec. ____ . Section 802.3, Code 1981, is amended
 8 to read as follows:
 9 802.3 FELONY—AGGRAVATED OR SERIOUS MISDEMEANOR.
 10 In all cases, except those enumerated in [sections]
 11 section 802.1 [and 802.2], an indictment or information
 12 for a felony or aggravated or serious misdemeanor
 13 shall be found within three years after its commission.
 14 Sec. ____ . Section 802.5, Code 1981, is amended
 15 to read as follows:
 16 802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH.
 17 If the period prescribed in sections [802.2,] 802.3
 18 and 802.4 has expired, prosecution may nevertheless
 19 be commenced for any offense a material element of
 20 which is either fraud or a breach of fiduciary
 21 obligation within one year after discovery of the
 22 offense by an aggrieved party or by a person who has
 23 legal duty to represent an aggrieved party and who
 24 is himself or herself not a party to the offense,
 25 but in no case shall this provision extend the period
 26 of limitation otherwise applicable by more than three
 27 years.
 28 Sec. ____ . Section 802.2, Code 1981, is repealed.’ ”
 29 2. By renumbering to conform to this amendment.

JAMES D. WELLS

S—3613

1 Amend the House amendment S—3583 to Senate

- 2 File 425 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, by striking lines 4 through 6.

C.W. BILL HUTCHINS
LUCAS J. DE KOSTER

S-3614

- 1 Amend House amendment S-3579 to Senate File
2 146 as passed by the Senate as follows:
3 1. By striking page 1, line 39, through page 2,
4 line 45, and inserting in lieu thereof the following:
5 "Code 1981, as amended by Acts of the Sixty-ninth
6 General Assembly, 1981 Session, Senate File 130,
7 section 1014, is amended to read as follows:
8 Upon the adoption by a county of this chapter
9 the county board of supervisors may appropriate an
10 amount of money as provided in section 423, subsection
11 3, paragraph d, of this Act. The board of supervisors
12 may levy an annual tax as provided in section 421,
13 subsection 6, of this Act. The board of supervisors
14 may authorize deferred payments for land acquisition
15 purchases not to exceed one-fourth of the annual levy
16 nor to extend over a period of more than ten years
17 [unless the purchases are. *The county conservation*
18 *board shall not otherwise contract an obligation in*
19 *excess of the moneys immediately available for the*
20 *purposes of that obligation except for projects to*
21 *be financed from unobligated funds [and] or committed*
22 *federal [matching] or state grants. The county*
23 *conservation board is subject to the contract letting*
24 *procedures in section 340, subsections 1, 2, and 4,*
25 *of this Act. Gifts, contributions and bequests of*
26 *money and rent, licenses, fees, charges, and other*
27 *revenue received by the county conservation board*
28 *shall be used for the purchase of [land,] property[,*
29 *and equipment] and the payment of expenses incurred*
30 *in carrying out the activities of the board, except*
31 *that moneys given, bequeathed, or contributed upon*
32 *specified trusts shall be held and applied in*
33 *accordance with the trust specified. Upon request*
34 *of the county conservation board, the county board*
35 *of supervisors may issue general county purpose bonds*
36 *for the purposes in section 440, subsection 2,*
37 *paragraph c, subparagraph (2), of this Act as provided*
38 *in sections 441 and 443 through 448 of this Act."*
39 2. By striking page 4, line 12, through page 5,
40 line 2, and inserting in lieu thereof the following:
41 "Sec. 9. Acts of the Sixty-ninth General Assembly,

42 1981 Session, Senate File 130, section 423, subsection
 43 3, paragraph d, is amended to read as follows:
 44 d. To the county conservation fund, for the
 45 maintenance of lands under the jurisdiction of the
 46 state conservation commission, by agreement under
 47 section 111.27, and for the payment of expenses
 48 incurred by the county conservation board in carrying
 49 out its powers and duties. The board, without approval
 50 of the state appeal board, may temporarily transfer

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1 unobligated moneys to the county conservation fund
 2 in anticipation of or to match committed receipts
 3 of *private assistance or federal or state aid funds*,
 4 [from the heritage conservation and recreation service],
 5 the moneys to be returned to the general fund within
 6 five years or upon receipt of federal *or state funds*,
 7 if that occurs first."

RICHARD F. DRAKE

S—3615

1 Amend House File 782 as passed by the House as
 2 follows:
 3 1. Page 2, by inserting after line 4 the following:
 4 "Sec. 3. Chapter 93, Code 1981, is amended by
 5 adding the following new section as section 93.9:
 6 *NEW SECTION. 93.9 SET-ASIDE DEFINITIONS. As*
 7 *used in section 93.10 unless the context otherwise*
 8 *requires:*
 9 1. 'Prime supplier' means an individual, trustee,
 10 agency, partnership, association, corporation, company,
 11 municipality, political subdivision, or other legal
 12 entity that makes the first sale of a liquid fossil
 13 fuel into the state distribution system for consumption
 14 within the state.
 15 2. 'Liquid fossil fuel' means heating oils, diesel
 16 oil, motor gasoline, propane, residual fuel oils,
 17 kerosene, and aviation fuels.
 18 3. 'Hardship' means a situation involving or
 19 potentially involving substantial discomfort or danger
 20 or economic dislocation caused by a shortage or
 21 distribution imbalance of a liquid fossil fuel.
 22 Sec. 4. Chapter 93, Code 1981, is amended by
 23 adding the following new section as section 93.10:
 24 *NEW SECTION. 93.10 RESERVE REQUIRED.*
 25 1. If the council or the governor finds that an
 26 impending or actual shortage or distribution imbalance

27 of liquid fossil fuels may cause hardship or pose
 28 a threat to the health and economic well-being of
 29 the people of the state or a significant segment of
 30 the state's population, the council or the governor
 31 may authorize the director to operate a liquid fossil
 32 fuel set-aside program as provided in subsection 2.
 33 2. Upon authorization by the council or the
 34 governor the director may require a prime supplier
 35 to reserve a specified fraction of the prime supplier's
 36 projected total monthly release of liquid fossil fuel
 37 in Iowa. The director may release any or all of the
 38 fuel required to be reserved by a prime supplier to
 39 end-users or to distributors for release through
 40 normal retail distribution channels to retail
 41 customers. However, the specified fraction required
 42 to be reserved shall not exceed three percent for
 43 propane, aviation fuel and residual oil, and five
 44 percent for motor gasoline, heating oil, and diesel
 45 oil.
 46 3. The council shall periodically review and may
 47 terminate the operation of a set-aside program
 48 authorized by the council under subsection 1 when
 49 the council finds that the conditions that prompted
 50 the authorization no longer exist. The governor shall

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1 periodically review and may terminate the operation
 2 of a set-aside program authorized by the governor
 3 under subsection 1 when the governor finds that the
 4 conditions that prompted the authorization no longer
 5 exist.
 6 4. The director shall adopt rules to implement
 7 this section."
 8 2. Amend the title, line 1, by inserting after
 9 the word "governor" the words "and the energy policy
 10 council".
 11 3. Amend the title, line 2, by inserting after
 12 the word "disaster" the words "or other".

LOWELL L. JUNKINS
 CALVIN O. HULTMAN

S-3616

1 Amend House amendment S-3545 to Senate File
 2 517 as amended, passed, and reprinted by the Senate
 3 as follows:
 4 1. Page 1, by striking lines 11 through 21.

DICK RAMSEY

S—3617

1 Amend Senate File 547 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 181.12, Code 1981, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 181.12 NONCOLLECTION OF TAX ON APPLICATION. Any
8 person from whom the excise tax may be collected may
9 be exempt from the collection of the excise tax by
10 filling out and submitting a form furnished by the
11 executive committee providing that the person named
12 thereon is exempt from the collection of the excise
13 tax. The form shall be presented to the purchaser
14 at the time of the sale for which the named person
15 is to be exempt and a copy sent to the executive
16 committee. All forms and envelopes properly addressed
17 shall be furnished by the executive committee and
18 shall be available at all county extension offices
19 and all local banks in the county. Any purchaser
20 charged by this chapter with remitting the excise
21 tax shall display these forms for exemption in a
22 prominent place in the place of business or make them
23 readily available to all producers. Any purchaser
24 receiving a form properly filled out shall not collect
25 the excise tax from the person named thereon and shall
26 be exempt from remitting the excise tax from that
27 producer."

28 2. Title page, line 2, by inserting after the
29 word "tax" the words "and providing for an exemption
30 from the tax".

BERL E. PRIEBE

S—3618

1 Amend House File 782 as passed by the House as
2 follows:

3 1. Page 1, line 8, by striking the word
4 "*incident*" and inserting in lieu thereof the word
5 "*incident*,".

BOB RUSH

S—3619

1 Amend House File 155 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 1, line 32, by inserting after the

4 word "exemption." the words "However, if a taxpayer
 5 fails to file a revised listing, where such filing
 6 would show an increase in valuation of the taxpayer's
 7 personal property, the taxpayer shall only be assessed
 8 the taxes and interest due on the property the taxpayer
 9 has failed to report."

BERLE E. PRIEBE
 MICK LURA

S-3620

1 Amend House File 642 as passed by the House as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section ____ . Section 89.3, Code 1981, is amended
 5 by adding the following new subsection:
 6 *NEW SUBSECTION.* The commissioner shall accept,
 7 in lieu of an inspection performed by the commissioner,
 8 a certificate of inspection issued by the manufacturer
 9 of the boiler if the inspection performed by the
 10 manufacturer meets the requirements of this section."
 11 2. By renumbering sections as required by this
 12 amendment.

EDGAR H. HOLDEN

S-3621

1 Amend Senate File 552 as follows:
 2 1. Page 10, line 29, by striking the figure
 3 "92,397,351" and inserting in lieu thereof the
 4 figure "92,589,012".
 5 2. Page 10, line 29, by striking the figure
 6 "97,294,990" and inserting in lieu thereof the figure
 7 "97,495,467".
 8 3. Page 11, line 35, by striking the figure
 9 "76,208,384" and inserting in lieu thereof the figure
 10 "76,362,670".
 11 4. Page 11, line 35, by striking the figure
 12 "80,161,263" and inserting in lieu thereof the figure
 13 "80,322,646".
 14 5. Page 12, line 16, by striking the figure
 15 "29,985,397" and inserting in lieu thereof the figure
 16 "30,089,243".
 17 6. Page 12, line 16, by striking the figure
 18 "31,428,042" and inserting in lieu thereof the figure
 19 "31,536,665".

ARTHUR A. SMALL, JR.
 BASS VAN GILST

JOHN N. NYSTROM
JAMES E. BRILES

S—3622

- 1 Amend House File 786 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 22, by striking the word
- 4 "condition" and inserting in lieu thereof the word
- 5 "maintenance".
- 6 2. Page 1, by striking lines 23 and 24, and
- 7 inserting in lieu thereof the following: "road which
- 8 is classified as area service B unless such maintenance
- 9 subjects users to unreasonable danger."

LUCAS J. DE KOSTER
ARTHUR A. SMALL, JR.

S—3623

- 1 Amend Senate File 550 as follows:
- 2 1. By striking page 3, line 28 through page 4,
- 3 line 7, and inserting in lieu thereof the following:
- 4 "1. The administrator may by rule establish reserve
- 5 requirements for registered investment funds, subject
- 6 to the following conditions and limitations:
- 7 a. The amount of the required reserve for an
- 8 investment fund shall not exceed ten percent of the
- 9 current market value of its short-term investor
- 10 securities that are issued and outstanding.
- 11 b. The reserve shall be held in fully-insured
- 12 deposits in banks, savings and loan associations or
- 13 credit unions whose accounts are insured by an instru-
- 14 mentality of the United States government, or in
- 15 interest-bearing securities issued or guaranteed by
- 16 the United States government or an instrumentality
- 17 or agency of the United States government, or in a
- 18 combination of these. As used in this paragraph,
- 19 "deposits" means amounts held in the name of the
- 20 investment fund in interest-bearing accounts, including
- 21 savings accounts, certificate of deposit, and similar
- 22 fixed-interest accounts.
- 23 c. The administrator may establish differing per-
- 24 centage amounts for reserves based upon classifications
- 25 of securities according to the respective terms for
- 26 which they are issued."

CALVIN O. HULTMAN
LOWELL L. JUNKINS

S-3624

1 Amend Senate File 470 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 257.10, subsection 11, Code
5 1981, is amended by striking the subsection.

6 Sec. 2. Section 260.1, Code 1981, is amended by
7 striking the section and inserting in lieu thereof
8 the following:

9 260.1 MEMBERS. The board of educational examiners
10 shall consist of eight members as follows:

11 1. Two classroom teachers possessing certificates
12 issued under this chapter representing grades seven
13 through twelve.

14 2. Two classroom teachers possessing certificates
15 issued under this chapter representing grades
16 kindergarten through six.

17 3. Two school administrators possessing
18 certificates issued under this chapter representing
19 school administrators.

20 4. Two persons who do not possess certificates
21 issued under this chapter and who shall represent
22 the general public.

23 Sec. 3. Section 260.2, Code 1981, is amended by
24 adding the following new unnumbered paragraph:

25 *NEW UNNUMBERED PARAGRAPH.* The board of educational
26 examiners shall constitute the board for the
27 certification of administrative, supervisory and
28 instructional personnel for the public school sys-
29 tems of the state; prescribe types and classes of
30 certificates to be issued, the subjects and fields
31 and positions which certificates cover and determine
32 the requirements for certificates; establish standards
33 for the acceptance of degrees, credits, courses, and
34 other evidences of training and preparation from
35 institutions of higher learning, junior colleges,
36 or other training institutions, both public and
37 private, within or without the state."

38 2. By numbering and renumbering sections as
29 necessary.

TED ANDERSON

S-3625

1 Amend Senate File 552 as follows:

2 1. Page 13, by inserting after line 35 the
3 following sections:

4 "Sec. ____ . Section 261.35, subsection 5, Code

5 1981, is amended to read as follows:

6 5. 'Eligible [student] *borrower*' means a person,
7 *or the parent of a person*, who is a resident of this
8 state and is enrolled or will be enrolled at an
9 eligible institution within or without the state or
10 who is a nonresident of this state and is enrolled
11 or will be enrolled at an eligible institution within
12 the state and who meets the eligibility requirements
13 established by the commission. The commission shall
14 establish the qualifications for being a resident
15 of this state, however, the qualifications shall not
16 be more stringent than those established by the state
17 board of regents.

18 Sec. ____ . Section 261.36, subsection 4, Code
19 1981, is amended to read as follows:

20 4. Guarantee loans made by eligible lenders to
21 eligible [students] *borrowers* who are, *or whose children*
22 *are*, enrolled or will be enrolled at eligible
23 institutions as at least half-time students as defined
24 by the commission.

25 Sec. ____ . Section 261.37, subsections 5 and
26 8, Code 1981, are amended to read as follows:

27 5. To promulgate rules pursuant to chapter 17A
28 to implement the provisions of this division including
29 establishing standards for educational institutions,
30 lenders and individuals to become eligible
31 institutions, lenders and [students] *borrowers*. The
32 rules and standards established shall be consistent
33 with the requirements provided in the Higher Education
34 Act of 1965.

35 8. To develop and disseminate informational and
36 educational materials to lenders, postsecondary
37 institutions and [student] *borrowers*."

38 2. By numbering and renumbering sections as
39 necessary.

ARTHUR L. GRATIAS

S—3626

1 Amend House File 303 as passed by the House
2 as follows:

3 1. Page 2, by striking lines 30 through 34.

CHARLES P. MILLER

S—3627

1 Amend House File 786 as amended, passed and
2 reprinted by the House as follows:

- 3 1. Page 1, line 9, by inserting before the
4 word "lesser" the word "reasonable."
5 2. Page 1, by striking lines 22 through 24 and
6 inserting in lieu thereof the following: "equipment,
7 which occurs proximately as a result of the
8 maintenance of a road which is classified as area
9 service B."

LUCAS J. DE KOSTER
ELVIE L. DREESZEN
JACK W. HESTER

S—3628

- 1 Amend Senate File 323 as follows:
2 1. Page 4, by inserting after line 21 the following
3 new section:
4 "Sec. ____ . Section 321.18, Code 1981, is amended
5 by adding the following new subsection:
6 *NEW SUBSECTION.* Any mobile home."
7 2. Page 10, by inserting after line 26 the
8 following new section:
9 "Sec. ____ . Chapter 321E, Code 1981, is amended
10 by adding the following new section:
11 *NEW SECTION.* All mobile homes moved in this state
12 which are not registered in another state shall only
13 be moved on the highways with a permit issued under
14 sections 321E.8 or 321E.9."
15 3. Page 10, lines 27 and 28, by striking the words
16 "currently titled in the county" and inserting in
17 lieu thereof the words "registered in the county on
18 the effective date of the Act".
19 4. Renumber sections and correct internal
20 references as are necessary in accordance with this
21 amendment.

RICHARD F. DRAKE
NORMAN RODGERS

S—3629

- 1 Amend Senate File 560 as follows:
2 1. Page 8, by inserting after line 19 the
3 following:
4 "Sec. 9. *NEW SECTION.* CONSOLIDATED GOVERNMENT.
5 1. A county and one or more cities located in
6 the county may establish a consolidated government
7 for the county. If a consolidated government is
8 established, the county and city governments approving
9 the adoption of the consolidated government shall

10 cease to exist. Consolidated governments established
 11 under sections 9 through 15 of this Act are municipal
 12 corporations.

13 2. A consolidated government may be established
 14 only by vote of the qualified electors residing in
 15 the cities and the unincorporated area of a county
 16 in the manner provided in sections 9 through 15 of
 17 this Act. A charter commission to propose a form
 18 of governance for a consolidated government may be
 19 called pursuant to one of the following methods:

20 a. Concurrent resolutions calling for the
 21 appointment of a charter commission may be adopted
 22 by two or more cities located in the county and trans-
 23 mitted to the board of supervisors of the county.

24 b. A resolution calling for the appointment of
 25 a charter commission may be adopted by the board of
 26 supervisors of the county.

27 c. A petition calling for the appointment of a
 28 charter commission, signed by eligible electors of
 29 the county equal in number to at least ten percent
 30 of the votes cast in the county, for governor or
 31 president of the United states at the preceding general
 32 election, may be filed with the county auditor.

33 3. Upon receipt of a petition, the county auditor
 34 shall examine the petition, certify to the county
 35 auditor's knowledge the sufficiency of the signatures,
 36 and transmit the petition, with the auditor's
 37 certificate, to the board of supervisors and the city
 38 council of each city in the county.

39 Sec. 10. *NEW SECTION. CHARTER COMMISSION.* Within
 40 thirty days following the receipt of a petition or
 41 resolution under section 9 of this Act, the mayor
 42 of each city in the county and the chairperson of
 43 the board of supervisors shall appoint members to
 44 a charter commission. Each mayor shall appoint a
 45 resident who is a qualified elector from each election
 46 precinct within the mayor's city as a member to the
 47 commission and the chairperson of the board of
 48 supervisors shall appoint a resident who is a qualified
 49 elector from each election precinct within the
 50 unincorporated area of the county as a member of the

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1 commission. Members of the charter commission shall
 2 serve without compensation.

3 Sec. 11. *DUTIES OF COMMISSION—HEARING—ELEC-*
 4 *TION.*

5 1. The commission shall meet at the call of the

6 chairperson of the board of supervisors at a location
7 named by the chairperson of the board. At the
8 organizational meeting, the commission shall select
9 a chairperson from its membership and shall adopt
10 rules of procedure.

11 2. The commission shall propose the form of
12 government for the consolidated government which may
13 be any combination of the forms of county government
14 and city government allowed by law.

15 3. Staff assistance may be provided by the county
16 or any city in the county.

17 4. Upon completion of the task of the commission,
18 a report of its actions and proposals shall be
19 published in a newspaper of general circulation in
20 the county. The report of the commission shall be
21 published not later than two years after the date
22 of the organizational meeting.

23 5. A public hearing on the report and proposals
24 shall be held within thirty days of the date of the
25 publication. The date, time, and location of the
26 hearing shall be published in the notice. The cost
27 of the publication shall be paid from the county
28 general fund.

29 6. At the hearing, or at a contribution of the
30 hearing, any interested person may present testimony
31 on the proposal for establishment of a consolidated
32 government, the form of government, and matters
33 relating to the effect of the formation of the proposed
34 consolidated government.

35 7. Following the conclusion of the hearing, the
36 board of supervisors shall call an election on the
37 formation of the consolidated government. The election
38 shall be held within thirty days following the date
39 of the public hearing. The county board shall inform
40 the commissioner of elections of the date of the
41 election pursuant to section 47.6.

42 8. The ballot proposition shall be voted upon
43 separately by those qualified electors residing in
44 cities, and shall be substantially in the follow-
45 ing form:

46 **FORMATION OF CONSOLIDATED GOVERNMENT**

47 Shall the government of _____ county and the
48 city of _____ in this county be consolidated
49 and the proposed charter be adopted effective (state
50 the effective date)?

3 9. The proposition is adopted if a majority of
4 all qualified electors voting on the proposition in
5 the unincorporated area of the county and the cities
6 approves the formation of the consolidated government
7 and is adopted for each city in which a majority of
8 the qualified electors voting on the proposition
9 approves the formation of the consolidated government.

10 Sec. 12. *NEW SECTION.* POWERS AND CONSOLIDATED
11 GOVERNMENT.

12 1. A consolidated government is a municipal
13 corporation, and except as expressly limited by the
14 Constitution, and if not inconsistent with the laws
15 of the general assembly, may exercise any power and
16 perform any function granted to cities.

17 2. A consolidated government shall act in an
18 administrative capacity for the state as provided
19 by law.

20 3. The consolidated government has all the rights,
21 powers, privileges, and benefits of counties as
22 provided by law.

23 Sec. 13. *NEW SECTION.* CONSOLIDATED GOVERNMENT

24 ORGANIZATION. Following approval at the referendum,
25 representatives appointed by each city council in
26 the consolidated government and the board of
27 supervisors shall meet and provide for all of the
28 following:

29 1. Liquidation of existing bonded and indebtedness
30 and other obligations of the cities and the county.

31 2. Transfer of city and county personnel and
32 continuation of salary, benefits, collective bargaining
33 agreements, retirement rights, and related matters.

34 3. Transfer or other disposition of property and
35 other rights, claims, assets, and franchises of the
36 local governments to be consolidated.

37 4. Establishment of a general services district
38 and an urban services district and the enlargement
39 of urban services districts as provided in section
40 14 of this Act.

41 5. Creation of consolidated government subordinate
42 service and taxing areas as provided in section 14
43 of this Act.

44 Sec. 14. *NEW SECTION.* SERVICE DISTRICTS.

45 1. The general services district shall include
46 the whole area of the consolidated government. A
47 service or function which is assigned by state law
48 to county government shall be performed in the general
49 services district. Additional services may be
50 performed in the general services district with the

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1 approval of the governing body of the consolidated
2 government.

3 2. The urban services districts shall consist
4 originally of each city included in the consolidation.
5 Urban services districts within the consolidated
6 government may be noncontiguous. The governing body
7 may specify the services in addition to those provided
8 in the general services district, including all city
9 services, to be provided in the urban services
10 districts. These services shall be financed from
11 revenues secured from within the urban services
12 district.

13 3. Consolidated government subordinate service
14 areas may be established by the governing body in
15 order to furnish services on a less than entire
16 consolidated government basis. Subordinate service
17 areas may be used for any of the following:

18 a. To perform a limited number of city services
19 in territory outside the boundaries of an urban
20 services district, but the service areas shall become
21 part of the urban services district upon assuming
22 responsibility for a specified number or type of city
23 services.

24 b. To perform noncity services anywhere in the
25 consolidated government.

26 c. To perform a service of a special district
27 included under subsection 5. A service provided
28 within a subordinate service area shall be financed
29 from revenues secured from within the area.

30 4. The governing body shall establish a procedure
31 for adding new services, discontinuing services, and
32 transferring services among the general services
33 district, urban services districts, and subordinate
34 service areas.

35 5. A consolidated government created under sections
36 9 through 15 of this Act may assume all functions,
37 rights, duties, personnel, property, assets, and
38 liabilities of a special district, except a school
39 district, operating entirely within the geographical
40 jurisdiction of the consolidated government.

41 6. The consolidated government shall notify the
42 special district of its desire to assume responsibility
43 for any or all of the special district's functions.
44 Upon the approval of an agreement providing for the
45 transfer of the function and necessary rights, duties,
46 property, assets, and liabilities by the consolidated
47 government and the special district, the special

48 district is dissolved.

49 7. When a consolidated government has been created,
50 a new special district operating wholly within the

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1 consolidated government shall not be formed unless
2 the governing body of the consolidated government
3 approves.

4 Sec. 15. *NEW SECTION. LOCAL TAXES.*

5 1. A consolidated government may impose local
6 taxes authorized by sections 9 through 15 of this
7 Act not less than one year from the date the
8 consolidated government is organized and becomes
9 functional, subject to this section.

10 2. The governing body of a consolidated government
11 may direct the county commissioner of elections to
12 submit at the next general election the question of
13 imposition of an authorized local tax to the qualified
14 electors within the county. The county commissioner
15 of elections shall be notified not later than sixty
16 days before the date of a general election.

17 3. The county commissioner of elections shall
18 submit the question of imposition of a local tax only
19 at general election.

20 4. If a majority of those voting in the entire
21 county favors imposition of a local tax, the governing
22 body of the consolidated government shall impose the
23 tax, by resolution, in the entire county.

24 5. A local tax may be imposed or discontinued
25 only by ordinance of the governing body of the
26 consolidated government.

27 6. An annual local income tax surtax may be imposed
28 on every individual resident taxpayer at a rate not
29 to exceed ten percent of the taxpayer's computed state
30 individual income tax liability for the tax year.

31 7. A local sales, services, and use tax at a rate
32 of one percent may be imposed on the gross receipts
33 taxed by the state under chapter 422, division IV,
34 and under chapter 423. A local sales, services, and
35 use tax shall be imposed on the same basis as the
36 state sales, services and use tax and shall not be
37 imposed on the sale or use of any property or on any
38 service not taxed by the state. A local sales,
39 services, and use tax is applicable only to
40 transactions within the territorial limits of the
41 consolidated government imposing it, and shall be
42 collected by all persons required to collect state
43 retail sales, services, or use taxes.

44 The amount of the sale, for purposes of determining
45 the amount of the local sales, services, and use tax,
46 does not include the amount of any state retail sales,
47 services, or use taxes.

48 A tax permit other than the state tax permit
49 required under section 422.53 shall not be required
50 by local authorities.

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1 8. An annual local earnings tax may be imposed
2 on every individual resident and nonresident tax-
3 payer inclusive of fiduciaries and corporations, at
4 a rate not to exceed ten percent of the taxpayer's
5 Iowa taxable income derived from work performed and
6 services rendered within the limits of the consolidated
7 government imposing the tax. A consolidated government
8 imposing an earnings tax shall give a credit for any
9 local income tax paid by the taxpayer on income which
10 is also subject to the earnings tax.

11 For purposes of this subsection, "nonresident
12 taxpayer" means an individual taxpayer who derives
13 income from sources within the territorial limits
14 of the consolidated government imposing the tax
15 although the taxpayer's principal place of residence
16 is not in the territorial limits of the consolidated
17 government, and a fiduciary or a corporation which
18 is a taxpayer and which derives income from sources
19 within the territorial limits of the consolidated
20 government imposing the tax. "Income derived from
21 sources within the territorial limits of the
22 consolidated government" means income of every kind
23 produced as a result of work performed, services
24 rendered, goods sold, and other business activities
25 conducted within the territorial limits of the
26 consolidated government imposing the tax, and includes,
27 but is not limited to, dividends and interest from
28 investment property with a situs within the
29 consolidated government, capital gains in excess of
30 capital losses on property located within the
31 consolidated government, and rental income from real
32 and tangible personal property located within the
33 territorial limits of the consolidated government
34 imposing the tax.

35 9. A local sales, services, and use tax shall
36 take effect only on January 1 or July 1 following
37 a favorable election and a local income or earnings
38 tax shall take effect only on January 1 following
39 a favorable election.

40 The director of revenue shall administer a local
41 income tax, earnings tax, or sales, services, and
42 use tax as nearly as possible in conjunction with
43 the administration of state income tax laws, or state
44 retail sales, services, and use tax laws. The director
45 shall provide appropriate forms, or provide on the
46 regular state tax forms, for reporting local income
47 tax, earnings tax, or sales, services, and use tax
48 liability.

49 An ordinance of the governing body of a consolidated
50 government imposing a local income tax, earnings tax,

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1 or sales, services, and use tax shall adopt by
2 reference the applicable provisions of the appropriate
3 sections of chapter 422, divisions II and III for
4 a local income or earnings tax, or chapter 422,
5 division IV and chapter 423 for a local sales,
6 services, and use tax, and the powers conferred and
7 requirements imposed upon the director in administering
8 the state income tax law, or the state retail sales,
9 services, and use tax law are applicable to the
10 director's administration of a local income tax,
11 earnings tax, or sales, services, and use tax law,
12 as applicable, including but not limited to, powers
13 to impose interest and penalties, and requirements
14 for hearing and appeal. Local officials shall confer
15 with the director of revenue and obtain the director's
16 assistance in drafting the ordinance imposing a local
17 income tax, earnings tax, or sales, services, and
18 use tax. A certified copy of the ordinance imposing
19 a local income tax, earnings tax, or sales, services,
20 and use tax shall be filed with the director.

21 10. There is created in the state treasury a local
22 tax fund. The director, in consultation with local
23 officials, shall collect and account for a local
24 income tax, earnings tax, or sales, services, and
25 use tax. The director shall retain and pay to the
26 treasurer of state for deposit in the general fund
27 of the state one percent of the local income tax,
28 earnings tax, or sales, services, and use tax receipts,
29 to cover administrative expense. The director shall
30 pay the remaining local income tax, earnings tax,
31 or sales, services, and use tax receipts to the
32 treasurer of state who shall credit the amount to
33 the local tax fund in the name of the consolidated
34 government imposing the tax.

35 11. The treasurer of state shall remit quarterly

36 to the governing body of a consolidated government,
37 which has imposed a local income tax, earnings tax,
38 or sales, services, and use tax the amount credited
39 to it in the local tax fund. The local tax fund is
40 appropriated for this purpose.

41 12. All local income tax, earnings tax, or sales,
42 services, and use tax moneys received by a govern-
43 ing body of a consolidated government may be expended
44 for any lawful consolidated government purpose.
45 However, the consolidated government treasurer, or
46 another official designated by the governing body
47 of the consolidated government, shall credit at least
48 fifty percent of the local income tax, earnings tax,
49 or sales, services, and use tax moneys received to
50 a special account for property tax relief.

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1 13. The moneys deposited in the special account
2 for property tax relief shall be used to provide a
3 special homestead tax credit for each homestead which
4 qualified for the homestead tax credit granted pursuant
5 to section 425.1. The consolidated government
6 treasurer shall certify, before July 15 of each year,
7 to the appropriate consolidated government official
8 the amount of money in the special account for property
9 tax relief as of June 15 of that year. Upon certifi-
10 cation, the money in the special account may be spent
11 for any lawful consolidated government purpose. The
12 appropriate consolidated government official shall
13 divide the amount of money certified by the number
14 of qualified homesteads within the corporate limits
15 of the consolidated government to determine the pro
16 rata amount of the special homestead credit to be
17 granted to each qualified homestead. Each qualified
18 homestead shall be credited with the pro rata amount
19 after credit has been given pursuant to chapter 425.1
20 except that an individual shall not be given more
21 credit than the tax due. Any excess credit shall
22 be credited proportionately to the other qualified
23 homesteads. Before a consolidated government is
24 qualified to receive remittances from the treasurer
25 of state under subsection 11, the appropriate
26 consolidated government official, before July 15 of
27 each year, shall certify to the treasurer of state
28 that the special homestead tax credit has been made.”

29 2. By numbering, renumbering, and correcting
30 internal references as necessary.

31 3. Title page, line 2, by inserting after the

32 word "county" the words "or consolidated government".

GEORGE R. KINLEY

S—3630

- 1 Amend Senate File 548 as follows:
- 2 1. Page 2, line 21 by striking the figure
- 3 "15,786,931" and inserting in lieu thereof the
- 4 figure "15,686,931".
- 5 2. Page 2, line 21 by striking the figure
- 6 "16,539,864" and inserting in lieu thereof the
- 7 figure "16,439,864".

JOE BROWN

S—3631

- 1 Amend Senate File 553 as follows:
- 2 1. Page 12, by inserting after line 3 the
- 3 following:
- 4 "4. It is a condition of the funds appropriated
- 5 by subsection 1 of this section that the department
- 6 of environmental quality shall enforce the water
- 7 quality standard for ammonia nitrogen only with regard
- 8 to the waters designated for the antidegradation
- 9 policy under Iowa administrative code 400-16.2(2)."

MICK LURA
DALE L. TIEDEN
DICK RAMSEY
BERL E. PRIEBE
EDGAR H. HOLDEN

S—3632

- 1 Amend Senate File 548 as follows:
- 2 1. Page 4, line 33 by striking the figure
- 3 "713,405" and inserting in lieu thereof the figure
- 4 "712,905".
- 5 2. Page 4, line 33 by striking the figure
- 6 "747,780" and inserting in lieu thereof the figure
- 7 "747,280".
- 8 3. Page 5, by striking lines 4 through 6.

BASS VAN GILST

S—3633

- 1 Amend Senate File 548 as follows:
- 2 1. Page 4, by striking line 34 through page 5,
- 3 line 3.

BERL E. PRIEBE

S-3634

1 Amend Senate File 548 as follows:

DIVISION S-3634A

2 1. Page 2, line 21, by striking the figure
3 "15,786,931" and inserting in lieu thereof the
4 figure "15,936,931".

DIVISION S-3634B

5 2. Page 2, line 21, by striking the figure
6 "16,539,864" and inserting in lieu thereof the
7 figure "16,714,864".

JOHN W. JENSEN

S-3635

1 Amend Senate File 548 as follows:

2 1. Page 2, by inserting after line 21 the
3 following:

4 "It is the intent of the general assembly that all
5 state liquor stores in operation as of March 1, 1981
6 shall continue in operation. If there is more than
7 one liquor store in a city only one must continue in
8 operation. Hours of operation of each store shall
9 remain substantially the same."

C.W. BILL HUTCHINS
JOE BROWN

S-3636

1 Amend Senate File 548 as follows:

2 1. Page 7, by striking lines 3 through 6.

BOB RUSH

S-3637

1 Amend Senate File 548 as follows:

2 1. Page 5, line 20 by striking the figure
3 "2,385,000" and inserting in lieu thereof the figure
4 "2,500,000".

BOB RUSH

S-3638

1 Amend Senate File 563 as follows:

2 1. Page 1, by striking line 13 and inserting in

3 lieu thereof the words: "defined activities except
4 funds for student aid and assistance; grants, contracts
5 and cooperative agreements for research and training
6 for which no appropriated matching funds are required;
7 and reimbursements for services rendered."

ARTHUR A. SMALL, JR.
FORREST V. SCHWENGELS

S-3639

1 Amend Senate File 548 as follows:

2 1. Page 5, by striking lines 27 through 30 and
3 inserting in lieu thereof the following: "accordance
4 with section 334A.2."

5 2. Page 5, line 33, by striking the figure
6 "5,103,900" and inserting in lieu thereof the figure
7 "5,350,000".

8 3. Page 5, by inserting after line 33 the
9 following:

10 "Sec. ____ . There is appropriated from the general
11 fund of the state to the county finance committee
12 for each fiscal year of the fiscal biennium beginning
13 July 1, 1981 and ending June 30, 1983, the following
14 amounts:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
	\$ 49,330	\$ 49,330"

18 4. Page 6, by striking lines 5 through 9 and
19 inserting in lieu thereof the following: "in
20 accordance with section 405.1."

21 5. Page 6, line 12, by striking the figure
22 "13,976,100" and inserting in lieu thereof the figure
23 "14,650,000".

24 6. Page 6, by inserting after line 12 the follow-
25 ing:

26 "Sec. ____ . There is appropriated from the general
27 fund of the state to the city finance committee for
28 each fiscal year of the fiscal biennium beginning
29 July 1, 1981 and ending June 30, 1983, the following
30 amounts:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
	\$ 10,303	\$ 10,800"

34 7. By numbering, renumbering and correcting
35 internal references as necessary.

BOB RUSH

S-3640

1 Amend Senate File 552 as follows:

- 2 1. Page 9, line 18, by striking the figure
- 3 "98,898" and inserting in lieu thereof the figure
- 4 "110,000".
- 5 2. Page 9, line 18, by striking the figure
- 6 "103,667" and inserting in lieu thereof the figure
- 7 "105,000".

LUCAS J. DE KOSTER

S—3641

- 1 Amend Senate File 558 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "*nearest*" the word "*even*".

BASS VAN GILST

S—3642

- 1 Amend Senate File 565 as follows:
- 2 1. Page 1, by inserting after line 34, the
- 3 following new section:
- 4 "Sec. ____ . *NEW SECTION.* Newspapers may publish
- 5 any notice, order, citation, or other publication
- 6 required or allowed by law without charge to the state
- 7 and its political subdivisions, and may claim the
- 8 value of the notice, order, citation, or other publica-
- 9 tion, as determined by section 618.11, as a credit
- 10 against the tax imposed by this Act. The amount of
- 11 the credit shall not exceed the amount of the tax due."

RICHARD F. DRAKE

S—3643

- 1 Amend Senate File 548 as follows:
- 2 1. Page 2, by inserting after line 21 the
- 3 following:
- 4 "It is the intent of the general assembly that
- 5 of the appropriations under this section not more
- 6 than one hundred fifty thousand (150,000) dollars
- 7 for the fiscal year beginning July 1, 1981 be used
- 8 for the purchase of three trailers and not more than
- 9 one hundred seventy-five thousand (175,000) dollars
- 10 for the fiscal year beginning July 1, 1982 be used
- 11 for the replacement of three of the department's used
- 12 tractors."

BOB CARR

S-3644

- 1 Amend Senate File 548 as follows:
2 1. Page 8, line 23, by inserting after the word
3 "may" the word "not".

DICK RAMSEY

S-3645

- 1 Amend Senate File 566 as follows:
2 1. Page 1, line 15, by inserting after the word
3 "necessary" the words ", provided that the department
4 of social services reorganize its district and county
5 offices by January 1, 1982 in order to reduce expenses
6 while maintaining the current level of delivery of
7 local services. While reducing expenses the department
8 shall give priority to the retention of caseworkers
9 at the local level. The department shall establish
10 an office in each county. The office shall be headed
11 by a county director appointed by the commissioner
12 of social services and approved by the county board
13 of supervisors. Current county directors shall retain
14 their positions.
15 For administrative purposes and to adapt to varying
16 economic and social conditions, the department shall
17 establish urban county offices in counties having
18 a population of forty thousand or more persons as
19 autonomous offices under the direct supervision of
20 the department.
21 The department shall establish six to nine district
22 offices to supervise rural county offices in those
23 counties having a population of less than forty
24 thousand persons. The district offices shall be under
25 the direct supervision of the department. The district
26 offices shall be located strategically in order that
27 each district office supervises a nearly equal number
28 of rural county offices. The district offices shall
29 be limited to the following staff: one district
30 administrator; one income maintenance specialist;
31 one service specialist; one purchase of service project
32 manager; and two clerical workers.
33 The department shall employ central office staff
34 to carry out the functions of field staff specialists,
35 auditors, child abuse and child support recovery
36 workers, and adoption workers. The department shall
37 colocate individuals in these positions in various
38 urban county offices, district offices, or rural
39 county offices to most efficiently carry out the
40 functions of the individual positions.

- 41 If the department determines that the reorganization
42 required by this subsection cannot be completed by
43 January 1, 1982, the department shall report that
44 determination to the legislative council by November
45 1, 1981, and shall submit its own reorganization plan
46 to the legislative council and the general assembly
47 by January 1, 1982, to be implemented no later than
48 January 1, 1983".
49 2. Page 1, by striking lines 19 through 31.
50 3. By renumbering as necessary.

ARNE WALDSTEIN
TOM SLATER
RICHARD VANDE HOEF
JOE BROWN
ROLF V. CRAFT

S-3646

- 1 Amend Senate File 566 as follows:

DIVISION S-3646A

- 2 1. Page 3, by striking lines 18 through 29, and
3 inserting in lieu thereof the following:
4 "c. The pregnancy is the result of a rape which
5 is reported within forty-five days of the incident
6 to a law enforcement agency or public or private
7 health agency which may include a family physician.
8 d. The pregnancy is the result of incest which
9 is reported within one hundred fifty days of the
10 incident to a law enforcement agency or public or
11 private health agency which may include a family
12 physician."
13 2. Page 3, line 30, by striking the letter "d"
14 and inserting in lieu thereof the letter "e".

DIVISION S-3646B

- 15 3. Page 12, by striking lines 20 through 28.

DIVISION S-3646A (cont'd.)

- 16 4. Page 12, by striking line 29, and inserting
17 in lieu thereof the following:
18 "Sec. 13. Sections 217.38 and 249A.10, Code 1981,
19 are repealed."
20 5. By renumbering as necessary.

ARNE WALDSTEIN
TOM SLATER
JOE BROWN

S-3647

1 Amend Senate File 566 as follows:

DIVISION S-3647A

2 1. Page 1, by inserting after line 35 the
 3 following:
 4 "3. The department of social services, the state
 5 department of health, and the commission on the aging
 6 shall study jointly and make recommendations to the
 7 general assembly by November 1, 1981 for an integrated
 8 state homemaker-home health aid program. In preparing
 9 the study the three state agencies shall include
 10 representatives of interested outside groups, including
 11 the Iowa council for homemaker-home health aid
 12 services, in the discussion and planning stages.
 13 The three state agencies, during the study and the
 14 preparation of the report, shall coordinate their
 15 respective homemaker programs, with the goal of
 16 developing a homemaker system as uniform and integrated
 17 as is practicable, using as guidelines a minimum of
 18 administrative overhead, a minimum of state control
 19 consistent with proper monitoring of local programs,
 20 and a maximum of client services provided."

DIVISION S-3647B

21 2. Page 5, by striking line 25 and inserting in
 22 lieu thereof the words and figures:
 23 "this subsection \$7,351,000 \$7,351,000".
 24 3. Page 5, by striking line 27 and inserting in
 25 lieu thereof the words and figures "this subsection,
 26 four million seven hundred sixty-six thousand
 27 (4,766,000)".
 28 4. Page 5, line 29, by inserting after the word
 29 "biennium." the words "The department of social
 30 services shall not provide homemaker services during
 31 the biennium to clients who are above the income and
 32 resource guidelines established by the department
 33 for adult protective services."

DIVISION S-3647C

34 5. Page 5, by striking line 32 and inserting in
 35 lieu thereof the words "the services. The department
 36 shall explore with homemaker agencies the possibility
 37 of expanding purchase of service contracts to include
 38 the provision of chore services. The decision to

39 purchase chore services should be based on the ability
 40 of an agency to provide the continuum of services
 41 at rates commensurate with the levels of service to
 42 be provided.
 43 c. The department shall by rule develop a fee".

DIVISION S—3647B (cont'd.)

44 6. Page 5, line 33, by striking the words "and
 45 homemaker".
 46 7. Page 6, line 1, by striking the words "and
 47 homemaker".

ARNE WALDSTEIN
 RICHARD VANDE HOEF
 JOE BROWN
 ROLF V. CRAFT

S—3648

1 Amend Senate File 566 as follows:
 2 1. Page 11, by inserting after line 8 the
 3 following:
 4 "Sec. ____ . Section 235.3, subsections 3 and 8,
 5 Code 1981, are amended to read as follows:
 6 3. Make [such] rules and regulations as [may be] *are*
 7 necessary or advisable for the supervisions of [the]
 8 private child-caring agencies [or] *and* officers [thereof]
 9 which the state director is empowered to license,
 10 inspect, and supervise. *Licenses are valid for two*
 11 *years from the date of issuance. Inspections shall*
 12 *be made at least biennially.*
 13 8. License and inspect [maternity hospitals, private
 14 boarding homes for children,] *child foster care*
 15 *facilities* and private child-placing agencies; make
 16 reports regarding the [same] *facilities and agencies*
 17 and revoke [such] licenses.
 18 Sec. ____ . Section 237.5, subsection 1, Code 1981,
 19 is amended to read as follows:
 20 1. An individual or an agency shall apply for
 21 a license by completing an application to the director
 22 upon forms furnished by the director. The director
 23 shall issue or reissue a license if the director
 24 determines that the applicant or licensee is or upon
 25 commencing operation will provide child foster care
 26 in compliance with this chapter. A license is valid
 27 for [one year] *two years* from the date of issuance.
 28 The license shall state on its face the name of the
 29 licensee, the type of facility, the particular premises
 30 for which the license is issued, and the number of

31 children who may be cared for by the facility on the
32 premises at one time. The license shall be posted
33 in a conspicuous place in the physical plant of the
34 facility, except that if the facility is in a single-
35 family home the license may be kept where it is readily
36 available for examination upon request.

37 Sec. ____ . Section 237.7, Code 1981, is amended
38 to read as follows:

39 237.7 REPORTS AND INSPECTIONS. The director may
40 require submission of reports by a licensee, and shall
41 cause at least one [annual] *biennial* unannounced
42 inspection of each facility to assess the quality
43 of the living situation and to determine compliance
44 with applicable requirements and standards. The
45 director may examine records of a licensee, including
46 but not limited to corporate records and board minutes,
47 and may inquire into matters concerning a licensee
48 and its employees relating to requirements and
49 standards for child foster care under this chapter.

50 Sec. ____ . Section 237.8, subsection 1, Code 1981,

Page 2

1 is amended to read as follows:

2 1. Personnel of a licensee shall be in good health
3 and free of communicable disease, as certified by
4 a physician as defined by section 135.1, subsection
5 5. In the case of an initial application for a license
6 or a new employee of a licensee, the certification
7 shall be based on a physical examination conducted
8 no more than six months before employment begins,
9 or before application for licensure. The director
10 may [annually] *biennially* require reasonable evidence
11 of continuing good health and freedom from communicable
12 disease of the personnel.

13 Sec. ____ . Section 237A.2, unnumbered paragraph
14 2, Code 1981, is amended to read as follows:

15 A person denied a license under [the provisions
16 of] this section shall receive written notice of the
17 denial stating the reasons for denial and shall be
18 provided with an opportunity for an evidentiary
19 hearing. Licenses granted under this chapter shall
20 be valid for [one year] *two years* from the date of
21 issuance unless revoked or suspended in accordance
22 with the provisions of section 237A.8. A record of
23 the license shall be kept by the department. The
24 license shall be posted in a conspicuous place in
25 the center and shall state the particular premises
26 in which child day care may be offered and the number

27 of individuals who may be received for care at any
28 one time. No greater number of children than is
29 authorized by the license shall be kept in the center
30 at any one time.

31 Sec. ____ . Section 237A.3, Code 1981, is amended
32 to read as follows:

33 237A.3 REGISTRATION OF FAMILY DAY CARE HOMES.

34 A person who operates or establishes a family day
35 care home may apply to the department for registration
36 under [the provisions of] this chapter. The department
37 shall issue a certificate of registration upon receipt
38 of a statement from the family day care home that
39 the home complies with rules [promulgated] *adopted* by
40 the department. The registration certificate shall
41 be posted in a conspicuous place in the family day
42 care home, shall state the name of the registrant,
43 the number of individuals who may be received for
44 care at any one time and the address of the home,
45 and shall include a check list of registration
46 compliances. No greater number of children than is
47 authorized by the certificate shall be kept in the
48 family day care home at any one time. The registration
49 process may be repeated on [an annual] *a biennial* basis.
50 A facility which is not a family day care home by

Page 3

1 reason of the definition of child day care in section
2 237A.1, subsection 7, but which provides care,
3 supervision or guidance to a child may be issued a
4 certificate of registration under [the provisions of]
5 this chapter.

6 Sec. ____ . Section 237A.4, Code 1981, is amended
7 to read as follows:

8 237A.4 INSPECTION AND EVALUATION. The local
9 boards of health shall make [periodic] *biennial*
10 inspections of licensed centers to insure compliance
11 with licensing requirements [provided in] *of* this
12 chapter. [In those instances where] *If* no local board
13 of health exists [then] the director may make [periodic]
14 *biennial* inspections of licensed centers as necessary
15 to carry out the provisions of this chapter. The
16 director may inspect records maintained by a licensed
17 center and may inquire into matters concerning these
18 centers and the persons in charge. The director shall
19 require that the center be inspected by the state
20 fire marshal or a designee for compliance with rules
21 relating to fire safety before a license is granted
22 or renewed. The director or a designee may

23 periodically visit registered family day care homes
 24 for the purpose of evaluation of an inquiry into
 25 matters concerning compliance with rules promulgated
 26 under section 237A.12. Evaluation of family day care
 27 homes under this section may include consultative
 28 services provided pursuant to section 237A.6.

29 Sec. ____ . Section 238.3, Code 1981, is amended
 30 to read as follows:

31 238.3 POWER TO LICENSE. The state director is
 32 hereby empowered to grant a license for [one year] *two*
 33 *years* for the conduct of any child-placing agency
 34 that is for the public good, and is conducted by a
 35 reputable and responsible person.

36 Sec. ____ . Section 238.5, Code 1981, is amended
 37 to read as follows:

38 238.5 LICENSE REQUIRED. No person shall conduct
 39 a child-placing agency or solicit or receive funds
 40 for its support without an unrevoked license issued
 41 by the state director within the [twelve months]
 42 preceding [to conduct such agency] *twenty-four months*.

43 Sec. ____ . Section 238.9, Code 1981, is amended
 44 to read as follows:

45 Sec. ____ . TENTURE OF LICENSE. Licenses granted under
 46 this chapter shall be valid for [one year] *two years*
 47 from the date of issuance [thereof] unless revoked [in
 48 accordance with the provisions hereof] *under this*
 49 *chapter*.

50 Sec. ____ . Section 238.20, Code 1981, is amended

Page 4

1 to read as follows:

2 238.20 MINIMUM INSPECTION—RECORD. Authorized
 3 officers and agents of the state director shall visit
 4 and inspect the premises of licensed child-placing
 5 agencies at least once every [six months] *two years*
 6 and make and preserve written reports of the conditions
 7 found.”

8 2. By renumbering as necessary.

ARNE WALDSTEIN
 RICHARD VANDE HOEF
 JOE BROWN
 ROLF V. CRAFT

S—3649

1 Amend Senate File 548 as follows:

2 1. Page 8, by striking lines 21 through 23, and
 3 inserting in lieu thereof the word “commissioner.”.

DICK RAMSEY

S—3650

1 Amend Senate File 566 as follows:

2 1. Page 7, line 35, by inserting after the figure
3 "31." the words "The department shall allocate all
4 funds appropriated under this subsection to the
5 counties and shall not use any of the funds for
6 administrative purposes."

7 2. Page 7, by inserting after line 35 the
8 following:

9 "A county which receives an allocation under this
10 subsection shall report to the department at the end
11 of each fiscal year the county's expenditure from
12 the county general relief fund under the levy
13 authorized in section 252.43. If the expenditure
14 is less than the expenditure from the county general
15 relief fund for the previous fiscal year as certified
16 by the state auditor, the county shall reimburse the
17 department for the difference not to exceed the total
18 allocation received by the county under this subsection
19 for the most recent fiscal year. Any reimbursement
20 to the department shall revert to the general fund
21 of the state as provided in section 8.33."

22 3. Page 8, line 7, by inserting after the figure
23 "96." the words "Funds allocated to a county under
24 this subsection may be used by the county for job
25 training in conjunction with the county workfare
26 program. However, the county shall not reimburse
27 a employer for more than one-half of the costs of
28 job training."

ARNE WLADSTEIN
BERL E. PRIEBE
EMIL J. HUSAK
NORMAN RODGERS
ALVIN V. MILLER
ARTHUR L. GRATIAS
A.R. (BUD) KUDART
JAMES E. BRILES
FORREST V. SCHWENGELS
RAY TAYLOR
JOHN W. JENSEN
SUE YENGER
ROLF V. CRAFT
DALE L. TIEDEN
ELVIE L. DREESZEN
RICHARD VANDE HOEF

S—3651

1 Amend Senate File 565 as follows:

2 1. By striking everything after the enacting

3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 422.42, subsection 3,
5 unnumbered paragraph 2, Code 1981, is amended to read
6 as follows:

7 Notwithstanding the foregoing provisions of this
8 subsection, the sale of newsprint and ink delivered
9 [after April 1, 1970] to any person[, firm or corporation]
10 to be incorporated in or used in the printing of any
11 newspaper, free newspaper or shoppers guide [for
12 publication in this state] shall be considered as a
13 sale at retail and [such] *that person*[, firm or
14 corporation] shall be deemed to be the consumer of
15 [such] *the* newsprint and ink [and subject to the payment
16 of sales tax].

17 Sec. 2. Section 423.1, subsection 1, unnumbered
18 paragraph 2, Code 1981, is amended to read as follows:

19 Notwithstanding the foregoing provisions of this
20 subsection, the purchase of newsprint and ink delivered
21 [after April 1, 1970] to any person[, firm or corporation]
22 to be incorporated in or used in the printing of any
23 newspaper, free newspaper or shoppers guide [for
24 publication in this state shall be subject to the
25 use tax imposed by this chapter] *shall be considered*
26 *as a use of the newsprint and ink and that person*
27 *shall be deemed to be the user of the newsprint and*
28 *ink."*

29 2. Title page, lines 2 and 3, by striking the
30 words "in the newspapers and the sale of newspapers".

EMIL J. HUSAK
BERL E. PRIEBE

S-3652

1 Amend Senate File 548 as follows:

2 1. Page 2, by inserting after line 21 the
3 following:

4 "It is the intent of the general assembly that of
5 the appropriations under this section not more than
6 one hundred fifty thousand (150,000) dollars for the
7 fiscal year beginning July 1, 1981 be used for the
8 purchase of three trailers and not more than one
9 hundred seventy-five thousand (175,000) dollars for the
10 fiscal year beginning July 1, 1982 be used for the re-
11 placement of three of the department's used tractors.
12 These funds shall not be used for any other purpose."

BOB CARR

S-3653

1 Amend Senate File 566 as follows:

AMENDMENTS FILED

2325

- 2 1. Page 4, by inserting after line 33 the
- 3 following:
- 4 "The department of social services shall pay a
- 5 reasonable professional fee per prescription to
- 6 pharmacists under the medical assistance program.
- 7 The department shall by rule establish the maximum
- 8 medical assistance reimbursement rate for professional
- 9 fees at the seventy-fifth percentile of the usual
- 10 and customary professional fee charges of pharmacies
- 11 in this state, effective September 1, 1981."
- 12 2. Page 13, line 5, by inserting after the letter
- 13 "b" the words and figures "and section 3, subsection
- 14 2, unnumbered paragraph 5".

RICHARD VANDE HOEF
 FORREST V. SCHWENGELS
 BERL E. PRIEBE

S-3654

- 1 Amend Senate File 552 as follows:
- 2 1. Page 15, line 15, by inserting after the word
- 3 "enrollments," the words "funds expended for
- 4 advertising purposes,".

JULIA GENTLEMAN

S-3655

- 1 Amend Senate File 552 as follows:
- 2 1. Page 10, by inserting after line 13 the
- 3 following:
- 4 "c. For unfunded casualty
- 5 losses \$32,181
- 6 Funds appropriated in this paragraph
- 7 shall be allocated to the institutions
- 8 to reimburse actual casualty crop
- 9 losses sustained at Allee and north
- 10 Iowa research centers."

EDGAR H. HOLDEN
 ELVIE L. DREESZEN

S-3656

- 1 Amend Senate File 552 as follows:
- 2 1. Page 3, by striking line 10 and inserting in
- 3 lieu thereof the following: "30, 1983, the sum of eight
- 4 hundred thousand (800,000)".
- 5 2. Page 3, by striking lines 14 through 21 and

6 inserting in lieu thereof the figure "261.19."

BASS VAN GILST
DAVID M. READINGER
WILLIAM D. PALMER
JAMES E. BRILES

S-3657

1 Amend Senate File 552 as follows:
2 1. Page 9, line 15, by striking the figure
3 "98,898" and inserting in lieu thereof the figure
4 "130,000".
5 2. Page 9, line 15, by striking the figure
6 "103,667" and inserting in lieu thereof the figure
7 "160,000".
8 3. Page 9, line 18, by striking the figure
9 "98,898" and inserting in lieu thereof the figure
10 "200,000".
11 4. Page 9, line 18, by striking the figure
12 "103,667" and inserting in lieu thereof the figure
13 "225,000".
14 5. Page 9, line 21, by striking the figure
15 "98,898" and inserting in lieu thereof the figure
16 "275,498".
17 6. Page 9, line 21, by striking the figure
18 "103,667" and inserting in lieu thereof the figure
19 "293,355".

TOM SLATER

S-3658

1 Amend Senate File 552 as follows:
2 1. Page 14, by striking lines 6 through 11.

TOM SLATER

S-3659

1 Amend Senate File 552 as follows:
2 1. Page 10, by inserting after line 10 the
3 following:
4 "c. For each fiscal year of the fiscal biennium
5 beginning July 1, 1981 and ending June 30, 1983, the
6 state board of regents shall increase the tuition
7 rate for each full-time equivalent student enrolled
8 at the state university of Iowa, Iowa state university,
9 or the university of northern Iowa not less than two
10 hundred eighty dollars over the tuition rate for each
11 full-time equivalent student for the preceding fiscal

12 year.”

13 2. Page 10, by striking line 29 and inserting
 14 in lieu thereof the following:

15 “of diabetes mellitus	\$87,236,351	\$92,133,990”
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16 3. Page 11, by striking line 35 and inserting
 17 in lieu thereof the following:

18 “and miscellaneous purposes	\$70,631,384	\$74,584,263”
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19 4. Page 12, by striking line 16 and inserting
 20 in lieu thereof the following:

21 “and miscellaneous purposes	\$27,723,397	\$29,166,042”
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22 5. Page 13, by inserting after line 4 the
 23 following:

24 “____. TUITION ASSISTANCE

25 For tuition assistance to low-
 26 income students enrolled at the
 27 state university of Iowa, Iowa
 28 state university, and the university
 29 of northern Iowa

	\$2,300,000	\$2,300,000”
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MICK LURA

S—3660

- 1 Amend Senate File 561 as follows:
- 2 1. Page 1, by striking line 21.
- 3 2. Page 1, line 22, by striking the word “and”.
- 4 3. Page 1, line 22, by striking the figure “1982”
 5 and inserting in lieu thereof the figure “1983”.
- 6 4. Page 3, lines 10 and 11, by striking the words
 7 “thirteen and one-half cents per gallon beginning
 8 July 1, 1981 and”.
- 9 5. Page 3, line 12, by striking the figure “1982”
 10 and inserting in lieu thereof the figure “1983”.

MICK LURA

S—3661

- 1 Amend Senate File 561 as follows:
- 2 1. Page 4, by inserting after line 5 the following
 3 new section:
- 4 “Sec. ____ . It is the intent of the general assembly
 5 that the state department of transportation shall
 6 institute a program to train construction inspectors
 7 to inspect all aspects of a construction project so
 8 that after July 1, 1984, only one construction
 9 inspector shall be required for each construction
 10 project.”
- 11 2. Renumber sections and correct internal
 12 references as are necessary in accordance with this

13 amendment.

MICK LURA

S-3662

- 1 Amend Senate File 552 as follows:
- 2 1. Page 14, by striking lines 6 through 11.
- 3 2. Page 15, by inserting after line 23 the
- 4 following:
- 5 "Sec. ____ . Section 267.8, Code 1981, is repealed."

TOM SLATER

S-3663

- 1 Amend Senate File 552 as follows:
- 2 1. By striking page 7, line 24 through page 8,
- 3 line 13 and inserting in lieu thereof the following:
- 4 "forty-eight million two hundred
- 5 twenty-three thousand three
- 6 hundred forty-two (48,223,342)
- 7 dollars for fiscal year 1981-1982
- 8 and fifty million five hundred
- 9 forty-eight thousand five
- 10 hundred seventy-five (50,548,575)
- 11 dollars for fiscal year 1982-
- 12 1983 to be allocated as follows:
- 13 (1) Merged Area I\$2,225,198 \$2,332,494
- 14 (2) Merged Area II\$3,100,931 \$3,250,452
- 15 (3) Merged Area III\$2,803,270 \$2,938,439
- 16 (4) Merged Area IV\$1,025,469 \$1,074,913
- 17 (5) Merged Area V\$3,518,286 \$3,687,932
- 18 (6) Merged Area VI\$3,020,718 \$3,166,371
- 19 (7) Merged Area VII.....\$3,486,403 \$3,654,511
- 20 (8) Merged Area IX\$3,926,613 \$4,115,946
- 21 (9) Merged Area X\$5,861,395 \$6,144,020
- 22 (10) Merged Area XI\$7,260,579 \$7,610,670
- 23 (11) Merged Area XII.....\$2,267,950 \$2,377,306
- 24 (12) Merged Area XIII.....\$3,380,949 \$3,543,972
- 25 (13) Merged Area XIV.....\$1,215,201 \$1,273,794
- 26 (14) Merged Area XV\$2,836,112 \$2,972,864
- 27 (15) Merged Area XVI.....\$2,294,268 \$2,404,893"

WILLIAM D. PALMER
GARY L. BAUGHER

S-3664

- 1 Amend Senate File 561 as follows:
- 2 1. Page 2, line 9, by striking the words "*to and*

- 3 from" and inserting in lieu thereof the word "of"
- 4 2. Page 2, line 15, by striking the words "to
- 5 and from" and inserting in lieu thereof the word
- 6 "of".
- 7 3. Page 2, lines 18 and 19, by striking the words
- 8 "which claim for refund shall only be filled by the
- 9 public school".
- 10 4. Page 3, line 33, by striking the words "to"
- 11 and from" and inserting in lieu thereof the word "of".
- 12 5. Page 4, lines 2 and 3, by striking the words
- 13 "which claim for refund shall only be filed by the
- 14 public school".

ROLF V. CRAFT

S-3665

1 Amend Senate File 552 as follows:

2 1. Page 2, by inserting after line 10 the
3 following:

4 "____. BOARD OF REGENTS
5 TUITION GRANT PROGRAM. For
6 tuition assistance to
7 resident students enrolled in
8 a board of regents institution.
9 The grant shall be based on
10 financial need and shall not
11 exceed two hundred eighty
12 dollars annually for a full-
13 time student\$2,300,000 \$2,300,000"

14 2. Page 10, by inserting after line 13 the
15 following:

16 "It is the intent of the general assembly that
17 state funds used for instructional purposes for
18 students enrolled in the institutions shall be reduced
19 on an annual basis by two hundred eighty dollars for
20 each full-time equivalent student enrolled in an
21 institution for the fiscal years beginning July 1,
22 1981 and July 1, 1982."

23 3. Page 10, by striking line 29 and inserting
24 in lieu thereof the following:
25 "of diabetes mellitus \$87,236,351 \$92,133,990"

26 4. Page 11, by striking line 35 and inserting
27 in lieu thereof the following:
28 "and miscellaneous purposes \$70,631,384 \$74,584,263"

29 5. Page 12, by striking line 16 and inserting
30 in lieu thereof the following:
31 "and miscellaneous purposes \$27,723,397 \$29,166,042"

MICK LURA

S—3666

- 1 Amend Senate File 552 as follows:
- 2 1. Page 14, by striking lines 6 through 11.

BERL E. PRIEBE

S—3667

- 1 Amend Senate File 553 as follows:
- 2 1. Page 12, by striking lines 15 through 16.

WILLIAM D. PALMER

S—3668

- 1 Amend Senate File 552 as follows:
- 2 1. Page 9, by inserting after line 21 the
- 3 following:
- 4 "h. For industrial start-up training program
- 5 \$190,800 \$200,000".

C.W. BILL HUTCHINS

S—3669

- 1 Amend Senate File 552 as follows:
- 2 1. Page 10, by inserting after line 13 the
- 3 following:
- 4 "The state board of regents shall not charge to
- 5 students a mandatory fee for university activities
- 6 as a part of tuition and fees. The reduction in
- 7 student activity fees shall be subtracted from tuition
- 8 and fees before any increase in tuition and fees is
- 9 voted by the state board of regents."

RAY TAYLOR
GARY L. BAUGHER

S—3670

- 1 Amend Senate File 552 as follows:
- 2 1. Page 2, by inserting after line 10 the
- 3 following:
- 4 "____. BOARD OF REGENTS
- 5 TUITION GRANT PROGRAM. For
- 6 tuition assistance to
- 7 resident students enrolled in
- 8 a board of regents institution.
- 9 The grant shall be based on
- 10 financial need and shall not

11 exceed one hundred ninety
 12 dollars annually for a full-
 13 time student\$1,500,000 \$1,500,000”
 14 2. Page 10, by inserting after line 13 the
 15 following:
 16 “It is the intent of the general assembly that
 17 state funds used for instructional purposes for
 18 students enrolled in the institutions shall be reduced
 19 on an annual basis by one hundred ninety dollars for
 20 each full-time equivalent student enrolled in an
 21 institution for the fiscal years beginning July 1, 1981
 22 and July 1, 1982.”
 23 3. Page 10, by striking line 29 and inserting
 24 in lieu thereof the following:
 25 “of diabetes mellitus \$88,895,385 \$93,793,024”
 26 4. Page 11, by striking line 35 and inserting
 27 in lieu thereof the following:
 28 “and miscellaneous purposes \$72,417,171 \$76,370,050”
 29 5. Page 12, by striking line 16 and inserting
 30 in lieu thereof the following:
 31 “and miscellaneous purposes \$28,449,855 \$29,892,500”

GARY L. BAUGHER

S—3671

1 Amend Senate File 552 as follows:
 2 1. Page 10, line 30, by inserting after the word
 3 “hospitals” the words “and affiliates”.

C. JOSEPH COLEMAN

S—3672

1 Amend Senate File 555 as follows:
 2 1. Page 1, by inserting after line 5 the following:
 3 “Sec. 2. Section 450.4, Code 1981, is amended
 4 by adding the following new subsection:
 5 *NEW SUBSECTION.* On property passing to the
 6 surviving spouse.”
 7 2. Page 1, line 6, by striking the word and number
 8 “Sec. 2.” and inserting in lieu thereof the word and
 9 number “Sec. 3.”
 10 3. Page 2, by striking lines 9 through 29 and
 11 inserting in lieu thereof the following:
 12 “Sec. 4. Section 450.9, unnumbered paragraph 1
 13 and subsection 1, Code 1981, are amended to read as
 14 follows:
 15 In computing the tax on the net estate passing
 16 to the [surviving spouse,] heirs or beneficiaries of

17 the deceased the following [credits or] exemptions shall
18 be allowed:

19 [1. Surviving spouse, eighty thousand dollars.]

20 Sec. 5. Section 450.9, subsections 2, 3, and 4,

21 Code 1981, are amended to read as follows:

22 2. Each son and daughter, including legally adopted
23 sons and daughters, or illegitimate sons and daughters
24 entitled to inherit under the law of this state,
25 [thirty] *fifty* thousand dollars.

26 3. Father or mother, [ten] *fifteen* thousand dollars.

27 4. Any other lineal descendant of the deceased,
28 [ten] *fifteen* thousand dollars.

29 Sec. 6. Section 450.10, subsection 1, unnumbered
30 paragraph 1, Code 1981, is amended to read as follows:

31 When [such] *the* property, interest, or income passes
32 [to the wife or the husband of the deceased, grantor,
33 donor, or vendor, or] to the father or mother, or to
34 any child or lineal descendant of [such] *the* decedent,
35 grantor, donor or vendor, including a legally adopted
36 child or illegitimate child entitled to inherit under
37 the laws of this state, the tax imposed shall be on
38 the individual share [so] passing in excess of the
39 exemptions [herein] allowed and shall be as follows:"

40 4. Page 2, line 30, by striking the word and
41 figure "Sec. 4." and inserting in lieu thereof the
42 word and figure "Sec. 7."

43 5. Page 3, line 3, by striking the word and figure
44 "Sec. 5." and inserting in lieu thereof the word and
45 figure "Sec. 8."

46 6. Page 3, line 21, by striking the word and
47 figure "Sec. 6." and inserting in lieu thereof the
48 word and figure "Sec. 9."

49 7. Page 3, line 34, by striking the word and
50 figure "Sec. 7." and inserting in lieu thereof the

Page 2

1 word and figure "Sec. 10."

2 8. Page 4, line 22, by striking the word and
3 figure "Sec. 8." and inserting in lieu thereof the
4 word and figure "Sec. 11."

5 9. Page 5, line 7, by striking the word and figure
6 "Sec. 9." and inserting in lieu thereof the word and
7 figure "Sec. 12."

8 10. Page 5, line 17, by striking the word and
9 figures "1, 3, and 5" and inserting in lieu thereof
10 the word and figures "1, 2, 4, 5, 6, and 8".

11 11. Page 5, line 21, by striking the word and
12 figures "2, 4, 6, 7, 8, and 9" and inserting in lieu

13 thereof the word and figures "3, 7, 9, 10, 11, and
14 12".
15 12. By correcting internal references as is
16 necessary.

RAY TAYLOR
BERL E. PRIEBE

S-3673

1 Amend Senate File 560 as follows:
2 1. Page 3, by striking lines 8 through 10.
3 2. Page 3, by striking after line 26 the
4 following:
5 "____. Notwithstanding any other subsection of
6 this section, a city or county shall not impose or
7 have in effect at the same time more than one of the
8 taxes authorized in sections 1 through 8 of this Act
9 and in chapter 422A."
10 3. By numbering and renumbering as necessary.

MICK LURA

S-3674

1 Amend Senate File 561 as follows:
2 1. Page 4, line 13, by inserting after the period
3 the words "The consultant shall also recommend which
4 parcels of right of way owned by the department should
5 be sold."
6 2. Page 4, line 22, by striking the figure "1983"
7 and inserting in lieu thereof the figure "1985".
8 3. Page 4, line 24, by striking the words "projects
9 included in the" and inserting in lieu thereof the
10 word "projects."
11 4. Page 4, by striking lines 25 and 26.

RICHARD F. DRAKE

S-3675

1 Amend Senate File 552 as follows:
2 1. Page 13, by inserting after line 4 the
3 following:
4 "Sec. ____ . It is the intent of the general assembly
5 that during September of each year the state board
6 of regents shall review the amount of tuition and
7 fees charged to students enrolled in the institutions
8 as they relate to the total costs of operating the
9 institutions and as they relate to changes in the
10 consumer price index for the preceding twelve-month

- 11 period. If the consumer price index for the preceding
- 12 twelve-month period shows an increase of more than
- 13 ten percent, the state board of regents is urged to
- 14 increase the tuition and fees for the following school
- 15 year to adjust for increased costs of the institutions.
- 16 For the purpose of this section, 'consumer price
- 17 index' means the consumer price index published by
- 18 the bureau of labor statistics, United States
- 19 department of labor."
- 20 2. By numbering and renumbering sections as
- 21 necessary.

JOHN S. MURRAY
 JULIA GENTLEMAN
 ELVIE L. DREESZEN

S-3676

- 1 Amend Senate File 553 as follows:
- 2 1. Page 10, by striking lines 17 through 25,
- 3 and inserting in lieu thereof the following:
- 4 "program if the governor finds that an impending or
- 5 actual shortage or distribution imbalance of liquid
- 6 fossil fuels may cause hardship or pose a threat to
- 7 the health and economic well-being of the people of
- 8 the state or a significant segment of the state's
- 9 population \$100,000 \$100,000".

EDGAR H. HOLDEN

S-3677

- 1 Amend Senate File 553 as follows:

DIVISION S-3677A

- 2 1. Page 1, by striking line 14, and inserting in
- 3 lieu thereof the following:
- 4 "purposes \$1,300,000 \$1,354,379".
- 5 2. Page 8, by striking line 19, and inserting in
- 6 lieu thereof the following:
- 7 "purposes \$1,987,970 \$2,051,391".

DIVISION S-3677B

- 8 3. Page 9, by striking lines 28 through 30, and
- 9 inserting in lieu thereof the following:
- 10 "6. It is a condition of the appropriation
- 11 provided in this section that the Iowa development
- 12 commission shall transfer the responsibility for

13 programs of the commission's agricultural promotion
 14 and development division to the department of agriculture.
 15 This transfer of responsibility shall be accomplished by
 16 the terms of the agreement required in section 1 of this
 17 Act. This agreement shall not prevent the commission
 18 from performing its duties pursuant to section 28.7(8)."

DALE L. TIEDEN

S-3678

- 1 Amend Senate File 553 as follows:
- 2 1. Page 9, by striking lines 13 through 19.

DALE L. TIEDEN

S-3679

- 1 Amend Senate File 553 as follows:
- 2 1. Page 8, by striking line 19, and inserting in
- 3 lieu thereof the following:
- 4 "purposes \$2,222,351 \$2,285,725".

DALE L. TIEDEN

S-3680

- 1 Amend Senate File 553 as follows:
- 2 1. Page 6, by striking line 16, and inserting
- 3 in lieu thereof the following: "fund during fiscal
- 4 years 1981-1982 and 1982-1983 which are".

DALE L. TIEDEN

S-3681

- 1 Amend Senate File 552 as follows:

DIVISION S-3681A

- 2 1. Page 14, by striking lines 12 through 20.

DIVISION S-3681B

- 3 2. By striking page 14, line 21 through page 15,
- 4 line 1.
- 5 3. By renumbering sections as necessary.

BOB CARR
 GARY L. BAUGHER
 BASS VAN GILST
 GEORGE R. KINLEY
 C.W. BILL HUTCHINS

S-3682

1 Amend Senate File 552 as follows:

2 1. Page 10, by inserting after line 13 the fol-
3 lowing:

4 "The nonresident tuition and fees established by
5 the state board of regents for an institution under
6 its control shall equal the highest tuition and fees
7 charged to nonresident students in the state of
8 residence of the nonresident student at a state-
9 supported institution of higher learning in the
10 nonresident student's state of residence. However,
11 if the nonresident tuition and fees charged in another
12 state are less than the tuition and fees charged in
13 Iowa to a resident student at an institution under
14 the control of the state board of regents, the tuition
15 and fees shall equal the tuition and fees charged
16 to a resident student of this state at the institution
17 under the control of the state board of regents.
18 If the nonresident student is an alien, the tuition
19 and fees for the alien student shall equal the highest
20 nonresident tuition and fees charged at a state-
21 supported institution of any state in the United States."

RICHARD COMITO

S-3683

1 Amend Senate File 566 as follows:

2 1. Page 4, by inserting after line 33 the
3 following:

4 "The department of social services shall pay a
5 reasonable professional fee per prescription to
6 pharmacists under the medical assistance program.
7 The department shall adopt rules under section 17A.4,
8 subsection 2 and section 17A.5, subsection 2, para-
9 graph b to establish the maximum medical assistance
10 reimbursement rate for professional fees at the
11 seventy-fifth percentile of the usual and customary
12 professional fee charges of pharmacies in this state,
13 effective September 1, 1981.

14 Pharmacists in this state who reduce the charges
15 of prescription drugs to persons participating in
16 private, third-party payor prescription drug insurance
17 or benefit plans or to the insurance or benefit plans
18 shall also reduce by the same amount the charges to
19 persons participating in the medical assistance program
20 or to the program. The board of pharmacy examiners
21 shall adopt rules under section 17A.4, subsection
22 2 and section 17A.5, subsection 2, paragraph b to

23 insure that pharmacists reduce charges by the same
24 amount to both third-party payors and the medical
25 assistance program. The rules shall become effective
26 immediately upon filing, unless a later effective
27 date is specified in the rules."

RICHARD VANDE HOEF
FORREST V. SCHWENGELS
BERL E. PRIEBE

S-3684

1 Amend Senate File 552 as follows:
2 1. Page 11, by inserting after line 2 the
3 following:
4 "As a condition of the appropriation made in this
5 paragraph, funds appropriated in this paragraph shall
6 not be used to perform abortions except medically
7 necessary abortions, and shall not be used to operate
8 the early termination of pregnancy clinic except for
9 the performance of medically necessary abortions.
10 For the purpose of this paragraph, an abortion is
11 the purposeful interruption of pregnancy with the
12 intention other than to produce a live-born infant
13 or to remove a dead fetus, and a medically necessary
14 abortion is one performed under one of the following
15 conditions:
16 (1) The attending physician certifies that
17 continuing the pregnancy would endanger the life of
18 the pregnant woman.
19 (2) The attending physician certifies that the
20 fetus is physically deformed, mentally deficient, or
21 afflicted with a congenital illness.
22 (3) The pregnancy is the result of a rape which
23 is reported to a law enforcement agency or public
24 or private health agency within sixty days of the
25 incident, or the result of incest which is reported
26 in the first two trimesters of pregnancy to a law
27 enforcement agency or the department of social
28 services.
29 (4) The abortion is a spontaneous abortion,
30 commonly known as a miscarriage, wherein not all of
31 the products of conception are expelled."

SUE YENGER

S-3685

1 Amend Senate File 552 as follows:
2 1. Page 10, line 30, by inserting after the word

3 "hospitals" the words "and other hospitals as pro-
 4 vided in this paragraph".
 5 2. Page 11, line 2, by inserting after the figure
 6 "255" the following: " to be allocated by the board
 7 of regents to the university hospital and other
 8 hospitals in the state which have at least two hundred
 9 total acute-care usable beds according to the Medical
 10 Facilities Appendix to the 1981-86 Iowa Hospital Plan
 11 prepared by the office for health planning and
 12 development of the state department of health".

C. JOSEPH COLEMAN

S-3686

1 Amend Senate File 563 as follows:
 2 1. Page 1, by striking line 19 and inserting in
 3 lieu thereof the words "were not included in the
 4 governor's budget for the previous fiscal biennium
 5 and a".

CLARENCE S. CARNEY

S-3687

1 Amend Senate File 566 as follows:
 2 1. Page 2, by striking line 10 and inserting in
 3 lieu thereof the following:
 4 "with dependent children \$55,360,000 \$55,360,000".
 5 2. Page 2, by striking lines 28 through 30.
 6 3. Page 5, by striking line 10 and inserting in
 7 lieu thereof the following:
 8 "the blind \$6,731,000 \$6,731,000
 9 The department of social services shall increase
 10 the personal needs allowance for eligible persons
 11 residing in residential care facilities at the same
 12 percentage and at the same time that cost of living
 13 increases are implemented for federal social security
 14 and supplemental security income benefits."
 15 4. Page 6, by striking lines 15 and 16 and
 16 inserting in lieu thereof the words and figures:
 17 "10. For community-based ser-
 18 vices \$1,558,000 \$1,558,000".
 19 5. Page 6, by striking line 18 and inserting in
 20 lieu thereof the words "by this subsection, three
 21 hundred five thousand (305,000)".
 22 6. Page 11, by striking lines 9 through 28.
 23 7. Page 12, by striking lines 22 through 28 and
 24 inserting in lieu thereof the following:
 25 "b. Is a recipient of aid to families with

26 dependent children payments under chapter 239 or is
27 an individual who would be eligible for unborn child
28 payments under the aid to families with dependent
29 children program, as authorized by title IV-A of the
30 federal Social Security Act, if the aid to families
31 with dependent children program under chapter 239
32 provided for unborn child payments during the entire
33 pregnancy.”

34 8. By renumbering as necessary.

TOM SLATER

S-3688

1 Amend Senate File 566 as follows:

DIVISION S-3688A

2 1. Page 2, by inserting after line 33 the
3 following:

4 “____. For medical assistance
5 for the dependent children of
6 unemployed parents who would
7 qualify for an unemployed parent
8 program under the aid to fami-
9 lies with dependent children
10 program if the state had an un-
11 employed parent program pro-
12 vided that the medical assis-
13 tance is limited to the depen-
14 dent children of unemployed
15 parents who have exhausted all
16 unemployment compensation bene-
17 fits

\$1,400,000 \$1,400,000”.

DIVISION S-3688B

18 2. By striking page 7, line 15 through page 8,
19 line 34.

20 3. Page 9, by inserting after line 18 the
21 following:

22 “Sec. _____. The department of social services shall
23 study and recommend to the general assembly by January
24 15, 1982 a proposal to implement a county workfare
25 program. The report of the study and recommendations
26 shall include a summary of programs instituted by
27 other states and the specific proposals for allocating
28 funds to the counties, the conditions of allocation,
29 the basic requirements which county workfare programs
30 must meet, program liability for worker benefits,

- 31 and other program priorities and requirements.”
 32 4. By renumbering as necessary.

TOM SLATER

S—3689

- 1 Amend Senate File 563 as follows:
 2 1. Page 4, by inserting after line 14 the
 3 following:
 4 “6. The state comptroller shall adopt rules for
 5 waiving the time limitations established by this
 6 section when a state agency must apply for a
 7 categorical grant within thirty days of notification
 8 of the availability of the categorical grant. Under
 9 such circumstances the agency shall comply with
 10 subsection 2 immediately upon notification of the
 11 availability of the categorical grant. The state
 12 comptroller shall comply with subsection 3 and shall
 13 notify the legislative council and the chairpersons
 14 of the appropriations committees that the forty-five
 15 day period for comments has been waived and shall
 16 state the new date by which comments must be received
 17 to be submitted with the application to the federal
 18 government. This subsection does not exempt
 19 categorical grants received under conditions governed
 20 by this subsection from subsection 5.”

RICHARD F. DRAKE

S—3690

- 1 Amend Senate File 561 as follows:
 2 1. Page 2, by striking lines 30 through 33, and
 3 inserting in lieu thereof the following:
 4 “For the privilege of operating motor vehicles
 5 in this state an excise tax of five cents per gallon
 6 [for the period] beginning May 1, 1981; *six and one-*
 7 *half cents per gallon beginning July 1, 1981; and*
 8 *eight cents per gallon for the period beginning*
 9 *July 1, 1982”.*

JACK W. HESTER
 BASS VAN GILST
 ROLF V. CRAFT

S—3691

- 1 Amend Senate File 553 as follows:
 2 1. Page 8, by striking line 29 through page 9,
 3 line 12, and inserting in lieu thereof the following:

4 "3. It is the intent of the general assembly that
 5 the Iowa development commission shall operate the
 6 international office within the funds approved for
 7 the commission."

MICK LURA

S-3692

1 Amend Senate File 566 as follows:

DIVISION S-3692A

2 1. Page 3, by striking lines 13 through 17.

DIVISION S-3692B

3 2. Page 3, by striking lines 18 through 29.

DIVISION S-3692C

4 3. By relettering as necessary.

RAY TAYLOR
 GEORGE R. KINLEY
 RICHARD VANDE HOEF

S-3693

1 Amend Senate File 566 as follows:

2 1. Page 1, by striking line 18 and inserting in lieu
 3 thereof the figures: "\$15,573,000 \$15,573,000

4 2. Page 8, by inserting after line 34 the
 5 following:

6 "Sec. 4. There is appropriated from the general
 7 fund of the state for the fiscal period beginning
 8 July 1, 1981, and ending December 31, 1981, to the
 9 department of social services eight hundred forty
 10 thousand (840,000) dollars, or so much thereof as
 11 may be necessary, for a program to provide shelter
 12 cost assistance to families with children deprived
 13 of support due to the unemployment of one or both
 14 parents. Assistance to each family is limited to
 15 a maximum vendor payment of one hundred fifty dollars
 16 per month for a maximum of three months. The
 17 department shall by rule establish the shelter cost
 18 assistance program in accordance with this section.
 19 The eligibility criteria for the program shall be as
 20 restrictive as those criteria established by title
 21 IV-A of the federal Social Security Act and may be

22 more restrictive. The program shall be limited to
 23 no more than eighteen full-time equivalent
 24 administrative positions for the six-month duration
 25 of the program."

26 3. Page 13, line 7, by striking the words "and
 27 section" and inserting in lieu thereof the word
 28 "section".

29 4. Page 13, line 8, by inserting after the letter
 30 "b" the words and figure ", and section 4".

31 5. By renumbering as necessary.

TOM SLATER

S-3694

1 Amend Senate File 553 as follows:

2 1. Page 12, by inserting after line 3 the fol-
 3 lowing:

4 "4. It is a condition of the funds appropriated
 5 by subsection 1 of this section that after November
 6 1, 1981 the department of environmental quality shall
 7 enforce the water quality standard for ammonia nitrogen
 8 only with regard to the waters designated for the
 9 antidegradation policy under Iowa administrative code
 10 400-16.2(2). This section does not apply to a water
 11 quality standard for ammonia nitrogen adopted by the
 12 department after the effective date of this Act."

MICK LURA
 EDGAR H. HOLDEN
 BERL E. PRIEBE
 DALE L. TIEDEN
 DICK RAMSEY

S-3695

1 Amend Senate File 566 as follows:

2 1. Page 12, by inserting after line 28 the
 3 following:

4 "Sec. ____ . Section 249A.4, subsection 8, unnumbered
 5 paragraph 1, Code 1981, is amended to read as follows:
 6 Shall advise and consult at least semiannually
 7 with a council composed of the president, or [his or
 8 her] *the president's* representative who is a member
 9 of the professional organization represented by the
 10 president, of the Iowa Medical Society, the Iowa
 11 Society of Osteopathic Physicians and Surgeons, the
 12 Iowa State Dental Society, the Iowa State Nurses
 13 Association, the Iowa Pharmaceutical Association,
 14 the Iowa Podiatry Society, the Iowa Optometric

15 Association, the Iowa Hospital Association, the Iowa
 16 Osteopathic Hospital Association, Iowa Ophthalmic
 17 Dispensers, Inc. (opticians), *Iowa Psychological*
 18 *Association*, and the Iowa Nursing Home Association,
 19 together with one person designated by the Iowa state
 20 board of chiropractic examiners; one state
 21 representative from each of the two major political
 22 parties appointed by the speaker of the house, one
 23 state senator from each of the two major political
 24 parties appointed by the lieutenant governor, each
 25 for a term of two years; four public representatives,
 26 two of whom shall be appointed each year by the
 27 governor for terms of two years each and none of whom
 28 shall be members of, or practitioners of, or have
 29 a pecuniary interest in any of the professions or
 30 businesses represented by, any of the [several]
 31 professional groups and associations specifically
 32 represented on the council under this subsection;
 33 the commissioner of public health, or *the*
 34 *commissioner's* representative [designated by him], and
 35 the dean of the college of medicine, University of
 36 Iowa, or [a] *the dean's* representative [designated by
 37 him].

38 Sec. ____ . Chapter 249A, Code 1981, is amended
 39 by adding the following new section:

40 **NEW SECTION. LICENSED PSYCHOLOGISTS ELIGIBLE FOR**
 41 **PAYMENT.** The department shall adopt rules pursuant
 42 to chapter 17A entitling psychologists who are licensed
 43 in the state where the services are provided and have
 44 a doctorate degree in psychology, have had at least
 45 two years of clinical experience in a recognized
 46 health setting, or have met the standard of a national
 47 register of health service providers in psychology,
 48 to payment for services provided to recipients of
 49 medical assistance, subject to limitations and
 50 exclusions the department finds necessary on the basis

Page 2

- 1 of federal laws and regulations and of funds available
- 2 for the medical assistance program."
- 3 2. By renumbering as necessary.

BOB CARR
 RICHARD F. DRAKE

S-3696

- 1 Amend Senate File 561 as follows:
- 2 1. Page 1, lines 20 through 22, by striking the

3 words "[ten cents per gallon beginning July 1, 1979]
 4 *eleven and one-half cents per gallon beginning July*
 5 *1, 1981 and thirteen cents per gallon beginning July*
 6 *1, 1982"* and inserting in lieu thereof the words "[ten]
 7 *thirteen cents per gallon beginning July 1, [1979]*
 8 *1981"*.

RICHARD F. DRAKE

S—3697

1 Amend amendment S—3692 to Senate File 566
 2 as follows:
 3 1. Page 1, line 2, by inserting after the figure
 4 "17" the words "and inserting in lieu thereof the
 5 following:
 6 'b. The pregnant woman has contracted or suffers
 7 from syphilis, gonorrhoea, sickle cell anemia, diabetes,
 8 renal disease, cancer, multiple sclerosis,
 9 tuberculosis, muscular dystrophy, or severe depression
 10 reaction.
 11 c. The unborn child has contracted or suffers
 12 from Tay-Sachs disease, spina bifida, anencephaly,
 13 hydroencephalitis, Down's syndrome, or genetic
 14 diseases' "

JULIA GENTLEMAN

S—3698

1 Amend Senate File 566 as follows:
 2 1. Page 7, by striking lines 7 through 14 and
 3 inserting in lieu thereof the following:
 4 "d. Funds appropriated by this subsection for
 5 programs for displaced homemakers and for victims
 6 of domestic abuse shall be used to provide start-up
 7 moneys for programs which will develop community
 8 support and establish means of support independent
 9 of long-term state funding. Where possible, special
 10 programs receiving state funds under this subsection
 11 for more than one year should be established to receive
 12 declining amounts of state funding after the first
 13 twelve months of full operation and to be supported
 14 locally after thirty-six months of operation. Special
 15 programs deviating from these guidelines shall be
 16 reported to the joint social services appropriations
 17 subcommittee. The department shall consult persons
 18 knowledgeable in the respective subjects of domestic
 19 abuse and displaced homemakers with respect to
 20 establishment and selection of the programs."

SUE YENGER
 TOM SLATER

S-3699

1 Amend Senate File 566 as follows:

DIVISION S-3699A

2 1. Page 2, by striking lines 31 through 33 and
3 inserting in lieu thereof the following:

4 "_____. For an unemployed
5 parent program under the aid
6 to families with dependent
7 children program for the
8 period beginning July 1,
9 1981 and ending December

10 31, 1981 \$3,500,000 \$

DIVISION S-3699B

11 2. By striking page 7, line 15 through page 8,
12 line 34.

DIVISION S-3699A (cont'd.)

13 3. By renumbering as necessary.

BOB CARR

S-3700

1 Amend Senate File 566 as follows:

2 1. Page 3, by striking line 34 and inserting
3 in lieu thereof "are expelled

4 . . . \$100,764,718 \$100,764,718".

5 2. Page 4, line 21 by striking the word
6 "seventy-fourth" and inserting in lieu thereof the
7 word "seventy-seventh".

8 3. Page 5, line 13 by striking the word "fifteen"
9 and inserting in lieu thereof the word "sixteen".

10 4. Page 5, line 13, by striking the word "ten"
11 and inserting in lieu thereof the word "eleven".

BERL E. PRIEBE

S-3701

1 Amend Senate File 566 as follows:

2 1. Page 1, by striking line 18 and inserting
3 in lieu thereof the following figures "\$15,246,000
4 \$14,906,000".

BERL E. PRIEBE

S-3702

- 1 Amend Senate File 566 as follows:
- 2 1. Page 3, by striking line 34 and inserting
- 3 in lieu thereof "are expelled"
- 4 . . . \$100,449,358 \$100,449,358".
- 5 2. Page 4, line 21 by striking the word
- 6 "seventy-fourth" and inserting in lieu thereof the
- 7 word "seventy-seventh".
- 8 3. Page 5, by striking line 10 and inserting
- 9 in lieu thereof "the blind"
- 10 .. \$6,970,360 \$6,970,360".
- 11 4. Page 5, line 13 by striking the word "fifteen"
- 12 and inserting in lieu thereof the word "sixteen".
- 13 5. Page 5, line 13 by striking the word "ten"
- 14 and inserting in lieu thereof the word "eleven".

BERL E. PRIEBE

S-3703

- 1 Amend Senate File 415 as follows:
- 2 1. Page 2, by striking line 16 and inserting in
- 3 lieu thereof the words "service under the system,".

DONALD V. DOYLE

S-3704

- 1 Amend Senate File 560 as follows:
- 2 1. Page 1, line 8, by striking the words "a
- 3 majority" and inserting in lieu thereof the words
- 4 "sixty percent".
- 5 2. Page 2, line 16, by striking the words "a
- 6 majority" and inserting in lieu thereof the words
- 7 "sixty percent".
- 8 3. Page 2, line 24, by striking the words "a
- 9 majority" and inserting in lieu thereof the words
- 10 "sixty percent".
- 11 4. Page 2, line 28, by striking the words "a
- 12 majority" and inserting in lieu thereof the words
- 13 "sixty percent".
- 14 5. Page 2, line 33, by striking the words "a
- 15 majority" and inserting in lieu thereof the words
- 16 "less than sixty percent".
- 17 6. Page 2, by striking line 34 and inserting in
- 18 lieu thereof the words "question favors continuation.
- 19 If less than sixty percent of those".
- 20 7. Page 3, line 1, by striking the words "does
- 21 not favor" and inserting in lieu thereof the word

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- 22 "favors".
23 8. Page 3, lines 3 and 4, by striking the words
24 "at which a majority of those voting on the question
25 favors" and inserting in lieu thereof the words "on
26 the question of".

ELVIE L. DREESZEN

S-3705

- 1 Amend Senate File 566 as follows:
2 1. By striking page 9, line 19, through
3 page 10, line 3.

DICK RAMSEY
RICHARD VANDE HOEF
JOHN S. MURRAY

S-3706

- 1 Amend Senate File 560 as follows:
2 1. Page 2, lines 5 and 6, by striking the words
3 "ten percent, twenty percent, or" and inserting in
4 lieu thereof the words "in an increment of five percent
5 but not exceeding".
6 2. Page 3, lines 14 and 15, by striking the words
7 "ten percent, twenty percent or thirty percent" and
8 inserting in lieu thereof the words "up to thirty
9 percent in increments of five percent".
10 3. Page 5, lines 31 and 32, by striking the words
11 "is ten percent, twenty percent, or" and inserting
12 in lieu thereof the words "shall be in an increment
13 of five percent but not exceeding".

DAVID M. READINGER

S-3707

- 1 Amend Senate File 555 as follows:
2 1. Page 3, line 2, by inserting after the word
3 "court" the words "*or any claim or the amount thereof*
4 *is under litigation*".

LUCAS J. DE KOSTER
DICK RAMSEY

S-3708

- 1 Amend Senate File 560 as follows:
2 1. Page 2, line 7, by striking the words "The
3 rate of".

- 4 2. Page 2, by striking lines 8 through 10 and
5 inserting in lieu thereof the words "The rate".
6 3. Page 2, line 10, by striking the words "The
7 rate".
8 4. Page 2, by striking lines 11 and 12.
9 5. Page 2, line 13, by striking the words "the
10 tax."
11 6. Page 3, lines 12 and 13, by striking the words
12 "a local earnings tax".
13 7. Page 3, line 13, by striking the words "and
14 a local vehicle tax".
15 8. Page 3, lines 15 and 16, by striking the words
16 "up to ten percent in increments of one percent
17 for an earning tax".
18 9. Page 3, lines 16 and 17, by striking the words
19 "and a dollar amount per axle in increments of one
20 dollar for a vehicle tax all".
21 10. Page 3, line 19, by striking the words "
22 earnings tax".
23 11. Page 3, line 19, by striking the words "
24 or vehicle tax".
25 12. Page 3, by striking line 27 through page 5,
26 line 25.
27 13. Page 6, by striking lines 5 through 34.
28 14. Page 7, line 1, by striking the words "or
29 earnings tax".
30 15. Page 7, line 3, by striking the words "or
31 tax".
32 16. Page 7, line 6, by striking the words "or
33 earnings tax".
34 17. Page 7, line 10, by striking the words "or
35 earnings tax".
36 18. Page 7, lines 12 and 13, by striking the words
37 "or earnings tax".
38 19. Page 7, lines 14 and 15, by striking the words
39 and Roman numerals "divisions II and III" and inserting
40 in lieu thereof the word and Roman numeral "division
41 II".
42 20. Page 7, line 17, by striking the words "or
43 earnings tax".
44 21. Page 7, lines 22 and 23, by striking the words
45 "or earnings tax".
46 22. Page 7, line 24, by striking the words "or
47 earnings tax".
48 23. Page 7, lines 27 and 28, by striking the words
49 "or earnings tax".
50 24. Page 7, line 29, by striking the words "or

Page 2

1 earnings tax".

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- 2 25. Page 7, line 32, by striking the words "or
3 earnings tax".
4 26. Page 7, line 33, by striking the words "and
5 earnings tax" and inserting in lieu thereof the word
6 "surtax"
7 27. Page 7, line 34, by striking the words "or
8 earnings tax".
9 28. Page 8, line 2, by striking the words "or
10 earnings tax".
11 29. Page 8, lines 8 and 9, by striking the words
12 "and earnings tax".
13 30. Page 8, lines 14 and 15, by striking the words
14 "or earnings tax".
15 31. Page 8, line 15, by striking the words "and
16 earnings tax" and inserting in lieu thereof the word
17 "surtax".
18 32. Page 8, line 17, by striking the words "and
19 earnings tax".
20 33. Title page, line 2, by striking the words
21 "earnings tax".
22 34. Title page, line 2, by striking the words
23 "or vehicle tax".
24 35. By renumbering and correcting internal
25 references as necessary.

BASS VAN GILST

S-3709

- 1 Amend amendment S-3693 to Senate
2 File 566 as follows:
3 1. Page 1, by striking line 3 and inserting
4 in lieu thereof the following:
5 "thereof the figures: '\$15,113,000 \$14,773,000'"

BERL E. PRIEBE

S-3710

- 1 Amend amendment S-3695 to Senate
2 File 566 as follows:
3 1. Page 1, by striking lines 4 through 37.

BOB CARR

S-3711

- 1 Amend Senate File 566 as follows:
2 1. By striking page 9, line 19 through page 10,
3 line 3 and inserting in lieu thereof the following:
4 "Sec. 7. If a skilled nursing facility or an

5 intermediate care facility receives payments under
 6 title XIX of the federal Social Security Act for one
 7 or more patients in the facility, the facility shall
 8 not involuntarily transfer any patient to another
 9 facility if that patient had previously qualified
 10 and received medical assistance under chapter 249A
 11 and has been disqualified for that medical assistance
 12 but pays all of the patient's income and resources
 13 not exempt under guidelines in title XIX of the federal
 14 Social Security Act and that payment equals or exceeds
 15 the medical assistance reimbursement rate for the
 16 particular facility."

DICK RAMSEY -
 BASS VAN GILST
 JOHN S. MURRAY

S-3712

1 Amend Senate File 566 as follows:
 2 1. Page 12, by inserting after line 28 the
 3 following:
 4 "Sec. ____ . The chief administrative officer of
 5 an agency receiving funds under this Act which on
 6 December 1, 1981 has more than twenty employees with
 7 merit classifications above pay grade thirty or with
 8 a pay classification equivalent to a merit
 9 classification above pay grade thirty shall submit
 10 a plan to the general assembly by January 15, 1982
 11 for the reduction of the number of such employees
 12 by five percent. The plan may provide for the
 13 reductions through layoffs or by attrition."
 14 2. Renumber sections and correct internal ref-
 15 erences as necessary in accordance with this
 16 amendment.

C.W. BILL HUTCHINS

S-3713

1 Amend amendment S-3687 to Senate
 2 File 566 as follows:
 3 Page 1, line 33, by inserting after the word
 4 "pregnancy," the words "*However, the medical assistance*
 5 *payable under this paragraph shall be accrued and not*
 6 *payable until after the birth of the child.*"

MICK LURA

S-3714

1 Amend Senate File 553 as follows:

- 2 1. Page 9, line 24, by striking the words
- 3 "Des Moines for".

BERL E. PRIEBE

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 472

S-3715

- 1 Amend the Senate amendment H-3824 to House File
- 2 472 as amended, passed and reprinted, as follows:
- 3 1. Page 1, by striking lines 18 through 20 and
- 4 inserting in lieu thereof the following:
- 5 "____. Page 1, line 29, by striking the word
- 6 'twenty' and inserting in lieu thereof the word
- 7 'fifty'."
- 8 2. Page 1, by striking lines 21 through 23.
- 9 3. Page 1, lines 25 and 26, by striking the words
- 10 "fifteen of the twenty-five" and inserting in lieu
- 11 thereof the words "ninety of the one hundred fifty".
- 12 4. Page 1, by striking lines 28 through 37.
- 13 5. Page 1, line 43, by striking the word "fifteen"
- 14 and inserting in lieu thereof the word "ninety".
- 15 6. Page 1, by striking lines 45 and 46 and
- 16 inserting in lieu thereof the words "[said] the words
- 17 'of which at least sixty of the ninety hours are
- 18 from.'"
- 19 7. By numbering and renumbering as necessary.

HOUSE AMENDMENT TO SENATE AMENDMENT
TO HOUSE FILE 836

S-3716

- 1 Amend the Senate amendment H-3856 to House File
- 2 836 as follows:
- 3 1. Page 1, line 3, by striking the numeral "18"
- 4 and inserting in lieu thereof the numeral "23".

S-3717

- 1 Amend Senate File 553 as follows:
- 2 1. Page 8, by striking line 19, and inserting in
- 3 lieu thereof the following:
- 4 "purposes \$2,222,351 \$2,285,725".
- 5 2. Page 9, by striking lines 13 through 19.

DALE L. TIEDEN

S-3718

- 1 Amend Senate File 553 as follows:
 2 1. Page 11, by striking line 26 through page 12,
 3 line 3, and inserting in lieu thereof the following:
 4 "3. It is a condition of the funds appropriated
 5 by subsection 1 of this section that the department
 6 continue the state program for regulating public water
 7 supply systems at least until February 1, 1982."

LOWELL L. JUNKINS
 JAMES V. GALLAGHER

S-3719

- 1 Amend Senate File 553 as follows:
 2 1: Page 8, by striking line 29 through page 9,
 3 line 12, and inserting in lieu thereof the following:
 4 "3. It is the intent of the general assembly that
 5 the Iowa development commission shall operate the
 6 international office within the funds approved for
 7 the commission. The commission shall also actively
 8 solicit benefited industries and firms for voluntary
 9 donations to support the promotional programs of the
 10 international office. The commission shall report
 11 on the success of soliciting donations for the inter-
 12 national office to the committees on appropriations
 13 by January 15, 1982."

MICK LURA

S-3720

- 1 Amend Senate File 553 as follows:
 2 1. Page 12, by inserting before line 17, the
 3 following:
 4 "____. The appropriations provided for in subsections
 5 2, and 3, of this section shall be made available only
 6 if there is a sixty million (60,000,000) dollar surplus
 7 in the state budget at the end of each fiscal year."

RICHARD COMITO
 LOWELL L. JUNKINS

S-3721

- 1 Amend Senate File 553 as follows:
 2 1. Page 12, by inserting before line 17, the
 3 following:
 4 "____. The appropriations provided for in subsections
 5 2, and 3, of this section shall be made available only

6 if there is a sixty million (60,000,000) dollar surplus
7 in the state general fund at the end of each fiscal year.”.

RICHARD COMITO

S-3722

1 Amend Senate File 553 as follows:
2 1. Page 12, by striking line 14, and inserting in
3 lieu thereof the following:
4 “2. For premiums \$6,000 \$6,000”.
5 2. Page 12, by striking line 16, and inserting in
6 lieu thereof the following:
7 “cultural societies (local fairs) . . . \$126,000 \$126,000”.

RICHARD COMITO

S-3723

1 Amend Senate File 553 as follows:
2 1. Page 8, by striking line 29 through page
3 9, line 12 and inserting in lieu thereof the following:
4 “3. From the funds appropriated in subsection
5 1 of this section, the Iowa development commission
6 shall expend not more than one hundred eighty-five
7 thousand (185,000) dollars per fiscal year for an
8 international office.”

MICK LURA
ARTHUR A. SMALL, JR.
LOWELL L. JUNKINS

S-3724

1 Amend Senate File 560 as follows:
2 1. By striking everything after the enacting
3 clause and inserting in lieu thereof the following:
4 “Section 1. The legislative council is directed
5 to establish an interim study committee composed of
6 members of the house and senate committees on ways
7 and means for the purpose of studying the effects
8 of local options taxes on communities because of the
9 disparity in taxing policy which does or will exist
10 between them and other related matters.”
11 2. Title page, by striking lines 1 through 3 and
12 inserting in lieu thereof the following: “An Act
13 directing the legislative council to establish an
14 interim study committee relating to local option
15 taxes.”

MICK LURA

S—3725

1 Amend Senate File 561 as follows:

2 1. Page 4, by inserting after line 5 the following
3 new section:

4 "Sec. ____ . Section 324.54, unnumbered paragraphs
5 2 and 3, Code 1981, are amended to read as follows:

6 Notwithstanding any provision of this chapter to
7 the contrary, *except as provided in this section*,
8 the holder of a permanent permit may make application
9 to the state department of transportation for a refund,
10 not later than the last day of the month following
11 the quarter in which the overpayment of Iowa fuel
12 tax paid on excess purchases of motor fuel or special
13 fuel was reported as provided in section 324.8, and
14 which application is supported by such proof as the
15 state department of transportation may require. The
16 state department of transportation shall refund Iowa
17 fuel tax paid on motor fuel or special fuel purchased
18 in excess of the amount consumed by such commercial
19 motor vehicles in their operation on the highways
20 of this state.

21 Application for a refund of fuel tax under [the
22 provisions of] this division must be made for each
23 quarter in which the excess payment was reported,
24 and will not be allowed unless the amount of fuel
25 tax paid on the fuel purchased in this state, in
26 excess of that consumed for highway operation in this
27 state in the quarter applied for, is in an amount
28 exceeding ten dollars. An application for a refund
29 of excess Iowa fuel tax paid under [the provisions
30 of] this division which is filed for any period or
31 in any manner other than herein set out shall not
32 be allowed, *except in the case of an application for
33 refund of excess Iowa fuel tax paid which would be
34 granted except for the failure to timely file
35 application, in which case the application for refund
36 shall be granted in the amount of the fuel tax refund
37 due the permit holder less a penalty for late filing
38 of five percent of the refund if the application is
39 filed more than thirty days but not more than ninety
40 days following the end of the quarter for which the
41 application is filed.*

42 2. Renumber sections and correct internal
43 references as are necessary in accordance with this
44 amendment.

RICHARD F. DRAKE

S—3726

- 1 Amend Senate File 547 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "tax" the words "*shall be collected*".
- 4 2. Page 1, line 7, by inserting after the word
- 5 "cattle" the words "*sold for slaughter*".
- 6 3. Page 1, lines 9 and 10, by striking the words
- 7 ", shall be collected" and inserting in lieu thereof
- 8 the words "[, shall be collected]".

JACK W. HESTER

S—3727

- 1 Amend Senate File 560 as follows:
- 2 1. Page 2, lines 5 and 6, by striking the words
- 3 "ten percent, twenty percent, or thirty" and inserting
- 4 in lieu thereof the words "in increments of one percent
- 5 but not in excess of five".
- 6 2. Page 2, line 9, by striking the word "ten"
- 7 and inserting in lieu thereof the word "five".
- 8 3. Page 2, line 11, by inserting after the word
- 9 "axle" the words "but not in excess of five dollars
- 10 per axle".
- 11 4. Page 3, line 14, by striking the words "ten
- 12 percent, twenty percent or thirty" and inserting in
- 13 lieu thereof the words "up to five percent in
- 14 increments of one".
- 15 5. Page 3, line 15, by striking the word "ten"
- 16 and inserting in lieu thereof the word "five".
- 17 6. Page 3, line 16, by inserting after the word
- 18 "amount" the words ", not in excess of five dollars,".
- 19 7. Page 5, by striking lines 31 and 32 and
- 20 inserting in lieu thereof the words "on the ballot
- 21 proposition shall be in increments of one percent
- 22 but not in excess of five percent as set by the
- 23 governing body."
- 24 8. Page 6, line 12, by striking the word "ten"
- 25 and inserting in lieu thereof the word "five".

RAY TAYLOR

HOUSE AMENDMENT TO SENATE FILE 237

S—3728

- 1 Amend Senate File 237 as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, by striking line 6 and inserting in

4 lieu thereof the following: "allocated as follows:

5 Gains and losses from the sale or other disposition
6 of real property located in this state are allocable
7 to this state.

8 Gains and losses from the sale or other disposition
9 of tangible personal property are allocable to this
10 state if the property had a situs in this state at
11 the time of the sale or disposition or if the
12 taxpayer's commercial domicile is in this state and
13 the taxpayer is not taxable in the state in which
14 the property had a situs.

15 Gains and losses from the sale or disposition of
16 intangible personal property are allocable to this
17 state if the taxpayer's commercial domicile is in
18 this state."

19 2. Page 1, by striking lines 13 through 16 and
20 inserting in lieu thereof the following:

21 *"(2) Capital gains and losses from the sale or*
22 *other disposition of assets shall be apportioned to*
23 *the state based upon the business activity ratio*
24 *applicable to the year the gain or loss is determined*
25 *if the corporation determines Iowa taxable income*
26 *by a sales, gross receipts or other business activity*
27 *ratio. If the corporation has only allocable income,*
28 *capital gains and losses from the sale or other*
29 *disposition of assets shall be allocated in accordance*
30 *with section 1 of this Act."*

31 3. Page 1, line 31, by striking the numeral "1980",
32 and by inserting in lieu thereof the numeral "1981".

33 4. Page 1, line 32, by striking the numeral "1980",
34 and by inserting in lieu thereof the numeral "1981".

HOUSE AMENDMENT TO SENATE FILE 466

S-3729

1 Amend Senate File 466 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 9, by striking the word "used".

S-3730

1 Amend House File 842 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 181.12, Code 1981, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 181.12 NONCOLLECTION OF TAX ON APPLICATION. Any
 9 person from whom the excise tax may be collected may
 10 be exempt from the collection of the excise tax by
 11 filling out and submitting a form furnished by the
 12 executive committee providing that the person named
 13 thereon is exempt from the collection of the excise
 14 tax. The form shall be presented to the purchaser
 15 at the time of each sale for which the named person
 16 is to be exempt and a copy sent to the executive
 17 committee. All forms and envelopes properly addressed
 18 shall be furnished by the executive committee and
 19 shall be available at all county extension offices
 20 and all local banks in the county. Any purchaser
 21 charged by this chapter with remitting the excise
 22 tax shall display these forms for exemption in or
 23 prominent place in the place of business or make them
 24 readily available to all producers. Any purchaser
 25 receiving a form properly filled out shall not collect
 26 the excise tax from the person named thereon and shall
 27 be exempt from remitting the excise tax from that
 28 producer."
 29 2. Title page, line 2, by inserting after the
 30 word "tax" the words "and providing for an exemption
 31 from the tax".

BERL E. PRIEBE

S—3731

1 Amend Senate File 561 as follows:
 2 1. Page 3, by striking lines 10 through 12, and
 3 inserting in lieu thereof the following: "[1, 1979]
 4 *is fourteen and one-half cents per gallon beginning*
 5 *July 1, 1981. On all other special fuel the per".*

ARTHUR L. GRATIAS

S—3732

1 Amend Senate File 561 as follows:
 2 1. Page 3, by striking lines 10 through 12, and
 3 inserting in lieu thereof the following: "[1, 1979]
 4 *is fifteen cents per gallon beginning July 1, 1981.*
 5 On all other special fuel the per".

ARTHUR L. GRATIAS

S—3733

1 Amend amendment S—3725 to Senate
 2 File 561 as follows:

- 3 1. Page 1, line 10, by inserting before the word
 4 "month" the word "third".
 5 2. Page 1, by striking lines 32 through 41, and
 6 inserting in lieu thereof the words "be allowed".

EDGAR H. HOLDEN

S—3734

- 1 Amend Senate File 561 as follows:
 2 1. Page 1, by striking lines 10 through 15.

DICK RAMSEY
 JAMES E. BRILES
 MICK LURA
 JOHN W. JENSEN
 GARY L. BAUGHER
 JOHN N. NYSTROM
 ARTHUR A. SMALL, JR.

S—3735

- 1 Amend Senate File 561 as follows:
 2 1. Page 1, line 13, by striking the word "not".

ARTHUR A. SMALL, JR.

S—3736

- 1 Amend Senate File 561 as follows:
 2 1. Page 4, by inserting after line 5 the following
 3 new section:
 4 "Sec. ____ Chapter 324, Code 1981, is amended by
 5 adding the following new section:
 6 *NEW SECTION.* In order to assist in the enforcement
 7 of this chapter and for the purpose of checking on
 8 taxable motor fuel and special fuel brought into and
 9 used in this state, the state department of trans-
 10 portation shall establish four ports of entry and
 11 provide check crews to man the ports of entry. The
 12 ports of entry shall be established as follows:
 13 1. On or along I-80 as near as possible to the
 14 Iowa-Illinois border.
 15 2. On or along I-80 as near as possible to the
 16 Iowa-Nebraska border.
 17 3. On or along I-35 as near as possible to the
 18 Iowa-Missouri border.
 19 4. On or along I-35 as near as possible to the
 20 Iowa-Minnesota border.
 21 The state department of transportation shall not
 22 construct any permanent facilities for use as ports

- 23 of entry and the check crews shall be peace officers
 24 currently employed by the department.”
 25 2. Renumber sections and correct internal references
 26 as are necessary in accordance with this amendment.

BERL E. PRIEBE
 C.W. BILL HUTCHINS

S—3737

- 1 Amend Senate File 561 as follows:
 2 1. Page 2, by inserting after line 3 the following:
 3 “Sec. ____ . Chapter 323, Code 1981, is amended by
 4 adding the following new section:
 5 *NEW SECTION.* Provided that any retailer of motor
 6 fuel or special fuel as defined in chapter 324 shall,
 7 in computing the retail price of the motor fuel or
 8 special fuel, round the price per gallon to the nearest
 9 whole cent.”.

C. JOSEPH COLEMAN

S—3738

- 1 Amend Senate File 561 as follows:
 2 1. Page 2, by inserting after line 3 the following:
 3 “Sec. ____ . Chapter 323, Code 1981, is amended by
 4 adding the following new section:
 5 *NEW SECTION.* Provided that any retailer of motor
 6 fuel or special fuel as defined in chapter 324 shall,
 7 in computing the retail price of the motor fuel, round
 8 the price per gallon to the nearest whole cent.”.

C. JOSEPH COLEMAN

S—3739

- 1 Amend House File 842 as amended, passed and reprinted
 2 by the House as follows:
 3 1. Page 1, lines 8 and 9, by striking the
 4 words “[ten cents per head]” and inserting in lieu
 5 thereof the words “[ten] *not to exceed fifty cents*
 6 per head”.

BERL E. PRIEBE
 JOHN W. JENSEN

S—3740

- 1 Amend Senate File 561 as follows:
 2 1. Page 4, by inserting after line 5 the following:

3 Sec. 8. Chapter 422, Code 1981, is amended by
4 adding sections 9 through 14 of this Act as a
5 separate division.

6 Sec. 9. *NEW SECTION.* This division may be cited
7 as the "Iowa Windfall Profits Tax Act".

8 Sec. 10. *NEW SECTION.* For the purpose of this
9 division unless the context otherwise requires:

10 1. "Tax year" has the same meaning ascribed to it
11 in section 422.4, subsection 4.

12 2. "Corporation", "domestic corporation", "foreign
13 corporation", and "affiliated group" have the same
14 meanings ascribed to them in section 422.32, subsections
15 1, 2, 3, and 5.

16 3. "Net income" has the same meaning ascribed to it
17 in section 422.35.

18 4. "Sales factor" means the percentage used to
19 compute the amount of business income of the corporation
20 or affiliated group, as applicable, attributable to
21 business within the state under section 422.33, sub-
22 section 1, paragraph b.

23 5. "Federal windfall profits tax" means the tax
24 imposed under sections 4986 to 4998 of the Internal
25 Revenue Code of 1954, as amended to and including
26 January 1 preceding the effective date of this division.

27 Sec. 11. *NEW SECTION.* A tax is imposed upon each
28 domestic and foreign corporation, not a member of an
29 affiliated group, and upon an affiliated group doing
30 business in this state which has a federal windfall
31 profits tax liability for the tax year, and is imposed
32 annually in an amount equal to twenty percent of the
33 state's apportioned share of the federal windfall
34 profits tax liability of the corporation or of the
35 affiliated group, as applicable, for the tax year.

36 Sec. 12. *NEW SECTION.* The state's apportioned
37 share of the federal windfall profits tax liability
38 of a corporation or of the affiliated group, as
39 applicable, is equal to the federal windfall profits
40 tax liability of the corporation or of the affiliated
41 group multiplied by the corporation's or affiliated
42 group's sales factor minus the tax liability of the
43 corporation or of the affiliated group under division
44 III.

45 Sec. 13. *NEW SECTION.*

46 1. All taxes, interest, and penalties collected or
47 refunds made under this division shall be credited to or
48 withdrawn from the "Iowa transportation and energy
49 fund" established in the office of the treasurer of
50 state.

Page 2

1 2. Moneys in the Iowa transportation and energy
2 fund shall be appropriated by the general assembly
3 solely for transportation purposes or for purposes of
4 energy conservation and development.

5 Sec. 14. *NEW SECTION.* The applicable provisions of
6 sections 422.24 to 422.30, 422.36, 422.37 and 422.40
7 apply to corporations or affiliated groups taxable under
8 this division.

9 Sec. 15. Section 422.37, unnumbered paragraph 1
10 and subsection 1, Code 1981, are amended to read as
11 follows:

12 Any affiliated group of corporations may, not later
13 than the due date for filing its return for the taxable
14 year, including any extensions thereof, under rules to
15 be prescribed by the director, elect, and upon demand
16 of the director [shall be] *or, if a member of the*
17 *affiliated group has a federal windfall profits tax*
18 *liability under sections 4986 to 4998 of the Internal*
19 *Revenue Code of 1954 for the taxable year, is required,*
20 *to make a consolidated return showing the consolidated*
21 *net income of all such corporations and other information*
22 *as the director may require, subject to the following:*

23 1. The affiliated group filing under this section
24 shall file a consolidated return for federal income
25 tax purposes for the same taxable year *except that*
26 *this condition does not apply if a member of the*
27 *affiliated group has a federal windfall profits tax*
28 *liability under sections 4986 to 4998 of the Internal*
29 *Revenue Code of 1954 for the taxable year.*

30 2. By renumbering and correcting internal
31 references as necessary.

TED ANDERSON

S-3741

1 Amend Senate File 560 as follows:

2 1. Page 1, line 14, by inserting after the word
3 "county" the words "except that a local sales and
4 services tax imposed by a county shall apply to all
5 incorporated and unincorporated areas of the county".

6 2. Page 1, line 19, by inserting after the word
7 "tax" the words ", except a local sales and services
8 tax".

9 3. Page 1, line 22, by inserting after the word
10 "tax" the words "which shall not be a local sales
11 and services tax".

12 4. Page 1, line 29, by inserting after the word

13 "tax" the words ", except a local sales and services
14 tax".

15 5. Page 1, line 33, by inserting after the word
16 "tax" the words "which shall not be a local sales
17 and services tax".

18 6. Page 1, by inserting after line 34 the
19 following:

20 " ____ . A county board of supervisors shall direct
21 within sixty days the county commissioner of elections
22 to submit the question of imposition of a local sales
23 and services tax to the qualified electors of the
24 incorporated and unincorporated areas of the county
25 upon receipt of a petition signed by eligible electors
26 of the whole county equal in number to five percent
27 of the persons in the whole county who voted at the
28 last preceding state general election or signed by
29 a majority of the governing bodies of the county and
30 cities located within the county."

31 7. Page 2, line 13, by inserting after the word
32 "tax." the words "The rate of a local sales and
33 services tax shall be one percent."

34 8. Page 3, line 13, by inserting after the words
35 "earnings tax," the words "a local sales and service
36 tax,"

37 9. Page 3, line 19, by inserting after the words
38 "vehicle tax." the words "the rate of a local sales
39 and services tax shall be one percent."

40 10. Page 8, by inserting after line 19 the
41 following:

42 "Sec. ____ . *NEW SECTION. LOCAL SALES AND SERVICES*
43 *TAX.* A local sales and services tax at the rate of
44 one percent may be imposed by a county on the gross
45 receipts taxed by the state under chapter 422, divi-
46 sion IV. A local sales and services tax shall be
47 imposed on the same basis as the state sales and
48 services tax and may not be imposed on the sale of
49 any property or on any service not taxed by the state.
50 A local sales and services tax is applicable to

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1 transactions within the incorporated and unincorporated
2 area of the county where it is imposed and shall be
3 collected by all persons required to collect state
4 gross receipts taxes.

5 The amount of the sale, for purposes of determining
6 the amount of the local sales and services tax, does
7 not include the amount of any state gross receipts
8 taxes.

9 A tax permit other than the state tax permit
10 required under section 422.53 shall not be required
11 by local authorities.

12 Sec. ____ . *NEW SECTION.* ADMINISTRATION. A local
13 sales and services tax shall be imposed either January
14 1, April 1, July 1 or October 1 following the
15 notification of the director of revenue.

16 A local sales and services tax shall be repealed
17 only on March 31, June 30, September 30, or December
18 31. At least fifty-five days before the imposition
19 or repeal of the tax, a county shall provide notice
20 of the action by certified mail to the director of
21 revenue.

22 The director of revenue shall administer a local
23 sales and services tax as nearly as possible in con-
24 junction with the administration of state gross
25 receipts tax laws. The director shall provide
26 appropriate forms or provide on the regular state
27 tax forms for reporting local sales and services tax
28 liability.

29 The resolution of a county board of supervisors
30 imposing a local sales and services tax shall adopt
31 by reference the applicable provisions of the
32 appropriate sections of chapter 422, division IV.

33 All powers and requirements of the director to
34 administer the state gross receipts tax law are
35 applicable to the administration of a local sales
36 and services tax law, including but not limited to,
37 the provisions of sections 422.25, subsection 4,
38 422.30, 422.48, to 422.52, 422.54 to 422.58, 422.67,
39 422.68, 422.69, subsection 1, and 422.70 to 422.75.

40 Local officials shall confer with the director of
41 revenue for assistance in drafting the resolution
42 imposing a local sales and services tax. A certified
43 copy of the resolution imposing a local sales and
44 services tax shall be filed with the director as soon
45 as possible after passage.

46 The director, in consultation with local officials,
47 shall collect and account for a local sales and
48 services tax. The director shall certify each quarter
49 the amount of local sales and services tax receipts
50 and any interest and penalties to be credited to the

Page 3

1 "local sales and services tax fund" established in
2 the office of the treasurer of state.

3 All local tax moneys and interest and penalties
4 received or refunded one hundred eighty days or more

- 5 after the date on which the county repeals its local
 6 sales and services tax shall be deposited in or
 7 withdrawn from the state general fund.
 8 Sec. ____ . *NEW SECTION. PAYMENT TO LOCAL*
 9 *GOVERNMENTS.*
- 10 1. The treasurer of state shall credit the local
 11 sales and services tax receipts, and interest and
 12 penalties from a county to the county's account in
 13 the local sales and services tax fund and shall remit
 14 at least quarterly, pursuant to rules of the director
 15 of revenue, to each city in the county a pro rata
 16 share of the county account, based upon the percentage
 17 of the city's population residing the county to
 18 the total population of the county, and shall remit
 19 at least quarterly to the board of supervisors a pro
 20 rata share of the county account based upon the
 21 percentage of population in the county outside of
 22 cities, all according to the population determined
 23 by the most recent certified federal census.
- 24 2. Local sales and services tax moneys received
 25 by a city or county may be expended for any lawful
 26 purpose of the city or county."
- 27 11. By numbering, renumbering, and correcting
 28 internal references as necessary.

NORMAN RODGERS
 DAVID M. READINGER
 GARY L. BAUGHER
 A.R. (BUD) KUDART
 JAMES D. WELLS
 BOB CARR
 TOM SLATER
 CLARENCE S. CARNEY
 LOWELL L. JUNKINS
 ARNE WALDSTEIN
 JULIA GENTLEMAN

S-3742

- 1 Amend Senate File 560 as follows:
 2 1. Page 8, line 19, by inserting after the word
 3 "tax." the following: "However, the financial officer
 4 of the city or county treasurer, as applicable, shall
 5 credit fifty percent of the local income surtax moneys
 6 and the local earnings tax moneys received by the
 7 city or county to a special account for property tax
 8 relief which shall be granted as provided in sub-
 9 section 3 for a city or subsection 4 for a county.
 10 3. The moneys on deposit in the special account
 11 of the city on July 1 shall be used to provide a

12 special homestead tax credit as provided in this
13 subsection for homesteads which qualify for the
14 homestead tax credit to be received pursuant to section
15 425.1 in the fiscal year. The county auditor shall,
16 upon the request of the financial officer of the city,
17 certify to the officer the number of homesteads within
18 the limits of the city which have qualified for the
19 homestead tax credit to be granted during the fiscal
20 year and a description of each qualified homestead.
21 The financial officer of the city shall divide the
22 total amount in the special account for property tax
23 relief on July 1 by the number of qualified homesteads
24 within the corporate limits of the city to determine
25 the pro rata amount of the special homestead tax
26 credit to be granted to each qualified homestead,
27 except that a taxpayer shall not receive credits in
28 excess of the taxpayer's property tax liability payable
29 during the fiscal year. Excess credit shall be
30 credited proportionately to the other qualified
31 homesteads. The officer shall remit the special
32 homestead tax credit to each eligible taxpayer in
33 a manner as prescribed by resolution of the city
34 council.

35 4. The moneys on deposit in the special account
36 of the county on July 1 shall be used to provide a
37 special homestead tax credit for each homestead in
38 the unincorporated area of the county which qualifies
39 for the homestead tax credit to be received pursuant
40 to section 425.1 in the fiscal year. The county
41 auditor shall divide the total amount in the special
42 account for property tax relief on July 1 by the
43 number of homesteads within the unincorporated area
44 of the county qualified to receive the homestead
45 tax credit during the fiscal year to determine the
46 pro rata amount of the special homestead tax credit
47 to be granted to each qualified homestead, except
48 that a taxpayer shall not receive credits in excess
49 of the taxpayer's property tax liability payable
50 during the fiscal year. Excess credit shall be

Page 2

1 credited proportionately to the other qualified
2 homesteads. The county auditor shall remit the special
3 homestead tax credit to each eligible taxpayer in
4 a manner prescribed by resolution of the board of
5 supervisors."

D AVID M. READINGER

S-3743

- 1 Amend House File 851 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 10, line 35, through
 4 page 11, line 31.

COMMITTEE ON APPROPRIATIONS
 JOHN S. MURRAY, Chairperson

S-3744

- 1 Amend House File 847 as amended, passed and re-
 2 printed by the House as follows:

DIVISION S-3744A

- 3 1. Page 2, by inserting after line 29 the
 4 following:
 5 "6. COUNCIL ON STATE GOVERNMENTS
 6 For support of the mem-
 7 bership assessment \$41,200 \$44,600"

DIVISION S-3744B

- 8 2. Page 7, by inserting after line 11 the
 9 following:
 10 "5. For distribution to
 11 the Herbert Hoover memorial
 12 birthplace \$ 500 \$ 500".
 13 3. Page 12, by inserting after line 16 the
 14 following:
 15 "Sec. ____ . The legislative council is directed
 16 to establish a joint interim subcommittee composed
 17 of members of the state departments appropriation
 18 subcommittees and the standing committees on state
 19 government to examine the functions, operations, and
 20 needs of the merit employment department including
 21 the feasibility of combining the responsibilities
 22 of the department with an existing state agency such
 23 as the employment relations division of the state
 24 comptrollers office or the department of job service.
 25 The subcommittee shall submit a report of its find-
 26 ings including legislative recommendations to the
 27 legislative council and the general assembly meeting
 28 in 1982."

COMMITTEE ON APPROPRIATIONS
 JOHN S. MURRAY, Chairperson

S—3745

- 1 Amend amendment S—3741 to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 from the sale of farm machinery and the gross receipts
- 6 taxed under chapter 422A shall not be taxed".

ROLF V. CRAFT

S—3746

- 1 Amend amendment S—3741 to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 taxed under chapter 422A shall not be taxed".

DAVID M. READINGER

S—3747

- 1 Amend amendment S—3741 to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 in excess of the first ten thousand dollars from the
- 6 sale of farm machinery and the gross receipts taxed
- 7 under chapter 422A shall not be taxed".

DAVID M. READINGER

S—3748

- 1 Amend amendment S—3741 to Senate File 560 as
- 2 follows:
- 3 1. Page 1, line 46, by inserting after the Roman
- 4 numeral "IV" the words "except that the gross receipts
- 5 in excess of the first ten thousand dollars from the
- 6 sale of farm machinery shall not be taxed".

DAVID M. READINGER

S—3749

- 1 Amend House File 842 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 1, line 9, by striking the words "[ten cents
- 4 per head]" and inserting in lieu thereof the words

5 "[ten] *not to exceed fifty cents per head*".

BERL E. PRIEBE
JOHN W. JENSEN

S—3750

1 Amend Senate File 560 as follows:

2 1. Page 8, line 19, by inserting after the word
3 "tax." the following: "However, the financial officer
4 of the city or the county treasurer, as applicable,
5 shall credit fifty percent of the local income surtax
6 moneys and the local earnings tax moneys received
7 to a special account for property tax relief to be
8 granted as provided in subsection 3 for a city or
9 subsection 4 for a county.

10 3. Before the levy rates authorized under sections
11 384.1 and 384.12 are certified by a city to the county
12 auditor, the certifying official shall subtract from
13 the total amount computed in dollars, as provided
14 in section 44.2, an amount equal to the amount
15 credited to the special account for property tax
16 relief during the last preceding twelve-month period
17 and shall certify only the net amount to the county
18 auditor and board of supervisors and shall identify
19 for what purposes the funds received for property
20 tax relief are to be used. The county auditor shall
21 determine the levy rates under section 444.3 upon
22 the net amount so computed.

23 4. Before the levy rates authorized under sections
24 303B.9, 309.7, subsection 1, 317.19, 317.20, 358B.13,
25 358B.18, subsection 4, and 455B.81 and other sections
26 which limit the levy only to property outside
27 incorporated areas are certified by a county to the
28 county auditor, the certifying official shall subtract
29 from the total amount computed in dollars, as provided
30 in section 444.2, an amount equal to the amount
31 credited to the special account for property tax
32 relief during the last preceding twelve-month period
33 and shall certify only the net amount and shall
34 identify for what purposes the funds received for
35 property tax relief are to be used. The county auditor
36 shall determine the levy rates under section 444.3
37 upon the net amount so computed."

38 2. Page 9, by inserting after line 2 the following:
39 "Sec. ____ . Section 444.3, Code 1981, is amended
40 by adding the following new unnumbered paragraph after
41 unnumbered paragraph 1:

42 *NEW UNNUMBERED PARAGRAPH.* However, in computing
43 the tax rate under the preceding paragraph for a city

44 or county which has imposed a local income surtax
45 or a local earnings tax, the county auditor shall
46 determine if the sum of the net amount certified and
47 the amount deducted in determining that net amount
48 under subsection 3 or 4 of section 8 of this Act would
49 exceed the amount which could be raised by the rate
50 authorized by law. If the county auditor determines

Page 2

1 that this sum would exceed that amount, the county
2 auditor shall reduce the net amount certified by the
3 excess and determine the tax rate under the preceding
4 paragraph on this reduced amount."
5 3. By numbering, renumbering, and correcting
6 internal references as necessary.

DAVID M. READINGER

S—3751

1 Amend House File 851 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 7, by striking line 35, through page 8,
4 line 4, and inserting in lieu thereof the words
5 "state proportionate to the number of low-".

BOB RUSH
TOM SLATER

S—3752

1 Amend House File 842 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 7, by inserting after the word
4 "slaughter" the words "*and for beef cattle sold for*
5 *breeding purposes,*".

ELVIE L. DREESZEN
BERL E. PRIEBE
JOHN W. JENSEN

S—3753

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 8, by inserting after line 21 the following
4 new section:
5 "Sec. ____ . There is appropriated from the general
6 fund of the state to the Mississippi river parkway
7 commission for each fiscal year of the fiscal biennium

- 8 beginning July 1, 1981 and ending June 30, 1983, the
 9 sum of fifteen thousand (15,000) dollars, or so much
 10 thereof as is necessary, for support, maintenance,
 11 and miscellaneous purposes.”
 12 2. Renumber sections and correct internal
 13 references as are necessary in accordance with this
 14 amendment.

RICHARD F. DRAKE
 JOHN S. MURRAY

S—3754

- 1 Amend House File 850 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 8, by inserting after line 21 the following
 4 new sections:
 5 “Sec. ____ . If Senate File 561 is enacted by the
 6 Sixty-ninth General Assembly and becomes law, and
 7 the law provides for a study of the state department
 8 of transportation to determine staff requirements,
 9 administrative structure, and general efficiency of
 10 the department within the funding available, there
 11 is appropriated from the road use tax fund to the
 12 legislative council the sum of sixty thousand (60,000)
 13 dollars, or so much thereof as is necessary, to pay
 14 for the costs of the study.
 15 Sec. ____ . If Senate File 456 is enacted by the
 16 Sixty-ninth General Assembly and becomes law, and
 17 the law provides for a study to determine the size
 18 of the primary road system and the size of the
 19 secondary road system, there is appropriated from
 20 the road use tax fund to the state department of
 21 transportation the sum of ten thousand (10,000)
 22 dollars, or so much thereof as is necessary, to pay
 23 for the costs of the study.”
 24 2. Renumber sections and correct internal
 25 references as are necessary in accordance with this
 26 amendment.

RICHARD F. DRAKE
 JOHN S. MURRAY

S—3755

- 1 Amend Senate File 558 as follows:
 2 1. Amend the title, line 2, by inserting after
 3 the word “nearest” the word “even”.

LUCAS J. DE KOSTER

S-3756

- 1 Amend House File 842 as amended, passed and reprinted
- 2 by the House as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "*slaughter*" the words "*and beef cattle sold for breeding*
- 5 *purposes*."

ELVIE L. DREESZEN
BERL E. PRIEBE

S-3757

- 1 Amend House File 850 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, line 32, by striking the figure
- 4 "5,578,205" and inserting in lieu thereof the figure
- 5 "5,278,205".
- 6 2. Page 4, line 32, by striking the figure
- 7 "5,680,176" and inserting in lieu thereof the figure
- 8 "5,380,176".
- 9 3. Page 5, line 18, by striking the figure
- 10 "10,773,418" and inserting in lieu thereof the figure
- 11 "11,073,418".
- 12 4. Page 5, line 18, by striking the figure
- 13 "11,382,011" and inserting in lieu thereof the figure
- 14 "11,682,011".

RICHARD F. DRAKE
JOHN S. MURRAY

S-3758

- 1 Amend House File 850 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 8, by inserting after line 21 the following
- 4 new section:
- 5 "Sec. ____ . In the event that the Sixty-ninth
- 6 General Assembly authorizes an increase in the gasoline
- 7 tax, it is the intent of the general assembly that
- 8 an amount equal to one milion (1,000,000) dollars
- 9 is appropriated from the road use tax fund for the
- 10 fiscal biennium beginning July 1, 1981 and ending
- 11 June 30, 1983 for the construction of a new undivided
- 12 four-lane roadway from the curve of Woolf avenue near
- 13 the southwest corner of the dental science building
- 14 and proceeding west and north to the intersection
- 15 of Rocky Shore drive and U. S. Highways 6 and 218,
- 16 including the reconstruction of the intersection of
- 17 Rocky Shore drive and U. S. Highways 6 and 218 and

18 the widening from two lanes to four lanes Woolf avenue
 19 from the curve of Woolf avenue to the south of the
 20 dental science building east to the point where the
 21 existing Woolf avenue becomes four lanes. The
 22 construction engineering and inspection of the project,
 23 consisting of draining, grading, and paving on U.
 24 S. Highways 6 and 218, shall be done by the state
 25 department of transportation. The state university
 26 of Iowa shall provide all right of way for the project,
 27 including modifications along U. S. Highways 6 and
 28 218, and any costs incurred by the state university
 29 of Iowa in obtaining or purchasing right of way south
 30 of U. S. Highway 218 for the project shall be borne
 31 by the state university of Iowa. The installation
 32 of the traffic signal devices at the intersections
 33 of Rocky Shore drive and U. S. Highways 6 and 218
 34 and the intersection of Newton road and Woolf avenue
 35 shall be paid from funds appropriated by this section.
 36 Funds appropriated by this section shall not be used
 37 for the construction of any parking facilities. If
 38 the cost of the project exceeds the amount of funds
 39 appropriated in this section, the state board of
 40 regents shall provide the additional funds, not to
 41 exceed five hundred thousand (500,000) dollars.
 42 Of the amount appropriated by this section for
 43 the project, one-half of the amount shall be considered
 44 an interest-free loan to the state board of regents
 45 to be repaid by the board in the manner provided in
 46 this section. In the fiscal year beginning July 1,
 47 1982 and ending June 30, 1983, and in each of the
 48 nine succeeding fiscal years, the state department
 49 of transportation shall, in apportioning funds
 50 appropriated for state institutional roads and state

Page 2

1 park roads pursuant to section 312.2, subsection 5,
 2 withhold fifty thousand (50,000) dollars from that
 3 portion of the funds allocated to the state board
 4 of regents as payment of one-tenth of the loan from
 5 the road use tax fund for the project."
 6 2. Renumber sections and correct internal
 7 references as are necessary in accordance with this
 8 amendment.

RICHARD F. DRAKE

HOUSE AMENDMENT TO SENATE FILE 563

S-3759

1 Amend Senate File 563 as amended, passed and

2 reprinted by the Senate as follows:

3 1. Page 1, line 9, by inserting after the word
4 "funds" the words "applied for and".

5 2. Page 1, line 10 by striking the words "may
6 be" and inserting in lieu thereof the word "are".

7 3. Page 2, line 3, by striking the words "shall
8 be" and inserting in lieu thereof the words "shall
9 not be".

10 4. Page 2, line 23, by inserting after the word
11 "shall" the words ", whenever possible,".

12 5. Page 2, line 30, by inserting after the word
13 "grant." the following: "However, in the event that
14 one agency did not have categorical funds appropriated
15 for the fiscal year ending September 30, 1981 but
16 had anticipated applying for funds during the fiscal
17 year ending September 30, 1982, the governor may
18 reallocate the funds in order to provide funding."

19 6. Page 4, line 22, by inserting after the period
20 the words "The provisions of chapter 17A with respect
21 to rules promulgation procedures may be waived by
22 the comptroller to the extent necessary to make the
23 rules effective upon filing."

S-3760

1 Amend Senate File 570 as follows:

2 1. Page 2, line 30, by striking the words "city
3 of Fostoria" and inserting in lieu thereof the words
4 "cities of Fostoria and Spencer".

5 2. Page 3, line 30, by striking the words "city
6 of Fostoria" and inserting in lieu thereof the words
7 "cities of Fostoria and Spencer".

8 3. Page 19, line 23, by striking the word "Gourie"
9 and inserting in lieu thereof the word "Gowrie".

10 4. Page 33, line 8, by striking the word "Wabash"
11 and inserting in lieu thereof the words "Norfolk and
12 Western Railway Company".

13 5. Page 33, line 9, by striking the word "Wabash"
14 and inserting in lieu thereof the words "Norfolk and
15 Western Railway Company".

16 6. Page 62, line 30, by striking the word "Heron"
17 and inserting in lieu thereof the word "Huron".

18 7. Page 63, line 12, by striking the word
19 "Northwest" and inserting in lieu thereof the words
20 "North West".

21 8. Page 63, line 13, by striking the word
22 "Northwest" and inserting in lieu thereof the words
23 "North West".

24 9. Page 63, line 18, by striking the word "Lennox"

- 25 and inserting in lieu thereof the word "Lenox".
 26 10. Page 63, line 19, by striking the word "Lennox"
 27 and inserting in lieu thereof the word "Lenox".
 28 11. Page 63, line 26, by striking the word "Gorge"
 29 and inserting in lieu thereof the word "Corse".
 30 12. Page 63, line 27, by striking the word "Gorge"
 31 and inserting in lieu thereof the word "Corse".

JOHN N. NYSTROM

S—3761

- 1 Amend House File 850 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 4, by inserting after line 35 the
 4 following:
 5 "a. Notwithstanding
 6 chapter 8, it is the intent
 7 of the general assembly that
 8 funds appropriated for public
 9 transit purposes to implement
 10 a state assistance plan shall
 11 be allocated in whole or in
 12 part to a public transit
 13 system prior to the time
 14 actual expenditures are in-
 15 curred if the allocation is
 16 first approved by the state
 17 department of transportation.
 18 A public transit system shall
 19 make application for advance
 20 allocations to the state de-
 21 partment of transportation
 22 specifically stating the reasons
 23 why an advance allocation is re-
 24 quired and this allocation
 25 shall be included in the total
 26 to be audited."

RICHARD F. DRAKE
 JOHN S. MURRAY

S—3762

- 1 Amend Senate File 570 as follows:
 2 1. Page 4, by striking lines 12 through 26 and
 3 inserting in lieu thereof the following:
 4 "9. The ninth representative district shall consist
 5 of:
 6 a. Hamilton county.

- 7 b. In Hardin county, Alden, Hardin, and Buckeye
 8 townships.
- 9 c. In Webster county, Colfax, Washington, and
 10 Hardin townships, and that portion of Webster township
 11 lying outside the corporate limit of the city of
 12 Lehigh.
- 13 10. The tenth representative district shall consist
 14 of:
- 15 a. Hardin county, except Alden, Hardin, Etna,
 16 and Buckeye townships.
- 17 b. In Story county, Howard, Warren, Lincoln,
 18 Sherman, Richland, Nevada, New Albany, Indian Creek,
 19 and Collins townships, those portions of Franklin
 20 and Milford townships lying outside the corporate
 21 limit of the city of Ames, and the cities of Nevada
 22 and Story City.”
- 23 2. By striking page 18, line 35 through page 19,
 24 line 15 and inserting in lieu thereof the following:
 25 “31. The thirty-first representative district
 26 shall consist of:
- 27 a. In Hancock county, Amsterdam township.
 28 b. Wright county, except Pleasant township and
 29 the city of Belmond.
- 30 c. Franklin county, except West Fork, Ingham,
 31 and Geneva townships.
- 32 d. In Cerro Gordo county, that portion of Grimes
 33 township lying outside the corporate limit of the
 34 city of Thornton.
- 35 e. In Hardin county, Etna township.
- 36 32. The thirty-second representative district
 37 shall consist of:
- 38 a. Winnebago county.
 39 b. Hancock county, except Amsterdam township.
 40 c. In Worth county, Silver lake township.
- 41 d. In Wright county, Pleasant township and the
 42 city of Belmond.”
- 43 3. By striking page 20, line 12 through page 23,
 44 line 14, and inserting in lieu thereof the following:
 45 “37. The thirty-seventh representative district
 46 shall consist of that portion of the city of Sioux
 47 City bounded by a line beginning at the point where
 48 the north corporate limit of Sioux City intersects
 49 Perry Creek road, then proceeding southwesterly along
 50 Perry Creek road until it interesects Buckwalter drive,

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- 1 then proceeding along Buckwalter drive in a clockwise
 2 manner until it interesects Forty-first street, then

3 proceeding west along Forty-first street until it
4 intersects Cheyenne boulevard, then proceeding
5 southerly along Cheyenne boulevard until it intersects
6 Thirty-seventh street, then proceeding westerly along
7 Thirty-seventh street until it intersects Thirty-
8 eighth street, then proceeding westerly along Thirty-
9 eighth street until it intersects Jones street, then
10 proceeding south along Jones street until it intersects
11 Twenty-ninth street, then proceeding east along Twenty-
12 ninth street until it intersects Court street, then
13 proceeding south along Court street until it intersects
14 Twenty-eighth street, then proceeding east along
15 Twenty-eighth street until it intersects Court street,
16 then proceeding south along Court street until it
17 intersects Twenty-sixth street, then proceeding west
18 along Twenty-sixth street until it intersects Jones
19 street, then proceeding south along Jones street until
20 it intersects Twenty-fourth street, then proceeding
21 west along Twenty-fourth street until it intersects
22 West Solway street, then proceeding in a clockwise
23 manner along West Solway street until it intersects
24 West Twenty-fourth street, then proceeding westerly
25 along West Twenty-fourth street until it intersects
26 Hamilton boulevard, then proceeding south along
27 Hamilton boulevard until it intersects West Nineteenth
28 street, then proceeding east along West Nineteenth
29 street until it intersects Omaha street, then
30 proceeding south along Omaha street until it intersects
31 West Seventeenth street, then proceeding east along
32 West Seventeenth street until it intersects Cook
33 street, then proceeding south along Cook street until
34 it intersects West Sixteenth street, then proceeding
35 east along West Sixteenth street until it intersects
36 Main street, then proceeding south along Main street
37 until it intersects Fourteenth street, then proceeding
38 east along Fourteenth street until it intersects
39 Summit street, then proceeding south along Summit
40 street until it intersects Bluff street, then
41 proceeding southwesterly along Bluff street until
42 it intersects West Eighth street, then proceeding
43 southeasterly along West Eighth street until it
44 intersects Perry street, then proceeding southwesterly
45 along Perry street until it intersects Wesley way,
46 then proceeding southerly along Wesley way (or its
47 southward extension) until it intersects the corporate
48 limit of the city of Sioux City, then proceeding first
49 westerly and then in a clockwise manner along the
50 corporate limit of the city of Sioux City to the point

Page 3

1 of beginning.

2 38. The thirty-eighth representative district
3 shall consist of that portion of the city of Sioux
4 City that is not included in the thirty-seventh or
5 thirty-ninth representative district.

6 39. The thirty-ninth representative district shall
7 consist of the following portions of Woodbury county:

8 a. Those portions of Concord, Woodbury, and Liberty
9 townships outside the corporate limits of the cities
10 of Sergeant bluff and Sioux City.

11 b. The city of Sergeant Bluff.

12 c. That portion of the city of Sioux City bounded
13 by a line beginning at the point where Stone avenue
14 intersect the eastern corporate limit of the city
15 of Sioux City, then proceeding first south and then
16 continuing in a clockwise manner along the corporate
17 limit of the city of Sioux City until it intersects
18 the southern extension of Court street, then proceeding
19 north along Court street (or its southern extension)
20 until it intersects Fifth street, then proceeding
21 west along Fifth street until it intersects Jennings
22 street, then proceeding north along Jennings street
23 until it intersects Thirteenth street, then proceeding
24 east along Thirteenth street until it intersects
25 Virginia street, then proceeding north along Virginia
26 street until it intersects Fourteenth street, then
27 proceeding east along Fourteenth street until it
28 intersects Floyd boulevard, then proceeding south
29 along Floyd boulevard until it intersects Eleventh
30 street, then proceeding east along Eleventh street
31 until it intersects Hoeven drive, then proceeding
32 southwesterly along Hoeven drive until it intersects
33 Fourth street, then proceeding east along Fourth
34 street until it intersects Stueben street, then
35 proceeding south along Stueben street until it
36 intersects Gordon drive, then proceeding east along
37 Gordon drive until it intersects Westcott street,
38 then proceeding north along Westcott street until
39 it intersects Correctionville road, then proceeding
40 east along Correctionville road until it intersects
41 South Alice street, then proceeding south along South
42 Alice street until it intersects Leech avenue, then
43 proceeding first east and then continuing in a
44 clockwise manner along Leech avenue until it intersects
45 South Cecelia street, then proceeding south along
46 South Cecelia street until it intersects Stone avenue,
47 then proceeding east along Stone avenue until it

48 intersects South Paxton street, then proceeding south
 49 along South Paxton street until it intersects Vine
 50 avenue, then proceeding east along Vine avenue until

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1 it intersects South Royce street, then proceeding
 2 north along South Royce street until it intersects
 3 Stone avenue, then proceeding each along Stone avenue
 4 to the point of beginning.
 5 40. The fortieth representative district shall
 6 consist of:
 7 a. In Sac county, Richland and Wheeler townships,
 8 and that portion of Levey township lying outside the
 9 corporate limit of the city of Wall Lake.
 10 b. In Ida county, Maple, Corwin, Blaine, Garfield,
 11 Grant, and Hayes townships.
 12 c. Monona county.
 13 d. In Woodbury county, Floyd, Merville, Wolf Creek,
 14 Kedron, Rock, Morgan, Miller, Grant, West Fork, Grange,
 15 Lakeport, Sloan, Willow, Little Sioux, Oto, and Liston
 16 townships, and the cities of Correctionville and
 17 Salix."
 18 4. By striking page 34, line 27 through page 36,
 19 line 18, and inserting in lieu thereof the following:
 20 "57. The fifty-seventh representative district
 21 shall consist of:
 22 a. In Madison county, Penn, Madison, Jefferson,
 23 Lee, Jackson, Douglas, Union, Crawford, Scott, South,
 24 Walnut, and Ohio townships, and the city of Winterset.
 25 b. In Warren county, Jefferson, Jackson, White
 26 Oak, Virginia, Squaw, Liberty, and White Breast
 27 townships.
 28 c. In Dallas county, Union, Adams, Van Meter,
 29 and Boone townships, and the cities of Adel and Waukee.
 30 58. The fifty-eighth representative district shall
 31 consist of Warren county, except Jefferson, Jackson,
 32 White Oak, Virginia, Squaw, Liberty, and White Breast
 33 townships."
 34 5. By striking page 41, line 5 through page 42,
 35 line 7, and inserting in lieu thereof the following:
 36 "65. The sixty-fifth representative district shall
 37 consist of:
 38 a. Poweshiek county, except Chester township.
 39 b. In Iowa county, Honey Creek, Marengo,
 40 Washington, Hartford, Sumner, Hilton, Lincoln, Pilot,
 41 Troy, and Dayton townships.
 42 66. The sixty-sixth representative district shall
 43 consist of:

- 44 a. In Iowa county, Lenox, Iowa, York, Greene,
45 and Fillmore townships, and that portion of English
46 township lying outside the corporate limit of the
47 city of North English.
48 b. In Washington county, Lime Creek, English
49 River, and Iowa townships.
50 c. In Johnson county:

Page 5

- 1 (1) Monroe, Oxford, Hardin, Washington, Madison,
2 and Sharon townships.
3 (2) Those portions of Clear Creek, Penn, and
4 Newport townships lying outside the corporate limit
5 of the city of Iowa City.
6 (3) The city of Coralville.
7 (4) That portion of East Lucas township not
8 contained in the sixty-ninth or seventieth
9 representative district.
10 67. The sixty-seventh representative district
11 shall consist of:
12 a. In Poweshiek county, Chester township.
13 b. In Jasper county, except Richland, Lynn Grove,
14 Elk Creek, and Palo Alto townships, and the cities
15 of Newton and Lambs Grove.
16 c. In Polk county, Washington, Franklin, Beaver,
17 Four Mile, and Camp townships, that portion of Allen
18 township lying outside the corporate limit of the
19 city of Des Moines, and the cities of Bondurant and
20 Pleasant Hill.
21 68. The sixty-eighth representative district shall
22 consist of:
23 a. In Jasper county, Elk Creek, Lynn Grove,
24 Richland, and Palo Alto townships, and the cities
25 of Newton and Lambs Grove.
26 b. In Marion county, Lake Prairie township."
27 6. By striking page 53, line 16 through page 55,
28 line 26, and inserting in lieu thereof the following:
29 "77. The seventy-seventh representative district
30 shall consist of that portion of the city of Davenport
31 which is not contained in the seventy-ninth, eightieth,
32 eighty-first, or eighty-second representative district.
33 78. The seventy-eighth representative district
34 shall consist of:
35 a. In Jones county, Oxford township.
36 b. In Clinton county, Sharon, Liberty, Grant,
37 Welton, Spring Rock, Olive, Orange, and De Witt
38 townships.
39 c. In Scott county, Liberty, Allens Grove, Butler,

- 40 and Cleona townships, that portion of Winfield township
 41 lying outside the corporate limit of the city of Long
 42 Grove, and those portions of Hickory Grove, Blue
 43 Grass, and Buffalo townships outside the corporate
 44 limit of the city of Davenport.”
 45 7. Page 55, line 32, by striking the word “seventy-
 46 eighth” and inserting in lieu thereof the word “eighty-
 47 fourth”.
 48 8. By striking page 61, line 31 through page 62,
 49 line 9, and inserting in lieu thereof the following:
 50 “83. The eighty-third representative district

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- 1 shall consist of:
 2 a. In Jackson county:
 3 (1) Otter Creek, Perry, South Fork, Maquoketa,
 4 Fairfield, Van Buren, Washington, Iowa, and Union
 5 townships.
 6 (2) That portion of Richland township lying outside
 7 the corporate limit of the city of La Motte.
 8 b. In Clinton county:
 9 (1) Brookfield, Bloomfield, Waterford, Washington,
 10 Deep Creek, and Elk River townships.
 11 (2) That portion of Hampshire township and that
 12 portion of the city of Clinton not contained in the
 13 eighty-fourth representative district.
 14 84. The eighty-fourth representative district
 15 shall consist of those portions of the cities of
 16 Clinton and Camanche, and those portions of Camanche
 17 township bounded by a line beginning at the point
 18 where the north corporate limit of the city of Clinton
 19 intersects Bellevue road, then proceeding southerly
 20 along Bellevue road until it intersects Thirty-eighth
 21 avenue north, then proceeding east along Thirty-eighth
 22 avenue north until it intersects Cleveland street,
 23 then proceeding southerly along Cleveland street until
 24 it intersects Twenty-sixth avenue north, then
 25 proceeding westerly along Twenty-sixth avenue north
 26 until it intersects Shell court, then proceeding
 27 southerly along Shell court until it intersects Twenty-
 28 fifth avenue north, then proceeding easterly along
 29 Twenty-fifth avenue north until it intersects Cleveland
 30 street, then proceeding southerly along Cleveland
 31 street until it intersects main avenue, then proceeding
 32 westerly along Main avenue until it intersects North
 33 Third street, then proceeding southerly along North
 34 Third street until it intersects Twenty-first avenue
 35 north, then proceeding easterly along Twenty-first

36 avenue north until it intersects Persh boulevard,
37 then proceeding southerly along Persh boulevard until
38 it intersects Twentieth avenue north, then proceeding
39 westerly along Twentieth avenue north until it
40 intersects North Third street, then proceeding
41 southerly along north Third street until it intersects
42 Seventeenth avenue north, then proceeding westerly
43 along Seventeenth avenue north until it intersects
44 North Fourth street, then proceeding southerly along
45 North Fourth street until it intersects Seventh avenue
46 north, then proceeding westerly along Seventh avenue
47 north until it intersects North Bluff boulevard, then
48 proceeding southwesterly along North Bluff boulevard
49 until it intersects Fourth avenue north, then
50 proceeding westerly along Fourth avenue north until

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1 it intersects Ike's Peak road, then proceeding
2 northerly along Ike's Peak road until it intersects
3 Fifth avenue north, then proceeding west along Fifth
4 avenue north until it intersects North Tenth street,
5 then proceeding south along North Tenth street until
6 its intersects Fifth avenue north, then proceeding
7 west along Fifth avenue north until it intersects
8 North Eleventh street, then proceeding south along
9 North Eleventh street until it intersects Fourth
10 avenue north, then proceeding west along Fourth avenue
11 north until it intersects Thirteenth street, then
12 proceeding south along Thirteenth street until it
13 intersects Second avenue road, then proceeding west
14 along Second avenue road until it intersects Mill
15 creek, then proceeding northwesterly along Mill creek
16 until it intersects Thirteenth avenue north, then
17 proceeding west along Thirteenth avenue north until
18 it intersects the corporate limit of the city of
19 Clinton, then proceeding first south and then in a
20 counterclockwise manner along the corporate limit
21 of the city of Clinton until it intersects the northern
22 boundary of Camanche township, then proceeding west
23 along the northern boundary of Camanche township until
24 it intersects the eastern boundary of Eden township,
25 then proceeding south along the eastern boundary of
26 Eden township until it intersects the north corporate
27 limit of the city of Low Moor, then proceeding east
28 along the north corporate limit of the city of Low
29 Moor until it intersects the west corporate limit
30 of the city of Clinton, then proceeding first south
31 and then in a counterclockwise manner along the

32 corporate limit of the city of Clinton until it
33 intersects the corporate limit of the city of Camanche,
34 then proceeding first south and then in a
35 counterclockwise manner along the corporate limit
36 of the city of Camanche until it intersects the
37 Mississippi river, then proceeding in a
38 counterclockwise manner along the Mississippi river
39 until it intersects the north corporate limit of the
40 city of Clinton, then proceeding west along the north
41 corporate limit of the city of Clinton to the point
42 of beginning.”

43 9. Page 66, by striking lines 1 through 12 and
44 inserting in lieu thereof the following:

45 “99. The ninety-ninth representative district
46 shall consist of that portion of the city of Des
47 Moines not included in the fifty-first, fifty-second,
48 fifty-third, fifty-fourth, fifty-fifth, fifty-sixth,
49 fifty-ninth, sixtieth, and one hundredth representa-
50 tive districts.

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1 100. The one hundredth representative district
2 shall consist of that portion of the city of Des
3 Moines bounded by a line beginning at the intersection
4 of interstate 235 and the north corporate limit of
5 the city of Des Moines, and proceeding southerly along
6 interstate 235 until it intersects East Hull avenue,
7 then proceeding east along East Hull avenue until
8 it intersects East Twenty-sixth street, then proceeding
9 north along East Twenty-sixth street until it
10 intersects East Euclid avenue, then proceeding east
11 along East Euclid avenue until it intersects East
12 Twenty-ninth street, then proceeding south along East
13 Twenty-ninth street until it intersects East Washington
14 avenue, then proceeding east along East Washington
15 avenue until it intersects East Thirtieth street,
16 then proceeding south along East Thirtieth street
17 until it intersects East University avenue, then
18 proceeding west along East University avenue until
19 it intersects East Twenty-seventh street, then
20 proceeding north along East Twenty-seventh street
21 until it intersects Easton boulevard, then proceeding
22 southwesterly along Easton boulevard until it
23 intersects interstate 235, then proceeding
24 southwesterly along interstate 235 until it intersects
25 East Sixteenth street, then proceeding north along
26 East Sixteenth street until it intersects East
27 University avenue, then proceeding west along East

28 University avenue until it intersects East Sixteenth
29 street, then proceeding north along East Sixteenth
30 street until it intersects East Washington avenue,
31 then proceeding east along East Washington avenue
32 until it intersects East Seventeenth street, then
33 proceeding north along East Seventeenth street until
34 it intersects Guthrie avenue, then proceeding west
35 along Guthrie avenue until it intersects York street,
36 then proceeding north along York street until it
37 intersects Arthur avenue, then proceeding west along
38 Arthur avenue until it intersects North Union street,
39 then proceeding south along North Union street (or
40 its southward extension) until it intersects the Des
41 Moines river, then proceeding northwesterly along
42 the Des Moines river until it intersects Sixth avenue,
43 then proceeding south along Sixth avenue until it
44 intersects University avenue, then proceeding west
45 along University avenue until it intersects Thirteenth
46 street, then proceeding north along Thirteenth street
47 until it intersects Clark street, then proceeding
48 west along Clark street until it intersects Harding
49 road, then proceeding northwesterly along Harding
50 road until it intersects Hickman road, then proceeding

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1 west along Hickman road until it intersects Twenty-
2 fourth street, then proceeding north along Twenty-
3 fourth street until it intersects Bennett avenue,
4 then proceeding east along Bennett avenue until it
5 intersects Harding road, then proceeding northwesterly
6 along Harding road until it intersects Prospect road,
7 then proceeding east along Prospect road (or its
8 eastward extension) until it intersects the Des Moines
9 river, then proceeding north along the Des Moines
10 river until it intersects Euclid avenue, then
11 proceeding east along Euclid avenue until it intersects
12 Eleventh street, then proceeding north along Eleventh
13 street until it intersects the corporate limit of
14 the city of Des Moines, then proceeding first easterly
15 and then in a clockwise manner along the corporate
16 limit of the city of Des Moines to the point of
17 beginning."

CLARENCE S. CARNEY
DONALD V. DOYLE

S-3763

1 Amend Senate File 570 as follows:

- 2 1. Page 53, line 24, by striking the word
 3 "Wasterford" and inserting in lieu thereof the words
 4 "Waterford, Washington".

JOHN N. NYSTROM

S—3764

- 1 Amend House File 850 as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, by inserting after line 24 the following
 4 new paragraphs:
 5 "c. For salaries,
 6 support, maintenance, and
 7 miscellaneous purposes of the
 8 criminalistics laboratory in
 9 the division of criminal in-
 10 vestigation \$180,000 \$180,000
 11 d. If legislation creating a criminal justice
 12 improvement fund is enacted and becomes law, the
 13 appropriation in paragraph c of this subsection for
 14 the criminalistics laboratory for each fiscal year
 15 of the fiscal biennium beginning July 1, 1981 and
 16 ending June 30, 1983 is void."

RICHARD F. DRAKE
 NORMAN RODGERS
 FORREST V. SCHWENGELS
 JOHN S. MURRAY
 C. JOSEPH COLEMAN
 TED ANDERSON

S—3765

- 1 Amend amendment S—3758 to House File 850 as amended,
 2 passed and reprinted by the House as follows:
 3 1. Page 1, line 12, by inserting after the word
 4 "roadway" the words "on state-owned property in Iowa
 5 City".

RICHARD F. DRAKE

S—3766

- 1 Amend Senate Resolution 17 as follows:
 2 1. Page 2, by striking lines 20 through 24,
 3 and inserting in lieu thereof the following:
 4 "achieving compactness to such an extent that a
 5 population deviation greater than the deviation in

6 LSB # 1 occurs.”.

TOM SLATER
C.W. BILL HUTCHINS
BOB RUSH
ARTHUR A. SMALL, JR.

S—3767

- 1 Amend Senate Resolution 17 as follows:
- 2 1. Page 1, line 8, by inserting after the
- 3 word “plan” the words “, with a population deviation
- 4 no greater than in LSB # 1.”.

TOM SLATER
C.W. BILL HUTCHINS
BOB RUSH
ARTHUR A. SMALL, JR.

S—3768

- 1 Amend House File 851 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 9, lines 23 and 24, by striking the
- 4 word and figures “November 1, 1981” and inserting in
- 5 lieu thereof the word and figures “January 15, 1982”.

ARNE WALDSTEIN

S—3769

- 1 Amend House File 851 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 6, by striking lines 12 and 13 and
- 4 inserting in lieu thereof the following:
- 5 “maintenance, and miscella-
- 6 neous purposes \$1,445,824 \$1,484,092
- 7 Thirty thousand (30,000) dollars of the funds
- 8 appropriated under this lettered paragraph for the
- 9 fiscal year beginning July 1, 1981, shall be avail-
- 10 able to the division only for the purpose of main-
- 11 taining the positions of four regional supervisory
- 12 nurses through September 30, 1981, in the event that
- 13 federal 314-D funds for the regional supervisory
- 14 nurses are rescinded.”

SUE YENGER
EMIL J. HUSAK

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 154

S—3770

- 1 Amend the Senate amendment H—3941 to House File
- 2 154 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, line 21, by striking the numeral "25",
- 5 and by inserting in lieu thereof the numeral "24".

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 293

S—3771

- 1 Amend Senate amendment H—3726 to House File 293
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 1, line 7, by striking the words "governor
- 5 and the chairperson" and inserting in lieu thereof
- 6 the words "governor, chairpersons and ranking members
- 7 of the house and senate appropriations committees,
- 8 and co-chairpersons and ranking members".
- 9 2. Page 1, line 14, by striking the words "governor
- 10 and the chairpersons" and inserting in lieu thereof
- 11 the words "governor, chairpersons and ranking members
- 12 of the house and senate appropriations committees,
- 13 and co-chairpersons and ranking members".

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 386

S—3772

- 1 Amend the Senate amendment H—3851, to House File
- 2 386, as passed by the House, as follows:
- 3 1. Page 1, line 19, by striking the word "Any",
- 4 and by inserting in lieu thereof the words "Unless
- 5 otherwise provided in a separate writing executed
- 6 by all parties to the contract, any".

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 786

S—3773

- 1 Amend the Senate amendment H—3947 to House File
- 2 786 as amended, passed and reprinted by the House
- 3 as follows:
- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. Page 1, by striking line 9 and inserting in
- 6 lieu thereof the following: "service B, if the road
- 7 has been maintained to the level required for roads
- 8 classified as area service B."

S-3774

- 1 Amend Senate File 569 as follows:
- 2 1. Page 1, by striking lines 26 through 28.

BOB RUSH

S-3775

- 1 Amend the House amendment S-3759 to Senate
- 2 File 563 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking lines 10 and 11.

CLARENCE S. CARNEY
BOB RUSH

S-3776

- 1 Amend House File 850 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by inserting after line 19 the following
- 4 new section:
- 5 "Sec. ____ . There is appropriated from the general
- 6 fund of the state to the Iowa crime commission, or
- 7 its successor agency, for each fiscal year of the
- 8 fiscal biennium beginning July 1, 1981 and ending
- 9 June 30, 1983, the following amounts, or so much
- 10 thereof as is necessary, to be used for the purposes
- 11 designated:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
12		
13		
14 1. IOWA CRIME COM-		
15 MISSION, OR ITS SUCCESSOR		
16 AGENCY		
17 a. Criminal justice		
18 planning \$	234,352	\$260,982
19 b. Juvenile justice		
20 planning \$	37,840	\$ 48,935
21 c. Jail standards		
22 development, jail training,		
23 and technical assistance \$	200,000	\$200,000
24 d. Statistical analy-		
25 sis center \$	98,350	\$103,710

- 26 2. It is the intent of the general assembly that
- 27 if the duties of the Iowa crime commission specified
- 28 in subsection 1 of this section and for which funds
- 29 are appropriated are subsequently transferred to
- 30 another agency, the funds appropriated in subsection
- 31 1 of this section are appropriated to the successor

32 agency to be expended only for the purposes specified
33 in subsection 1 of this section.

34 3. If legislation creating a criminal justice
35 improvement fund is enacted and becomes law, the
36 appropriation in subsection 1 of this section for
37 each year of the fiscal biennium beginning July 1,
38 1981 and ending June 30, 1983 are void."

39 2. Renumber sections and correct internal
40 references as are necessary in accordance with this
41 amendment.

FORREST V. SCHWENGELS
TOM SLATER

S-3777

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 12 the following
4 new paragraph:

5 "____. It is the intent of the general assembly
6 that the state department of transportation and
7 counties and cities shall enter into cooperation
8 agreements for the maintenance of streets and roads
9 which will permit the reduction of maintenance costs
10 for the department, counties, and cities."

RAY TAYLOR

HOUSE AMENDMENT TO SENATE FILE 553

S-3778

1 Amend Senate File 553 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 7, line 18, by striking the words "Des
4 Moines for".

5 2. Page 8, by striking line 29 through page 9,
6 line 12, and inserting in lieu thereof the following:

7 "3. It is the intent of the general assembly that
8 the Iowa development commission shall operate the
9 international office within the funds approved for
10 the commission."

11 3. Page 10, by inserting after line 28 the
12 following:

13 "During the fiscal year for which funds are
14 appropriated by this section the department of
15 environmental quality shall not require the
16 installation or use of equipment to control the
17 emission of dust or other particulate matter on

18 facilities for the storage of grain which are located
 19 within the ambient air quality attainment areas for
 20 suspended particulates.”
 21 4. Page 11, by striking lines 18 through 21.

S—3779

1 Amend House File 847 as amended, passed and
 2 reprinted by the House, as follows:

DIVISION S—3779A

3 1. Page 7, by striking line 28 and inserting in
 4 lieu thereof the following:
 5 “poses \$9,546,365 \$9,555,641”.

DIVISION S—3779B

6 2. Page 12, by inserting after line 6 the
 7 following:
 8 “Sec. ____ . Section 605.2, Code 1981, is amended
 9 to read as follows:
 10 605.2 EXPENSES. [Except as provided in section
 11 684.53, where] *When* a magistrate or judge of the
 12 district court, court of appeals or supreme court
 13 is required to travel, in the discharge of official
 14 duties, the magistrate or judge may be paid such
 15 actual and necessary expenses incurred in the
 16 performance of his or her duties not to exceed a
 17 maximum amount set by the supreme court by rule
 18 prescribing the maximum amount, terms and conditions
 19 for reimbursement.

20 Sec. ____ . Section 684.45, Code 1981, is amended
 21 to read as follows:
 22 684.45 SALARY—EXPENSES—RETIREMENT. A judge
 23 of the court of appeals shall receive a salary as
 24 provided by law, and shall be reimbursed for expenses
 25 reasonably incurred in the performance of official
 26 duties. A judge of the court of appeals may elect
 27 to participate in the judicial retirement system as
 28 provided in chapter 605A.

29 Each judge of the court of appeals shall be provided
 30 personal office space and equipment, and facilities
 31 for a secretary and law clerk at the seat of state
 32 government [only. Each judge may choose to reside
 33 at the seat of government as he or she may elect,
 34 but a judge of the court of appeals shall not be
 35 entitled to receive reimbursement for any expenses
 36 incurred as a result of residing or maintaining a

37 residence elsewhere than at the seat of government.]
 38 Sec. ____ . Section 684.53, Code 1981, is amended
 39 to read as follows:
 40 684.53 PAYMENT OF SALARIES AND EXPENSES. The
 41 salaries and expenses of the court of appeals and
 42 its judges and other employees shall be paid from
 43 funds appropriated for such purposes, and shall be
 44 accounted for by the court administrator. Salaries
 45 and other expenditures shall not be incurred, except
 46 upon approval of the court administrator. [The court
 47 administrator shall not approve for reimbursement
 48 any expenditure incurred as a result of an officer's
 49 or employees' residing or maintaining a residence
 50 elsewhere than at the seat of state government.]”

Page 2

DIVISION S—3780C

1 3. Renumber as required.,

A.R. (BUD) KUDART

S—3780

1 Amend Senate File 571 as follows:
 2 1. By striking page 2, line 30 through page 3,
 3 line 12, and inserting in lieu thereof the following:
 4 “Sec. ____ . Section 606.15, Code 1981, is amended
 5 by striking the section and inserting in lieu thereof
 6 the following:
 7 606.15 FEES. Except in probate matters, the clerk
 8 of the district court shall charge and collect the
 9 following fees, all of which shall be paid into the
 10 county treasury for the use of the county except as
 11 indicated:
 12 1. For filing any petition, appeal, or writ of
 13 error and docketing the same, twenty-five dollars.
 14 Nine dollars of this fee shall remain the county
 15 treasury for the use of the county, and sixteen dollars
 16 of this fee shall be paid into the state treasury
 17 and deposited in the general fund of the state. In
 18 counties having a population of one hundred thousand
 19 or over, an additional one dollar shall be charged
 20 and collected, to be known as the journal publication
 21 fee and to be used for the purposes provided for in
 22 section 618.13.
 23 2. For every attachment, two dollars.
 24 3. For every cause tried by jury, five dollars.
 25 4. For every cause tried by the court, two dollars

- 26 and fifty cents.
27 5. For every equity case, three dollars.
28 6. For each injunction or other extraordinary
29 process or order, five dollars.
30 7. For all causes continued on application of
31 a party by affidavit, two dollars.
32 8. For all other continuances, one dollar.
33 9. For entering any final judgment or decree,
34 one dollar and fifty cents.
35 10. For issuing execution or other process after
36 judgment or decree, two dollars.
37 11. For filing and properly entering and endorsing
38 each mechanic's lien, three dollars, and in case a
39 suit is brought thereon, the same to be taxed as other
40 costs in the action.
41 12. For filing and docketing transcript of judgment
42 from another county, one dollar.
43 13. For issuing writ or order, not including
44 subpoenas, two dollars.
45 14. For issuing commission to take depositions,
46 two dollars.
47 15. For entering sheriff's sale of real estate,
48 two dollars.
49 16. For entering judgment by confession, two
50 dollars.

Page 2

- 1 17. For entering satisfaction of any judgment,
2 one dollar.
3 18. For taking and approving a bond and sureties
4 thereon, two dollars.
5 19. For receiving and filing a declaration of
6 intention and issuing a duplicate thereof, two dollars.
7 For making, filing, and docketing the petition of
8 an alien for admission as a citizen of the United
9 States and for the final hearing thereon, four dollars;
10 and for entering the final order and the issuance
11 of the certificate of citizenship thereunder, if
12 granted, four dollars.
13 20. In addition to the fees required in subsection
14 19, the petitioner shall, upon the filing of the
15 petition to become a citizen of the United States,
16 deposit with the clerk money sufficient to cover the
17 expense of subpoenaing and paying the legal fees of
18 witnesses for whom the petitioner may request a
19 subpoena. Upon final discharge these witnesses they
20 shall receive out of this deposit, upon demand made
21 to the clerk, the customary and usual witness fees,

22 and the residue, if any, except such amount as may
 23 be necessary to pay the cost of serving subpoenas,
 24 shall be returned by the clerk to the petitioner.
 25 21. For certificates and seal to applications
 26 to procure pensions, bounties, or back pay for soldiers
 27 or other persons entitled thereto, no charge.
 28 22. For making out transcripts in criminal cases
 29 appealed to the supreme court, for each one hundred
 30 words, fifty cents.
 31 23. In criminal cases, the same fees for the same
 32 services as in suits between private parties. When
 33 judgment is rendered against the defendant, the fees
 34 shall be collected from the defendant.
 35 24. For issuing marriage licenses, five dollars
 36 each. For issuing marriage licenses when a party
 37 requests a name change other than a change of surname
 38 to that of the other spouse or to a hyphenated
 39 combination of the surnames of both spouses, seven
 40 dollars and fifty cents each. Two dollars and fifty
 41 cents of the seven dollars and fifty cents shall be
 42 paid to the recorder as a recording fee for recording
 43 the return of marriage. For issuing an application
 44 for an order of the district court authorizing the
 45 issuance of a license to marry prior to the expiration
 46 of three days from the date of filing the application
 47 for the license, five dollars each.
 48 25. For certifying change in title of real estate,
 49 two dollars.
 50 26. In addition to all other fees, for making

Page 3

1 a complete record in cases where required by law or
 2 directed by an order of the court, for every one
 3 hundred words, twenty cents.
 4 Sec. ____ . Section 631.6, subsection 1, Code 1981,
 5 is amended to read as follows:
 6 1. [Docket fees and other fees] *The docket fee for*
 7 *a small claims action is ten dollars. Other fees*
 8 *imposed for small claims shall be the same as those*
 9 *required in regular actions in district court."*

LUCAS J. DE KOSTER

S-3781

1 Amend House File 847 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 8, by striking lines 16 through 23.
 4 2. Page 11, by inserting after line 33 the

5 following:

6 "Sec. ____ . Section 602.55, subsection 1, Code
7 1981, is amended to read as follows:

8 1. [Two-thirds] *One-half* to the treasurer of state
9 to be credited to the general fund of the state.

10 Sec. ____ . Section 602.55, Code 1981, is amended
11 by adding the following new subsection after subsection
12 2:

13 *NEW SUBSECTION.* 3. One-sixth to the treasurer
14 of state to be credited to the judicial retirement
15 fund created in section 605A.4."

16 3. Page 12, by inserting after line 6 the
17 following:

18 "Sec. ____ . Section 606.15, subsection 1, Code
19 1981, is amended to read as follows:

20 1. For filing any petition, appeal, or writ of
21 error and docketing the same, eight dollars. Four
22 dollars of such fee shall remain in the county treasury
23 for the use of the county, and [four] *three* dollars
24 of such fee shall be paid into the state treasury
25 and deposited in the general fund of the state. *The*
26 *remaining one dollar shall be deposited in the judicial*
27 *retirement fund created in section 605A.4 to be used*
28 *to pay retirement benefits of the judicial retirement*
29 *system.* In counties having a population of one hundred
30 thousand or over, an additional one dollar shall be
31 charged and collected, to be known as the journal
32 publication fee and to be used for the purposes
33 provided for in section 618.13."

34 4. Renumber as necessary.

BOB CARR

S—3782

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 12 the following
4 new paragraph:

5 "____ . It is the intent of the general assembly
6 that the state department of transportation shall
7 merge the construction division and maintenance
8 division of the department to permit maximum
9 utilization of personnel for the maintenance and
10 construction on the primary road system."

RAY TAYLOR

S—3783

1 Amend House File 850 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 12 the following
4 new paragraph:

5 "____. It is the intent of the general assembly
6 that the state department of transportation shall
7 continue to reduce the staff of the department. The
8 staff reductions may be selective but shall be made
9 at all levels of the department where possible."

RAY TAYLOR

S—3784

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 12 the following
4 new paragraph:

5 "____. It is the intent of the general assembly
6 that the state department of transportation shall
7 re-evaluate all embargoed bridges on the primary road
8 system and increase the loan capacity of each bridge
9 to the maximum limits allowable as determined by the
10 department."

RAY TAYLOR

S—3785

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 6, by inserting after line 12 the following
4 new paragraph:

5 "____. It is the intent of the general assembly
6 that the state department of transportation shall
7 institute a program to combine inspection functions
8 where feasible and to train construction inspectors
9 to perform several inspection functions to reduce
10 the number of construction inspectors employed by
11 the department and the number of construction
12 inspectors required for each construction project."

RAY TAYLOR

S—3786

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:

3 1. Page 7, by inserting after line 5 the following
4 new paragraph:

5 "____. It is the intent of the general assembly
6 that the state department of transportation shall
7 use engineering standards in highway construction
8 projects which meet the immediate needs of the project
9 at the least cost."

RAY TAYLOR

S-3787

1 Amend amendment S-3780 to Senate
2 File 571 as follows:
3 1. Page 3, line 7, by striking the word
4 "ten" and inserting in lieu thereof the word "eight".

C. JOSEPH COLEMAN

S-3788

1 Amend amendment S-3782 to House
2 File 850 as amended, passed and reprinted by the
3 House as follows:
4 1. Page 1, by striking lines 5 through 10,
5 and inserting in lieu thereof the following:
6 "____. It is the intent of the general assembly
7 that the state department of transportation shall build
8 good roads, particularly in Hardin and nearby counties,
9 at little or no cost to the taxpayers. It is also the
10 intent of the general assembly that bridges not be allowed
11 to fall down."

ARTHUR A. SMALL, JR.

S-3789

1 Amend Senate File 572 as follows:
2 1. Page 10, by striking lines 21 through 25,
3 and inserting in lieu thereof the following:
4 "a. Fifty percent of the general allocation
5 divided by a factor of ninety-nine.
6 b. Fifty percent of the general allocation
7 multiplied by a factor equal to that county's pro-
8 portionate share of the total state population."

DICK RAMSEY
TOM SLATER
ROLF V. CRAFT
CALVIN O. HULTMAN

S-3790

1 Amend Senate File 572 as follows:

- 2 1. Page 5, line 26, by striking the word and
- 3 figure "subsection 2" and inserting in lieu thereof
- 4 the word and figure "subsection 3".
- 5 2. Page 40, line 34, by striking the word and
- 6 figure "and 54" and inserting in lieu thereof the
- 7 word and figures "54, and 55".
- 8 3. Page 41, line 26, by striking the word and
- 9 figure "and 51" and inserting in lieu thereof the
- 10 word and figures " , 51, and 56".
- 11 4. Page 42, by inserting after line 11 the follow-
- 12 ing:
- 13 "Sec. 55. Any funds appropriated to the state
- 14 mental health advisory council for the fiscal period
- 15 beginning July 1, 1981, and ending June 30, 1983,
- 16 shall be transferred, effective July 1, 1981, to the
- 17 division of mental health, mental retardation, and
- 18 developmental disabilities of the department of social
- 19 services for use by the mental health and mental
- 20 retardation commission or the division.
- 21 Sec. 56. Any funds appropriated to the Iowa mental
- 22 health authority for the fiscal period beginning
- 23 January 1, 1982, and ending June 30, 1983, shall be
- 24 transferred, effective January 1, 1982 to the division
- 25 of mental health, mental retardation, and developmental
- 26 disabilities of the department of social services
- 27 for use by the division."

JULIA GENTLEMAN

S-3791

- 1 Amend House File 847 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 3, by striking line 11 and inserting in
- 4 lieu thereof the following:
- 5 "poses \$4,187,717 \$4,396,798"

BASS VAN GILST

S-3792

- 1 Amend Senate File 571 as follows:
- 2 1. Page 1, by striking line 20 through page
- 3 3, line 12.
- 4 2. Page 3, by striking lines 18 through 23,
- 5 and inserting in lieu thereof the word "Act."
- 6 3. Amend the title by striking lines 1 and 2,
- 7 and inserting in lieu thereof the following: "An Act
- 8 relating to the number of district judges and making
- 9 an appropriation."

BOB RUSH

S—3793

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:
3 Page 6, by inserting after line 12 the
4 following new paragraph:
5 "____. It is the intent of the general assembly
6 that the state department of transportation shall
7 continue to reduce the staff of the department where
8 possible. The staff reductions may be selective but
9 shall be made at all levels of the department."

RAY TAYLOR

S—3794

1 Amend House File 850 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 6, by inserting after line 12 the
4 following new paragraph:
5 "____. It is the intent of the general assembly
6 that the state department of transportation merge
7 the construction and maintenance facilities of the
8 department wherever feasible to permit maximum utiliza-
9 tion of personnel for the maintenance and construction
10 on the primary road system."

RAY TAYLOR

S—3795

1 Amend House File 850 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 14, line 10, by striking the words
4 "[two] four" and inserting in lieu thereof the word
5 "two".

BOB CARR

S—3796

1 Amend House File 850 as amended, passed, and
2 reprinted by the House as follows:

DIVISION S—3796A

3 1. Page 8, lines 30 and 31, by striking the
4 words "[with the approval of the director of general
5 services]" and inserting in lieu thereof the words
6 "with the approval of the [director of general services]
7 *executive council*".

DIVISION S—3796B

8 2. Page 10, line 8, by inserting after the word
 9 "used" the words "*with the approval of the executive*
 10 *council*."

BERL E. PRIEBE
 JAMES V. GALLAGHER

S—3797

1 Amend House File 850 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 7, by inserting after line 5, the following
 4 new paragraph:
 5 "_____. It is the intent of the general assembly
 6 that the state department of transportation shall use
 7 minimum engineering standards in highway construction
 8 projects which meet the needs of the project at the
 9 least cost."

RAY TAYLOR

S—3798

1 Amend amendment S—3786 to House
 2 File 850 as amended, passed and reprinted by the
 3 House as follows:
 4 1. Page 1, by striking lines 5 through 9,
 5 and inserting in lieu thereof the following:
 6 "_____. It is the intent of the general assembly
 7 that the state department of transportation shall
 8 build good roads, particularly in Hardin and nearby
 9 counties, at little or no cost to the taxpayers. It
 10 is also the intent of the general assembly that bridges
 11 not be allowed to fall down."

ARTHUR A. SMALL, JR.

S—3799

1 Amend amendment S—3797 to House
 2 File 850 as amended, passed and reprinted by the
 3 House as follows:
 4 1. Page 1, by striking lines 5 through 9,
 5 and inserting in lieu thereof the following:
 6 "_____. It is the intent of the general assembly
 7 that the state department of transportation shall
 8 build good roads, particularly in Hardin and nearby
 9 counties, at little or no cost to the taxpayers. It
 10 is also the intent of the general assembly that bridges

11 not be allowed to fall down.”.

ARTHUR A. SMALL, JR.

S-3800

- 1 Amend Senate File 572 as follows:
- 2 1. Page 5, line 22, by inserting after the word
- 3 “unit” the words “, following mutual planning with
- 4 and consultation from the medical director of the
- 5 state psychiatric hospital.”.

SUE YENGER

S-3801

- 1 Amend House File 850 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 8, by inserting after line 21 the following
- 4 new section:
- 5 “Sec. ____ . It is the intent of the general
- 6 assembly that in the event that the Sixty-ninth General
- 7 Assembly authorizes an increase in the gasoline tax,
- 8 that an amount equal to one million (1,000,000) dollars
- 9 is appropriated from the road use tax fund for the
- 10 fiscal biennium beginning July 1, 1981 and ending
- 11 June 30, 1983 for the construction of a new undivided
- 12 four-lane roadway on state-owned property in Iowa
- 13 City from the curve of Woolf avenue near the southwest
- 14 corner of the dental science building and proceeding
- 15 west and north to the intersection of Rocky Shore
- 16 drive and U. S. Highways 6 and 218, including the
- 17 reconstruction of the intersection of Rocky Shore
- 18 drive and U. S. Highways 6 and 218 and the widening
- 19 from two lanes to four lanes Woolf avenue from the
- 20 curve of Woolf avenue to the south of the dental
- 21 science building east to the point where the existing
- 22 Woolf avenue becomes four lanes. The construction
- 23 engineering and inspection of the project, consisting
- 24 of draining, grading, and paving on U. S. Highways
- 25 6 and 218, shall be done by the state department of
- 26 transportation. The state university of Iowa shall
- 27 provide all right of way for the project, including
- 28 modifications along U. S. Highways 6 and 218, and
- 29 any costs incurred by the state university of Iowa
- 30 in obtaining or purchasing right of way south of U.
- 31 S. Highway 218 for the project shall be borne by the
- 32 state university of Iowa. The installation of the
- 33 traffic signal devices at the intersections of Rocky
- 34 Shore drive and U. S. Highways 6 and 218 and the

35 intersection of Newton road and Woolf avenue shall
 36 be paid from funds appropriated by this section.
 37 Funds appropriated by this section shall not be used
 38 for the construction of any parking facilities. If
 39 the cost of the project exceeds the amount of funds
 40 appropriated in this section, the state board of
 41 regents shall provide the additional funds, not to
 42 exceed five hundred thousand (500,000) dollars.

43 Of the amount appropriated by this section for
 44 the project, one-half of the amount shall be considered
 45 an interest-free loan to the state board of regents
 46 to be repaid by the board in the manner provided in
 47 this section. In the fiscal year beginning July 1,
 48 1982 and ending June 30, 1983, and in each of the
 49 nine succeeding fiscal years, the state department
 50 of transportation shall, in apportioning funds

Page 2

1 appropriated for state institutional roads and state
 2 park roads pursuant to section 312.2, subsection 5,
 3 withhold fifty thousand (50,000) dollars from that
 4 portion of the funds allocated to the state board
 5 of regents as payment of one-tenth of the loan from
 6 the road use tax fund for the project."

7 2. Renumber sections and correct internal
 8 references as are necessary in accordance with this
 9 amendment.

RICHARD F. DRAKE

S-3802

1 Amend House File 850 as amended, passed, and
 2 reprinted by the House as follows:

3 1. Page 8, by inserting after line 21 the following
 4 new section:

5 "Sec. ____ . It is the intent of the general
 6 assembly that in the event that the Sixty-ninth General
 7 assembly authorizes an increase in the gasoline tax,
 8 that an amount equal to one million (1,000,000) dollars
 9 may be appropriated from the road use tax fund for
 10 the fiscal biennium beginning July 1, 1981 and ending
 11 June 30, 1983 for the construction of a new undivided
 12 four-lane roadway on state-owned property in Iowa
 13 City from the curve of Woolf avenue near the southwest
 14 corner of the dental science building and proceeding
 15 west and north to the intersection of Rocky Shore
 16 drive and U. S. Highways 6 and 218, including the
 17 reconstruction of the intersection of Rocky Shore

18 drive and U. S. Highways 6 and 218 and the widening
19 from two lanes to four lanes Woolf avenue from the
20 curve of Woolf avenue to the south of the dental
21 science building east to the point where the existing
22 Woolf avenue becomes four lanes. The construction
23 engineering and inspection of the project, consisting
24 of draining, grading, and paving on U. S. Highways
25 6 and 218, shall be done by the state department of
26 transportation. The state university of Iowa shall
27 provide all right of way for the project, including
28 modifications along U. S. Highways 6 and 218, and
29 any costs incurred by the state university of Iowa
30 in obtaining or purchasing right of way south of U.
31 S. Highway 218 for the project shall be borne by the
32 state university of Iowa. The installation of the
33 traffic signal devices at the intersections of Rocky
34 Shore drive and U. S. Highways 6 and 218 and the
35 intersection of Newton road and Woolf avenue shall
36 be paid from funds appropriated by this section.
37 Funds appropriated by this section shall not be used
38 for the construction of any parking facilities. If
39 the cost of the project exceeds the amount of funds
40 appropriated in this section, the state board
41 regents shall provide the additional funds, not to
42 exceed five hundred thousand (500,000) dollars.
43 Of the amount appropriated by this section for
44 the project, one-half of the amount shall be considered
45 an interest-free loan to the state board of regents
46 to be repaid by the board in the manner provided in
47 this section. In the fiscal year beginning July 1,
48 1982 and ending June 30, 1983, and in each of the
49 nine succeeding fiscal years, the state department
50 of transportation shall, in apportioning funds

Page 2

1 appropriated for state institutional roads and state
2 park roads pursuant to section 312.2, subsection 5,
3 withhold fifty thousand (50,000) dollars from that
4 portion of the funds allocated to the state board
5 of regents as payment of one-tenth of the loan from
6 the road use tax fund for the project."

7 2. Renumber sections and correct internal
8 references as are necessary in accordance with this
9 amendment.

RICHARD F. DRAKE
ARTHUR A. SMALL, JR.
LOWELL L. JUNKINS

S—3803

- 1 Amend Senate File 571 as follows:
- 2 1. Page 2, line 33, by striking the word "twenty"
- 3 and inserting in lieu thereof the words "twenty-five".
- 4 2. Page 2, line 35, by striking the word "sixteen"
- 5 and inserting in lieu thereof the words "twenty-one".
- 6 3. Page 3, line 20, by striking the word "six"
- 7 and inserting in lieu thereof the word "eight".
- 8 4. Page 3, by inserting after line 23 the
- 9 following:
- 10 "There is appropriated from the state general fund
- 11 to the supreme court for the fiscal year commencing
- 12 July 1, 1982 and ending June 30, 1983, the sum of
- 13 one hundred fifty thousand dollars or so much thereof
- 14 as is necessary to fund the additional judgeships
- 15 created by section 1 of this Act. There is
- 16 appropriated from the state general fund to the supreme
- 17 court for the fiscal year commencing July 1, 1982
- 18 and ending June 30, 1983, the sum of eight hundred
- 19 thousand dollars or so much thereof as is necessary
- 20 to fund the expenses of operation of the offices of
- 21 district court administrators as provided in section
- 22 605.35."

FORREST V. SCHWENGELS
 LOWELL L. JUNKINS
 LUCAS J. DE KOSTER

S—3804

- 1 Amend House File 849 as amended, passed and
- 2 reprinted by the House, as follows:

DIVISION S—3804A

- 3 1. Page 2, by striking lines 29 through 31 and
- 4 inserting in lieu thereof the words "health
- 5 appropriations subcommittee shall not modify or alter
- 6 the report required to be made by the commission by
- 7 subsection two".
- 8 2. Page 2, line 34, by striking the words "fiscal
- 9 bureau" and inserting in lieu thereof the word
- 10 "council".
- 11 3. Page 3, line 5, by striking the words "fiscal
- 12 bureau" and inserting in lieu thereof the word
- 13 "council".

DIVISION S—3804B

- 14 4. Page 13, by striking line 16 and inserting

15 in lieu thereof the words "of an additional
16 correctional".

COMMITTEE ON APPROPRIATIONS
JOHN S. MURRAY, Chairperson

S-3805

1 Amend House File 842 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, by inserting before line 1 the follow-
4 ing:
5 "Section ____ . Section 181.12, Code 1981, is amended
6 to read as follows:
7 181.12 REMISSION OF TAX ON APPLICATION. [Any] A
8 person from whom the excise tax herein is collected
9 may, by written application filed with the executive
10 committee within [sixty days] *one year* after its
11 collection [from him], have [said] *the* amount remitted
12 to him *or her* by the executive committee. The
13 executive committee shall furnish uniform application
14 for refund forms *which state that the excise tax is*
15 *voluntary and may be refunded*, and envelopes properly
16 addressed to the executive committee to each purchaser
17 charged by this chapter with remitting the excise
18 tax in sufficient number to make [said] *the* refund forms
19 and envelopes readily available to all producers.
20 A purchaser charged by this chapter with remitting
21 the excise tax shall display said application for
22 refund forms and envelopes in a prominent position
23 in its place of business and make the same readily
24 available to all producers *and may present to a*
25 *producer a refund form and envelope with payment of*
26 *the purchase price from which the excise tax has been*
27 *deducted."*
28 2. By renumbering sections as required by this
29 amendment.

BERL E. PRIEBE

S-3806

1 Amend House File 842 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 1, line 7, by inserting after the word
4 "slaughter" the words "*and for beef cattle sold for*
5 *breeding purposes,*".

BERL E. PRIEBE

S-3807

1 Amend House File 849 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.

6 1. To obtain independent and expert advise from
7 qualified persons chosen by the judicial, executive,
8 and legislative branches of government, there is
9 created as a temporary body the advisory commission
10 on the appropriate uses for the women's correctional
11 and juvenile state institutions. Two members of the
12 commission shall be appointed by the chief justice
13 of the Iowa supreme court, two by the governor, and
14 two by the legislative council. Appointments shall
15 be made within thirty days of the effective date of
16 this Act. The members of the commission who are not
17 state employees shall be entitled to receive forty
18 dollars per diem for each day devoted to their duties
19 as commission members. All members shall receive
20 reimbursement for expenses actually and necessarily
21 incurred in discharge of their duties. Staff
22 assistance shall be provided to the commission by
23 the legislative fiscal bureau.

24 2. The commission shall make interim progress
25 reports as the legislative council may request, and
26 shall submit a final report not later than January
27 15, 1982. The final report shall include, but need
28 not be limited to, recommendations concerning:

29 a. Future uses of the campus currently operated
30 by the state as a women's reformatory. The report
31 shall include an analysis of any alternative uses
32 of the facility that might help meet area human
33 resource needs; the legal, programmatic, security,
34 and capital renovation considerations involved in
35 maintaining the facility as a women's reformatory;
36 and the community's needs and programmatic concerns
37 if the facility is converted for use as a reformatory
38 for low-risk adult male offenders. The report shall
39 include an analysis of alternative sites upon which
40 the women's reformatory might be located, and the
41 relative advantages and disadvantages such sites would
42 have to the present site at Rockwell City.

43 b. Future uses of the campus currently operated
44 as a state training school at Mitchellville. The
45 report shall include an analysis of any sewerage,
46 security force, or other community resource needs
47 that might exist as a result of the facility's use
48 as a corrections facility for either men or women
49 offenders, and of the possible disposition by the
50 state of the land owned by the state immediately

Page 2

1 around the grounds of the Mitchellville campus.
 2 c. Future uses of and programs for the facility
 3 operated for juveniles at Toledo. The report shall
 4 include an analysis of legal, financial, and
 5 programmatic concerns involved with maintaining the
 6 facility with both children adjudicated to be children
 7 in need of assistance and children adjudicated to
 8 have committed delinquent acts and of the need of
 9 or desirability for maintaining a state institution
 10 for children adjudicated to be children in need of
 11 assistance.

12 3. The commission shall spend at least one meeting
 13 day at each of the three institutional sites referred
 14 to in subsection 2, which shall include discussions
 15 with local community leaders and the public. The
 16 commission shall also provide the opportunity for
 17 public comment through at least one general public
 18 hearing held at the state capitol. to insure that
 19 the general assembly is knowledgeable of the
 20 commission's work and of the background of the report
 21 submitted by it, the joint corrections and mental
 22 health appropriations subcommittee shall meet
 23 periodically with the commission. No more than three
 24 such meetings shall be held during the interval between
 25 adjournment of the 1981 session and the convening
 26 of the 1982 session of the general assembly.

27 4. There is appropriated from the general fund
 28 of the state to the legislative council for the fiscal
 29 year beginning July 1, 1981 to be used for the per
 30 diem and expenses of members of the advisory commission
 31 on women's correctional and juvenile state institutions
 32 and for other expenses incidental for the study, the
 33 sum of ten thousand (10,000) dollars or so much thereof
 34 as may be necessary. The legislative council may
 35 expend other funds available to it to carry out this
 36 Act. The commission is abolished March 1, 1982.

37 Sec. 2. There is appropriated from the general
 38 fund of the state for each fiscal year of the biennium
 39 beginning July 1, 1981, and ending June 30, 1983,
 40 to the department of social services, the following
 41 amounts, or so much thereof as may be necessary, to
 42 be used for the purposes designated:

43		1981-1982	1982-1983
44		<i>Fiscal Year</i>	<i>Fiscal Year</i>

45 1. For the operation of
 46 the training schools for de-
 47 linquent juveniles and the
 48 Iowa juvenile home at Toledo,
 49 including salaries and sup-
 50 port, maintenance, and mis-

Page 3

1 cellaneous purposes \$7,100,000 \$7,440,000
 2 # 2. For operation of the Iowa
 3 veterans home, including sal-
 4 aries and support, maintenance,
 5 and miscellaneous purposes \$12,490,000 \$15,940,000

6 Sec. 3. There is appropriated from the general
 7 fund of the state for each fiscal year of the biennium
 8 beginning July 1, 1981, and ending June 30, 1983,
 9 to the department of social services the following
 10 amounts, or so much thereof as may be necessary, to
 11 be used for adult correctional services as designated:

12 1981-1982 1982-1983
 13 *Fiscal Year* *Fiscal Year*

14 1. For operation of adult
 15 correctional institutions, in-
 16 cluding salaries and support,
 17 maintenance, and miscellaneous
 18 purposes \$35,000,000 \$36,630,000

19 2. Community-based correc-
 20 tions \$9,320,000 \$9,770,000

21 A judicial district which uses funds appropriated
 22 under this subsection may contract for services from
 23 or provide funds to private agencies to provide
 24 education, job placement, or counseling services to
 25 ex-offenders intended to facilitate the transition
 26 from incarceration to living in a free society.

27 3. For parole services, in-
 28 cluding salaries and support,
 29 maintenance, and miscellaneous
 30 purposes \$ 980,000 \$ 980,000

31 4. For a legal assistance
 32 program to provide civil legal
 33 assistance to inmates of the
 34 Iowa correctional system in
 35 matters of child custody,
 36 bankruptcy, and dissolution
 37 of marriage \$ 23,850 \$ 25,000

38 5. For reimbursement of
 39 counties for temporary con-
 40 finement of work release and
 41 parole violators, as pro-
 42 vided by sections 247A.10,
 43 901.7, and 906.17 \$ 45,315 \$ 47,500

44 6. For establishment of
 45 a standardized classification
 46 system to place inmates in
 47 the appropriate level of

48 security and to operate the
 49 system \$ 95,400 \$ 100,000
 50 Sec. 4. There is appropriated from the general

Page 4

1 fund of the state for each fiscal year of the biennium
 2 beginning July 1, 1981, and ending June 30, 1983
 3 to the department of social services, for the state
 4 mental health institutes the following amounts, or
 5 so much thereof as may be necessary:

6		1981-1982	1982-1983
7		<i>Fiscal Year</i>	<i>Fiscal Year</i>

8 1. For salaries and sup-
 9 port, maintenance, and miscel-
 10 laneous purposes \$27,400,000 \$28,730,000

11 2. All funds received from client participation
 12 shall be deposited in the general fund of the state.

13 3. The state mental health institutes' daily per
 14 diem as determined pursuant to section 230.20 shall
 15 be billed at eighty percent for each fiscal year.

16 4. A state mental health institute shall not
 17 accept physical custody of a child alleged to be a
 18 child in need of assistance, on guest status or
 19 otherwise, for more than thirty days. A child found
 20 to be a child in need of assistance shall not be
 21 placed in a state mental health institute or other
 22 appropriate secure facility unless the juvenile court
 23 finds that the standard for involuntary commitment
 24 in chapter 229 has been met. The finding may be made
 25 by the court under section 232.103 at any time prior
 26 to the expiration of a dispositional order.

27 5. The superintendents of the state mental health
 28 institutes at Cherokee and Independence, in discharging
 29 the duties imposed by section 230.20, shall not include
 30 the costs of the psychiatric residency and chaplain
 31 intern programs maintained at those institutes in
 32 computing the institutes' respective daily charges
 33 to patients. The commissioner of social services
 34 shall seek to maintain reasonably uniform daily charges
 35 at the four mental health institutes.

36 Sec. 5. There is appropriated from the general
 37 fund of the state for each fiscal year of the biennium
 38 beginning July 1, 1981, and ending June 30, 1983,
 39 to the department of social services, for the state
 40 hospital-schools the following amounts, or so much
 41 thereof as may be necessary:

42		1981-1982	1982-1983
43		<i>Fiscal Year</i>	<i>Fiscal Year</i>

44 1. For salaries and sup-
 45 port, maintenance, and miscel-
 46 laneous purposes \$25,300,000 \$26,500,000
 47 2. All funds received from client participation
 48 shall be deposited in the general fund of the state.
 49 3. The state hospital-schools' per-patient-per-
 50 day cost as determined pursuant to section 222.73

Page 5

1 shall be billed at eighty percent for the fiscal year,
 2 except as otherwise provided by subsection 4.
 3 4. If more than twenty percent of the cost of
 4 a patient's care is initially paid from any source
 5 other than state-appropriated funds, the amount so
 6 paid shall be subtracted from the per-patient-per-
 7 day cost of that patient's care computed pursuant
 8 to section 222.73 and the patient's county of legal
 9 settlement shall be billed for the full balance of
 10 the cost so computed.

11 Sec. 6. A state hospital-school or mental health
 12 institute shall, upon receipt of a payment made under
 13 chapter 249A for the care of a patient, segregate
 14 an amount equal to that portion of the payment which
 15 is required by law to be made from nonfederal funds.
 16 The money segregated shall be deposited in the medical
 17 assistance fund of the department of social services.
 18 In the calculation of per diem rates, charges assessed
 19 to the county shall be credited with one hundred
 20 percent of client participation for eligible title
 21 XIX, medical assistance patients at the state hospital-
 22 schools.

23 Sec. 7. There is appropriated from the general
 24 fund of the state for each fiscal year of the biennium
 25 beginning July 1, 1981, and ending June 30, 1983,
 26 to the Iowa mental health authority the following
 27 amounts or so much thereof as may be necessary, to
 28 be used for the purposes designated:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		

For salaries, support,
 maintenance, and miscella-
 neous purposes \$ 231,000 \$ 242,000

34 Sec. 8. There is appropriated from the general
 35 fund of the state for each fiscal year of the biennium
 36 beginning July 1, 1981, and ending June 30, 1983,
 37 to the state mental health advisory council the
 38 following amounts or so much thereof as may be
 39 necessary, to be used for the purposes designated:

40		1981-1982	1982-1983
41		<i>Fiscal Year</i>	<i>Fiscal Year</i>
42	For salaries, support		
43	maintenance, and miscella-		
44	neous purposes	\$ 52,000	\$ 54,500
45	Sec. 9. Notwithstanding section 227.17, there		
46	is appropriated from the general fund of the state		
47	for each fiscal year of the biennium beginning July		
48	1, 1981, and ending June 30, 1983, to the state mental		
49	aid fund four hundred forty thousand (440,000) dollars,		
50	or so much thereof as may be necessary.		

Page 6

1	Sec. 10. There is appropriated from the general		
2	fund of the state to the department of social services		
3	for each fiscal year of the fiscal biennium beginning		
4	July 1, 1981, and ending June 30, 1983, the following		
5	amounts, or so much thereof as is necessary, to be		
6	used for the purposes designated:		
7		1981-1982	1982-1983
8		<i>Fiscal Year</i>	<i>Fiscal Year</i>
9	1. For capital improve-		
10	ments at institutions under		
11	the department of social ser-		
12	vices other than at the women's		
13	reformatory at Rockwell City	\$ 500,000	\$ 800,000
14	2. For capital improve-		
15	ments at the Iowa state peni-		
16	tentiary, including relocat-		
17	ing the infirmary and visit-		
18	ing room	\$ 2,000,000	\$ 1,200,000
19	3. For renovation and con-		
20	struction at the mental health		
21	institute at Mount Pleasant		
22	and planning for construction		
23	at the Iowa security medical		
24	facility	\$ 4,500,000	\$ 8,000,000
25	The funds appropriated by this subsection for		
26	renovation and construction at the Mount Pleasant		
27	facility shall be used in order that the facility's		
28	mental health patients will be housed in that portion		
29	of the facility which currently houses correctional		
30	residents and that the facility's correctional		
31	residents will be housed in that portion of the		
32	facility which currently houses mental health patients.		
33	4. For capital improvements		
34	at the women's reformatory at		
35	Rockwell City	\$ 100,000	\$ 100,000

36 5. The department of social services shall give
 37 priority to projects correcting violations of health
 38 and safety regulations at institutions of health
 39 department of social services and any funds
 40 appropriated by this section remaining after completion
 41 of the specific projects references in this section
 42 shall be allocated to the projects correcting the
 43 violations of health and safety regulations.

44 6. Unobligated or unencumbered funds appropriated
 45 by this section remaining on June 30, 1985, shall
 46 revert to the general fund on September 30, 1985.

47 Sec. 11. All federal grants to and the federal
 48 receipts of the department of social services are
 49 appropriated for the purposes set forth in the federal
 50 grants or receipts. The veterans per diem payable

Page 7

1 for veterans at the veterans home and funds received
 2 under title XIX of the federal Social Security Act
 3 by the state mental health institutes shall be
 4 deposited in the general fund.

5 Sec. 12. Except for funds appropriated under
 6 section 10 of this Act, funds appropriated by this
 7 Act shall not be used for capital improvements.

8 Sec. 13. Section 218.78, subsection 1, Code 1981,
 9 is amended to read as follows:

10 1. All institutional receipts of the department
 11 of social services shall be deposited in the general
 12 fund except for *reimbursement for services provided*
 13 *to another institution or state agency*, rentals charged
 14 to employees or others for room, apartment, or house
 15 and meals, which shall be available to the
 16 institutions, and except for receipts from farm
 17 products which shall be used for necessary farm
 18 expenses and repair.

19 Sec. 14. Section 222.86, Code 1981, is amended
 20 to read as follows:

21 222.86. PAYMENT FOR CARE FROM FUND. [Whenever] *If*
 22 *a patient is not receiving medical assistance under*
 23 *chapter 249A and the amount in the account of any*
 24 *patient in the patients' personal deposit fund exceeds*
 25 *[the sum of] two hundred dollars, the business manager*
 26 *of the hospital-school or special unit may apply any*
 27 *amount of the excess to reimburse the county of legal*
 28 *settlement or the state in a case where no legal*
 29 *settlement exists for liability incurred by [such] the*
 30 *county or the state for the payment of care, support,*
 31 *and maintenance of the patient, when billed [therefor]*

32 by the county of legal settlement *or by the director*
33 *for a patient having no legal settlement.*

34 Sec. 15. Section 226.45, Code 1981, is amended
35 to read as follows:

36 226.45 REIMBURSEMENT TO COUNTY OR STATE. [Whenever]
37 *If a patient is not receiving medical assistance under*
38 *chapter 249A and the amount to the account of any*
39 *patient in the patients' personal deposit fund exceeds*
40 *[the sum of] two hundred dollars, the business manager*
41 *of the hospital may apply any of the excess to*
42 *reimburse the county of legal settlement or the state*
43 *in a case where no legal settlement exists for*
44 *liability incurred by [such] the county or the state*
45 *for the payment of care, support, and maintenance*
46 *of the patient, when billed [therefor] by the county*
47 *of legal settlement or by the director for a patient*
48 *having no legal settlement.*

49 Sec. 16. Notwithstanding section 8.33 and Acts
50 of the Sixty-eighth General Assembly, 1980 Session,

Page 8

1 chapter 1060, section 1, the unencumbered or
2 unobligated funds remaining in the farm accounts of
3 the department of social services on June 30, 1981
4 shall not revert to the general fund of the state,
5 but shall be credited to the revolving farm fund
6 created in section 218.74. This section takes effect
7 July 1, 1981 and for the purpose of preventing
8 reversion of funds remaining in the farm accounts
9 of the department of social services on June 30, 1981,
10 is retroactive to June 30, 1981."

ELVIE L. DREESZEN
EMIL J. HUSAK
JOHN W. JENSEN
JACK W. HESTER
MERLIN D. HULSE
CLARENCY S. CARNEY
JOE BROWN
ALVIN V. MILLER

S-3808

1 Amend House File 849 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 13, line 6, by striking the figure
4 "500,000" and inserting in lieu thereof the figure
5 "650,000".

JULIA GENTLEMAN

S—3809

- 1 Amend House File 849 as amended, passed and
- 2 reprinted by the House as follows:
- 3 1. Page 13, by striking line 17 and inserting
- 4 in lieu thereof the words
- 5 "facility \$2,170,000 \$3,000,000".

GARY L. BAUGHER

S—3810

- 1 Amend amendment S—3807 to
- 2 House File 849 as amended, passed and reprinted by
- 3 the House as follows:
- 4 1. Page 2, line 31, by striking the word
- 5 "institutions" and inserting in lieu thereof the
- 6 word "institutions".

ELVIE L. DREESZEN

S—3811

- 1 Amend the amendment S—3807 to House File 849
- 2 as amended, passed and reprinted by the House as
- 3 follows:
- 4 1. Page 3, by inserting after line 18 the
- 5 following:
- 6 "The appropriation made by this subsection is based
- 7 upon an average daily population in the adult
- 8 correctional system of two thousand five hundred
- 9 seventy-five inmates.
- 10 There is appropriated from the general fund of
- 11 the state for the biennium beginning July 1, 1981,
- 12 and ending June 30, 1983, to the department of social
- 13 services for operation of the adult correctional
- 14 institutions seventy-five (75,000) dollars in each
- 15 calendar quarter for each incremental increase, during
- 16 a previous calendar quarter in the average daily
- 17 population in the adult correctional system, of twenty-
- 18 five inmates above two thousand five hundred seventy-
- 19 five inmates."

GARY L. BAUGHER

S—3812

- 1 Amend House File 849 as amended, passed and
- 2 reprinted by the House as follows:

DIVISION S—3812A

- 3 1. Page 4, by striking lines 29 through 32 and

- 4 inserting in lieu thereof the words "purposes, provided
 5 that the".
 6 2. Page 6, line 28, by striking the figure
 7 "35,715,000" and inserting in lieu thereof the figure
 8 "37,129,000".

DIVISION S—3812C

- 9 3. Page 13, by striking line 27 and inserting
 10 in lieu thereof the words and figures "Rockwell
 11 City \$ 135,000 \$250,000"

ELVIE L. DREESZEN

S—3813

- 1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 4, by striking line 16 and inserting in
 4 lieu thereof the words and figures "and miscellaneous
 5 purposes \$12,490,000 \$15,940,000"
 6 2. Page 7, by striking lines 18 and 19 and
 7 inserting in lieu thereof the following:
 8 "3. Community-based corrections . . . \$ 9,320,000 \$ 9,770,000"

ELVIE L. DREESZEN

S—3814

- 1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:

DIVISION S—3814B

- 3 1. Page 4, line 16, by striking the figures
 4 "\$11,750,000 \$14,500,000" and inserting in
 5 lieu thereof the figures "\$12,196,405 \$15,545,625"

DIVISION S—3814A

- 6 2. Page 7, line 19, by striking the figures
 7 "\$10,620,000 \$11,150,000" and inserting in lieu
 8 thereof the figures "\$10,173,595 \$10,104,375".

MICK LURA

S—3815

- 1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:

DIVISION S—3815A

- 3 1. Page 7, by striking line 28, and inserting
 4 in lieu thereof the following:
 5 "purposes \$1,012,400 \$1,012,400".

DIVISION S—3815B

- 6 2. Page 15, by inserting after line 23, the
 7 following:
 8 "Sec. ____ . Section 904.1, Code 1981, is amended
 9 to read as follows:
 10 904.1 BOARD OF PAROLE. The board of parole shall
 11 consist of [five] *seven* electors of the state. Not more
 12 than [three] *four* members shall belong to the same
 13 political party. At least [two] *three* members shall be
 14 practicing attorneys-at-law at the time of appointment.
 15 Each member shall serve a term of five years beginning
 16 and ending as provided by section 69.19, except appoint-
 17 ments to fill vacancies who shall serve for the balance
 18 of the unexpired term. The chairperson of the board
 19 shall be elected by the members of the board to a
 20 term of one year and may serve more than one term. A
 21 majority of the members of the board constitutes a
 22 quorum to transact business. *However, for purposes of*
 23 *approving a parole plan, the board shall organize itself*
 24 *in teams of three member panels."*

LUCAS J. DE KOSTER
 GARY L. BAUGHER

S—3816

- 1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:

DIVISION S—3816A

- 3 1. Page 7, by striking lines 30 through 32 and
 4 inserting in lieu thereof the words "criteria in
 5 evaluating inmates for parole. The statistical
 6 analysis center of".

DIVISION S—3816B

- 7 2. Page 13, lines 15 through 17, by striking the
 8 words "and planning for construction at the Iowa
 9 security medical facility" and inserting in lieu
 10 thereof the words "and planning for renovation or
 11 construction to provide additional space for
 12 correctional residents".

DIVISION S—3816C

13 3. Page 13, by inserting after line 24 the
 14 following:
 15 "____. For construction
 16 of a new correctional facility
 17 if the general assembly deter-
 18 mines that a new facility is
 19 needed \$ \$7,270,000".

DIVISION S—3816D

20 4. By renumbering as necessary.

BOB RUSH

S—3817

1 Amend Senate Concurrent Resolution 32 as follows:
 2 1. Page 1, line 8, by striking the words "and
 3 changes" and inserting in lieu thereof the word "
 4 changes".
 5 2. Page 1, line 10, by inserting after the word
 6 "grants" the words ", and consideration of any bill
 7 passed during the 1981 regular session of the
 8 Sixty-ninth general assembly that was vetoed or item
 9 vetoed by the governor if the effective date of the
 10 bill has not yet occurred".

BOB RUSH

S—3818

1 Amend House File 842 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 1, by inserting after line 28 the
 4 following:
 5 "Sec. ____ . Section 181.12, Code 1981, is repealed".

BERL E. PRIEBE

S—3819

1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 13, by striking lines 12 through 24 and
 4 inserting in lieu thereof the following:
 5 "3. For planning and
 6 construction at the Iowa
 7 security medical facility
 8 and planning for renovation

- 9 at the mental health
 10 institute at Mount
 11 Pleasant \$2,250,000 \$7,300,000".

JULIA GENTLEMAN

S—3820

- 1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 13, by striking lines 12 through 24 and
 4 inserting in lieu thereof the following:
 5 "3. For planning and
 6 construction at the Iowa
 7 security medical facility \$2,000,000 \$7,300,000".

JULIA GENTLEMAN

S—3821

- 1 Amend amendment S—3807 to House File 849
 2 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 3, by striking line 18 and inserting in
 5 lieu thereof the word and figures:
 6 "purposes \$35,220,000 \$36,850,000".

MERLIN D. HULSE

S—3822

- 1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Strike page 4, line 32 through page 6,
 4 line 28 and inserting in lieu thereof the following:
 5 "fiscal year \$35,410,000 \$35,715,000"

LOWELL L. JUNKINS
 BASS VAN GILST
 BOB RUSH
 BERL E. PRIEBE
 TED ANDERSON

S—3823

- 1 Amend amendment S—3807 to House File 849
 2 as amended, passed and reprinted by the House as
 3 follows:
 4 1. Page 3, by inserting after line 18 the follow-
 5 ing:
 6 "____. The department shall establish and maintain,

7 to the extent that resources are available, treatment,
8 training, education, and rehabilitation services in
9 the various state correctional institutions. The
10 services shall include, to the extent that resources
11 are available, habilitative services and treatment
12 for mentally retarded offenders. For the purposes
13 of this subsection habilitative services and treatment
14 means medical, mental health, social, educational,
15 counseling, and other services which will assist a
16 mentally retarded person in becoming self-reliant.
17 A person is considered mentally retarded if the person
18 is diagnosed as mentally retarded, as defined in
19 section 222.2, subsection 5, by a qualified mental
20 retardation professional. However, the director may
21 also provide habilitative services and treatment to
22 other persons who would benefit from the services
23 and treatment.”
24 2. By renumbering as necessary.

JOE BROWN

S—3824

1 Amend House File 849 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 7, by inserting after line 1 the following:
4 “There is appropriated from the general fund of
5 the state for the biennium beginning July 1, 1981,
6 and ending June 30, 1983, to the department of social
7 services for operation of the adult correctional
8 institutions seventy-five (75,000) dollars in each
9 calendar quarter for each incremental increase, during
10 a previous calendar quarter in the average daily
11 population in the adult correctional system, of twenty-
12 five inmates above two thousand five hundred seventy-
13 five inmates.”

GARY L. BAUGHER

S—3825

1 Amend Senate File 574 as follows:
2 1. Page 2, by striking lines 1 through 3 and
3 inserting in lieu thereof the following:
4 “*NEW SUBSECTION.* A vehicle subject to registration
5 which is of equal or lesser value and is acquired
6 in a trade of another vehicle subject to registration.”

EDGAR H. HOLDEN

S—3826

1 Amend House File 849 as amended, passed and

2 reprinted by the House as follows:

- 3 1. Page 9, by striking lines 1 through 33, and
 4 inserting in lieu thereof the following:
 5 "1. For salaries and sup-
 6 port, maintenance, and miscel-
 7 laneous purposes \$27,400,000 \$28,350,000".

JULIA GENTLEMAN

S—3827

1 Amend amendment S—3781 to House File 847 as amended, passed
 2 and reprinted by the House as follows:

- 3 1. Page 1, line 23, by striking the words "[four]
 4 *three*" and inserting in lieu thereof the word "four".
 5 2. Page 1, lines 25 and 26 by striking the words
 6 "and deposited in the general fund of the state.
 7 *The remaining one dollar*" and inserting in lieu
 8 thereof the words "[and deposited in the general fund
 9 of the state]. *One dollar of the fee paid into the*
 10 *state treasury*".
 11 3. Page 1, line 29, by inserting after the word
 12 "*system.*" the words "*The remainder of the fee shall*
 13 *be deposited in the general fund of the state.*"

BOB CARR
 FORREST V. SCHWENGELS

S—3828

1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:

- 3 1. Page 7, by inserting after line 1 the following:
 4 "There is appropriated from the general fund of
 5 the state for the biennium beginning July 1, 1981,
 6 and ending June 30, 1983, to the department of social
 7 services for operation of the adult correctional
 8 institutions seventy-five thousand (75,000) dollars
 9 in each calendar quarter for each incremental increase,
 10 during a previous calendar quarter in the average
 11 daily population in the adult correctional system,
 12 of twenty-five inmates above two thousand five hundred
 13 seventy-five inmates."

GARY L. BAUGHER

S—3829

1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:

- 3 1. Page 3, by striking lines 22 through 34.

4 2. Page 4, line 12, by inserting after the word
 5 "school" the words "if the advisory commission created
 6 in section 1 of this Act recommends that the
 7 Mitchellville training school should be utilized in
 8 a capacity other than as a state training school for
 9 delinquent juveniles".

JOE BROWN

S—3830

1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. By striking page 4, line 33 through page 6,
 4 line 27.
 5 2. Page 6, line 28, by striking the word "ceived"
 6 and inserting in lieu thereof the words "expenditures
 7 shall not exceed".

LOWELL L. JUNKINS
 BASS VAN GILST
 BOB RUSH
 BERL E. PRIEBE
 TED ANDERSON

S—3831

1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 5, by striking lines 2 and 3 and inserting
 4 in lieu thereof the words "subsection, shall declare
 5 a prison overcrowding state".
 6 2. Page 5, by striking lines 9 through 16 and
 7 inserting in lieu thereof the words "days. The board
 8 of parole".
 9 3. Page 6, by striking line 10 and inserting in
 10 lieu thereof the words "tion. The commissioner of
 11 social services shall ter-".

FORREST V. SCHWENGELS

S—3832

1 Amend Senate File 175 as follows:
 2 1. Page 1, by inserting after line 21 the following
 3 new section:
 4 "Sec. ____ . Section 422.9, subsection 2, paragraph
 5 e, Code 1981, is amended to read as follows:
 6 e. Add an additional deduction for mileage incurred
 7 by the taxpayer in voluntary work for a charitable
 8 organization consisting of the excess of the state

9 employee mileage reimbursement over the amount
 10 deductible for federal income tax purposes. The
 11 deduction shall be proven by the keeping of a
 12 contemporaneous diary by the person throughout the
 13 period of the voluntary work in the tax year. A
 14 *taxpayer in voluntary work shall also be allowed a*
 15 *deduction for child care expenses actually incurred*
 16 *by the taxpayer while engaged in voluntary work."*
 17 2. Renumber sections and correct internal
 18 references as are necessary in accordance with this
 19 amendment.

MICK LURA

S-3833

1 Amend House File 849 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 7, by inserting after line 1 the following:
 4 "There is appropriated from the general fund of
 5 the state for the biennium beginning July 1, 1981,
 6 and ending June 30, 1983, to the department of social
 7 services for operation of the adult correctional
 8 institutions seventy-five thousand (75,000) dollars
 9 in each calendar quarter for each incremental increase,
 10 during a previous calendar quarter in the average
 11 daily population in the adult correctional system,
 12 of twenty-five inmates above two thousand five hundred
 13 seventy-five inmates."

GARY L. BAUGHER

HOUSE AMENDMENT TO SENATE AMENDMENT TO
 HOUSE FILE 503

S-3834

1 Amend the Senate amendment H-3853 to House File
 2 503, as amended, passed and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 3 through 9 and
 5 inserting in lieu thereof the following:
 6 "1. Page 1, by striking line 32 through page 2,
 7 line 1."

HOUSE AMENDMENT TO SENATE FILE 48

S-3835

1 Amend Senate File 48 as amended, passed and

2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 24, the
4 following:

5 "A city shall not join an entity created under
6 this chapter for the purpose of financing electric
7 power facilities unless that city owned and operated
8 a municipal electric utility as of the effective date
9 of this Act. Power supplied by a municipal power
10 agency may not be furnished to a municipal utility
11 not existing as of the effective date of this Act."

12 2. Page 4, by inserting after line 11 the
13 following:

14 "Sec. ____ . Chapter 28F, Code 1981, is amended
15 by adding the following new section:

16 *NEW SECTION.* An entity created to carry out an
17 agreement authorizing the joint exercise of the powers
18 enumerated in section 28F.1 with regard to electric
19 power facilities shall be subject to the provisions
20 of chapter 28A, relating to open meetings, chapter
21 68A, relating to the examination of public records,
22 chapter 97B, relating to the Iowa public employees
23 retirement system and chapter 476A, relating to
24 electric power generators.

25 Sec. ____ . *NEW SECTION.* 'Electric power agency'
26 means an entity financing or acquiring electric power
27 facilities pursuant to chapter 28E or 28F.

28 Sec. ____ . Section 427.1, subsection 2, Code 1981,
29 is amended to read as follows:

30 2. MUNICIPAL AND MILITARY PROPERTY. The property
31 of a county, township, city, school corporation, levee
32 district, drainage district or military company of
33 the state of Iowa, when devoted to public use and
34 not held for pecuniary profit, except property of
35 a municipally owned electric utility held under joint
36 ownership and property of an electric power facility
37 financed under chapter 28F which shall be subject
38 to assessment and taxation under provisions of chapters
39 428 and 437. The exemption for property owned by
40 a city or county also applies to property which is
41 operated by a city or county as a library, art gallery
42 or museum, conservatory, botanical garden or display,
43 observatory or science museum, or as a location for
44 holding athletic contests, sports or entertainment
45 events, expositions, meetings or conventions, or
46 leased from the city or county for any such purposes.
47 Food and beverages may be served at the events or
48 locations without affecting the exemptions, provided
49 the city has approved the serving of food and beverages
50 on the property if the property is owned by the city

Page 2

1 or the county has approved the serving of food and
2 beverages on the property if the property is owned
3 by the county.

4 Sec. ____ . Section 428.24, Code 1981, is amended
5 to read as follows:

6 428.24 PUBLIC UTILITY PLANTS. The lands,
7 buildings, machinery, and mains belonging to
8 individuals or corporations operating waterworks or
9 gasworks or pipe lines; the lands, buildings,
10 machinery, tracks, poles, and wires belonging to
11 individuals, [or] corporations or *electric power agencies*
12 furnishing electric light or power; the lands,
13 buildings, machinery, poles, wires, overhead
14 construction, tracks, cables, conduits, and fixtures
15 belonging to individuals or corporations operating
16 railways by cable or electricity, or operating elevated
17 street railways; and the lands, buildings, tracks,
18 and fixtures of streets railways operated by animal
19 power, shall be listed and assessed by the department
20 of revenue. In the making of any such assessment
21 of waterworks plants, the value of any interest in
22 the property so assessed, of the municipal corporation
23 wherein the same is situated, shall be deducted,
24 whether such interest be evidenced by stock, bonds,
25 contracts, or otherwise.

26 Sec. ____ . Section 428.28, unnumbered paragraph
27 2, Code 1981, is amended to read as follows:

28 Every individual, copartnership, corporation, asso-
29 ciation or city which operates a public utility on
30 a nonprofit basis, as defined in section 428.24 shall
31 annually, on or before the first day of May of each
32 calendar year, make a report on blanks to be provided
33 by the department of revenue of all of the property
34 owned by such individual, copartnership, corporation,
35 association or city within the incorporated limits
36 of any city in the state, and give such other
37 information as the director of revenue shall require.
38 Any [public] *city* utility which reports according to
39 this paragraph shall not be assessed.

40 Sec. ____ . Section 428.37, subsection 1, paragraph
41 b, Code 1981, is amended to read as follows:

42 b. "Electric power generating plant" means each
43 taxable name plate rated electric power generating
44 plant owned solely or jointly by any person or *electric*
45 *power facility financed under the provisions of chapter*
46 *28F* in which electrical energy is produced from other
47 forms of energy, including all equipment used in the

48 production of such energy through its step-up
49 transformer.
50 Sec. ____ . Section 428.37, subsection 2, paragraph

Page 2

1 c, Code 1981, is amended to read as follows:
2 c. Notwithstanding the provisions of paragraph
3 "b" of this subsection, if the owner is a municipal
4 electric utility *or electric power facility financed*
5 *under the provisions of chapter 28F*, the remaining
6 taxable value shall be allocated to each taxing
7 district in which the municipal electric utility is
8 serving customers and has electric meters in operation
9 in the ratio that the number of operating electric
10 meters of the municipal electric utility located in
11 the taxing district bears to the total number of
12 operating electric meters of the municipal electric
13 utility in the state as of January 1 of the calendar
14 year in which the assessment is made. If the municipal
15 electric utility *or electric power facility financed*
16 *under the provisions of chapter 28F* has no operating
17 electric meters in this state, then the remainder
18 shall be assessed and levied on at the current rate
19 of the taxing district in which the electric power
20 generating plant is located. Tax moneys received
21 from such remainder assessment and levies shall be
22 paid to the county treasurer, who shall pay such tax
23 moneys to the treasurer of state not later than fifteen
24 days from the date the tax moneys are received by
25 the county treasurer for deposit in the general fund
26 of the state.

27 All municipal electric utilities which shall have
28 taxable value apportioned under this section shall,
29 annually on or before the first day of May of each
30 calendar year, make a report listing the total
31 operating meters of the municipal electric utility
32 in each taxing district it serves as of the first
33 day of January of each calendar year on forms provided
34 by the department of revenue."

35 4. Renumbering sections as necessary.

HOUSE AMENDMENT TO SENATE FILE 300

S-3836

1 Amend Senate File 300 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. By striking page 1, line 33 through page 2,

- 4 line 14.
 5 2. Page 2, line 18, by striking the word "deposits"
 6 and inserting in lieu thereof the words "time
 7 certificates of deposit".
 8 3. Page 2, line 22, by striking the word
 9 "deposited" and inserting in lieu thereof the words
 10 "held in a time certificate of deposit".
 11 4. Page 5, by inserting after line 27 the
 12 following:
 13 "Sec. ____ . Section 8 of this Act takes effect
 14 July 1, 1983."
 15 5. By renumbering sections of the bill.

HOUSE AMENDMENT TO SENATE FILE 332

S-3837

- 1 Amend Senate File 332 as passed by the Senate as
 2 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. 'Appellate defender' means the state appellate
 8 defender.
 9 2. 'Indigent' means a person found by the trial
 10 court to be unable to retain legal counsel without
 11 prejudicing the person's financial ability to provide
 12 economic necessities for the person and the person's
 13 dependents.
 14 Sec. 2. *NEW SECTION. CREATION OF OFFICE.* The
 15 office of state appellate defender is established.
 16 The governor shall appoint the state appellate defender
 17 and establish the appellate defender's salary.
 18 Sec. 3. *NEW SECTION. QUALIFICATIONS OF APPELLATE*
 19 *DEFENDER.* Only persons admitted to practice law in
 20 this state shall be appointed appellate defender or
 21 assistant appellate defender.
 22 Sec. 4. *NEW SECTION. DUTIES OF APPELLATE DEFENDER.*
 23 The appellate defender shall represent indigents on
 24 appeal in criminal cases and on appeal in proceedings
 25 to obtain postconviction relief when appointed to
 26 do so by the district court in which the judgment
 27 or order was issued and shall not engage in the private
 28 practice of law. The court may, upon the application
 29 of the indigent or the indigent's trial attorney,
 30 or on its own motion, appoint the appellate defender
 31 to represent the indigent on appeal or on appeal in
 32 postconviction proceedings.

33 Sec. 5. *NEW SECTION. STAFF.* The appellate
34 defender may appoint assistant appellate defenders
35 who, subject to the direction of the appellate
36 defender, shall have the same duties as the appellate
37 defender and shall not engage in the private practice
38 of law. The salaries of the staff shall be fixed
39 by the appellate defender. The appellate defender
40 and his or her staff shall receive actual and necessary
41 expenses, including travel at the state rate set forth
42 in section 18.117.

43 Sec. 6. *NEW SECTION. ACCOUNT ESTABLISHED.* There
44 is established in the state general fund an account
45 to be known as the appellate defender operating
46 account. The appellate defender is authorized to
47 bill a county for services rendered to the county
48 by the office of the appellate defender. Receipts
49 shall be deposited in the operating account established
50 under this section. There is appropriated from the

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1 state general fund all amounts deposited in the
2 appellate defender operating account for use in
3 maintaining the operations of the office of appellate
4 defender. Expenditures by the office of the appellate
5 defender in excess of the amount appropriated to the
6 office by the general assembly for the fiscal year
7 beginning July 1, 1981 and ending June 30, 1982 shall
8 be only from funds collected for services provided
9 by the office.

10 Sec. 7. Section 19A.3, subsection 5, Code 1981,
11 is amended to read as follows:

12 5. All employees under the supervision of the
13 attorney general [or his assistants] *or assistant*
14 *attorneys general, and all employees under the*
15 *supervision of the appellate defender or assistant*
16 *appellate defenders.*

17 Sec. 8. Sections 1 through 6 of this Act are
18 repealed effective four years from the effective date
19 of this Act."

HOUSE AMENDMENT TO SENATE FILE 384 .

S-3838

1 Amend Senate File 384 as amended, passed and
2 reprinted 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 43.8, Code 1981, is amended
6 to read as follows:

7 43.8 STATE COMMISSIONER TO FURNISH BLANKS. The
8 state commissioner shall, at state expense, furnish
9 blank nomination papers, in the form provided in this
10 chapter, to any [qualified] *eligible* elector who desires
11 to petition for the nomination of any candidate, or
12 to any person who intends to be a candidate, for any
13 office for which nomination papers are required to
14 be filed in [his] *the state commissioner's* office.

15 Sec. 2. Section 43.66, Code 1981, is amended to
16 read as follows:

17 43.66 WRITE-IN CANDIDATES. The fact that the
18 candidate who receives the highest number of votes
19 cast for any party's nomination for an office to which
20 section 43.52 or 43.65 is applicable is a person whose
21 name was not printed on the official primary election
22 ballot shall not affect the validity of the person's
23 nomination as a candidate for that office in the
24 general election. However, if there is no candidate
25 on the official primary ballot of a political party
26 for nomination to a particular office, a write-in
27 candidate may obtain the party's nomination to that
28 office in the primary if the candidate receives a
29 number of votes equal to at least thirty-five percent
30 of the total vote cast for all of that party's
31 candidates for that office in the last preceding
32 primary election for which the party had candidates
33 on the ballot for that office. *If there have been*
34 *no candidates from a political party for a seat in*
35 *the general assembly since the most recent*
36 *redistricting of the general assembly, a write-in*
37 *candidate shall be considered nominated who receives*
38 *a number of votes equal to at least thirty-five percent*
39 *of the total votes cast, at the last preceding primary*
40 *election in the precincts which currently constitute*
41 *the general assembly district, for all of that party's*
42 *candidates for representative in the congress of the*
43 *United States or who receives at least one hundred*
44 *votes, whichever number is greater. When two or more*
45 *nominees are required, the division procedure*
46 *prescribed in section 43.52 shall be applied to*
47 *establish the minimum number of write-in votes*
48 *necessary for nomination. If the primary is*
49 *inconclusive, the necessary nominations shall be made*
50 *in accordance with section 43.78, subsection 1.*

Page 2

1 Sec. 3. Section 43.88, Code 1981, is amended by

2 adding the following new unnumbered paragraph:

3 *NEW UNNUMBERED PARAGRAPH.* Nominations certified
4 to the proper official under this section shall be
5 accompanied by an affidavit executed by the nominee
6 in substantially the form required by section 43.67.
7 Sec. 4. Section 43.92, Code 1981, is amended to
8 read as follows:

9 43.92 DATE OF CAUCUS PUBLISHED. The date, time,
10 and place of each precinct caucus of a political party
11 shall be published at least twice in at least one
12 newspaper of general circulation in the precinct.
13 [Such] *The first* publication shall be made not more
14 than [thirty] *fifteen* days [and not] *nor* less than [five]
15 *seven days before the date of the caucus and the*
16 *second shall be made not more than seven days before*
17 *and not later than* the date of the caucus. Such
18 publication shall also state in substance that each
19 voter affiliated with the specified political party
20 may attend the precinct caucus. Publication in a
21 news item or advertisement in such newspaper shall
22 constitute publication for the purposes of this
23 section. The cost of such publication, if any, shall
24 be paid by the political party.

25 Sec. 5. Section 44.3, subsection 1, paragraph
26 e, Code 1981, is amended to read as follows:

27 e. In case of presidential [electors] *candidates,*
28 *the names and addresses of presidential electors shall*
29 *be stated, and the names of the candidates for*
30 president and vice president shall be added to the
31 name of the organization.

32 Sec. 6. Section 44.13, Code 1981, is amended to
33 read as follows:

34 44.13 CERTIFICATES IN MATTER OF VACANCIES. The
35 certificates of nominations made to supply such
36 vacancies shall state, in addition to the facts *and*
37 *candidate's affidavit* required in an original
38 certificate, the name of the original nominee, the
39 date of his death or declination of nomination, or
40 the fact that the former nomination has been held
41 insufficient or inoperative, and the measures taken
42 in accordance with the above requirements for filling
43 a vacancy, and shall be signed and sworn to by the
44 presiding officer and secretary of the convention,
45 or caucus, or by the chairman and secretary of the
46 committee, as the case may be.

47 Sec. 7. Section 45.1, Code 1981, is amended to
48 read as follows:

49 45.1 NOMINATIONS OF PETITION. Nominations for
50 candidates *for president and vice president and for*

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1 state offices may be made by nomination [paper or]
2 papers signed by not less than one thousand eligible
3 electors of the state; for candidates for offices
4 filled by the voters of a county, district or other
5 division by [such] papers signed by eligible electors
6 residing in the county, district or division equal
7 in number to at least two percent of the total vote
8 received by all candidates for president of the United
9 States or governor, as the case may be, at the last
10 preceding general election in [such] *the* county, district
11 or division; and for township, city or ward, by [such]
12 papers signed by not less than twenty-five eligible
13 electors, residents of [such] *the* township, city or
14 ward. *In the case of candidates for president and*
15 *vice president, the names and addresses of the*
16 *candidates for presidential electors shall be printed*
17 *on the face of or attached to each page of the*
18 *nomination petition.*

19 Sec. 8. Section 47.1, Code 1981, is amended to
20 read as follows:

21 47.1 STATE COMMISSIONER OF ELECTIONS. The
22 secretary of state is designated as the state
23 commissioner of elections and shall supervise the
24 activities of the county commissioners of elections.
25 There is established within the office of the secretary
26 of state a division of elections which shall be under
27 the direction of the state commissioner of elections.
28 The state commissioner of elections may appoint a
29 person to be in charge of the division of elections
30 who shall perform [such] *the* duties [as may be] assigned
31 by the state commissioner of elections. The state
32 commissioner of elections shall prescribe uniform
33 election practices and procedures, shall prescribe
34 the necessary forms required for the conduct of
35 elections, *shall assign a number to each proposed*
36 *constitutional amendment and statewide public measure*
37 *for identification purposes*, and shall adopt rules,
38 pursuant to chapter 17A, to carry out [the provisions
39 of] this section.

40 Sec. 9. Section 47.2, Code 1981, is amended by
41 adding the following new subsection:

42 **NEW SUBSECTION.** The commissioner shall assign
43 each local public measure a letter for identification
44 purposes. The public measure on the ballot shall
45 be identified by the letter.

46 The county commissioner who is responsible under
47 subsection 2 for conducting the elections held for

48 a political subdivision which lies in more than one
49 county shall assign the letter to the public measure.
50 The county commissioners of elections of the other

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1 counties in which the political subdivision is lo-
2 cated shall not assign the same letter to a local
3 public measure on the ballot in their counties during
4 the same election.

5 Sec. 10. Section 47.7, subsection 1, Code 1981,
6 is amended to read as follows:

7 1. The senior administrator of data processing
8 services in the office of the state comptroller is
9 designated the state registrar of voters, and shall
10 regulate the preparation, preservation and maintenance
11 of voter registration records, the preparation of
12 precinct election registers for all elections
13 administered by the commissioner of any county, and
14 the preparation of other data on voter registration
15 and participation in elections as shall be requested
16 and purchased at actual cost of preparation and
17 production by a political party or any resident of
18 this state[, except as otherwise provided by section
19 48.5, subsection 2, paragraph "d"]. The registrar shall
20 maintain a log, which shall be a public record, showing
21 all lists and reports which have been requested or
22 generated or which are capable of being generated
23 by existing programs of the data processing services
24 in the office of the state comptroller.

25 Sec. 11. Section 48.5, subsection 2, paragraph
26 d, Code 1981, is amended by striking the paragraph.

27 Sec. 12. Section 48.5, subsection 2, paragraphs
28 a and e, Code 1981, are amended to read as follows:

29 a. Each list shall be produced in the order and
30 form specified by the requestor, so long as that order
31 and form are within the capacity of the record
32 maintenance system used by the registrar; *however,*
33 *the available residential telephone number provided*
34 *by the registrant shall be included if requested.*

35 e. A periodic updating of the registration lists
36 showing all additions, changes and deletions since
37 the previous updating shall be provided at least once
38 each fourteen days except during the two weeks prior
39 to the close of registration before any election,
40 when it shall be provided daily if requested. Each
41 requester under this paragraph shall receive the
42 updating data at the same time, which shall be
43 determined by the registrar, but in an order and form

44 specified by the requester. Each requester, except
 45 those who obtained the initial list of qualified
 46 electors under paragraph "d" of this subsection, shall
 47 pay the cost of duplicating the updating data before
 48 receiving a copy thereof.

49 Sec. 13. Section 48.5, subsection 3, Code 1981,
 50 is amended to read as follows:

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1 3. [Neither the] *The* duplicate registration records
 2 open to public inspection [nor] *and* any list obtained
 3 under subsection 2 shall be used [for any purpose of
 4 any kind or nature, other than] *only* to request a
 5 registrant's vote or *for any other bona fide political*
 6 *purpose or for a bona fide official purpose by an*
 7 *elected official*. The commissioner or registrar shall
 8 keep a list of the name, address, telephone number,
 9 and social security number of each person who copies
 10 or obtains copies of the registration lists. Any
 11 person that uses such lists in violation of this
 12 section shall, upon conviction, be guilty of a serious
 13 misdemeanor.

14 Sec. 14. Section 48.6, Code 1981, is amended by
 15 adding the following new subsection:

16 **NEW SUBSECTION.** Residential telephone number at
 17 the option of the applicant.

18 Sec. 15. Section 48.6, subsection 6, Code 1981,
 19 is amended to read as follows:

20 6. Ward, precinct, school district, and such other
 21 districts in which the registrant resides which are
 22 empowered to call special elections. To assist in
 23 making this determination the commissioner may also
 24 request other information including but not limited
 25 to [telephone number,] fire district number or township,
 26 range and section number of the location of the
 27 applicant's residence. The commissioner may if
 28 necessary obtain the needed information from other
 29 sources, but shall in no case decline to register
 30 an applicant because the applicant is unable to provide
 31 any of the information referred to in this subsection.

32 Sec. 16. Section 48.7, Code 1981, is amended by
 33 striking the section and inserting in lieu thereof
 34 the following:

35 **48.7 NOTICE OF CHANGE OF NAME OR ADDRESS.**

36 1. A qualified elector may record a legal change
 37 of name or a change of telephone number or address,
 38 for voter registration purposes, by one of the
 39 following methods:

40 a. The qualified elector may submit to the
41 commissioner a written notice of the change of name,
42 telephone number, or address, bearing the elector's
43 signature. Upon receipt of the notice, the
44 commissioner shall change the registration records
45 accordingly and the change shall be reflected in the
46 election registers prepared for the next election
47 held ten or more days after receipt of the qualified
48 elector's notice. If the notice received by the
49 commissioner does not contain the information regarding
50 name and address necessary to properly update the

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1 registration records, the commissioner shall
2 immediately send notice to the elector, by forwardable
3 mail directed to the elector's last known address,
4 that the elector's registration is defective. The
5 commissioner's notice shall advise the elector of
6 the corrections necessary.

7 b. A qualified elector may record a change of
8 name, telephone number, or address on election day
9 at the polling place for the precinct in which the
10 elector currently resides, if the elector's name or
11 former name appears on the election register of that
12 polling place for the election being held that day.
13 The precinct election officials shall furnish such
14 a qualified elector a registration form of the type
15 prescribed for use by electors registering under
16 section 48.3. The elector shall complete the form
17 and submit it to the precinct election officials,
18 who shall return it to the commissioner with the
19 election supplies. If the qualified elector's former
20 address and new address are in different counties,
21 the registration form completed by the qualified
22 elector shall be forwarded to the commissioner of
23 the elector's current county of residence by the
24 commissioner conducting the election.

25 2. The commissioner shall record a change of
26 address for a qualified elector, without the necessity
27 of action by the elector, in any of the following
28 circumstances in which the elector's mailing address
29 is changed but the elector's place of residence has
30 not actually changed:

31 a. Annexation of territory to a city. When a
32 city annexes territory, the city clerk shall furnish
33 the commissioner a detailed map of the annexed
34 territory. The commissioner shall change the
35 registration of persons residing in that territory

36 to reflect the annexation and the city precinct to
37 which each of those persons is assigned. If the
38 commissioner cannot determine the names and addresses
39 of the persons affected by the annexation, the
40 commissioner shall send each person who may be involved
41 a letter informing that person that his or her
42 registration may be in error, and requesting that
43 each person provide the commissioner the information
44 necessary to correct the registration records.

45 b. Change of official street name or house or
46 building number by a city. When the city changes
47 the name of a street or the number of a house or other
48 building in which an individual resides, the city
49 clerk shall inform the commissioner of the change,
50 and the commissioner shall change the registration

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1 of each person affected.

2 c. Change of rural route designation of the
3 residence of a qualified elector. The commissioner
4 shall request each postmaster in the county to inform
5 the commission of each change of rural route
6 designation and the names of the persons affected,
7 and shall change the registration of each such person
8 as appropriate.

9 Sec. 17. Section 48.8, unnumbered paragraph 1,
10 Code 1981, is amended to read as follows:

11 The [county] commissioner [of registration] shall
12 prepare an election register for each county precinct
13 between the time of the closing of registration and
14 election day. The election register shall be a copy
15 of the list of all qualified electors of the precinct
16 and shall be in a form prescribed by the state
17 [commissioner of elections] *voter registration*
18 *commission*.

19 Sec. 18. Section 48.10, Code 1981, is amended
20 by striking the section and inserting in lieu thereof
21 the following:

22 48.10 DECEASED PERSONS—RECORD. The state
23 registrar of vital statistics shall transmit or cause
24 to be transmitted to the state registrar of voters,
25 on or before the tenth day of each month, a certified
26 list of all persons seventeen and one-half years of
27 age and older in the state whose deaths have been
28 reported to the records and statistics division of
29 the department of health since the previous list of
30 decedents was certified to the state registrar of
31 voters. The list shall be submitted according to

32 the specifications of the state registrar of voters,
33 who shall determine whether each listed decedent was
34 registered to vote in this state. If the decedent
35 was registered in a county which uses its own data
36 processing facilities for voter registration record-
37 keeping, the registrar shall notify the commissioner
38 in that county who shall cancel the decedent's
39 registration. If the decedent was registered in a
40 county for which voter registration record-keeping
41 is performed under contract by the registrar, the
42 registrar shall immediately cancel the registration
43 and notify the commissioner of the county in which
44 the decedent was registered to vote of the
45 cancellation.

46 Sec. 19. Section 48.11, unnumbered paragraph 2,
47 Code 1981, is amended to read as follows:

48 Registration shall close in a precinct at five
49 o'clock p.m., ten days before [an] *a general or primary*
50 election *and eleven days before all other elections,*

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1 except as provided in section 48.3. The commissioner's
2 office shall be open from eight o'clock a.m. until
3 at least six o'clock p.m. on the day registration
4 closes prior to each regularly scheduled election.

5 Sec. 20. Section 48.15, Code 1981, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 **48.15 CHALLENGES OF VOTER REGISTRATIONS.**

9 1. A person may challenge the registration to
10 vote of any other person, by filing an individual
11 challenge in writing with the commissioner of the
12 county in which the person challenged is registered.
13 The written challenge need not be in detail, but must
14 allege one or more reasons why, under law, the
15 registration of the person challenged should not have
16 been accepted or should be canceled.

17 2. A challenge of a person's registration filed
18 less than seventy days prior to a regularly scheduled
19 election need not be processed by the commissioner
20 prior to that election unless the registration, change
21 of name or change of address has been recorded within
22 twenty days prior to the date of the challenge.

23 3. The commissioner shall immediately give five
24 days' notice of a hearing, by certified mail, to the
25 person whose registration is challenged and to the
26 challenger. The notice shall set forth the reason
27 for the challenge as stated by the challenger. The

28 person challenged may either appear in person at the
 29 hearing, or respond in writing addressed to the
 30 commissioner and delivered by mail or otherwise prior
 31 to the time set for the hearing. However, if the
 32 person challenged notifies the commissioner prior
 33 to the date set for the hearing that the person wishes
 34 to appear in person but will be unable to do so on
 35 the date specified, the commissioner may reschedule
 36 the hearing. On the basis of the evidence presented
 37 by the challenger and the challenged elector, the
 38 commissioner shall either cancel the registration
 39 of the challenged elector or reject the challenge.
 40 Either party may appeal to the district court of the
 41 county in which the challenge is made, and the decision
 42 of the court shall be final.

43 Sec. 21. Section 48.31, subsection 1, Code 1981,
 44 is amended to read as follows:

45 1. The elector fails to vote once in the last
 46 preceding four consecutive calendar years *after the*
 47 *elector's most recent registration or change of name,*
 48 *address or party affiliation, or after the elector*
 49 *most recently voted. For the purpose of this*
 50 *subsection, registration includes the submission of*

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1 *a registration form which makes no change in the*
 2 *elector's existing registration.*

3 Sec. 22. Section 48.31, subsection 3, Code 1981,
 4 is amended by striking the subsection.

5 Sec. 23. Section 48.32, Code 1981, is amended
 6 by striking the section and inserting in lieu thereof
 7 the following:

8 48.32 REPORTS. On March 1 of each year and at
 9 other times deemed appropriate, the registrar shall
 10 report the number of persons registered in each
 11 political party in each county.

12 Sec. 24. Section 49.11, subsection 3, Code 1981,
 13 is amended to read as follows:

14 3. Notwithstanding the provisions of the first
 15 unnumbered paragraph of this section the commissioner
 16 may consolidate precincts for any election including
 17 a primary and general election [if one] *under either*
 18 *of the following circumstances:*

19 a. *One of the precincts involved consists entirely*
 20 *of dormitories that are closed at the time the election*
 21 *is held.*

22 b. *The consolidated precincts, if established*
 23 *as a permanent precinct, would meet all requirements*

24 *of section 49.3, and a combined total of no more than*
25 *three hundred fifty voters voted in the consolidated*
26 *precincts at the last preceding similar election.*

27 Sec. 25, Chapter 49, Code 1981, is amended by
28 inserting after section 49.13 the following new
29 section:

30 **NEW SECTION. SUBSTITUTE PRECINCT ELECTION**
31 **OFFICIALS.**

32 1. The commissioner may appoint substitute precinct
33 election officials as alternates for election board
34 members. A majority of the original election board
35 members shall be present at the precinct polling place
36 at all times; at partisan elections such majority
37 shall include at least one precinct election official
38 from each political party. If the chairperson leaves
39 the polling place, he or she shall designate another
40 member of the board to serve as chairperson until
41 the chairperson returns. The responsibilities and
42 duties of a precinct election official present at
43 the time the polling place was opened on the day of
44 an election may be assumed at any later time that
45 day by a substitute appointed as an alternate. The
46 substitute shall serve either for the balance of that
47 election day or for any shorter period of time the
48 commissioner may designate.

49 2. Substitute precinct election officials shall
50 be appointed and shall serve in accordance with

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1 sections 49.12, 49.13, 49.15, and 49.16, and shall
2 receive compensation as provided by sections 49.19,
3 49.20, and 49.125. Upon arriving at the polling place
4 and prior to performing any official duty, a substitute
5 precinct election official shall take the oath required
6 by section 49.75.

7 3. The commissioner shall not employ substitute
8 precinct election officials in a partisan election
9 unless:

10 a. The election board panel drawn up pursuant
11 to section 49.15 contains the names of a sufficient
12 number of political party designees to permit
13 appointment of both the regular precinct election
14 officials and any substitute precinct election
15 officials from that panel; or

16 b. The commission has informed the county
17 chairpersons of the political parties referred to
18 in section 49.13, subsection 2, thirty days prior
19 to the date of the election, of intent to appoint

20 substitute precinct election officials and has allowed
 21 ten days thereafter for the respective county
 22 chairpersons to provide additional names of persons
 23 from whom the substitute precinct election officials
 24 shall be appointed. If a county chairperson fails
 25 to provide additional names after being so notified,
 26 the commissioner may appoint persons known to be
 27 members of the appropriate political party or parties.

28 Sec. 26. Section 49.21, unnumbered paragraph 4,
 29 Code 1981, is amended to read as follows:

30 In the selection of polling places, [consideration]
 31 *preference* shall also be given to the use of buildings
 32 accessible to elderly and physically disabled persons.

33 Sec. 27. Section 49.44, Code 1981, is amended
 34 to read as follows:

35 49.44 STATE COMMISSIONER TO PREPARE SUMMARY.

36 When a proposed constitutional amendment or other
 37 public measure to be decided by the voters of the
 38 entire state is to be voted upon, the state
 39 commissioner shall prepare a written summary of the
 40 amendment or measure *including the number of the*
 41 *amendment or statewide public measure assigned by*
 42 *the state commissioner*. The summary shall be printed
 43 immediately preceding the text of the proposed
 44 amendment or measure on the paper ballot referred
 45 to in section 49.43 and, in precincts where the
 46 amendment or measure will be voted on by machine,
 47 shall be placed in the voting machine inserts as
 48 required by section 52.25.

49 Sec. 28. Section 49.45, Code 1981, is amended
 50 to read as follows:

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1 49.45 GENERAL FORM OF BALLOT. Ballots referred
 2 to in section 49.43 shall be substantially in the
 3 following form:

4
 5 'Shall the following amendment Yes _____
 6 to the Constitution (or public mea- No _____
 7 sure) be adopted?'

8
 9 (Here insert the summary, if it be for a
 10 constitutional amendment or state-wide public measure,
 11 and in full the proposed constitutional amendment
 12 or public measure. *The number assigned by the state*
 13 *commissioner or the letter assigned by the county*
 14 *commissioner shall be included on the ballot.*)

15 Sec. 29. Section 49.68, subsection 8, Code 1981,

16 is amended by striking the subsection.

17 Sec. 30. Section 49.89, Code 1981, is amended

18 to read as follows:

19 49.89 SELECTION OF OFFICIALS TO ASSIST VOTERS.

20 At, or before, the opening of the polls, the election
21 board of each precinct shall select two members of
22 the board, of different political parties in the case
23 of any election in which candidates appear on the
24 ballot under the heading of either of the political
25 parties referred to in section 49.13, to assist voters
26 who may be unable to cast their votes without
27 assistance. Voters who are blind or *physically*
28 *disabled* may have the assistance of any person they
29 may select.

30 Sec. 31. Section 49.90, Code 1981, is amended

31 to read as follows:

32 49.90 ASSISTING VOTER. Any voter who may declare

33 upon oath that he or she cannot read the English
34 language, or is, by reason of any physical disability
35 other than intoxication, unable to cast a vote without
36 assistance, shall, upon request, be assisted by said
37 two officers, or alternatively by any other person
38 the voter may select if the voter is blind or
39 *physically disabled* in casting the vote. Said
40 officers, or person selected by the blind or *physically*
41 *disabled* voter, shall cast the vote of the voter
42 requiring assistance, and shall thereafter give no
43 information regarding the same. If any elector because
44 of a handicap cannot enter the building where the
45 polling place for the elector's precinct of residence
46 is located, the two officers shall take a paper ballot
47 to the vehicle occupied by the handicapped elector
48 and allow the elector to cast the ballot in the
49 vehicle. If a handicapped elector cannot cast a
50 ballot on a voting machine the elector shall be allowed

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1 to cast a paper ballot, which shall be opened
2 immediately after the closing of the polling place
3 by the two precinct election officials designated
4 under section 49.89, who shall register the votes
5 cast thereon on a voting machine in the polling place
6 before the votes cast there are tallied pursuant to
7 section 52.21. To preserve so far as possible the
8 confidentiality of each handicapped elector's ballot,
9 the two officers shall proceed substantially in the
10 same manner as provided in section 53.24. In precincts
11 where all voters use paper ballots, those cast by

12 handicapped voters shall be deposited in the regular
13 ballot box and counted in the usual manner.

14 Sec. 32. Section 49.104, Code 1981, is amended
15 by adding the following new subsection:

16 *NEW SUBSECTION.* Any persons expressing an interest
17 in a ballot issue to be voted upon at an election
18 except a general or primary election. Any such person
19 shall file a notice of intent to serve as an observer
20 with the commissioner prior to election day. If more
21 than three such persons file a notice of intent with
22 respect to ballot issues at any election, the
23 commissioner shall appoint from those submitting a
24 notice of intent three persons to serve as observers.
25 The appointees, whenever possible, shall include both
26 opponents and proponents of the ballot issues.

27 Sec. 33. Section 49.109, Code 1981, is amended
28 to read as follows:

29 49.109 EMPLOYEES ENTITLED TO TIME TO VOTE. Any
30 person entitled to vote at [a general] *an* election in
31 this state who does not have three consecutive hours
32 in the period between the time of the opening and
33 the time of the closing of the polls during which
34 [he] *the person* is not required to be present at work
35 for an employer, [shall be] *is* entitled to such time
36 off from [his] work time to vote as will in addition
37 to [his] *the person's* nonworking time total three
38 consecutive hours during the time the polls are open.
39 Application by any employee for such absence shall
40 be made individually and in writing prior to the date
41 of the election, and the employer shall designate
42 the period of time to be taken. [Such voter shall]
43 *The employee is not [be] liable to any penalty nor shall*
44 any deduction be made from [his] *the person's* regular
45 salary or wages on account of such absence.

46 Sec. 34. Chapter 50, Code 1981, is amended by
47 adding the following new section:

48 *NEW SECTION.* GENERAL RECOUNT PROVISIONS.

49 1. The county board of canvassers shall order
50 a recount of the votes cast for a particular office

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1 or nomination in one, or more specified election
2 precincts in that county if a written request therefor
3 is made not later than five o'clock p.m. on the third
4 day following the county board's canvass of the
5 election in question. The request shall be filed
6 with the commissioner of that county, or with the
7 commissioner responsible for conducting the election

8 if section 47.2, subsection 2 is applicable, and shall
9 be signed by either of the following:

10 a. A candidate for that office or nomination whose
11 name was printed on the ballot of the precinct or
12 precincts where the recount is requested.

13 b. Any other person who receives votes for that
14 particular office or nomination in the precinct or
15 precincts where the recount is requested and who is
16 legally qualified to seek and to hold the office in
17 question.

18 This section does not apply to an election held
19 by a city which is not the final election for the
20 office in question.

21 2. The candidate requesting a recount under this
22 section shall post a bond, unless the abstracts
23 prepared pursuant to section 50.24, or section 43.49
24 in the case of primary election, indicate that the
25 difference between the total number of votes cast
26 for the apparent winner and the total number of votes
27 cast for the candidate requesting the recount is less
28 than the greater of fifty votes or one percent of
29 the total number of votes cast for the office or
30 nomination in question. Where votes cast for that
31 office or nomination were canvassed in more than one
32 county, the abstracts prepared by the county boards
33 in all of those counties shall be totaled for purposes
34 of this subsection. If a bond is required, it shall
35 be filed with the state commissioner for recounts
36 involving a state office, including a seat in the
37 general assembly, or a seat in the United States
38 Congress, and with the commissioner responsible for
39 conducting the election in all other cases, and shall
40 be in the following amount:

41 a. For an office filled by the electors of the
42 entire state, one thousand dollars.

43 b. For United States representative, five hundred
44 dollars.

45 c. For senator in the general assembly, three
46 hundred dollars.

47 d. For representative in the general assembly,
48 one hundred fifty dollars.

49 e. For an office filled by the electors of an
50 entire county having a population of fifty thousand

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1 or more, two hundred dollars.

2 f. For any elective office to which paragraphs
3 a through e of this subsection are not applicable,

4 one hundred dollars.

5 After all recount proceedings for a particular
6 office are completed and the official canvass of votes
7 cast for that office is corrected or completed pursuant
8 to subsections 5 and 6, if necessary, any bond posted
9 under this subsection shall be returned to the
10 candidate who requested the recount if the apparent
11 winner before the recount is not the winner as shown
12 by the corrected or completed canvass. In all other
13 cases, the bond shall be deposited in the general
14 fund of the state if filed with the state commissioner
15 or in the election fund of the county with whose
16 commissioner it was filed.

17 3. The recount shall be conducted by a board which
18 shall consist of:

19 a. A designee of the candidate requesting the
20 recount, who shall be named in the written request
21 when it is filed.

22 b. A designee of the apparent winning candidate,
23 who shall be named by that candidate at or before
24 the time the board is required to convene.

25 c. A person chosen jointly by the members
26 designated under paragraphs a and b of this subsection.

27 The commissioner shall convene the persons
28 designated under paragraphs a and b of this subsection
29 not later than nine o'clock a.m. on the seventh day
30 following the county board's canvass of the election
31 in question. If those two members cannot agree on
32 the third member by eight o'clock a.m. on the ninth
33 day following the canvass, they shall immediately
34 so notify the chief judge of the judicial district
35 in which the canvass is occurring, who shall appoint
36 the third member not later than five o'clock p.m.
37 on the eleventh day following the canvass.

38 4. When all members of the recount board have
39 been selected, the board shall undertake and complete
40 the required recount as expeditiously as reasonably
41 possible. Any member of the recount board may at
42 any time during the recount proceedings extend the
43 recount of votes cast for the office or nomination
44 in question to any other precinct or precincts in
45 the same county, or from which the returns were
46 reported to the commissioner responsible for conducting
47 the election, without the necessity of posting
48 additional bond. At the conclusion of the recount,
49 the recount board shall make and file with the
50 commissioner a written report of its findings, which

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1 shall be signed by at least two members of the recount

2 board. The recount board shall complete the recount
3 and file its report not later than the eighteenth
4 day following the county board's canvass of the
5 election in question.

6 5. If the recount board's report is that the
7 abstracts prepared pursuant to the county board's
8 canvass were incorrect as to the number of votes cast
9 for the candidates for the office or nomination in
10 question, in that county or district, the commissioner
11 shall at once so notify the county board. The county
12 board shall reconvene within three days after being
13 so notified, and shall correct its previous
14 proceedings.

15 6. The commissioner shall promptly notify the
16 state commissioner of any recount of votes for an
17 office to which section 50.30 or section 43.60 in
18 the case of a primary election, is applicable. If
19 necessary, the state canvass required by section
20 50.38, or by section 43.63, as the case may be, shall
21 be delayed with respect to the office or the nomination
22 to which the recount pertains. The commissioner shall
23 subsequently inform the state commissioner at the
24 earliest possible time whether any change in the
25 outcome of the election in that county or district
26 resulted from the recount.

27 Sec. 35. Section 50.21, Code 1981, is amended
28 to read as follows:

29 50.21 SPECIAL PRECINCT BOARD RECONVENED. The
30 commissioner shall reconvene the election board of
31 the special precinct established by section 53.20
32 at noon on the third day following each election which
33 is required by law to be canvassed on the Monday
34 following the election. *If the third day following*
35 *such an election is a legal holiday the special*
36 *precinct election board shall be convened at noon*
37 *on the second day following the election, and if the*
38 *canvass of the election is required at any [earlier]*
39 *time earlier than the Monday following the election,*
40 the special precinct election board shall be reconvened
41 at noon on the day following the election. If no
42 challenged ballots were cast in the county pursuant
43 to section 49.81 at any election, the special precinct
44 election board need not be so reconvened. If the
45 number of challenged ballots so cast at any election
46 is not sufficient to require reconvening of the entire
47 election board of the special precinct, the
48 commissioner may reconvene only the number of members
49 required, but in so doing shall observe the
50 requirements of sections 49.12 and 49.13.

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1 Sec. 36. Section 53.17, Code 1981, is amended
2 to read as follows:

3 53.17 MAILING OR DELIVERING BALLOT. The sealed
4 envelope containing the absentee ballot shall be
5 enclosed in a carrier envelope which shall be securely
6 sealed. The sealed carrier envelope shall be delivered
7 by the qualified elector or his *or her* designee to
8 the commissioner or a deputy in his *or her* office,
9 or mailed, postage paid, to the office of the
10 commissioner. The carrier envelope shall be received
11 by the commissioner until [eight o'clock p.m.] *the time*
12 *the polls are closed* on election day. *The commissioner*
13 *shall contact the post office serving the*
14 *commissioner's office at the latest practicable hour*
15 *on election day, and shall seek to arrange for any*
16 *absentee ballots received in that post office but*
17 *not yet delivered to the commissioner's office to*
18 *be brought to the commissioner's office prior to the*
19 *time the polls are closed.*

20 Sec. 37. Section 53.22, subsection 1, paragraph
21 c, Code 1981, is amended to read as follows:

22 c. The special precinct election officers shall
23 both notarize each absent voter's affidavit as required
24 by section 53.16; any such officer who is not a notary
25 public shall be provided with a stamp containing that
26 person's name and the words 'special precinct election
27 officer' and may notarize the absentee affidavits
28 so delivered by signing them and applying the stamp.
29 The special precinct election officers shall travel
30 together in the same vehicle and both shall be present
31 when an applicant casts his or her absentee ballot.
32 If either or both of the special election officers
33 fails to appear at the time the duties set forth in
34 this section are to be performed, the commissioner
35 shall at once appoint some other person, giving
36 preference to persons designated by the respective
37 county chairpersons of the political parties described
38 in section 49.13, to carry out the requirements of
39 this section. The persons authorized by this
40 subsection to deliver an absentee ballot to an
41 applicant may assist the applicant in filling out
42 the ballot as permitted by section 49.90. The voted
43 absentee ballots shall be deposited in a sealed
44 container which shall be returned to the commissioner
45 on the same day. *On election day the officers shall*
46 *return the sealed container by the time the polls*
47 *are closed.*

48 Sec. 38. Section 54.5, Code 1981, is amended to
49 read as follows:
50 54.5 PRESIDENTIAL NOMINEES. The names of the

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1 candidates for president and vice president[,
2 respectively,] of a political party as defined in the
3 law relating to primary elections, shall, [at least
4 sixty-five days] *by five o'clock p.m. on the sixty-*
5 *seventh day* prior to the election, be certified to
6 the state commissioner by the [chairman] *chairperson*
7 and secretary of the state central committee of [said]
8 *the party.*

9 Sec. 39. Section 57.1, subsection 2, paragraph
10 c, Code 1981, is amended to read as follows:

11 c. That prior to the election the incumbent had
12 been duly convicted of an infamous crime, and that
13 the judgment had not been reversed, annulled or set
14 aside, nor the incumbent pardoned *or restored to the*
15 *rights of citizenship by the governor under section*
16 *248.12*, at the time of the election.

17 Sec. 40. Section 57.6, Code 1981, is amended to
18 read as follows:

19 57.6 OTHER CONTESTS. All the provisions of the
20 chapter in relation to contested elections of county
21 officers shall be applicable, as near as may be, to
22 contested elections for other offices, and for public
23 measures except as herein otherwise provided, and
24 in all cases process and papers may be issued to and
25 *served in the manner provided by the rules of civil*
26 *procedure for service of an original notice* by the
27 sheriff of any county.

28 Sec. 41. Section 58.2, Code 1981, is amended to
29 read as follows:

30 58.2 NOTICE TO INCUMBENT. As soon as the presiding
31 officers have received the notice and specifications,
32 they shall make out a notice, directed to the
33 incumbent, including a copy of the specifications,
34 which shall be served *in the manner provided by the*
35 *rules of civil procedure for service of an original*
36 *notice* by the sergeant at arms.

37 Sec. 42. Section 59.1, Code 1981, is amended to
38 read as follows:

39 59.1 STATEMENT SERVED. The contestant for a seat
40 in either branch of the general assembly shall, prior
41 to twenty days before the first day of the next
42 session, serve on the incumbent *in the manner provided*
43 *by the rules of civil procedure for service of an*

44 *original notice* a statement of notice of contest which
45 shall allege a fact or facts, believed true by the
46 contestant which, if true, would alter the outcome
47 of the election.

48 Sec. 43. Section 60.4, Code 1981, is amended to
49 read as follows:

49 60.4 STATEMENT. The contestant shall file the

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1 statement provided for in chapter 62 in the office
2 of the secretary of state within ten days from the
3 day on which the returns are canvassed by the state
4 board of canvassers, and, within the same time, serve
5 a copy of the same, with a notice of the contest,
6 on the incumbent *in the manner provided by the rules*
7 *of civil procedure for service of an original notice.*

8 Sec. 44. Section 61.10, Code 1981, is amended
9 to read as follows:

10 61.10 NOTICE TO INCUMBENT—TRIAL. Upon the
11 organization of said court of contest, the court shall
12 cause a notice of said contest to be served on the
13 incumbent, together with a copy of the statement of
14 contest filed by the contestant *in the manner provided*
15 *by the rules of civil procedure for service of an*
16 *original notice.* No trial shall be held sooner than
17 twenty days following said notice, except by consent
18 of all parties.

19 Sec. 45. Section 69.12, unnumbered paragraph 1,
20 Code 1981, is amended to read as follows:

21 When a vacancy occurs in any nonpartisan elective
22 office of a political subdivision of this state, *and*
23 *the statutes governing the office in which the vacancy*
24 *occurs require that it be filled by election or are*
25 *silent as to the method of filling the vacancy, it*
26 shall be filled pursuant to this section. As used
27 in this section, 'pending election' means any election
28 at which there will be on the ballot either the office
29 in which the vacancy exists, or any other office to
30 be filled or any public question to be decided by
31 the voters of the same political subdivision.

32 Sec. 46. Section 372.13, subsection 2, Code 1981,
33 is amended by striking the subsection and inserting
34 in lieu thereof the following:

35 2. A vacancy in an elective city office during
36 a term of office shall be filled, at the council's
37 option, by one of the two following procedures:

38 a. By appointment by the remaining members of
39 the council, except that if the remaining members

40 do not constitute a quorum of the full membership,
41 paragraph b shall be followed. The appointment shall
42 be for the period until the next pending election
43 as define in section 69.12, and shall be made within
44 forty days after the vacancy occurs. If the council
45 chooses to proceed under this paragraph, it shall
46 publish notice in the manner prescribed by section
47 362.3, stating that the council intends to fill the
48 vacancy by appointment but that the electors of the
49 city or ward, as the case may be, have the right to
50 file a petition requiring that the vacancy be filled.

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1 by a special election. The council may publish no-
2 tice in advance if an elected official submits a
3 resignation to take effect at a future date. The
4 council may make an appointment to fill the vacancy
5 after the notice is published or after the vacancy
6 occurs, whichever is later. However, if within
7 fourteen days after publication of the notice or
8 within fourteen days after the appointment is made,
9 whichever is later, there is filed with the city clerk
10 a petition which requests a special election to fill
11 the vacancy and which is signed by eligible electors
12 who are, or would be if registered, entitled to vote
13 to fill the office in question, equal in number to
14 two percent of those who voted for candidates for
15 the office at the last preceding regular election
16 at which the office was on the ballot, but not less
17 than ten persons, an appointment to fill the vacancy
18 is temporary and the council shall call a special
19 election to fill the vacancy permanently, under
20 paragraph b.

21 b. By a special election held to fill the office
22 for the remaining balance of the unexpired term.
23 If the council opts for a special election or a valid
24 petition is filed under paragraph a, the special
25 election may be held concurrently with any pending
26 election as provided by section 69.12 if by so doing
27 the vacancy will be filled not more than ninety days
28 after it occurs. Otherwise, a special election to
29 fill the office shall be called at the earliest
30 practicable date. If there are concurrent vacancies
31 on the council and the remaining council members do
32 not constitute a quorum of the full membership, a
33 special election shall be called at the earliest
34 practicable date. A special election held under this
35 subsection is subject to neither a primary election

36 nor runoff, even if such an election is required when
37 the office in question is filed at a regular city
38 election, and the candidate receiving a plurality
39 of the vote is elected.

40 Sec. 47. Section 420.41, subsection 1, paragraph
41 d, Code 1981, is amended to read as follows:

42 d. In respect of the election or appointment of
43 a clerk, treasurer, police magistrate and marshal
44 or in respect of the authority, functions, duties
45 or compensation of any [thereof] *of these except that*
46 *section 372.13, subsection 2, applies in respect to*
47 *a vacancy in any of these elective offices and to*
48 *a vacancy in any other city elective office.*

49 Sec. 48. Sections 43.56, 43.57, and 43.58, Code
50 1981, are repealed.

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1 Sec. 49. The Code editor shall prepare a
2 compilation of the election laws of this state as
3 soon as reasonably possible after the effective date
4 of this section. The superintendent of printing shall
5 cause not less than five thousand copies of the
6 compilation to be printed, and an additional five
7 thousand to be printed if the initial supply of five
8 thousand runs out. The cost of preparing and printing
9 the compilation shall be paid from the appropriation
10 provided by section 14.22.

11 Sec. 50. The compilation of election laws printed
12 pursuant to section 49 of this Act shall be distributed
13 by the superintendent of printing. Each county shall
14 be provided with a sufficient number of copies to
15 enable the county commissioner of elections to
16 distribute one copy to each political party county
17 central committee chairperson, the secretary of each
18 school board for which the commissioner conducts an
19 election, each city clerk, each public library and
20 each secondary school library. These persons and
21 libraries shall be informed in some suitable manner
22 that they may obtain a copy of the compilation free
23 of charge from the county commissioner's office.
24 All copies remaining after the foregoing requirements
25 have been satisfied shall be distributed free of
26 charge in reasonable quantities to persons requesting
27 them."

28 2. Amend the title, by striking lines 1 through
29 7 and inserting in lieu thereof the words "An Act
30 relating to elections,".

HOUSE AMENDMENT TO SENATE FILE 514

S—3839

1 Amend Senate File 514 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 2, by striking lines 7 through 9 and
4 inserting in lieu thereof the following: "possible
5 [but] *and if able*, shall then [forthwith] return to and
6 [in every event shall] remain at the scene of the
7 accident [until he has fulfilled the requirements of]
8 *in accordance with* section 321.263. Every".

9 2. Page 2, by inserting after line 26 the
10 following:

11 "Sec. ____ . Section 321.266, subsection 2, Code
12 1981, is amended to read as follows:

13 2. The driver of a vehicle involved in an accident
14 resulting in injury to or death of any person, or
15 total property damage to an apparent extent of [two]
16 *five* hundred [fifty] dollars or more shall also, within
17 seventy-two hours after [such] *the* accident, forward
18 a written report of [such] *the* accident to the
19 department."

20 3. Page 3, by striking lines 24 through 35.

21 4. Page 3, by inserting after line 35 the
22 following:

23 "Sec. ____ . Chapter 321, Code 1981, is amended
24 by adding the following new section:

25 *NEW SECTION.* A person shall not drive or operate
26 a new car, used car, light delivery truck, panel
27 delivery truck, pickup, or multipurpose vehicle upon
28 a public highway which has had the center of gravity
29 altered or modified in any manner which is prohibited
30 by rules adopted by the director. The rules shall
31 be based upon original automobile manufacturer
32 specifications. The rules adopted by the director
33 shall not prohibit a person from driving or operating
34 a new car, used car, light delivery truck, panel
35 delivery truck, pickup, or multipurpose vehicle where
36 the bumper is not more than five inches above or below
37 the original automobile manufacturer's specifications.

38 In adopting rules, the director shall provide
39 exceptions to the standards provided in this section
40 where the owner of the new car, used car, light
41 delivery truck, panel delivery truck, pickup, or
42 multipurpose vehicle has altered or modified the
43 center of gravity or height of the bumper because
44 of the special use of the vehicle for hauling special
45 loads or the owner's use of the new car, used car,

46 light delivery truck, panel delivery truck, pickup,
 47 or multipurpose vehicle in the owner's occupation
 48 which is primarily for off-highway use. Rules adopted
 49 under this section shall exempt antique vehicles
 50 registered under section 321.115 or vehicles which

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1 qualify as antique vehicles under section 321.115,
 2 and a reconstructed vehicle titled under section
 3 321.23.

4 The purpose of this section is to insure the proper
 5 use of motor vehicles on the highways of the state
 6 and to provide for the personal safety of the motor
 7 vehicle owner and the owner's motor vehicle and the
 8 traveling public and other motor vehicles used on
 9 the highways of the state.

10 Sec. ____ . Section 321A.5, subsection 1, Code 1981,
 11 is amended to read as follows:

12 1. The director shall, immediately or within sixty
 13 days after the receipt of a report of a motor vehicle
 14 accident within this state which has resulted in
 15 bodily injury or death or damage to the property of
 16 any one person in excess of [two] five hundred [fifty]
 17 dollars, suspend the license of each operator and
 18 all registrations of each owner of a motor vehicle
 19 in any manner involved in [such] *the* accident, and if
 20 [such] *the* operator is a nonresident the privilege of
 21 operating a motor vehicle within this state, and if
 22 [such] *the* owner is a nonresident the privilege of the
 23 use within this state of any motor vehicle owned by
 24 [him] *the owner*, unless [such] *the* operator or owner or
 25 both shall deposit security in a sum which shall be
 26 sufficient in the judgment of the director to satisfy
 27 any judgment or judgments for damages resulting from
 28 [such] *the* accident as may be recovered against [such]
 29 *the* operator or owner; provided notice of [such] *the*
 30 suspension shall be sent by the director to [such] *the*
 31 operator and owner not less than ten days prior to
 32 the effective date of [such] *the* suspension and shall
 33 state the amount required as security."

34 5. Renumbering sections and correcting internal
 35 references as required by this amendment.

HOUSE AMENDMENT TO SENATE FILE 519

S—3840

1 Amend Senate File 519 as passed by the Senate,

2 as follows:

3 1. By striking page 1, line 1 through page 5,
4 line 9 and inserting in lieu thereof the following:

5 "Section 1. Section 99B.1, Code 1981, is amended
6 by adding the following new subsections:

7 *NEW SUBSECTION.* 'Applicant' means an individual
8 or an organization.

9 *NEW SUBSECTION.* 'Eligible applicant' means an
10 applicant who meets all of the following requirements:

11 a. The applicant's financial standing and good
12 reputation are within the standards established by
13 the department by rule under chapter 17A so as to
14 satisfy the director that the applicant will comply
15 with this chapter and the rules applicable to
16 operations under it.

17 b. The applicant is a citizen of the United States
18 and a resident of this state, or a corporation licensed
19 to do business in this state, or a business that has
20 an established place of business in this state or
21 that is doing business in this state.

22 c. The applicant has not been convicted of a
23 felony. However, if the applicant's conviction
24 occurred more than five years before the date of the
25 application for a license, and if the applicant's
26 rights of citizenship have been restored by the
27 governor, the director may determine that the applicant
28 is an eligible applicant.

29 If the applicant is an organization, then the
30 requirements of paragraphs a, b, and c apply to its
31 officers, directors, partners, and controlling
32 shareholders.

33 *NEW SUBSECTION.* 'Controlling shareholder' means
34 either of the following:

35 a. A person who directly or indirectly owns or
36 controls ten percent or more of any class of stock
37 of a license applicant.

38 b. A person who directly or indirectly has an
39 interest of ten percent or more in the ownership or
40 profits of a license applicant.

41 *NEW SUBSECTION.* 'Bingo occasion' means a single
42 gathering or session at which successive bingo games
43 are played. A bingo occasion commences when the
44 operator of the game begins to announce the number,
45 letter, or combination of numbers or letters through
46 which the winner of a single bingo game will be
47 determined.

48 Sec. 2. Section 99B.1, subsection 4, Code 1981,
49 is amended to read as follows:

50 4. 'Bingo' means a game, whether known as bingo

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1 or any other name, in which each participant uses
2 one or more cards each of which is marked off into
3 spaces arranged in horizontal and vertical rows of
4 spaces, with each space being designated by number,
5 letter, or combination of numbers and letters, no
6 two cards being identical, with the players covering
7 spaces as the operator of [such] *the game* announces
8 the number, letter, or combination of numbers and
9 letters appearing on an object selected by chance,
10 either manually or mechanically, from a receptacle
11 in which have been placed objects bearing numbers,
12 letters, or combinations of numbers and letters
13 corresponding to the system used for designating the
14 spaces, with the winner of each game being the player
15 or players first properly covering a predetermined
16 and announced pattern of spaces on a card being used
17 by [him] *the player* or [them] *players*. *Each determination*
18 *of a winner by the method described in the preceding*
19 *sentence is a single bingo game at any bingo occasion.*

20 Sec. 3. Section 99B.1, subsection 6, Code 1981,
21 is amended by striking the subsection and inserting
22 in lieu thereof the following:

23 6. 'Net receipts' means gross receipts less amounts
24 awarded as prizes. Reasonable expenses, charges,
25 fees, taxes, and deductions allowed by the department
26 of revenue shall not exceed twenty-five percent of
27 net receipts.

28 Sec. 4. Section 99B.2, subsection 1, Code 1981,
29 is amended to read as follows:

30 1. The department [shall be] *is* the agency
31 responsible for issuing any license required by this
32 chapter. A license shall not be issued, except upon
33 submission to the department of an application on
34 forms furnished by the department, and [upon submission
35 of] the required license fee. *A license may be issued*
36 *to any applicant who is an eligible applicant.*
37 *However, a license shall not be issued to an applicant*
38 *who has been convicted of or pled guilty to a violation*
39 *of this chapter, or who has been convicted of or pled*
40 *guilty to a violation of chapter 123 that resulted,*
41 *at any time, in revocation of a license issued to*
42 *the applicant under chapter 123 or that resulted,*
43 *within the twelve months preceding the date of*
44 *application for a license required by this chapter,*
45 *in suspension of a license issued under chapter 123.*
46 *A license also shall not be issued for a location*
47 *for which a previous license issued under this chapter*

48 *or chapter 123 has been revoked within the preceding*
49 *two years. Except as otherwise provided in this*
50 *chapter, a license [shall be] is valid for a period*

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1 of [one year] *two years* from the date of issue. The
2 license fee [or any part thereof shall] *is not [be]*
3 *refundable, but shall be returned to the applicant*
4 *[in the event] if an application is not approved.*

5 Sec. 5. Section 99B.2, subsection 3, Code 1981,
6 is amended to read as follows:

7 3. Each licensee required by subsection 2 to
8 maintain records shall submit quarterly reports to
9 the department on forms furnished by the department.
10 The reports shall contain a compilation of the
11 information required to be recorded by subsection
12 2, and shall include all of the transactions occurring
13 during the three-month period for which the report
14 is submitted. Failure to submit the quarterly reports
15 [shall constitute] *is grounds for revocation of the*
16 *license. Willful failure to submit quarterly reports*
17 *is a serious misdemeanor. However, the time for*
18 *filing of reports may be extended for thirty days*
19 *if the licensee makes written request to the department*
20 *for an extension which request shows good cause for*
21 *granting the extension. The making of any false or*
22 *fraudulent report or application with intent to defeat*
23 *or evade any tax assessment, fee, or charitable*
24 *dedication and distribution required by law is a*
25 *serious misdemeanor.*

26 Sec. 6. Section 99B.3, subsection 1, paragraph
27 b, Code 1981, is amended to read as follows:

28 b. The person conducting the game has submitted
29 a license application and a fee of fifteen dollars
30 for each game, and has been issued a license for the
31 game, and prominently displays the license at the
32 playing area of the game. *A license is valid for*
33 *a period of one year from the date of issue.*

34 Sec. 7. Section 99B.6, subsection 1, paragraph
35 a, Code 1981, is amended to read as follows:

36 a. The holder of the liquor control license or
37 beer permit has submitted an application for a license
38 and an application fee of [twenty-five] *one hundred*
39 *dollars, and has been issued a license, and prominently*
40 *displays the license on the premises.*

41 Sec. 8. Section 99B.7, subsection 1, paragraph
42 c, Code 1981, is amended to read as follows:

43 c. Cash prizes may be awarded in the game of bingo

44 and shall not exceed one hundred dollars. Merchandise
 45 prizes may be awarded in the game of bingo[,], however,
 46 the actual retail value of the prize, or if the prize
 47 consists of more than one item, unit or part, the
 48 aggregate retail value of all items, units or parts,
 49 shall not exceed one hundred dollars. A jackpot bingo
 50 game may be conducted once during any twenty-four

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1 hour period in which the prize doubles if not won
 2 at one game[. However] *however*, the cost of play shall
 3 not be increased and the jackpot shall not amount
 4 to more than five hundred dollars in cash or actual
 5 retail value of merchandise prizes. A jackpot bingo
 6 game [shall] is not [be deemed] prohibited by paragraph
 7 "h" of this subsection. *A bingo occasion shall not*
 8 *last for longer than four consecutive hours. A*
 9 *qualified organization shall not hold more than*
 10 *fourteen bingo occasions per month. Bingo occasions*
 11 *held under a limited license shall not be counted*
 12 *in determining whether a qualified organization has*
 13 *conducted more than fourteen bingo occasions per*
 14 *month, nor shall bingo occasions held under a limited*
 15 *license be limited to four consecutive hours. With*
 16 *the exception of a limited license bingo, no more*
 17 *than three bingo occasions per week shall be held*
 18 *within a structure or building and only one person*
 19 *licensed to conduct games under this section may hold*
 20 *bingo occasions within a structure or building.*
 21 *However, a qualified organization whose gross receipts*
 22 *for the previous four quarters were three thousand*
 23 *five hundred dollars or less may hold more than*
 24 *fourteen bingo occasions per month and more than three*
 25 *bingo occasions per week within the same structure*
 26 *or building, and bingo occasions conducted by such*
 27 *a qualified organization may last for longer than*
 28 *four consecutive hours. At the conclusion of each*
 29 *bingo occasion, the person conducting the game shall*
 30 *announce both the gross receipts received from the*
 31 *bingo occasion and the use permitted under subsection*
 32 *3, paragraph b, of this section to which the net*
 33 *receipts of the bingo occasion will be dedicated and*
 34 *distributed.*

35 Sec. 9. Section 99B.7, subsection 1, Code 1981,
 36 is amended by adding the following new paragraphs:
 37 **NEW PARAGRAPH.** The person or organization
 38 conducting the game can show to the satisfaction of
 39 the department that it is eligible for exemption from

40 federal income taxation under either section 501(c)
41 (3), 501(c) (5), 501(c) (6), 501(c) (10) or 501(c) (19)
42 of the Internal Revenue Code, as defined in section
43 422.4. However, this paragraph does not apply to
44 a political party as defined in section 43.2 or to
45 a nonparty political organization that has qualified
46 to place a candidate as its nominee for statewide
47 office pursuant to chapter 44.

48 *NEW PARAGRAPH.* The person conducting the game
49 does none of the following:

50 (1) Hold, currently, another license issued under

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1 this section.

2 (2) Own or control, directly or indirectly, any
3 class of stock of another person who has been issued
4 a license to conduct games under this section.

5 (3) Have, directly or indirectly, an interest
6 in the ownership or profits of another person who
7 has been issued a license to conduct games under this
8 section.

9 Sec. 10. Section 99B.7, subsection 3, paragraph
10 a, Code 1981, is amended to read as follows:

11 a. A person wishing to conduct games and raffles
12 pursuant to this section as a qualified organization
13 shall submit an application and a license fee of
14 [twenty-five] *one hundred* dollars. However, upon
15 submission of an application accompanied by a license
16 fee of fifteen dollars, a person may be issued a
17 limited license which shall authorize the person to
18 conduct all games and raffles pursuant to this section
19 at a specified location and during a specified period
20 of fourteen consecutive calendar days. A limited
21 license shall not be issued more than once during
22 any twelve-month period to the same person, or for
23 the same location.

24 Sec. 11. Section 99B.7, subsection 3, paragraph
25 b, Code 1981, is amended to read as follows:

26 b. A person or the agent of a person submitting
27 application to conduct games pursuant to this section
28 as a qualified organization shall certify [as a part
29 of that application] that the [net] receipts of all
30 games, *less reasonable expenses, charges, fees, taxes,*
31 *and deductions allowed by this chapter,* either [shall]
32 *will* be distributed as prizes to participants or [shall]
33 *will* be dedicated and distributed to educational,
34 civic, public, charitable, patriotic or religious
35 uses in this state *and that the amount dedicated and*

36 *distributed will equal at least seventy-five percent*
 37 *of the net receipts. "Educational, civic, public,*
 38 *charitable, patriotic, or religious uses" means uses*
 39 *benefiting a society for the prevention of cruelty*
 40 *to animals or animal rescue league, or uses benefiting*
 41 *an indefinite number of persons either by bringing*
 42 *them under the influence of education or religion*
 43 *or relieving them from disease, suffering, or*
 44 *constraint, or by erecting or maintaining public*
 45 *buildings or works, or otherwise lessening the burden*
 46 *of government, or uses benefiting any bona fide*
 47 *nationally chartered fraternal or military veterans'*
 48 *corporation or organization which operates in Iowa*
 49 *a clubroom, post, dining room, or dance hall, [as long*
 50 *as it continues to operate such,] but do not include*

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1 the erection, acquisition, improvement, maintenance,
 2 or repair of real, personal or mixed property unless
 3 it is used [exclusively] for one or more of the uses
 4 stated. 'Public uses' specifically includes dedication
 5 of net receipts to political parties as defined in
 6 section 43.2. 'Charitable uses' includes uses
 7 benefiting a definite number of persons who are the
 8 victims of loss of home or household possessions
 9 through explosion, fire, flood, or storm [and] *when*
 10 *the loss is uncompensated by insurance, and uses*
 11 *benefiting a definite number of persons suffering*
 12 *from a seriously disabling disease or injury, causing*
 13 *severe loss of income or incurring extraordinary*
 14 *medical expense[, which] when the loss is uncompensated*
 15 *by insurance.*

16 Sec. 12. Section 99B.7, subsection 3, paragraph
 17 c, Code 1981, is amended to read as follows:
 18 c. A qualified organization shall distribute
 19 amounts awarded as prizes on the day [the prizes] *they*
 20 *are won. A qualified organization shall dedicate*
 21 *and distribute the balance of the net receipts [not*
 22 *later than one hundred eighty days from the date]*
 23 *received within a quarter and remaining after deduction*
 24 *of reasonable expenses, charges, fees, taxes, and*
 25 *deductions allowed by this chapter, before the*
 26 *quarterly report required for that quarter under*
 27 *section 99B.2, subsection 3, is due. The amount*
 28 *dedicated and distributed must equal at least seventy-*
 29 *five percent of the net receipts. A person desiring*
 30 *to hold the net receipts for a period longer than*
 31 *[one hundred eighty days must] permitted under this*

32 *paragraph shall* apply to the department for special
 33 permission and upon good cause shown the department
 34 may grant the request.

35 Sec. 13. Section 99B.9, subsection 1, paragraph
 36 a, Code 1981, is amended to read as follows:

37 a. The person occupying the premises as an owner
 38 or tenant has submitted an application for a license
 39 and an application fee of [twenty-five] *one hundred*
 40 dollars, and has been issued a license for those
 41 premises, and prominently displays the license on
 42 the premises.

43 Sec. 14. Chapter 99B, division IV, Code 1981,
 44 is amended by adding the following new section:

45 *NEW SECTION. ATTORNEY GENERAL AND COUNTY ATTORNEY.*

46 Upon request of the department of revenue, the attorney
 47 general shall institute in the name of the state the
 48 proper proceedings against a person charged by the
 49 department with violating a provision of this chapter,
 50 and a county attorney, at the request of the attorney

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1 general, shall appear and prosecute an action when
 2 brought in the county attorney's county."

3 2. Page 5, by striking line 10 through line 30.

4 3. Page 5, by striking line 31 through page 7
 5 line 5.

6 4. Renumber to conform to this amendment.

7 5. Title page, by striking lines 1 and 2 and
 8 inserting in lieu thereof the following: "An Act
 9 amending the laws relating to games of skill, chance
 10 and raffles and providing penalties."

HOUSE AMENDMENT TO SENATE FILE 531

S—3841

1 Amend Senate File 531 as follows:

2 1. Page 3, by striking lines 1 through 5, and
 3 inserting in lieu thereof the following:

4 "Sec. 6. *NEW SECTION. NEGOTIATED FEE.* In lieu
 5 of a one-time lump sum payment for an easement or
 6 other property interest allowing a pipeline to cross
 7 the property, a landowner and the pipeline company
 8 may negotiate an annual fee, to be paid over a fixed
 9 number of years. Unless the easement provides
 10 otherwise, the annual fee shall run with the land
 11 and shall be payable to the owner of record."

12 2. Page 6, line 5, by inserting after the word

13 "engineer" the words "or soil conservation district
14 conservationist".

15 3. Page 6, line 7, by inserting after the word
16 "engineer's" the words "or district conservationist's".

17 4. Page 6, lines 11 and 12, by striking the words
18 "five days written notice" and inserting in lieu
19 thereof the words "forty-eight hours oral notice by
20 telephoning the telephone number of the pipeline
21 company shown on pipeline marking signs placed along
22 the pipeline right of way".

23 5. Page 8, by inserting after line 3 the following:
24 "*NEW SUBSECTION.* Any underground drain tile
25 damaged, cut or removed shall be temporarily repaired
26 and maintained as necessary to allow for its proper
27 function during construction of the pipeline. If
28 temporary repair is not determined to be necessary,
29 the exposed line will nonetheless be screened or
30 otherwise protected to prevent the entry of any foreign
31 material, small animals, etc. into the tile line
32 system."

HOUSE AMENDMENT TO SENATE FILE 548

S—3842

1 Amend Senate File 548 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by inserting after line 21 the follow-
4 ing:

5 "It is the intent of the general assembly that
6 all state liquor stores in operation as of July 1,
7 1981 shall continue in operation."

8 2. Page 2, line 26, by striking the figure
9 "106,911" and inserting in lieu thereof the figure
10 "86,911".

11 3. Page 2, line 26, by striking the figure
12 "111,859" and inserting in lieu thereof the figure
13 "91,859".

14 4. Page 3, line 1, by striking the figure "643,809"
15 and inserting in lieu thereof the figure "869,561".

16 5. Page 3, line 1, by striking the figure "587,920"
17 and inserting in lieu thereof the figure "801,705".

18 6. Page 3, by inserting after line 5 the following:
19 "It is the intent of the general assembly that
20 the appropriation made under paragraph b is contingent
21 upon the enactment and signing the law of House File
22 841. If House File 841 is not enacted and does not
23 become law the funds appropriated under paragraph
24 b for the warehouse division are reduced for the

25 fiscal year beginning July 1, 1981 and ending June
 26 30, 1982 to the amount of six hundred forty-three
 27 thousand eight hundred nine (643,809) dollars and
 28 for the fiscal year beginning July 1, 1982 and ending
 29 June 30, 1983 to the amount of five hundred eighty-
 30 seven thousand nine hundred twenty (587,920) dollars.”

31 7. Page 3, by inserting after line 15 the follow-
 32 ing:

33 “It is the intent of the general assembly that
 34 the personnel of the employment relations division
 35 of the state comptroller’s office consist of a state
 36 director, one secretary, and one hearings compliance
 37 officer.”

38 8. Page 3, lines 17 and 18, by striking the word
 39 “mainnance” and inserting in lieu thereof the word
 40 “maintenance”.

41 9. Page 4, by striking line 25 and inserting in
 42 lieu thereof the following:

43 “purposes \$13,170,805 \$13,774,559”

44 10. Page 6, by striking line 16 and inserting in
 45 lieu thereof the following: “\$ 659,535 \$ 659,535”

46 11. Page 8, by inserting after line 3 the follow-
 47 ing:

48 “Sec. ____ . Section 123.28, Code 1981, is amended
 49 to read as follows:

50 123.28 TRANSPORTATION PERMITTED. It shall be

Page 2

1 lawful to transport, carry, or convey alcoholic liquors
 2 from the place of purchase by the department to any
 3 state warehouse, store, or depot established by the
 4 department or from one such place to another and,
 5 when so permitted by this chapter, it shall be lawful
 6 for any common carrier or other person to transport,
 7 carry, or convey alcoholic liquor sold by a vendor
 8 from a state warehouse, store, depot or point of
 9 purchase by the state to any place to which such
 10 liquor may be lawfully delivered under this chapter.
 11 [No] *Notwithstanding section 321.230, sections 321.225*
 12 *and 321.226 do not apply to department employees in*
 13 *the regular course of their employment. A common*
 14 *carrier or other person shall not break or open or*
 15 *allow to be broken or opened any container or package*
 16 *contianing alcoholic liquor or use or drink or allow*
 17 *to be used or drunk any alcoholic liquor while it*
 18 *is being transported or conveyed, but this section*
 19 *shall not prohibit a private person from transporting*
 20 *individual bottles or containers of alcoholic liquor*

21 exempted pursuant to section 123.22 and individual
 22 bottles or containers bearing the identifying mark
 23 prescribed in section 123.26 which have been opened
 24 previous to the commencement of such transportation.
 25 [Nothing in this] *This* section shall *not* affect the
 26 right of any special permit or liquor control license
 27 holder to purchase, possess, or transport alcoholic
 28 liquors subject to the provisions of this chapter."
 29 12. Renumber as necessary.

HOUSE AMENDMENT TO SENATE FILE 552

S-3843

1 Amend Senate File 552 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 5, by inserting after line 27 the following
 4 paragraphs:
 5 "c. For allocation to
 6 area education agency 6
 7 for special education support
 8 services costs \$ 80,791 \$
 9 d. For allocation to
 10 area education agency
 11 7 for special education
 12 support services costs \$112,803 \$
 13 e. Funds appropriated under paragraphs c and d
 14 of this subsection shall not affect the calculation
 15 of the state cost per pupil or any district cost per
 16 pupil."
 17 2. Page 8, by striking lines 14 through 17.
 18 3. Page 11, by inserting after line 2 the
 19 following:
 20 "As a condition of the appropriation made in this
 21 paragraph, funds appropriated in this section shall
 22 not be used to perform abortions except medically
 23 necessary abortions, and shall not be used to operate
 24 the early termination of pregnancy clinic except for
 25 the performance of medically necessary abortions.
 26 For the purpose of this paragraph, an abortion is
 27 the purposeful interruption of pregnancy with the
 28 intention other than to produce a live-born infant
 29 or to remove a dead fetus, and a medically necessary
 30 abortion is one performed under one of the following
 31 conditions:
 32 (1) The attending physician certifies that
 33 continuing the pregnancy would endanger the life of
 34 the pregnant woman.
 35 (2) The attending physician certified that the

36 fetus is physically deformed, mentally deficient,
37 or afflicted with a congenital illness.

38 (3) The pregnancy is the result of a rape which
39 is reported within forty-five days of the incident
40 to a law enforcement agency or public or private
41 health agency which may include a family physician.

42 (4) The pregnancy is the result of incest which
43 is reported within one hundred fifty days of the
44 incident to a law enforcement agency or public or
45 private health agency which may include a family
46 physician.

47 (5) The abortion is a spontaneous abortion,
48 commonly known as a miscarriage, wherein not all of
49 the products of conception are expelled."

50 4. Page 11, by striking lines 3 through 10.

Page 2

1 5. Page 16, line 19, by inserting after the word
2 "purposes," the words "coordination of vocational
3 programs of area schools with vocational programs
4 offered by other public and private educational
5 agencies and institutions in this state,".

6 6. Page 16, by striking lines 24, 25, and 26.

HOUSE AMENDMENT TO SENATE FILE 566

S—3844

1 Amend Senate File 566 as amended, passed and
2 reprinted by the Senate as follows:

3 1. Page 2, by striking line 23 and inserting in
4 lieu thereof the figures "\$15,779,000 \$15,779,000".

5 2. Page 2, lines 30 and 31, by striking the word
6 and figures "November 1, 1981" and inserting in lieu
7 thereof the word and figures "January 15, 1982".

8 3. Page 3, by striking line 17 and inserting in
9 lieu thereof the words and figures "with dependent
10 children \$55,327,000 \$55,327,000".

11 4. Page 3, line 20, by inserting after the word
12 "be" the words "no earlier than".

13 5. Page 3, line 30, by inserting after the words
14 "training program" the words ", the school expenses
15 program,".

16 6. Page 3, line 34, by inserting after the word
17 "program." the words "The department of social services
18 shall by rule limit expenditures, under the school
19 expenses portion of the special needs program of the
20 aid to families with dependent children program, to

21 specific charges made by a school or in accordance
 22 with school requirements in connection with a course
 23 in the regular school curriculum which is not
 24 considered an extracurricular activity. In addition,
 25 the department shall only make expenditures for such
 26 school expenses upon a co-payment of twenty percent
 27 made privately on behalf of the student who incurs
 28 the school expenses."

29 7. Page 4, by inserting after line 2 the following:

30 "d. The department of social services shall not
 31 provide unborn child grants under the aid to families
 32 with dependent children program.

33 e. The department of social services shall adopt
 34 administrative rules to return to the stepparent
 35 liability policy, under the aid to families with
 36 dependent children program, which was in effect on
 37 and prior to October 31, 1978. If federal law or
 38 regulations regarding stepparent liability, under
 39 the aid to families with dependent children program,
 40 require a change in departmental rules, the department
 41 shall implement the required changes immediately by
 42 administrative rule."

43 8. Page 4, by inserting before line 3 the
 44 following:

45 "2. For medical assistance
 46 for the dependent children of
 47 unemployed parents who would
 48 qualify for an unemployed parent
 49 program under the aid to fami-
 50 lies with dependent children

Page 2

1 program if the state had an un-
 2 employed parent program, pro-
 3 vided that the medical assis-
 4 tance is limited to the depen-
 5 dent children of unemployed
 6 parents \$1,275,000".

7 9. Page 5, by striking line 3 and inserting in
 8 lieu thereof the words and figures:
 9 "are expelled \$99,600,000 \$99,600,000".

10 10. Page 7, line 30, by inserting after the word
 11 "delivered" the words ", the eligibility for
 12 services,".

13 11. Page 8, by striking lines 21 through 24 and
 14 inserting in lieu thereof the following:

15 "10. For community-based
 16 services \$1,508,000 \$1,508,000

17 a. Of the funds appropriated for the community-
18 based services by this subsection, one hundred five
19 thousand (105,000)".

20 12. Page 8, by striking lines 30 and 31 and
21 inserting in lieu thereof the words and figure "by
22 this subsection, two hundred fifty thousand (250,000)
23 dollars is appropriated for each fiscal year of the
24 biennium to assist child care centers. The emphasis
25 of the assistance shall be to provide".

26 13. Page 9, line 15, by striking the word "shall"
27 and inserting in lieu thereof the word "may".

28 14. Page 9, by striking lines 30 and 31 and
29 inserting in lieu thereof the words and figures "ending
30 June 30, 1982, to the department of social services
31 one million four hundred forty thousand (1,440,000)
32 dollars, or so much".

33 15. Page 10, by striking lines 6 through 9 and
34 inserting in lieu thereof the words "Social Security
35 Act and may be more restrictive."

36 16. Page 12, by striking lines 1 through 18 and
37 inserting in lieu thereof the following:

38 "Sec. 11. Section 234.1, subsection 4, Code 1981,
39 is amended by striking the subsection and inserting
40 in lieu thereof the following:

41 4. 'Child' means either a person less than eighteen
42 years of age or a person eighteen, nineteen, or twenty
43 years of age who meets any of the following conditions:

44 a. Is in full-time attendance at an approved
45 school pursuing a course of study leading to a high
46 school diploma.

47 b. Is attending an instructional program leading
48 to a high school equivalency diploma.

49 c. Has been identified by the director of special
50 education of the area education agency as a child

Page 3

1 requiring special education as defined in section
2 281.2, subsection 1.

3 A person over eighteen years of age who has received
4 a high school diploma or a high school equivalency
5 diploma is not a child within the definition in this
6 subsection."

7 17. Page 12, by inserting before line 19 the
8 following:

9 "Sec. ____ . Section 239.1, subsection 3, Code 1981,
10 is amended to read as follows:

11 3. A 'dependent child' means a needy child under
12 the age of eighteen years who has been deprived of

13 parental support [and] or care by reason of death,
 14 continued absence from home, physical or mental
 15 incapacity [or unfitness of either parent], or partial
 16 or total unemployment of the [father] *parent*, and who
 17 is living with [his or her father or mother, or both,
 18 or with his or her grandfather, grandmother, brother,
 19 sister, stepfather, stepmother, stepbrother,
 20 stepsister, uncle or aunt] *a specified relative or*
 21 *specified relatives, as defined in title IV of the*
 22 *federal Social Security Act and prescribed by federal*
 23 *regulation, in a place of residence maintained by*
 24 *one or more of [such] the relatives as [his or her] the*
 25 *relative's or [their] relatives' home or has been placed*
 26 *in a licensed foster home or with a public or nonprofit*
 27 *child care agency by the [state] division or by the*
 28 *county department of social welfare in lieu of living*
 29 *with [any] a relative designated in this subsection.*
 30 Sec. ____ . Section 239.2, subsection 4, Code 1981,
 31 is amended to read as follows:

32 4. Is not, with respect to assistance applied
 33 for by reason of partial or total unemployment of
 34 [the father] *a parent*, the child of a [father] *parent*
 35 who:
 36 a. Has been unemployed for less than thirty days
 37 prior to receipt of assistance under this chapter.
 38 b. Is partially or totally unemployed due to a
 39 work stoppage which exists because of a labor dispute
 40 at the factory, establishment or other premises at
 41 which [he] *the parent* is or was last employed.
 42 c. At any time during the thirty-day period prior
 43 to receipt of assistance under this chapter or at
 44 any time thereafter while assistance is payable under
 45 this chapter, has not been available for employment,
 46 has not actively sought employment, or has without
 47 good cause refused any bona fide offer of employment
 48 or training for employment. The following reasons
 49 for refusing employment or training are not good
 50 cause: [Unsuitable] *unsuitable* or unpleasant work or

Page 4

1 training, if the [father] *parent* is able to perform
 2 the work or training without unusual danger to [his]
 3 *the parent's* health; or the amount of wages or
 4 compensation, unless the wages for employment are
 5 below the federal minimum wage.
 6 d. Has not registered for work with the state
 7 employment service established pursuant to section
 8 96.12, or thereafter has failed to report at an

9 employment office in accordance with regulations
10 prescribed pursuant to section 96.4, subsection 1.
11 e. Has failed to participate in or to co-operate
12 in any work or training program made available to
13 [him] *the parent* under chapter 249C, or has without
14 good cause withdrawn from such program before
15 completion. The department of social services shall
16 have a program under chapter 249C for the partially
17 or totally unemployed [father] *parent* under this
18 subsection.

19 The division may prescribe requirements in addition
20 to or in lieu of the foregoing, for eligibility for
21 assistance under this chapter to children whose [fathers]
22 *parents* are partially or totally unemployed, which
23 are necessary to secure financial participation of
24 the federal government in payment of such assistance."

25 18. Page 12, by striking lines 29 through 32 and
26 inserting in lieu thereof the words "*petition the*
27 *Iowa district court sitting in probate to establish,*
28 *pursuant to chapter 633, a conservatorship over any*
29 *recipient[, or any child or children and in such cases]*
30 *eligible for assistance under this chapter. If a*
31 *conservatorship is established the recipient's*
32 *assistance payments shall be made to [such]".*

33 19. Page 13, by striking lines 1 through 3 and
34 inserting in lieu thereof the words "[bear a
35 relationship to the child or children embraced by
36 subsection 3, section 239.1] *the conservator*. In
37 addition to the assistance granted [as]".

38 20. Page 13, line 6, by inserting after the word
39 "*conservatorship*" the words "*or guardianship*".

40 21. Page 13, by striking lines 19 through 21 and
41 inserting in lieu thereof the word "*pregnancy*."

42 22. Page 14, line 13, by striking the words
43 "paragraph b" and inserting in lieu thereof the words
44 "paragraphs b, d, and e".

45 23. Page 14, line 15, by inserting after the
46 letter "c," the words and figures "section 3,
47 subsection 2,".

48 24. By renumbering and relettering as necessary.

S--3845

1 Amend Senate Concurrent Resolution 32 as follows:

DIVISION S--3845A

2 1. Page 1, line 8, by striking the words "and
3 changes" and inserting in lieu thereof the word

4 “, changes”.

DIVISION S—3845B

5 2. Page 1, line 10, by inserting after the word
6 “grants” the words “, and consideration of a plan
7 for railroad bonding for purposes of acquiring rail-
8 road right of way to continue providing railroad
9 service in this state”.

CALVIN O. HULTMAN

S—3846

1 Amend Senate File 576 as follows:
2 1. Page 1, by inserting after line 21 the
3 following:
4 “Sec. ____ . Chapter 551A, Code 1981, is repealed.”
5 2. Title page, line 4, by inserting after the
6 word “stamps,” the words “repealing the chapter on
7 cigarette sales.”
8 3. By numbering, renumbering and correcting
9 internal references as necessary.

EDGAR H. HOLDEN

S—3847

1 Amend House amendment S—3842 to Senate
2 File 548 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, by striking lines 8 through 13.
5 2. Page 1, by striking lines 31 through 37.

JOHN W. JENSEN
MERLIN D. HULSE
ARTHUR L. GRATIAS
BOB RUSH
CHARLES P. MILLER

S—3848

1 Amend House amendment S—3842 to Senate
2 File 548 as amended, passed and reprinted by the
3 Senate as follows:
4 1. Page 1, line 6, by striking the word “July”
5 and inserting in lieu thereof the word “April”.

C.W. BILL HUTCHINS

S—3849

1 Amend Senate File 576 as follows:

- 2 1. Page 1, by striking lines 1 through 22 and
 3 inserting in lieu thereof the following:
 4 "Section 1. Section 98.6, subsection 1, Code 1981,
 5 is amended by striking the subsection and inserting
 6 in lieu thereof the following:
 7 1. There is imposed and shall be collected and
 8 paid to the department a tax on all cigarettes used
 9 or otherwise disposed of in this state for any purpose
 10 at the rate of nine mills on each cigarette.
 11 Sec. 2."
 12 2. Page 2, by striking line 14 through page 3,
 13 line 5.
 14 3. Page 3, by striking lines 6 and 7 and inserting
 15 in lieu thereof the following:
 16 "Sec. 3. Section 1 of this Act takes effect July
 17 1, 1981".
 18 4. Page 3, line 8, by striking the number "3"
 19 and inserting in lieu thereof the number "2".
 20 5. Title page, by striking lines 2 through 6 and
 21 inserting in lieu thereof the words "by increasing
 22 the rate of tax and imposing a one-time inventory
 23 tax."

CALVIN O. HULTMAN

S-3850

- 1 Amend House amendment S-3842 to Senate
 2 File 548 as amended, passed and reprinted by the
 3 Senate as follows:
 4 1. Page 1, by inserting after line 7, the
 5 following:
 6 "____. Page 2, by inserting before line 22,
 7 the following:
 8 'For the fiscal year beginning July 1, 1981, the
 9 Iowa beer and liquor control department shall offer
 10 for sale all liquor stores established under section
 11 123.33, including all equipment, inventory, and other
 12 assets of these stores, and the warehouse, with its
 13 inventory, including all land, machinery, equipment
 14 and other facilities and assets used in the operation
 15 of the warehouse for the sum of three hundred million
 16 (300,000,000) dollars. This offer of sale shall be
 17 made only to those persons who shall purchase and
 18 pay for all of the foregoing items by July 1, 1982.
 19 Nothing in this paragraph shall prohibit the state
 20 from continuing to regulate and license the use and
 21 sale, within the state, of all alcoholic beverages.' "

JOE BROWN

S—3851

- 1 Amend House amendment S—3842 to Senate
- 2 File 548 as amended, passed and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking line 46 through page 2,
- 5 line 29.

JOE BROWN

S—3852

- 1 Amend Senate Concurrent Resolution 32 as follows:
- 2 1. Page 1, line 10, by inserting before the
- 3 period, the words “, and consideration of a plan
- 4 for railroad bonding for purposes of acquiring rail-
- 5 road right of way to continue providing railroad
- 6 service in this state”.

CALVIN O. HULTMAN

S—3853

- 1 Amend Senate File 576 as follows:
- 2 1. Page 1, by striking lines 9 through 21.
- 3 2. Page 1, line 22, by striking the number “3”
- 4 and inserting in lieu thereof the number “2”.
- 5 3. Page 2, line 14, by striking the number “4”
- 6 and inserting in lieu thereof the number “3”.
- 7 4. Page 3, by striking line 6 and inserting in
- 8 lieu thereof the following:
- 9 “Sec. 4. Section 1 of this Act takes effect July”.
- 10 5. Page 3, line 7, by striking the number “4”
- 11 and inserting in lieu thereof the number “3”.
- 12 6. Page 3, line 8, by striking the number “3”
- 13 and inserting in lieu thereof the number “2”.
- 14 7. Title page, by striking lines 3 and 4.

CALVIN O. HULTMAN

S—3854

- 1 Amend House File 842 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 181.12, Code 1981, is amended
- 6 to read as follows:
- 7 181.12 REMISSION OF TAX ON APPLICATION. [Any] A
- 8 person from whom the excise tax [herein] is collected
- 9 may, by written application filed with the executive

10 committee within sixty days after its collection [from
 11 him], have [said] *the* amount remitted to [him] *the person*
 12 by the executive committee. *The information that*
 13 *the excise tax is refundable and the address of the*
 14 *executive committee to which application for a refund*
 15 *may be made shall appear on the invoice of sale form*
 16 *supplied by the purchaser to the producer near the*
 17 *area on the form which shows the amount of the excise*
 18 *tax paid.* The executive committee shall furnish uniform
 19 application for refund forms and envelopes properly
 20 addressed to the executive committee to each purchaser
 21 charged by this chapter with remitting the excise
 22 tax in sufficient number to make [said] *the* refund forms
 23 and envelopes readily available to all producers.
 24 A purchaser charged by this chapter with remitting
 25 the excise tax shall display [said] *the* application
 26 for refund forms and envelopes in a prominent position
 27 in its place of business and make [the same] *them* readily
 28 available to all producers.”

29 2. By renumbering sections as required by this
 30 amendment.

BERL E. PRIEBE
 ARNE WALDSTEIN

S—3855

1 Amend Senate File 576 as follows:
 2 1. Page 1, by striking lines 1 through 8 and
 3 inserting in lieu thereof the following:
 4 “Section 1. Section 98.6, subsection 1, Code 1981,
 5 is amended by striking the subsection and inserting
 6 in lieu thereof the following:
 7 1. There is imposed and shall be collected and
 8 paid to the department a tax on all cigarettes used
 9 or otherwise disposed of in this state for any purpose
 10 at the rate of nine mills on each cigarette.”
 11 2. Page 1, by striking line 22 and inserting in
 12 lieu thereof the following:
 13 “Sec. 3. Section 98.35, Code 1981, is amended
 14 to read as follows:
 15 98.35 TAX AND FEES PAID TO GENERAL FUND. The
 16 proceeds derived from the sale of stamps and the
 17 payment of taxes, fees and penalties provided for
 18 under this chapter, and the permit fees received from
 19 all permits issued by the department, shall be credited
 20 to the general fund of the state *except that beginning*
 21 *July 1, 1983 an amount equal to two and one-half mills*
 22 *on each cigarette and little cigar taxed shall be*
 23 *credited to the state bond fund established in section*

24 *4 of this Act.* All permit fees provided for in this
 25 chapter and collected by cities in the issuance of
 26 permits granted by the cities shall be paid to the
 27 treasurer of the city wherein the permit is effective,
 28 or to another city officer as designated by the
 29 council, and credited to the general fund of [said]
 30 *the city.* Permit fees [so] collected by counties shall
 31 by paid to the county treasurer and credited to the
 32 general fund of [such] *the county.*

33 Sec. 4. *NEW SECTION.* There is established in
 34 the office of the treasurer of state a "state bond
 35 fund" to which is credited moneys under section 98.35.
 36 The moneys of the state bond fund are appropriated
 37 annually for the purpose of the payment of the
 38 principle and interest on bonds issued by the state.
 39 The state comptroller shall make payments from the
 40 state bond fund as are deemed necessary.

41 Sec. 5."

42 3. Title page, line 2, by striking the words "for
 43 a two-year period" and inserting in lieu thereof the
 44 words " , providing that beginning July 1, 1983 the
 45 amount of the tax rate increase is credited to a
 46 special fund to pay the principle and interest on
 47 state bonds".

48 4. By renumbering and correcting internal
 49 references as necessary.

BERL E. PRIEBE
 JAMES V. GALLAGHER

S-3856

1 Amend Senate File 576 as follows:

2 1. Page 1, by inserting after line 21 the
 3 following:

4 "Sec. ____ . Chapter 551A, Code 1981, is repealed."

5 2. Title page, line 5, by inserting after the
 6 word "tax," the words "repealing the chapter on
 7 cigarette sales,".

8 3. By numbering, renumbering and correcting
 9 internal references as necessary.

EDGAR H. HOLDEN

S-3857

1 Amend House File 875 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 16, by striking lines 4 through 8.

4 2. By renumbering sections to conform to this

5 amendment.

SUE YENGER

S—3858

- 1 Amend Senate File 576 as follows:
- 2 1. Page 1, by striking lines 9 through 21.
- 3 2. Title page, by striking lines 3 and 4.

CALVIN O. HULTMAN

S—3859

- 1 Amend Senate File 576 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "cigarette" the words "which shall not be considered
- 4 as part of the basic cost of cigarettes as defined
- 5 in section 551A.2".

RICHARD COMITO

S—3860

- 1 Amend Senate File 576 as follows:
- 2 1. Page 1, by striking line 22 and inserting in
- 3 lieu thereof the following:
- 4 "Sec. ____ . Section 551A.2, subsection 8, Code
- 5 1981, is amended to read as follows:
- 6 8. 'Basic cost of cigarettes' shall mean whichever
- 7 of the two following amounts is lower, namely, (a)
- 8 the true invoice cost of cigarettes to the wholesaler
- 9 or retailer, as the case may be, or (b) the lowest
- 10 replacement cost of cigarettes to the wholesaler or
- 11 retailer in the quantity last purchased, less, in
- 12 either case, all trade discounts and customary
- 13 discounts for cash, [plus the full face value of any
- 14 stamps which may be required by any cigarette tax
- 15 Act of this state, unless included by the manufacturer
- 16 in his list price] *and less, in either case, the amount*
- 17 *of all cigarette taxes imposed by any federal, state,*
- 18 *or local cigarette tax law.*
- 19 Sec. ____ ."
- 20 2. Title page, line 4, by inserting after the
- 21 word "stamps," the words "providing that cigarette
- 22 taxes are not to be included as part of the basic
- 23 cost of cigarettes for purposes of the Iowa unfair
- 24 cigarette sales Act,".
- 25 3. By numbering, renumbering and correcting

26 internal references as necessary.

RICHARD COMITO
WILLIAM D. PALMER
GARY L. BAUGHER

S-3861

- 1 Amend House File 868 as amended and passed*by
- 2 the House, as follows:
- 3 1. Page 2, by striking lines 26 through 35.
- 4 2. Page 2, by striking line 1.
- 5 3. Page 3, by inserting after line 31 the following
- 6 new section:
- 7 "Sec. ____ . Section 5 is retroactive to January
- 8 1, 1981 for tax years beginning on or after January
- 9 1, 1981."
- 10 4. Page 3, by striking lines 32 through 35.
- 11 5. Page 4, by striking line 1.

BOB CARR

S-3862

- 1 Amend Senate File 576 as follows:
- 2 1. Page 1, by striking lines 1 through 8 and
- 3 inserting in lieu thereof the following:
- 4 "Section 1. Section 98.6, subsection 1, Code 1981,
- 5 is amended by striking the subsection and inserting
- 6 in lieu thereof the following:
- 7 1. There is imposed and shall be collected and
- 8 paid to the department a tax on all cigarettes used
- 9 or otherwise disposed of in this state for any purpose
- 10 at the rate of nine mills on each cigarette."
- 11 2. Page 3, by inserting after line 5 the following:
- 12 "Sec. ____ . It is the intent of the general assembly
- 13 that beginning July 1, 1983 an amount equal to the
- 14 tax raised by two and one-half mills on each cigarette
- 15 and little cigar taxed under chapter 98 be appropriated
- 16 for the purpose of paying for capital expenditures
- 17 incurred by the state board of regents."
- 18 3. By renumbering and correcting internal
- 19 references as necessary.

BERL E. PRIEBE
JAMES V. GALLAGHER

S-3863

- 1 Amend House amendment S-3841 to Senate
- 2 File 531 as amended, passed and reprinted by the

3 Senate as follows:

4 1. Page 1, by striking lines 30 through 32,
5 and inserting in lieu thereof the following: "other-
6 wise protected to prevent the entry of any foreign
7 material, debris or rodents into the tile line." "

C.W. BILL HUTCHINS

HOUSE AMENDMENT TO SENATE FILE 569

S—3864

1 Amend Senate File 569 as amended, passed and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 17 through 19 and
4 inserting in lieu thereof the following:
5 "5. Wayne J. Barnes, DDS 6613-69-25 Attorney
6 Sioux City, Iowa Fees \$5,671.23"
7 2. Page 1, lines 29 and 30, by striking the words
8 and figures "subsections 3 and 5" and inserting in
9 lieu thereof the word and figure "subsection 3".

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 851

S—3865

1 Amend the Senate amendment H—4338, to House File
2 851, as amended, passed and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2 the following:
5 "____. Page 2, by striking line 34 and inserting
6 in lieu thereof the following:
7 'and miscellaneous purposes \$311,247 \$324,440
8 Thirty-two thousand four hundred (32,400) dollars
9 of the funds appropriated under this subsection for
10 each fiscal year of the biennium shall be available
11 to the board of parole only for the purpose of
12 providing salaries and support for two additional
13 members of the board of parole if the two additional
14 members are approved by the general assembly for each
15 fiscal year of the biennium.' "

16 2. Page 1, by striking lines 18 and 19 and
17 inserting in lieu thereof the following:
18 "____. By striking page 10, line 35 through page
19 11, line 5 and inserting in lieu thereof the following:

20 '3. The Iowa department of substance abuse shall
21 prepare an alternative plan to chapter 125 for the
22 administration and regulation of substance abuse
23 programs, which shall include recommendations to:

- 24 a. Make county boards of supervisors responsible
 25 to the Iowa department of substance abuse for the
 26 state funds allocated to the boards and for maintaining
 27 county programs within the guidelines developed by
 28 the Iowa department of substance abuse.' "
- 29 3. By renumbering as necessary.

S—3866

- 1 Amend House File 867 as amended, passed and re-
 2 printed by the House as follows:
- 3 1. Page 1, by inserting before line 1 the following
 4 new section:
- 5 "Section 1. Section 176A.8, subsection 9, Code
 6 1981, is amended to read as follows:
- 7 9. To prepare annually on or before January 31
 8 a budget for the fiscal year beginning July 1 and
 9 ending the following June 30, in accordance with the
 10 provisions of chapter 24 and certify the same to the
 11 board of supervisors of the county of their extension
 12 district as required by law. *The board of supervisors*
 13 *shall review and approve the budget before the levy*
 14 *is made under section 176A.11. If the board objects*
 15 *to the budget, it shall be returned to extension*
 16 *council with the objections noted."*
- 17 2. By renumbering sections and correcting internal
 18 references as are necessary in accordance with this
 19 amendment.

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chairperson

S—3867

- 1 Amend House File 841 as amended, passed and
 2 reprinted by the House as follows:

DIVISION S—3867B

- 3 1. Page 1, line 2, by striking the word "amended"
 4 and inserting in lieu thereof the words "temporarily
 5 amended, commencing on the effective date of this
 6 Act and until July 1, 1983,".
- 7 2. Page 1, by striking lines 18 through 21 and
 8 inserting in lieu thereof the following:
- 9 "Sec. 2. Section 542.1, Code 1981, is temporarily
 10 amended, commencing on the effective date of this
 11 Act and until July 1, 1983, by adding the following
 12 temporary new subsection:
 13 *TEMPORARY NEW SUBSECTION. 'Producer' means the*

14 owner, tenant, or operator of”.

15 3. Page 1, by striking lines 25 through 27 and
16 inserting in lieu thereof the following:

17 “Sec. 3. Section 542.1, Code 1981, is temporarily
18 amended, commencing on the effective date of this
19 Act and until July 1, 1983, by adding the following
20 temporary new subsection:

21 *TEMPORARY NEW SUBSECTION.* ‘Credit-sale contract’
22 means a contract”.

DIVISION S—3867A

23 4. Page 1, line 29, by striking the words “at
24 a date subsequent to” and inserting in lieu thereof
25 the words “more than thirty days after”.

DIVISION S—3867B (cont'd.)

26 5. Page 1, line 33, by striking the word “amended”
27 and inserting in lieu thereof the words “temporarily
28 amended, commencing on the effective date of this
29 Act and until July 1, 1983,”.

30 6. Page 5, line 3, by striking the word “amended”
31 and inserting in lieu thereof the words “temporarily
32 amended, commencing on the effective date of this
33 Act, and until July 1, 1983,”.

34 7. Page 5, line 35, by striking the word “amended”
35 and inserting in lieu thereof the words “temporarily
36 amended, commencing on the effective date of this
37 Act and until July 1, 1983,”.

38 8. Page 6, line 27, by striking the word “amended”
39 and inserting in lieu thereof the words “temporarily
40 amended, commencing on the effective date of this
41 Act and until July 1, 1983,”.

42 9. Page 7, line 18, by striking the word “amended”
43 and inserting in lieu thereof the words “temporarily
44 amended, commencing on the effective date of this
45 Act and until July 1, 1983,”.

46 10. Page 8, line 1, by striking the word “amended”
47 and inserting in lieu thereof the words “temporarily
48 amended, commencing on the effective date of this
49 Act and until July 1, 1983,”.

50 11. Page 9, line 5, by striking the word “amended”

Page 2

DIVISION S—3867B (cont'd.)

1 and inserting in lieu thereof the words “temporarily

2 amended, commencing on the effective date of this
3 Act and until July 1, 1983.”

4 12. Page 10, line 11, by striking the word
5 “amended” and inserting in lieu thereof the words
6 “temporarily amended, commencing on the effective
7 date of this Act and until July 1, 1983.”

8 13. Page 11, by striking lines 8 through 10 and
9 inserting in lieu thereof the following:

10 “Sec. 12. Chapter 542, Code 1981, is temporarily
11 amended, commencing on the effective date of this
12 Act and until July 1, 1983, by adding the following
13 temporary new section:

14 *TEMPORARY NEW SECTION. CREDIT-SALE CONTRACTS.”*

15 14. Page 12, by striking lines 21 through 23 and
16 inserting in lieu thereof the following:

17 “Sec. 13. Chapter 542, Code 1981, is temporarily
18 amended, commencing on the effective date of this
19 Act and until July 1, 1983, by adding the following
20 temporary new section:

21 *TEMPORARY NEW SECTION. CONFIDENTIALITY OF RECORDS.*
22 *Notwithstanding”.*

23 15. Page 13, by striking lines 2 through 4 and
24 inserting in lieu thereof the following:

25 “Sec. 14. Chapter 542, Code 1981, is temporarily
26 amended, commencing on the effective date of this
27 Act and until July 1, 1983, by adding the following
28 temporary new section:

29 *TEMPORARY NEW SECTION. STANDARDIZATION OF RECORDS*
30 *AND DOCUMENTS.”*

31 16. Page 13, by striking lines 17 through 19 and
32 inserting in lieu thereof the following:

33 “Sec. 15. Chapter 542, Code 1981, is temporarily
34 amended, commencing on the effective date of this
35 Act and until July 1, 1983, by adding the following
36 temporary new section:

DIVISION S—3867C

37 *TEMPORARY NEW SECTION. BONDED GRAIN SELLERS.”*

DIVISION S—3867A (cont'd.)

38 17. Page 13, line 20, by striking the word “person”
39 and inserting in lieu thereof the word “producer”.

40 18. Page 14, by inserting after line 4 the
41 following:

42 “____. A producer who is licensed under this section
43 shall not sell any grain except grain that is owned
44 by the producer and that is produced on land owned,

45 leased or operated by the producer, including land
46 located outside of this state. Violation of this
47 subsection is grounds for revocation of the license,
48 and the violator shall be disqualified from relicensure
49 under this section for a period of one year after
50 the date the revocation is effective.”

Page 3

DIVISION S—3867B (cont'd.)

1 19. Page 14, by striking lines 7 through 9 and
2 inserting in lieu thereof the following:
3 “Sec. 16. Chapter 542, Code 1981, is temporarily
4 amended, commencing on the effective date of this
5 Act and until July 1, 1983, by adding the following
6 temporary new section:
7 *TEMPORARY NEW SECTION. COOPERATIVE AGREEMENTS.*”
8 20. Page 14, by striking lines 32 through 34 and
9 inserting in lieu thereof the following:
10 “Sec. 17. Chapter 542, Code 1981, is temporarily
11 amended, commencing on the effective date of this
12 Act and until July 1, 1983 by adding the following
13 temporary new section:
14 *TEMPORARY NEW SECTION. SHRINKAGE ADJUSTMENTS—*
15 *DISCLOSURE—PENALTIES.*”
16 21. Page 15, by striking lines 33 through 35 and
17 inserting in lieu thereof the following:
18 “Sec. 18. Section 543.1, Code 1981, is temporarily
19 amended, commencing on the effective date of this
20 Act and until July 1, 1983, by adding the following
21 temporary new subsection:
22 *TEMPORARY NEW SUBSECTION. ‘Credit-sale contract’*
23 *means a contract”.*

DIVISION S—3867A (cont'd.)

24 22. Page 16, line 2, by striking the words “at
25 a date subsequent to” and inserting in lieu thereof
26 the words “more than thirty days after”.

DIVISION S—3867B (cont'd.)

27 23. Page 16, line 6, by striking the word “amended”
28 and inserting in lieu thereof the words “temporarily
29 amended, commencing on the effective date of this
30 Act and until July 1, 1983.”
31 24. Page 17, by striking lines 25 through 27 and
32 inserting in lieu thereof the following:

- 33 "Sec. 20. Section 543.5, Code 1981, is temporarily
34 amended, commencing on the effective date of this
35 Act and until July 1, 1983, by adding the following
36 temporary new unnumbered paragraph:
37 *TEMPORARY NEW UNNUMBERED PARAGRAPH.* The commission
38 may adopt rules".
- 39 25. Page 18, line 5, by striking the word "amended"
40 and inserting in lieu thereof the words "temporarily
41 amended, commencing on the effective date of this
42 Act and until July 1, 1983,".
- 43 26. Page 20, line 25, by striking the word
44 "amended" and inserting in lieu thereof the words
45 "temporarily amended, commencing on the effective
46 date of this Act and until July 1, 1983,".
- 47 27. Page 21, line 15, by striking the word
48 "amended" and inserting in lieu thereof the words
49 "temporarily amended, commencing on the effective
50 date of this Act and until July 1, 1983,".

Page 4

DIVISION S—3867B (cont'd.)

- 1 28. Page 22, line 13, by striking the word
2 "amended" and inserting in lieu thereof the words
3 "temporarily amended, commencing on the effective
4 date of this Act and until July 1, 1983,".
- 5 29. Page 24, by striking lines 29 through 31 and
6 inserting in lieu thereof the following:
7 "Sec. 25. Section 543.18, Code 1981, is temporarily
8 amended, commencing on the effective date of this
9 Act and until July 1, 1983, by adding the following
10 temporary new unnumbered paragraph:
11 *TEMPORARY NEW UNNUMBERED PARAGRAPH.* The original
12 copy of every ware-".
- 13 30. By striking page 24, line 34 through page
14 25, line 1, and inserting in lieu thereof the
15 following:
16 "Sec. 26. Chapter 543, Code 1981, is temporarily
17 amended, commencing on the effective date of this
18 Act and until July 1, 1983, by adding the following
19 temporary new section:
20 *TEMPORARY NEW SECTION. FEES.* The commission shall
21 charge the following".
- 22 31. Page 25, by inserting after line 35 the
23 following:
24 "This section supersedes section 543.33 commencing
25 on the effective date of this Act and until July 1,
26 1983."

27 32. Page 26, line 1, by striking the word "amended"
28 and inserting in lieu thereof the words "temporarily
29 amended, commencing on the effective date of this
30 Act and until July 1, 1983,".

31 33. Page 26, line 30, by striking the word
32 "amended" and inserting in lieu thereof the words
33 "temporarily amended, commencing on the effective
34 date of this Act and until July 1, 1983,".

35 34. Page 27, by striking lines 11 through 13 and
36 inserting in lieu thereof the following:

37 "Sec. 29. Chapter 543, Code 1981, is temporarily
38 amended, commencing on the effective date of this
39 Act and until July 1, 1983, by adding the following
40 temporary new section:

41 *TEMPORARY NEW SECTION. WAREHOUSEMAN'S OBLIGATION.*
42 A warehouseman".

43 35. Page 27, by striking lines 19 through 21 and
44 inserting in lieu thereof the following:

45 "Sec. 30. Chapter 543, Code 1981, is temporarily
46 amended, commencing on the effective date of this
47 Act and until July 1, 1983, by adding the following
48 temporary new section:

49 *TEMPORARY NEW SECTION. CONFIDENTIALITY OF RECORDS.*
50 Notwithstanding".

Page 5

DIVISION S—3867B (cont'd.)

1 36. By striking page 27, line 35 through page
2 28, line 2 and inserting in lieu thereof the following:

3 "Sec. 31. Chapter 543, Code 1981, is temporarily
4 amended, commencing on the effective date of this
5 Act and until July 1, 1983, by adding the following
6 temporary new section:

7 *TEMPORARY NEW SECTION. SHRINKAGE ADJUSTMENS—*
8 *DISCLOSURES—PENALTIES."*

9 37. Page 28, by inserting after line 35 the
10 following:

11 "Sec. ____ . It is the intent of the general assembly
12 in enacting this Act that all of the provisions of
13 this Act shall have temporary effect only, and that
14 the laws of this state as they existed prior to amend-
15 ment by the provisions of this Act shall be the laws
16 of this state on and after July 1, 1983."

DIVISION S—3867A (cont'd.)

17 38. By renumbering sections and subsections as
18 necessary.

DIVISION S—3867B (cont'd.)

- 19 39. Amend the title, line 2, by inserting after
 20 the word "penalties" the words ", to be of temporary
 21 effect until July 1, 1983".

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chairperson

S—3868

- 1 Amend House File 853 as passed by the House as
 2 follows:
 3 1. Page 1, line 32, by inserting after the word
 4 "one" the words "and one one-hundredths".
 5 2. Page 2, line 15, by inserting after the word
 6 "one" the words "and one one-hundredths".

COMMITTEE ON WAYS AND MEANS
 ROLF V. CRAFT, Chairperson

S—3869

- 1 Amend the Senate amendment H—4339, to House File
 2 850, as amended, passed and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 18, by striking the word "section"
 5 and inserting in lieu thereof the word "sections".
 6 2. Page 1, by striking lines 31 through 39 and
 7 inserting in lieu thereof the following:
 8 "a. Criminal justice
 9 planning, jail standards
 10 development, jail training,
 11 and technical assistance \$ 234,000 \$260,000
 12 b. Juvenile justice
 13 planning \$ 37,840 \$ 48,935".
 14 3. Page 1, by striking lines 38 and 39.
 15 4. Page 2, by inserting after line 2 the following
 16 new section:
 17 "Sec. ____ . There is appropriated from the general
 18 fund of the state to the office for planning and
 19 programming for each fiscal year of the fiscal biennium
 20 beginning July 1, 1981 and ending June 30, 1983, the
 21 following amounts, or so much thereof as is necessary,
 22 to be used for the purposes designated:
- | | 1981-1982 | 1982-1983 |
|--|--------------------|--------------------|
| | <i>Fiscal Year</i> | <i>Fiscal Year</i> |
- 23
 24
 25 OFFICE FOR PLAN-
 26 NING AND PROGRAMMING
 27 Statistical Analy-

- 28 sis center \$ 98,350 \$103,710"
 29 5. Page 2, by striking lines 39 through page 3,
 30 line 21.
 31 6. Page 4, by striking line 2 through page 5,
 32 line 5.
 33 7. By renumbering as may be necessary to conform
 34 with this amendment.
 35 8. Page 5, by inserting after line 10 the
 36 following:
 37 "____. Title page, line 3, by striking the words
 38 'and public defense' and inserting in lieu thereof
 39 the words 'public defense, and to the office for
 40 planning and programming for the statistical analysis
 41 center'."

HOUSE AMENDMENT TO SENATE FILE 571

S-3870

- 1 Amend Senate File 571 as amended, passed and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 19, by inserting after the word
 4 "of" the words and figure "section 1 of".
 5 2. By striking page 2, line 30 through page 3,
 6 line 6 and inserting in lieu thereof the following:
 7 "Sec. 4. Acts of the Sixty-ninth General Assembly,
 8 1981 Session, Senate File 130, section 704, subsection
 9 1, paragraph a, is amended to read as follows:
 10 a. For filing a petition, appeal, or writ of error
 11 and docketing them, [eight] *twenty-five* dollars. Four
 12 dollars of the fee shall remain in the county treasury
 13 for the use of the county and [four] *twenty-one* dollars
 14 of the fee shall be paid into the state treasury [and
 15 deposited in the general fund of the state]. *One*
 16 *dollar shall be deposited in the judicial retirement*
 17 *fund created in section 605A.4 to be used to pay*
 18 *retirement benefits of the judicial retirement system.*
 19 *The remainder of the fee shall be deposited in the*
 20 *general fund of the state.* In counties having a
 21 population of one hundred thousand or over, an
 22 additional one dollar shall be charged and collected,
 23 to be known as the journal publication fee and used
 24 for the purposes provided for in section 618.13."
 25 3. Page 3, lines 15 and 16, by striking the words
 26 "one hundred fifty thousand" and inserting in lieu
 27 thereof the words "one hundred twelve thousand five
 28 hundred".
 29 4. Page 3, line 20, by striking the word "eight"
 30 and inserting in lieu thereof the word "six".

- 31 5. Page 3, by inserting after line 34 the
 32 following:
 33 "Sec. 7. Sections 1, 3 and 6 of this Act take
 34 effect October 1, 1981. All other provisions of this
 35 Act take effect as provided by law."

S—3871

- 1 Amend House amendment S—3839 to Senate File
 2 514 as amended, passed and reprinted by the Senate
 3 as follows:
 4 1. Page 2, by striking lines 4 through 9.

BOB CARR

S—3872

- 1 Amend House amendment S—3839 to Senate
 2 File 514 as amended, passed and reprinted by the
 3 Senate as follows:
 4 1. Page 2, by striking lines 10 through 33.

BOB RUSH

S—3873

- 1 Amend House File 841 as amended, passed and re-
 2 printed by the House as follows:
 3 1. Page 11, by inserting after line 7 the
 4 following:
 5 "Sec. ____ . Chapter 542, Code 1981, is amended
 6 by adding the following new section:
 7 **NEW SECTION. TRUST ESTABLISHED.**
 8 1. All grain purchased by a grain dealer in cash
 9 sales, and all inventories of and receivables or
 10 proceeds from grain and grain products derived from
 11 grain purchased in cash sales shall be held by the
 12 grain dealer in trust for the benefit of unpaid cash
 13 sellers of the grain until full payment has been made
 14 to these unpaid cash sellers.
 15 2. A cash seller shall lose the benefit of the
 16 trust established under subsection 1 unless the cash
 17 seller preserves the trust by giving written notice
 18 to the grain dealer and to the commerce commission
 19 as follows:
 20 a. If an instrument purporting to constitute
 21 payment is received by the unpaid cash seller, notice
 22 shall be given within fifteen days after receipt by
 23 the cash seller of notice of dishonor or nonpayment
 24 of the instrument.

25 b. If an instrument purporting to constitute
 26 payment has not been received by the unpaid cash
 27 seller, notice shall be given within thirty days after
 28 the last date for making payment, as provided in
 29 section 542.8.

30 3. A notice is sufficient for purposes of
 31 subsection 2 if it states the name of the unpaid cash
 32 seller, the fact that payment has not been made, the
 33 date of sale of the grain, and the amount owed by
 34 the grain dealer.

35 4. For purposes of this section, a cash sale is
 36 a sale in which the seller does not expressly extend
 37 credit to the grain dealer. Acceptance of a check
 38 or other instrument that is post-dated ten days or
 39 less after the date of sale is not an extension of
 40 credit for purposes of this section."

RAY TAYLOR

S—3874

1 Amend House File 841 as amended, passed and re-
 2 printed by the House as follows:

3 1. Page 22, by inserting after line 12 the
 4 following:

5 "Sec. ____ . Section 543.12, Code 1981, is amended
 6 by adding the following new unnumbered paragraph:
 7 *NEW UNNUMBERED PARAGRAPH.* The bond required under
 8 this section shall not apply to a breach of any
 9 obligation that arises with respect to grain that
 10 is owned wholly or in part by the warehouseman
 11 submitting the bond or by another warehouseman, whether
 12 or not licensed under this chapter, and section 543.14
 13 does not authorize a claim against the bond by any
 14 person whose injury arises out of an interest in or
 15 a claim against grain that is owned wholly or in part
 16 by the warehouseman submitting the bond or by another
 17 warehouseman. A warehouseman may acquire a separate
 18 bond to cover obligations with respect to grain owned
 19 by the warehouseman or by another warehouseman, but
 20 this chapter does not apply to a bond so acquired."

21 2. By renumbering sections of the bill.

RAY TAYLOR

S—3875

1 Amend House File 842 as amended, passed and
 2 reprinted by the House as follows:

3 1. Page 1, by inserting after line 28, the

4 following:
 5 "Sec. ____ . Chapter 181, Code 1981, is amended
 6 by adding the following new section:
 7 *NEW SECTION.* Records, kept by the executive
 8 committee, of refunds given pursuant to the provisions
 9 of section 181.12, shall be public records as defined
 10 in section 68A.1, and shall be subject to the provisions
 11 of chapter 68A."

BERL E. PRIEBE

S—3876

1 Amend House amendment S—3870 to Senate
 2 File 571 as amended, passed and reprinted by the
 3 Senate as follows:
 4 1. Page 1, line 33, by striking the word and
 5 figures "3 and 6" and inserting in lieu thereof the
 6 word and figures "3, 4, and 6".

BOB RUSH

HOUSE AMENDMENT TO SENATE FILE 572

S—3877

1 Amend Senate File 572 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 5, lines 27 and 28, by striking the words
 4 and figures "section 444.12, subsection 3, paragraph
 5 b" and inserting in lieu thereof the words and figures
 6 "Acts of the Sixty-ninth General Assembly, 1981
 7 Session, Senate File 130, section 424, subsection
 8 13, paragraph b, subparagraph 2".
 9 2. Page 9, by striking lines 31 and 32 and
 10 inserting in lieu thereof the words and figures "the
 11 purposes authorized by Acts of the Sixty-eighth General
 12 Assembly, 1981 Session, Senate File 130, section 424,
 13 subsection 13, paragraph a, subparagraphs (1), (2),
 14 and (3), and paragraphs b, c, d, and g."
 15 3. Page 11, lines 7 and 8 by striking the words
 16 and figures "section 444.12 as the section" and
 17 inserting in lieu thereof the words and figures "Acts
 18 of the Sixty-ninth General Assembly, 1981 Session,
 19 Senate File 130, section 424, subsection 13 as the
 20 subsection".
 21 4. Page 11, by striking lines 19 and 20 and
 22 inserting in lieu thereof the words and figures "Acts
 23 of the Sixty-ninth General Assembly, 1981 Session,
 24 Senate File 130, section 424, subsection 13, paragraph

25 a, subparagraphs (1), (2), and (3), and paragraphs
26 b, c, d, and g, exclusive of state money received".
27 5. Page 13, by striking lines 9 through 11 and
28 inserting in lieu thereof the words and figures "amount
29 by which expenditures by the county under Acts of
30 the Sixty-ninth General Assembly, 1981 Session, Senate
31 File 130, section 424, subsection 13, paragraph a,
32 subparagraphs (1), (2), and (3), and paragraphs b,
33 c, d, and g during the fiscal year ending the
34 preceding".

35 6. Page 14, line 12, by striking the words and
36 figures "section 444.12, subsection 6" and inserting
37 in lieu thereof the words and figures "Acts of the
38 Sixty-ninth General Assembly, 1981 Session, Senate
39 File 130, section 424, subsection 13, paragraphs d
40 and g".

41 7. Page 31, by striking lines 3 through 21.

42 8. By striking page 31, line 29 through page 32,
43 line 23, and inserting in lieu thereof the following:
44 "Sec. ____ . Section 230A.1, Code 1981, as amended
45 by Acts of the Sixty-ninth General Assembly, 1981
46 Session, Senate File 130, section 1029, is amended
47 to read as follows:

48 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY
49 MENTAL HEALTH CENTERS. A county or affiliated counties
50 [having a total or combined population of thirty five

Page 2

1 thousand or more], by action of the board or boards
2 of supervisors, with approval of the [Iowa] *director*
3 *of the division of mental health [authority], mental*
4 *retardation, and developmental disabilities, may*
5 establish a community mental health center under this
6 chapter to serve the county or counties. In
7 establishing the community mental health center, the
8 board of supervisors of each county involved may make
9 a single nonrecurring expenditure from the county
10 fund specified in section 424, subsection 13 of [this
11 Act] *Acts of the Sixty-ninth General Assembly, 1981*
12 *Session, Senate File 130, in an amount [not exceeding*
13 *two hundred fifty dollars per thousand population*
14 *or major fraction thereof in the county, but an*
15 *expenditure shall not be made under this section by*
16 *any county which has prior to July 1, 1974, expanded*
17 *funds to assist in establishment of a community mental*
18 *health center under section 230.24, third paragraph,*
19 *Code 1966 or Code 1971, or section 230.24, second*
20 *paragraph, Code 1973] determined by the board. This*

21 section does not limit the authority of the board
 22 or boards of supervisors of any county or group of
 23 counties[, which prior to July 1, 1974, established
 24 or jointed in establishing a community mental health
 25 center in a manner consistent with the requirements
 26 of section 230A.3.] to continue to expend money from
 27 the county [funds] *fund specified in this section* to
 28 support operation of the center, and to form agreements
 29 with the board of supervisors of any additional county
 30 for that county to join in supporting and receiving
 31 services from or through the center."

32 9. By striking page 35, line 26, through page
 33 36, line 6, and inserting in lieu thereof the
 34 following:

35 "Sec. ____ . Section 234.36, Code 1981, as amended
 36 by Acts of the Sixty-ninth General Assembly, 1981
 37 Session, Senate File 130, section 1033, is amended
 38 to read as follows:

39 **234.36 WHEN COUNTY TO PAY FOSTER CARE COSTS.**

40 Each county shall pay from the county fund specified
 41 in section 424, subsection 13, *paragraph e* of [this
 42 Act] *Acts of the Sixty-ninth General Assembly, 1981*
 43 *Session, Senate File 130*, the cost of foster care
 44 for a child placed by a court as provided in section
 45 232.50 or section 232.99. However, in any fiscal
 46 year for which the general assembly appropriates state
 47 funds to pay for foster care for children placed by
 48 courts under [those] sections *232.50 and 232.99*, the
 49 county is responsible for these costs only when the
 50 funds so appropriated to the department for that

Page 3

1 fiscal year have been exhausted. The rate of payment
 2 by the county or the state under this section shall
 3 be that fixed by the department of social services
 4 pursuant to section 234.38."

5 10. By striking page 36, line 27 through page
 6 40, line 19, and inserting in lieu thereof the
 7 following:

8 "Sec. ____ . Acts of the Sixty-ninth General
 9 Assembly, 1981 Session, Senate File 130, section 424,
 10 subsection 13, is amended to read as follows:

11 13. A county mental health and institutions fund.
 12 [Amounts received from the state mental aid fund shall
 13 be credited to the county mental health and
 14 institutions fund.] The board shall make appropriations
 15 from the county mental health and institutions fund
 16 for all of the following and for no other purposes:

17 a. Charges which the county is obligated by statute
18 to pay for:

19 (1) Care and treatment of patients by a state
20 mental health institute.

21 (2) Care and treatment of patients by either of
22 the state hospital-schools or by any other facility
23 established under chapter 222.

24 (3) Care and treatment of patients [by the
25 psychiatric hospital at Iowa City] *under chapter 225.*

26 (4) Care and treatment of persons at the alcoholic
27 treatment center at Oakdale or facilities as provided
28 in chapter 125. However, *the county may require that*
29 *an admission to a center or other facility shall be*
30 *reported to the board within five days by the center*
31 *or facility offering treatment as a condition of the*
32 *payment of county funds for that admission.*

33 (5) Care of children admitted or committed to
34 the Iowa juvenile home at Toledo.

35 (6) Clothing, transportation, and medical or other
36 services provided persons attending the Iowa braille
37 and sight-saving school, the Iowa school for the deaf,
38 or the state hospital-school for severely handicapped
39 children at Iowa City, for which the county becomes
40 obligated to pay pursuant to sections 263.12, 269.2,
41 and 270.5 through 270.7.

42 b. Any portion which the board deems advisable
43 of the cost of [pschiatric examination and treatment
44 of persons in need thereof or of] professional
45 evaluation, treatment, training, habilitation, and
46 care of persons who are mentally retarded, autistic
47 [children] *persons*, or persons who are afflicted by
48 any other developmental disability, at a suitable
49 public or private facility providing inpatient or
50 outpatient care in the county. As used in this

Page 4

1 subsection:

2 (1) 'Developmental disability' has the meaning
3 assigned that term by 42 U.S.C. sec. 6001(7) (1976,
4 *Supp. II, 1978, and Supp. III, 1979).*

5 (2) 'Autistic [children] *persons*' means persons,
6 regardless of age, with severe communication and
7 behavior disorders that became manifest during the
8 early stages of childhood development and that are
9 characterized by a severely disabling inability to
10 understand, communicate, learn, and participate in
11 social relationships. 'Autistic [children] *persons*'
12 includes but is not limited to those persons afflicted

13 by infantile autism, profound aphasia, and childhood
14 psychosis.

15 [The board may require a public or private facility
16 as a condition of payment from county funds to furnish
17 the board with a statement of the income and assets,
18 and the township or city and county of legal residence,
19 of each person receiving services under this section.
20 However, the facility shall not disclose to anyone
21 the name or address of a person receiving services
22 for which commitment is not required, without the
23 permission of that person.]

24 c. The cost of care and treatment of persons
25 placed in the county hospital, county care facility,
26 a health care facility as defined in section 135C.1,
27 subsection 4, or any other public or private facility:

28 (1) In lieu of admission or commitment to a state
29 mental health institute, hospital-school, or other
30 facility established pursuant to chapter 222.

31 (2) Upon discharge, removal, or transfer from
32 a state mental health institute or state hospital-
33 school or other institution established pursuant to
34 chapter 222.

35 d. [A contribution which the board makes to the]
36 *Amounts budgeted by the board for the costs of*
37 establishment and initial operation of a community
38 mental health center in the manner and subject to
39 the limitations provided by state law.

40 e. Foster care and related services provided under
41 court order to a child who is under the jurisdiction
42 of the juvenile court.

43 f. Expenses required to be paid by the county
44 for the care, admission, commitment, and transportation
45 of mentally ill patients in state hospitals.

46 [Parents or other persons may voluntarily reimburse
47 the county or state for the reasonable cost of caring
48 for an individual patient in a county or state
49 facility.]

50 *g. Amounts budgeted by the board for mental health*

Page 5

1 *services or mental retardation services furnished*
2 *to persons on either an outpatient or inpatient basis,*
3 *to a school or other public agency, or to the community*
4 *at large, by a community mental health center or other*
5 *suitable facility located in or reasonably near the*
6 *county, provided that services paid for with the fund*
7 *shall meet the standards of the mental health and*
8 *mental retardation commission and be consistent with*

9 *the annual plan for services approved by the board.*
10 *The board, at the time of levying other taxes,*
11 *shall estimate the amount necessary to meet the*
12 *expenses authorized by this section which it is*
13 *anticipated that the county will incur in the coming*
14 *year, and levy a tax sufficient to raise the amount*
15 *needed. The tax shall be computed and spread as a*
16 *single levy, but the board of supervisors shall*
17 *determine and enter of record the respective separate*
18 *amounts budgeted for payment from county tax revenues*
19 *under paragraphs a through g. The proceeds of the*
20 *tax shall be credited to the county mental health*
21 *and institutions fund, and used only for the purposes*
22 *prescribed by this section. If a county fails to*
23 *levy a tax sufficient to meet the expenses which the*
24 *county is required to pay, or which the board chooses*
25 *to pay, from the county mental health and institutions*
26 *fund, the deficiency shall be met by transfer of funds*
27 *from the county general fund to the county mental*
28 *health and institutions fund.*
29 *The board of supervisors may require a public or*
30 *private facility, as a condition of receiving payment*
31 *from county funds for services it has provided, to*
32 *furnish the board with a statement of the income,*
33 *assets, and township or city and county of legal*
34 *residence of each person who has received services*
35 *from that facility for which payment has been made*
36 *from county funds under this section. However, the*
37 *facility shall not disclose to anyone the name or*
38 *street or route address of any person receiving*
39 *services for which commitment is not required, without*
40 *first obtaining that person's written permission.*
41 *Parents or other persons may voluntarily reimburse*
42 *the county or state for the reasonable cost of caring*
43 *for a patient or an inmate in a county or state*
44 *facility."*
45 11. By renumbering sections and correcting
46 references as needed.

S—3878

- 1 Amend Senate File 577 as follows:
- 2 1. Page 1, line 4, by inserting after the period
- 3 the following: "*There shall be eight appointive*
- 4 *members of the state judicial nominating commission."*
- 5 2. Page 1, line 13, by inserting after the period
- 6 the following: "*There shall be eight elective members*
- 7 *of the state judicial nominating commission."*
- 8 3. Page 2, by striking line 26 and inserting in

9 lieu thereof the following: "this Act in accordance
 10 with chapter 46, provided that if on the effective
 11 date of this Act there are two judicial districts
 12 from which appointments would be required under section
 13 46.1, the governor shall determine by lot the judicial
 14 district from which an appointment shall be made to
 15 fill the appointive vacancy created by this Act, and
 16 provided that if on the effective date of this Act
 17 there are two judicial districts in which elections
 18 would be required under section 46.2, the chief justice
 19 shall determine by lot the judicial district in which
 20 an election shall be held to fill the elective vacancy
 21 created by this Act.
 22 A person shall not".

BOB RUSH
 CALVIN O. HULTMAN
 LOWELL L. JUNKINS

S—3879

1 Amend House File 868 as amended, passed and
 2 reprinted by the House as follows:
 3 1. Page 2, by striking line 26 through page 3,
 4 line 1.
 5 2. Page 3, by striking line 29, and inserting in
 6 lieu thereof the following: "increased federal taxable
 7 income and add the federal windfall profits tax deducted
 8 for the tax year under the provisions of section 164 of
 9 the Internal Revenue Code of 1954 to the extent that the
 10 deduction decreased federal taxable income."
 11 3. Page 3, by striking line 35 through page 4, line 1,
 12 and inserting in lieu thereof the following:
 13 "Sec. ____ . Section 5 is retroactive to January 1, 1981
 14 for tax years beginning on or after January 1, 1981."

ARTHUR A. SMALL, JR.

HOUSE AMENDMENT TO SENATE FILE 555

S—3880

1 Amend Senate File 555 as amended, passed and
 2 reprinted by the Senate as follows:
 3 1. Page 2, by inserting after line 29 the
 4 following:
 5 "Sec. ____ . Section 450.10, Code 1981, is amended
 6 by adding the following new subsection:
 7 *NEW SUBSECTION.* There shall be deducted from the
 8 tax computed under subsection 1 on property, interest

9 in property, or income passing to the surviving spouse
10 a credit equal to the following:

11 a. From estates of persons dying on or after
12 January 1, 1986 but before January 1, 1987, one-third
13 of the computed tax.

14 b. From estates of persons dying on or after
15 January 1, 1987 but before January 1, 1988, two-thirds
16 of the computed tax.

17 c. From estates of persons dying on or after
18 January 1, 1988, all of the computed tax."

19 2. Page 3, by inserting after line 3 the follow-
20 ing:

21 "Sec. ____ . Section 450.37, Code 1981, is amended
22 to read as follows:

23 450.37 MARKET VALUE. The appraised value of the
24 property shall in all cases be its market value in
25 the ordinary course of trade, *unless an election has*
26 *been made to value it as provided in sections 18*
27 *through 24 of this Act, and in domestic estates the*
28 *tax shall be calculated [thereon] on the appraised value*
29 *after deducting the debts as defined [herein] in this*
30 *chapter."*

31 5. Page 5, by inserting after line 17 the
32 following:

33 "Sec. 18. *NEW SECTION.* As used in sections 18
34 through 24 of this Act, unless the context otherwise
35 requires:

36 1. 'Internal Revenue Code of 1954' means the same
37 as defined in section 422.4.

38 2. 'Taxpayer' means a qualified heir liable for
39 the inheritance tax imposed under chapter 450 on
40 qualified real property.

41 3. 'Qualified real property', 'qualified use'
42 'cessation of qualified use', and 'qualified heir'
43 mean the same as defined in section 2032A of the
44 Internal Revenue Code of 1954.

45 Sec. 19. *NEW SECTION.* Notwithstanding section
46 450.37, the value of qualified real property for the
47 purpose of the tax imposed under chapter 450 may,
48 at the election of the taxpayer, be its value for
49 the use under which it qualifies as prescribed by
50 section 2032A of the Internal Revenue Code of 1954.

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1 A taxpayer may make an election under this section
2 only if all of the following conditions are met:

3 1. An election for federal estate tax purposes
4 was made with regard to the qualified real property

5 under section 2032A of the Internal Revenue Code of
6 1954.

7 2. All persons who signed the agreement referred
8 to in section 2032A(d) (2) of the Internal Revenue
9 Code of 1954 make the election under this section
10 and sign an agreement with the department of revenue
11 consenting to the application of section 20 of this
12 Act with respect to the qualified real property.

13 3. The total decrease in the value of the qualified
14 real property as a result of the election under this
15 section does not exceed the dollar limitation specified
16 in section 2032A(a) (2) of the Internal Revenue Code
17 of 1954.

18 The election under this section shall be made by
19 the taxpayer in the manner as the director of revenue
20 may prescribe by rule. The value for the qualified
21 use under this section shall be the value as determined
22 and accepted for federal estate tax purposes.

23 The definitions and special rules specified in
24 section 2032A(e) of the Internal Revenue Code of 1954
25 shall apply with respect to qualified real property
26 for which an election was made under this section
27 except that rules shall be prescribed by the director
28 of revenue in lieu of the regulations promulgated
29 by the secretary of treasury.

30 The director shall prescribe regulations setting
31 fourth the application of sections 18 through 24 of
32 this Act in the case of an interest in a partnership,
33 corporation, or trust which, with respect to the
34 decedent, is an interest in a closely held business
35 within the meaning of section 6166(b) (1) of the
36 Internal Revenue Code of 1954. Such regulations shall
37 conform as nearly as possible with the regulations
38 promulgated by the United States secretary of treasury
39 in respect to such interests.

40 Sec. 20. *NEW SECTION.* There is imposed upon the
41 qualified heir an additional inheritance tax if,
42 within fifteen years after the decedent's death and
43 before the death of the qualified heir, the qualified
44 heir disposes of, other than to a member of the family,
45 any interest in qualified real property for which
46 an election under section 19 of this Act was made
47 or ceases to use for the qualified use the qualified
48 real property for which an election under section
49 19 of this Act was made as prescribed in section
50 2032A(c) of the Internal Revenue Code of 1954. The

Page 3

1 additional inheritance tax shall be the amount computed

2 under sections 21 and 22 of this Act and shall be
3 due six months after the date of the disposition or
4 cessation of qualified use referred to in this section.
5 The amount of the additional inheritance tax shall
6 accrue interest at the rate of four percent per year
7 from nine months after the decedent's death to the
8 due date of the tax. The tax shall be paid to the
9 department of revenue and shall be deposited into
10 the general fund of the state. Taxes not paid within
11 the time prescribed in this section shall draw interest
12 at the rate of eight percent per annum until paid.

13 *Sec. 21. NEW SECTION.* If the date of the
14 disposition or cessation of qualified use referred
15 to in section 20 of this Act is more than one hundred
16 twenty months but less than one hundred eighty months
17 after the date of the decedent's death, the amount
18 of the additional inheritance tax as computed under
19 section 22 of this Act shall be reduced, but not below
20 zero, one-sixtieth for each full month the date of
21 the disposition or cessation exceeds one hundred
22 twenty months after the decedent's death. There shall
23 not be an additional inheritance tax if the disposition
24 or cessation occurs one hundred eighty months or more
25 after the decedent's death.

26 *Sec. 22. NEW SECTION.* The amount of the additional
27 inheritance tax imposed by section 20 of this Act
28 is the excess of what the tax imposed by chapter 450
29 would have been had the election to use the qualified
30 use valuation under section 19 of this Act not been
31 made over the tax paid on the real estate based on
32 qualified use valuation. However, if all of the real
33 estate valued under section 19 of this Act is not
34 disposed of or does not cease to be used for the
35 qualified use, the amount of the additional inheritance
36 tax is the amount computed by applying the ratio that
37 the real estate subject to the qualified use valuation
38 which has been disposed of or which the qualified
39 use ceases bears to all the real estate subject to
40 the qualified use valuation passing to the taxpayer
41 to the excess of the tax which would have been imposed
42 by chapter 450 had the election under section 19 of
43 this Act not been made over the tax paid on the real
44 estate based on qualified use valuation. However,
45 the additional inheritance tax shall not be computed
46 on a value greater than the fair market value of the
47 qualified real estate at the time the disposition
48 or cessation of the qualified use occurs.

49 *Sec. 23. NEW SECTION.* A lien is created in favor
50 of the state for the additional inheritance tax which

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1 may be imposed by section 20 of this Act on the
2 qualified real property for which an election has
3 been made under section 19 of this Act. The lien
4 created by this section shall continue until the tax
5 has been paid or ten years after the tax is due,
6 whichever date occurs first. However, the lien shall
7 expire fifteen years after the decedent's death if
8 the qualified heir has not disposed of or ceased to
9 use for the qualified use the qualified real property
10 which would impose the tax under section 20 of this
11 Act. The department of revenue may release the lien
12 prior to the payment of the tax due, if any, if
13 adequate security for payment of the tax is given.

14 Unless the lien has been perfected by recording
15 in the office of the recorder in the county where
16 the estate is probated, a transfer of the qualified
17 real property to a bona fide purchaser for value shall
18 divest the property of the lien. If the lien is
19 perfected by recording, the rights of the state under
20 the lien have priority over all subsequent mortgagees,
21 purchasers or judgment creditors. The lien may be
22 foreclosed by the director of revenue in the same
23 manner as is now prescribed for the foreclosure of
24 real estate mortgages and upon judgment, execution
25 shall be issued to sell as much of the property
26 necessary to satisfy the tax, interest and costs due.

27 Sec. 24. *NEW SECTION.* All the provisions of
28 chapter 450 of the Code with respect to the payment,
29 collection and administration of the inheritance tax
30 imposed under that chapter are applicable to the
31 provisions of sections 18 through 24 of this Act to
32 the extent consistent. The director of revenue shall
33 adopt and promulgate all rules necessary for the
34 enforcement and administration of sections 18 through
35 24 of this Act."

36 4. Page 5, line 22, by striking the word and
37 number "and 9" and inserting in lieu thereof the words
38 and numbers "9 and 18 through 24".

39 5. Title page, line 6, by inserting after the
40 word "property" the words "providing for the phase
41 out of the tax on surviving spouses, valuing certain
42 real estate the same as may be valued for federal
43 estate tax purposes as a qualified use under 26 U.S.C.
44 section 2032A and imposing an additional tax if such
45 real estate is disposed of or ceases to be used for
46 certain purposes,".

47 6. By numbering, renumbering, and correcting
48 internal references as necessary.

S—3881

1 Amend House File 853 as passed by the House as
2 follows:
3 1. Page 1, line 18, by inserting after the period
4 the words "*However, distributors who distribute fifty*
5 *thousand gallons of motor fuel or less per month shall*
6 *receive an allowance equal to three percent on the*
7 *actual number of gallons of motor fuel received by*
8 *the distributor within the state during the next*
9 *preceding calendar month after deduction provided*
10 *in this subsection, this percentage being a flat*
11 *allowance to cover evaporation, shrinkage, and losses,*
12 *and the distributor's expenses and losses in*
13 *collection, accounting for, and paying over the motor*
14 *fuel tax.*"

RICHARD VANDE HOEF
ELVIE L. DREESZEN
EMIL J. HUSAK
JOHN W. JENSEN

S—3882

1 Amend House amendment S—3864 to Senate File
2 569 as amended, passed and reprinted by the Senate
3 as follows:
4 1. Page 1, by inserting after line 9 the following:
5 "3. Page 1, line 33, by inserting after the word
6 'services,' the words 'The amount of the claim listed
7 in subsection 5 of section 1 of this Act shall be
8 paid from funds appropriated for the licensing and
9 certification division of the department of health.'"

BOB RUSH

S—3883

1 Amend House amendment S—3880 to Senate File 555
2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 3, line 6, by striking the word "four"
5 and inserting in lieu thereof the word "ten".
6 2. Page 3, line 12, by striking the word "eight"
7 and inserting in lieu thereof the word "ten".

ROLF V. CRAFT

S—3884

1 Amend House File 841 as amended, passed and

2 reprinted by the House as follows:

3 1. Page 6, line 27, by striking the word "amended"
4 and inserting in lieu thereof the words "temporarily
5 amended, commencing on the effective date of this
6 Act and until July 1, 1983,".

7 2. By striking page 24, line 34, through page
8 25, line 1, and inserting in lieu thereof the
9 following:

10 "Sec. 26. Chapter 543, Code 1981, is temporarily
11 amended commencing on the effective date of this Act
12 and until July 1, 1983, by adding the following
13 temporary new section:

14 *TEMPORARY NEW SECTION. FEES.* The commission shall
15 charge the following".

16 3. Page 25, by inserting after line 35 the
17 following:

18 "This section supersedes section 543.33, commencing
19 on the effective date of this Act and until July 1,
20 1983."

21 4. Page 28, by inserting after line 35 the
22 following:

23 "Sec. ____ . It is the intent of the general assembly
24 that sections 7 and 26 of this Act shall have temporary
25 effect only, and that sections 542.6 and 543.33, Code
26 1981, as they existed prior to amendment by this Act
27 shall be the law of this state on and after July 1,
28 1983."

29 5. Amend the title, line 2, by inserting after
30 the word "penalties" the words and figures ", and
31 providing for certain temporary increases in fees
32 to be effective until July 1, 1983".

BASS VAN GILST
C.W. BILL HUTCHINS
EDGAR H. HOLDEN

S—3885

1 Amend House amendment S—3864 to Senate File
2 569 as amended, passed and reprinted by the Senate
3 as follows:

4 1. Page 1, by inserting after line 9 the following:

5 "3. Page 1, line 33, by inserting after the word
6 'services,' the words 'The amount of the claim listed
7 in subsection 5 of section 1 of this Act shall be
8 paid from funds appropriated for the licensing and
9 certification division of the department of health
10 retroactively from funds appropriated pursuant to
11 Acts of the Sixty-ninth General Assembly, 1979 Session,
12 chapter 9, section 4, subsection 5, for the fiscal

13 year beginning July 1, 1980.'"

BOB RUSH

S-3886

- 1 Amend Senate File 577 as follows:
- 2 1. Page 1, line 25, by striking the word and
- 3 figure "paragraph 3" and inserting in lieu thereof
- 4 the word and figure "pararaph 2".

COMMITTEE ON STATE GOVERNMENT
JOHN N. NYSTROM, Chairperson

HOUSE AMENDMENT TO SENATE
AMENDMENT TO HOUSE FILE 849

S-3887

- 1 Amend Senate amendment H-4346 to House File 849,
- 2 as amended, passed and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by inserting after line 13, the
- 5 following:
- 6 "____. Page 4, line 3, by striking the figure
- 7 '200,000' and inserting in lieu thereof the figure
- 8 '400,000'."
- 9 2. Page 1, by inserting before line 14 the
- 10 following:
- 11 "____. Page 4, by striking lines 5 through 7 and
- 12 inserting in lieu thereof the words 'to provide
- 13 community-based services for children, including
- 14 start-up funds to establish programs or services to
- 15 prevent the institutionalization of children. These
- 16 services may include, but need not be'".
- 17 3. Page 1, by striking lines 14 through 27 and
- 18 inserting in lieu thereof the following:
- 19 "____. By striking page 5, line 2 through page
- 20 6, line 16, and inserting in lieu thereof the
- 21 following: 'subsection, shall declare a prison
- 22 overcrowding state of emergency in the state's prisons
- 23 whenever the population of the prison system exceeds
- 24 two thousand six hundred fifty inmates for forty-five
- 25 consecutive days. Upon the declaration of a prison
- 26 overcrowding state of emergency, the board of parole
- 27 shall consider all inmates, except for inmates
- 28 convicted of class A felonies, for parole who are
- 29 within nine months of their tentative discharge date.
- 30 If the board of parole's actions do no reduce the
- 31 population of the prison system below two thousand
- 32 five hundred fifty inmates within ninety days of the

33 date of the declaration of the prison overcrowding
 34 state of emergency, the tentative discharge dates
 35 of all inmates, whose most serious offenses for which
 36 the inmates are currently incarcerated are crimes
 37 against property and who are incarcerated in state
 38 prisons on the date of the declaration, shall be
 39 reduced by ninety days by the director of the division
 40 of adult corrections. However, the tentative discharge
 41 date of a prisoner sentenced under section 204.406,
 42 204.413, 902.7, 902.8, or 906.5 shall not be reduced
 43 under this subsection prior to completion of the
 44 mandatory minimum sentence required by this section.
 45 The commissioner of social services shall terminate
 46 a prison overcrowding state of emergency in the state's
 47 prisons whenever the population of the prison system
 48 is reduced below two thousand five hundred fifty
 49 inmates. The department shall adopt administrative
 50 rules which identify all offenses as either crimes

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1 against property or crimes against persons. As used
 2 in this."

3 4. Page 1, by striking lines 36 through 38 and
 4 inserting in lieu thereof the following:
 5 "____. Page 13, by striking line 17 and inserting
 6 in lieu thereof the words and figures:
 7 'facility \$3,500,000 \$1,730,000'".
 8 5. Page 1, by inserting after line 45 the
 9 following:
 10 "Funds appropriated under this subsection shall
 11 not be expended for any project or projects not
 12 authorized by the 1982 session of the general
 13 assembly."
 14 6. Page 2, by striking lines 12 through 14 and
 15 inserting in lieu thereof the words "quorum to transact
 16 business. *However, the board shall be divided into
 17 hearing panels of three or more members to interview
 18 and consider inmates for parole and to conduct parole
 19 revocation hearings. A majority vote of the members
 20 of the hearing panel is required to grant or revoke
 21 a parole, however, a parole shall not be granted or
 22 revoked without the affirmative votes of at least
 23 three members of the full board.*"
 24 7. By renumbering as necessary.

S-3888

1 Amend House amendment S-3880 to Senate File 555

2 as amended, passed and reprinted by the Senate as
3 follows:
4 1. Page 4, by striking lines 36 through 38 and
5 inserting in lieu thereof the following:
6 "4. Page 5, by inserting after line 24 the
7 following:
8 'Sec. ____ . Sections 18 through 24 of this Act
9 are effective July 1, 1982 for estates of persons
10 dying on or after the effective date of these
11 sections.'"

ROLF V. CRAFT

S-3889

1 Amend House File 868 as amended, passed and
2 reprinted by the House as follows:
3 1. Page 2, line 33, by inserting after the word
4 "exclude" the words "a combined total of".
5 2. Page 2, line 34, by inserting after the word
6 "received" the words "as interest and income received".

BOB CARR

HOUSE AMENDMENT TO SENATE FILE 575

S-3890

1 Amend Senate File 575 as passed by the Senate
2 as follows:
3 1. Page 1, by inserting after line 32 the
4 following:
5 "Sec. ____ . There is appropriated from the general
6 fund of the state for the fiscal year beginning July
7 1, 1981 and ending June 30, 1982 to the state
8 educational radio and television facility board the
9 sum of one hundred thousand (100,000) dollars, or
10 as much thereof as may be necessary, to be used to
11 match federal funds for the purchase and installation
12 of translators to aid in providing educational
13 television coverage throughout the state."
14 2. Amend the title, by striking lines 2 and 3
15 and inserting in lieu thereof the following: "ing
16 making appropriations to certain educational agencies
17 and striking appropriations for".
18 3. By numbering and renumbering sections as
19 necessary.

HOUSE AMENDMENT TO SENATE CONCURRENT RESOLUTION 35

S-3891

1 Amend Senate Concurrent Resolution 35, as passed
2 by the Senate, as follows:

3 1. By striking page 2, line 7, through page 5,
4 line 8, and inserting in lieu thereof the following:

5 "Whereas, chapter 262A authorizes the state board
6 of regents to borrow money and to issue and sell
7 negotiable revenue bonds to pay all or any part of
8 the cost of carrying out the projects at any
9 institution payable solely from and secured by an
10 irrevocable pledge of a sufficient portion of the
11 student fees and charges and institutional income
12 received by the particular institution; and

13 *Whereas*, to further the educational objectives
14 of the institutions, the state board of regents
15 requests authorization to undertake and carry out
16 certain of the projects at this time and to finance
17 their cost by borrowing money and issuing negotiable
18 bonds under chapter 262A, in a total amount not to
19 exceed fifty-eight million (58,000,000) dollars, the
20 remaining cost of the projects to be financed by
21 capital appropriations or by federal or other funds
22 lawfully available; *Now Therefore*,

23 *Be It Resolved by the Senate, the House of*
24 *Representatives concurring*, That the proposed ten-
25 year building program submitted by the state board
26 of regents for each institution of higher learning
27 under its jurisdiction, including the estimate of
28 the maximum amount of bonds which the board expects
29 to issue under chapter 262A, is approved as follows:

30 STATE BOARD OF REGENTS
31 PROPOSED TEN-YEAR BUILDING PROGRAM
32 1981-1991

33 State University of Iowa	\$127,112,000
34 Iowa State University of Science and Technology	109,219,000
35 University of Northern Iowa	48,965,000
36 Total ten-year program 1981-1991	\$285,296,000

37 *Be It Further Resolved*, That during the fiscal
38 biennium which commences July 1, 1981, and which ends
39 June 30, 1983, the maximum amount of bonds which the
40 state board of regents expects to issue under chapter
41 262A is fifty-eight million (58,000,000) dollars,
42 of which thirty million (30,000,000) dollars shall
43 be issued during the fiscal year ending June 30, 1982
44 and twenty-eight million (28,000,000) dollars shall
45 be issued during the fiscal year ending June 30, 1983,
46 and this plan of financing is approved; and

47 *Be It Further Resolved*, That the state board of
48 regents is authorized, subject to review by the joint
49 appropriations subcommittee on education, to undertake

50 and carry out projects involving construction of new

Page 2

1 buildings that can be completed within the limits
2 of funds obtained from the issuance of bonds authorized
3 during the fiscal year ending June 30, 1983 from the
4 following list: A communications facility, an addition
5 to the university theatre, and a law building at the
6 State University of Iowa, a mechanical engineering
7 building at Iowa State University, and a communication
8 arts center at the University of Northern Iowa; and
9 *Be It Further Resolved*, That the state board of
10 regents is authorized to undertake and carry out the
11 following projects and to pay all or any part of the
12 cost of carrying out the projects by borrowing money
13 and issuing negotiable revenue bonds under chapter
14 262A in a total amount not to exceed fifty-eight
15 million (58,000,000) dollars:
16 State University of Iowa
17 West campus utility improvements
18 Fire safety deficiencies
19 Chilled water plant—phase IV
20 Handicapped accessibility program
21 Sanitary and storm sewer system replacements—west campus
22 Planning new buildings
23 Replacement of old armory through construction of a communica-
24 tions facility and an addition to the university theatre
25 Law building
26 Energy management program
27 Cost of issuance of bonds
28 Iowa State University of Science and Technology
29 Library addition construction and equipment
30 Heating plant improvements
31 Campus utility improvements
32 North campus storm sewer
33 Fire safety deficiencies
34 Equipment and utilities for renovated quadrangle
35 Gilman hall renovations
36 Mechanical engineering buildings—construction, utilities, and
37 equipment
38 Planning old veterinary clinic conversion
39 Energy management program
40 Cost of issuance of bonds
41 University of Northern Iowa
42 Turbine generator
43 Electrical system improvements
44 Fire safety deficiencies
45 Russell hall renovation

- 46 Steam distribution system improvements
- 47 Communication arts center—planning and construction
- 48 Energy management program
- 49 Cost of issuance of bonds”
- 50

S—3892

- 1 Amend Senate File 568 as follows:
- 2 1. Page 1, line 21, by striking the word “thirty”
- 3 and inserting in lieu thereof the word “three”.

TED ANDERSON

S—3893

- 1 Amend Senate File 568 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting in lieu thereof the following:
- 4 “Section 1. STUDY COMMITTEE.
- 5 1. The legislative council shall create a study
- 6 committee of ten members of the general assembly,
- 7 consisting of five senators and five representatives,
- 8 to study ‘tough guy or man’ or ‘tough lady’ contests
- 9 and health hazards potentially associated with the
- 10 contests, and determine the need for additional regula-
- 11 tion or abolition of the contests.
- 12 2. Expenses of the study committee shall be paid
- 13 from funds available under section 2.12.
- 14 3. The study committee shall transmit copies of
- 15 its final report to the legislative council and the
- 16 member of the Sixty-ninth General Assembly, not later
- 17 than January 11, 1982. The final report of the study
- 18 committee shall include its findings, its recommenda-
- 19 tions, and proposed legislation to implement its
- 20 recommendations.”
- 21 2. Amend the title, by striking lines 1 and 2
- 22 and inserting in lieu thereof the following: “An
- 23 Act to provide a study relating to the regulation
- 24 of boxing or wrestling matches.”

TED ANDERSON

HOUSE AMENDMENT TO SENATE FILE 576

S—3894

- 1 Amend Senate File 576 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 8, by striking the word “which”

- 4 and inserting in lieu thereof the words "of which
 5 two and one-half mills on each cigarette".
 6 2. Page 1, line 19, by inserting after the word
 7 "two" the words "and one-half".
 8 3. Page 3, by inserting after line 10 the
 9 following:
 10 "Sec. ____ . This Act, being deemed of immediate
 11 importance, takes effect from and after its publication
 12 in the Daily Gate City, a newspaper published in
 13 Keokuk, Iowa, and in the Telegraph Herald, a newspaper
 14 published in Dubuque, Iowa."

S-3895

- 1 Amend House File 868 as amended and passed by
 2 the House as follows:
 3 1. Page 3, line 30, by striking the figures "5,
 4 6, and 7" and inserting in lieu thereof the figures
 5 "6, 7, and 8".
 6 2. Page 3, line 32, by striking the figure "3"
 7 and inserting in lieu thereof the figure "4".
 8 3. Page 3, line 35, by striking the figure "4"
 9 and inserting in lieu thereof the figure "5".

MICK LURA

S-3896

- 1 Amend Senate File 568 as follows:

DIVISION S-3896A

- 2 1. Page 1, line 6, by striking the words "or are"
 3 and inserting in lieu thereof the words "and are".

DIVISION S-3896B

- 4 2. Page 1, line 23, by striking the word "section:"
 5 and inserting in lieu thereof the words "sections:
 6 *NEW SECTION.* Boxing or wrestling matches referred
 7 to or known as 'tough man contest' are prohibited."

CHARLES P. MILLER

S-3897

- 1 Amend Senate File 568 as follows:
 2 1. Page 1, line 13, by striking the word "six"
 3 and inserting in lieu thereof the word "eight".

CHARLES P. MILLER

S—3898

- 1 Amend Senate File 579 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "purpose" the words "*or of any fair or exposition*
- 4 *held in the state, other than the Iowa state fair,*
- 5 *which is a member of the association of Iowa fairs,*".
- 6 2. Title page, line 2, by inserting after the
- 7 number "419" the words "for certain fairs and
- 8 expositions held in the state and".

RICHARD VANDE HOEF

S—3899

- 1 Amend Senate File 568 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "prize" the words "*of more tha fifty dollars*".

BERL E. PRIEBE

S—3900

- 1 Amend Senate File 568 as follows:
- 2 1. Amend the title page by striking line 3.

TED ANDERSON

HOUSE AMENDMENT TO SENATE FILE 213

S—3901

- 1 Amend Senate File 213 as passed by the Senate as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 12 and
- 4 inserting in lieu thereof the words "Members may be
- 5 reappointed for one additional".
- 6 2. Page 1, by striking lines 17 through 29.
- 7 3. Title page, by striking lines 1 and 2 and
- 8 inserting in lieu thereof the following: "An Act
- 9 to replace the salaries of the members of the Iowa
- 10 beer and liquor control council with a per diem
- 11 compensation."

HOUSE AMENDMENT TO SENATE FILE 511

S—3902

- 1 Amend Senate File 511 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 4 and 5 and inserting

- 4 in lieu thereof the following: "this section shall
5 not remain a lien upon real estate of the defendant,
6 platted as a homestead pursuant to section 561.4,
7 unless execution is levied within thirty days of the
8 time".
- 9 2. Page 1, line 11, by striking the word "twenty"
10 and inserting in lieu thereof the word "thirty".
- 11 3. Page 1, by striking lines 12 and 13 and
12 inserting in lieu thereof the following: "demand.
13 Written demand shall be served in any manner".

HOUSE AMENDMENT TO SENATE FILE 522

S-3903

- 1 Amend Senate File 522 as passed by the Senate,
2 as follows:
- 3 1. Page 1, by inserting after line 26 the following
4 section:
5 "Sec. ____ . Section 442.31, Code 1981, is amended
6 by adding the following new unnumbered paragraph after
7 unnumbered paragraph 1:
8 *NEW UNNUMBERED PARAGRAPH.* The parent or guardian
9 of a pupil may request that a gifted and talented
10 children program be established for pupils who qualify
11 as gifted and talented children under section 442.33,
12 including demonstrated achievement or potential ability
13 in a single subject area."
- 14 2. By numbering and renumbering sections as
15 necessary.

HOUSE AMENDMENT TO SENATE FILE 474

S-3904

- 1 Amend Senate File 474 as amended, passed, and
2 reprinted by the Senate as follows:
- 3 1. Page 1, line 6, by inserting after the word
4 "damages" the words ", and actions permitted under
5 section 85.20".
- 6 2. Page 1, line 9, by inserting after the word
7 "malice" the words "or recklessness".
- 8 3. Page 2, by striking lines 9, 10, and 11 and
9 inserting in lieu thereof the following:
10 "*NEW SUBSECTION.* 6. Any claim for damages caused
11 by the municipality's failure to make an inspection
12 or by reason of making an inadequate or negligent
13 inspection of any property not owned by the
14 municipality."

- 15 4. Page 2, by striking lines 12 through 15.
16 5. Page 2, by striking lines 28 through 30, and
17 inserting in lieu thereof the following: "*apply to*
18 *awards for punitive damages. The duty to save*".
19 6. Page 3, by inserting after line 11 the
20 following:
21 "*In the event the officer or employee fails to*
22 *cooperate in the defense against the claim or demand,*
23 *the municipality shall have a right of indemnification*
24 *against that officer or employee.*"

REPORTS OF CONFERENCE COMMITTEES

**Filed During The
Sixty-ninth General Assembly
1981 Regular Session**

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 289

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 289, a bill for an Act relating to trespass on private property and imposing a penalty, respectfully make the following report:

1. That the House recede from its amendment S—3582 to Senate File 289 as amended, passed and reprinted by the Senate.

2. That Senate File 289 as amended, passed and reprinted by the Senate be amended as follows:

1. Page 1, by striking lines 8 and 9 and inserting in lieu thereof the following: *“animate or inanimate, or to hunt, fish or trap or in the property. This paragraph does not prohibit the unarmed pursuit of game or furbearing animals lawfully injured or killed which come to rest on or escape to the property of another.”*

ON THE PART OF THE SENATE: ON THE PART OF THE HOUSE:

DALE L. TIEDEN, Chairperson
BOB CARR
NORMAN J. GOODWIN
A.R. (BUD) KUDART
BASS VAN GILST

LISLE COOK, Chairperson
NED CHIODO
WENDELL PELLETT
DOUGLAS SMALEY
JACK WOODS

Filed May 21, 1981.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 324

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 resolve the differences between the Senate and the House of Representatives on Senate File 324, a bill for an Act relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty, respectfully make the following report:

1. That the House recedes from its amendment, S—3537, to Senate File 324, as amended, passed and reprinted by the Senate.

2. That Senate File 324, as amended, passed and reprinted by the Senate, is amended as follows:

1. Page 1, line 11, by striking the word “three” and inserting in lieu thereof the word “four”.

2. Page 3, line 22, by inserting after the word "roomer." the words "However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than thirty days to provide the battery for a battery operated smoke detector."

3. Page 3, by inserting after line 22 the following:

"____. No person may render inoperable a smoke detector, which is required to be installed by this section, by tampering."

4. Page 3, by striking lines 25 through 28 and inserting in lieu thereof the word "misdemeanor."

5. By numbering and renumbering as necessary.

ON THE PART OF THE SENATE:

RICHARD F. DRAKE
C.W. BILL HUTCHINS
JAMES D. WELLS

ON THE PART OF THE HOUSE:

JAMES O. ANDERSON, Chairperson
BETTY A. HOFFMANN
DENNIS L. RENAUD
LAVERNE W. SCHROEDER
JOSEPH WELSH

Filed May 19, 1981.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 517

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 517, a bill for an Act relating to certain crimes including accessory after the fact, assault, terrorism, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties, respectfully make the following report:

1. That the Senate recede from its amendment, H—3949 to the House amendment, S—3545, to Senate File 514 as amended, passed, and reprinted by the Senate.

2. That the House recede from its amendment S—3545, to Senate File 517, as amended, passed, and reprinted by the Senate.

3. That Senate File 517 as amended, passed, and reprinted by the Senate, be amended as follows:

1. Page 1, by striking lines 1 through 5.

2. Page 2, by striking lines 14 through 17 and inserting in lieu thereof the following:

"2. A person who commits an assault, as defined in section 708.1, without the intent to inflict a serious injury upon another, and who causes bodily injury or disabling mental illness, is guilty of a serious misdemeanor.

[2] 3. Any other assault, *except as otherwise provided*, is a simple misdemeanor.

Sec. ____ . Section 708.3, Code 1981, is amended to read as follows:

708.3 ASSAULT WHILE PARTICIPATING IN A FELONY. Any person who commits an assault as defined in section 708.1 while participating in a felony *other than a sexual abuse* is guilty of a class 'C' felony if the person thereby causes serious injury to any person; if no serious injury results, the person is guilty of a class 'D' felony."

3. Page 2, by inserting after line 29 the following:

"Sec. ____ . Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE. Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse is guilty of a class 'C' felony if the person thereby causes serious injury to any person and guilty of a class 'D' felony if the person thereby causes any person a bodily injury other than a serious injury. The person is guilty of an aggravated misdemeanor if no injury results.

Sec. ____ . Chapter 709, Code 1981, is amended by adding the following new section:

NEW SECTION. INDECENT CONTACT WITH A CHILD. A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the persons' spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them:

1. Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child.
2. Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child.
3. Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person."

4. Page 3, by inserting after line 34 the following:

"Sec. ____ . Section 802.3, Code 1981, is amended to read as follows:

802.3 FELONY-AGGRAVATED OR SERIOUS MISDEMEANOR. In all cases, except those enumerated in [sections] *section* 802.1 [and 802.2], an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. ____ . Section 802.5, Code 1981, is amended to read as follows:

802.5 EXTENSION FOR FRAUD, FIDUCIARY BREACH. If the period prescribed in section [802.2,] 802.3 and 802.4 has expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Sec. ____ . Section 802.2, Code 1981, is repealed."

5. Amend the title, line 2, by inserting after the word "terrorism," the words "indecent contact with a child,".

6. By renumbering to conform to this amendment.

ON THE PART OF THE SENATE:	ON THE PART OF THE HOUSE:
DICK RAMSEY, Chairperson	ROGER HALVORSON, Chairperson
GARY L. BAUGHER	MINNETTE DODERER
ELVIE L. DREESZEN	NANCY SHIMANEK
BOB RUSH	CLAY SPEAR
ARTHUR A. SMALL, JR.	JO ANN TRUCANO

Filed May 19, 1981.

REPORT OF THE CONFERENCE COMMITTEE
ON SENATE FILE 566

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 resolve the differences between the Senate and the House of Representatives on Senate File 566, a bill for an Act relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the department of social services for the fiscal period beginning July 1, 1981, and ending June 30, 1983, respectfully make the following report:

1. That the House recedes from its amendment, S-3844, to Senate File 566, as amended, passed and reprinted by the Senate.

2. That Senate File 566, as amended, passed and reprinted by the Senate, be amended as follows:

1. Page 1, by striking lines 16 and 17 and inserting in lieu thereof the words and figures "provided that the department of social services provides a county and district reorganization plan to the joint social services appropriations subcommittee by February 1, 1982. The plan is required in order".

2. Page 2, by striking lines 14 through 20 and inserting in lieu thereof the following:

"The reorganization required by this subsection becomes effective on July 1, 1982, unless the joint social services appropriations subcommittee recommends an alternative plan to the general assembly during the 1982 session of the general assembly. If the department determines that an alternative reorganization plan would best serve its clients, the department shall report the alternative plan to the joint social services appropriations subcommittee by February 1, 1982."

3. Page 2, by striking line 23 and inserting in lieu thereof the figures "\$15,779,000 \$15,779,000".

4. Page 2, lines 30 and 31, by striking the word and figures "November 1, 1981" and inserting in lieu thereof the word and figures "January 15, 1982".

5. Page 3, by striking line 17 and inserting in lieu thereof the words and figures "with dependent children \$55,327,000 \$55,327,000".

6. Page 3, line 20, by inserting after the word "be" the words "no earlier than".

7. Page 3, line 30, by inserting after the words "training program" the words ", the school expenses program,".

8. Page 3, line 34, by inserting after the word "program." the words "The department of social services shall by rule limit expenditures, under the school expenses portion of the special needs program of the aid to families with dependent children program, to specific charges made by a school or in accordance with school requirements in connection with a course in the regular school curriculum which is not considered an extracurricular activity. In addition, the department shall only, make expenditures for such school expenses upon a co-payment of twenty percent made privately on behalf of the student who incurs the school expenses."

9. Page 4, by inserting after line 2 the following:

"d. The department of social services shall not provide unborn child grants under the aid to families with dependent children program.

e. The department of social services shall adopt administrative rules to return to the stepparent liability policy, under the aid to families with dependent children program, which was in effect on and prior to October 31, 1978. If federal law or regulations regarding stepparent liability, under the aid to families with dependent children program, require a change in departmental rules, the department shall implement the required changes immediately by administrative rule."

10. Page 5, by striking line 3 and inserting in lieu thereof the words and figures: "are expelled \$101,235,000 \$100,206,000

Medical assistance shall be made available, beginning July 1, 1981, and ending March 31, 1982, to children under twenty-one years of age who meet all eligible

criteria of the aid to families with dependent children program except that the children are not deprived of parental support.”

11. Page 7, line 30, by inserting after the word “delivered” the words “, the eligibility for services.”.

12. Page 8, by striking lines 21 through 24 and inserting in lieu thereof the following:

“10. For community-based services \$ 1,508,000 \$ 1,508,00

a. Of the funds appropriated for the community-based services by this subsection, one hundred five thousand (105,000)”.

13. Page 8, by striking lines 30 and 31 and inserting in lieu thereof the words and figure “by this subsection, two hundred fifty thousand (250,000) dollars is appropriated for each fiscal year of the biennium to assist child care centers. The emphasis of the assistance shall be to provide”.

14. Page 9, line 15, by striking the word “shall” and inserting in lieu thereof the word “may”.

15. Page 9, by striking lines 30 and 31 and inserting in lieu thereof the words and figures “ending March 31, 1982, to the department of social services one million eighty thousand (1,080,000) dollars, or so much”.

16. Page 10, by striking lines 6 through 9 and inserting in lieu thereof the words “Social Security Act and may be more restrictive.”

17. Page 12, by striking lines 1 through 18 and inserting in lieu thereof the following:

“Sec. 11. Section 234.1, subsection 4, Code 1981, is amended by striking the subsection and inserting in lieu thereof the following:

4. ‘Child’ means either a person less than eighteen years of age or a person eighteen, nineteen, or twenty years of age who meets any of the following conditions:

a. Is in full-time attendance at an approved school pursuing a course of study leading to a high school diploma.

b. Is attending an instructional program leading to a high school equivalency diploma.

c. Has been identified by the director of special education of the area education agency as a child requiring special education as defined in section 281.2, subsection 1.

A person over eighteen years of age who has received a high school diploma or a high school equivalency diploma is not a child within the definition in this subsection.”

18. Page 12, by inserting before line 19 the following:

"Sec. ____ . Section 239.1, subsection 3, Code 1981, is amended to read as follows:

3. A 'dependent child' means a needy child under the age of eighteen years who has been deprived of parental support [and] *or* care by reason of death, continued absence from home, physical or mental incapacity [or unfitness of either parent], or partial or total unemployment of the [father] *parent*, and who is living with [his or her father or mother, or both, or with his or her grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt] *a specified relative or specified relatives, as defined in title IV of the federal Social Security Act and prescribed by federal regulation*, in a place of residence maintained by one or more of [such] *the relatives as [his or her] the relative's or [their] relatives' home* or has been placed in a licensed foster home or with a public or nonprofit child care agency by the [state] division or by the county department of social welfare in lieu of living with [any] *a relative designated in this subsection.*

Sec. ____ . Section 239.2, subsection 4, Code 1981, is amended to read as follows:

4. Is not, with respect to assistance applied for by reason of partial or total unemployment of [the father] *a parent*, the child of a [father] *parent* who:

a. Has been unemployed for less than thirty days prior to receipt of assistance under this chapter.

b. Is partially or totally unemployed due to a work stoppage which exists because of a labor dispute at the factory, establishment or other premises at which [he] *the parent* is or was last employed.

c. At any time during the thirty-day period prior to receipt of assistance under this chapter or at any time thereafter while assistance is payable under this chapter, has not been available for employment, has not actively sought employment, or has without good cause refused any bona fide offer of employment or training for employment. The following reasons for refusing employment or training are not good cause: [Unsuitable] *unsuitable* or unpleasant work or training, if the [father] *parent* is able to perform the work or training without unusual danger to [his] *the parent's* health; or the amount of wages or compensation, unless the wages for employment are below the federal minimum wages.

d. Has not registered for work with the state employment service established pursuant to section 96.12, or thereafter has failed to report at an employment office in accordance with regulations prescribed pursuant to section 96.4, subsection 1.

e. Has failed to participate in or to co-operate in any work or training program made available to [him] *the parent* under chapter 249C, or has without good cause withdrawn from such program before completion. The department of social services shall have a program under chapter 249C for the partially or totally unemployed [father] *parent* under this subsection.

The division may prescribe requirements in addition to or in lieu of the foregoing, for eligibility for assistance under this chapter to children whose [fathers] *parents* are partially or totally unemployed, which are necessary to secure financial participation of the federal government in payment of such assistance."

19. Page 12, by striking lines 29 through 32 and inserting in lieu thereof the words "*petition the Iowa district court sitting in probate to establish, pursuant to chapter 633, a conservatorship over any recipient[, or any child or children and in such cases] eligible for assistance under this chapter. If a conservatorship is established the recipient's assistance payments shall be made to [such]*".

20. Page 13, by striking lines 1 through 3 and inserting in lieu thereof the words "[bear a relationship to the child or children embraced by subsection 3, section 239.1] *the conservator*. In addition to the assistance granted [as]".

21. Page 13, line 6, by inserting after the word "*conservatorship*" the words "*or guardianship*".

22. Page 13, by striking lines 19 through 21 and inserting in lieu thereof the word "*pregnancy*."

23. Page 14, line 13, by striking the words "paragraph b" and inserting in lieu thereof the words "paragraphs b, d, and e".

24. Page 14, line 15, by inserting after the letter "c," the words and figures "section 3, subsection 2, unnumbered paragraph 2,".

25. By renumbering and relettering as necessary.

ON THE PART OF THE SENATE:

ARNE WALDSTEIN, Chairperson
 JOE BROWN
 JOHN S. MURRAY
 TOM SLATER
 RICHARD VANDE HOEF

ON THE PART OF THE HOUSE:

HAROLD VAN MAANEN, Chairperson
 ROBERT C. ARNOULD
 REID W. CRAWFORD
 THOMAS J. JOCHUM
 JO ANN TRUCANO

Filed May 22, 1981.

REPORT OF THE CONFERENCE COMMITTEE
 ON HOUSE FILE 413

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 House File 413, a bill for an Act relating to the fees collected for copies of records by the department of health, respectfully makes the following report:

1. That the Senate recede from its amendment H—3803 to House File 413 as amended, passed and reprinted by the House.

2. That House File 413 as amended, passed and reprinted by the House be amended as follows:

1. Page 1, by inserting after line 16 the following:

“Sec. 4. Section 144.19, Code 1981, is amended to read as follows:

144.19 ADOPTION CERTIFICATE. For each adoption decreed by any court in this state, the court shall require the preparation of a certificate of adoption on a form prescribed and furnished by the state registrar. The certificate shall include a report of [such] the facts [as are] necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, [and shall] identify the order of adoption, and be certified by the clerk of the court. *A fee established by the department by rule based on average administrative cost shall be collected for the preparation of a certificate of adoption. Fees collected under this section shall be deposited in the general fund of the state.*

Sec. 5. Section 144.26, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded.”

2. Page 1, line 35, by inserting after the word “name.” the following: *“A fee established by the department by rule based on average administrative cost shall be collected for each amended certificate of birth to reflect a new name. Fees collected under this section shall be deposited in the general fund of the state.*

Sec. 8. Section 144.40, Code 1981, is amended to read as follows:

144.40 PATERNITY OF CHILDREN OUT OF WEDLOCK. Upon request and receipt of a sworn acknowledgement of paternity of a child born out of wedlock signed by both parents, the state registrar shall amend a certificate of birth to show paternity if paternity is not shown on the birth certificate. Upon written request of the parents, the surname of the child may be changed on the certificate to that of the father. [Such] *The certificate shall not be marked “amended”. A fee established by the department by rule based on average administrative cost shall be collected for each certificate of birth amended to show paternity. Fees collected under this section shall be deposited in the general fund of the state.*”

3. Page 2, by inserting after line 8 the following:

"Sec. 10. Section 144.43, unnumbered paragraphs 2 and 3, Code 1981, are amended by striking the paragraphs and inserting in lieu thereof the following:

However, the following vital statistics may be inspected and copies as of right under chapter 68A when they are in the custody of a county or of a local register:

1. A record of birth if that birth did not occur out of wedlock.
2. A record of marriage.
3. A record of divorce, dissolution of marriage, or annulment of marriage.
4. A record of death if that death was not a fetal death."
4. Page 2, by inserting after line 22 the following:

"Sec. 12. Until the rules adopted by the department of health under sections 144.19, 144.39, 144.40, and 144.46 as amended by this act become effective, the fee provided and collected under each of those sections shall be four dollars."

5. Amend the title, by striking lines 1 and 2 and inserting in lieu thereof the following: "An Act relating to records of vital statistics kept by the state registrar and county and local registrars."

6. By renumbering the sections to conform with this amendment.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

REID CRAWFORD, Chairperson
 ROBERT ANDERSON
 ROBERT ARNOULD
 DOROTHY CARPENTER
 SEMOR TOFTE

MICK LURA, Chairperson
 JAMES BRILES
 EMIL J. HUSAK
 CHARLES P. MILLER
 RICHARD VANDE HOEF

Filed May 19, 1981.

REPORT OF THE CONFERENCE COMMITTEE
 ON HOUSE FILE 734

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the difference between the Senate and the House of Representatives on House File 734, a bill for an Act establishing the rate of interest payable on delinquent taxes owed to the state, respectfully make the following report:

1. That the Senate recede from its amendment, H-3962 to House File 734 as passed by the House.

2. That House File 734 as passed by the House be amended as follows:

a. Page 1, line 11, by striking the words "one-tenth of".

b. Page 4, line 23, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

c. Page 4, line 27, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

d. Page 4, line 33, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

e. Page 4, line 35, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

f. Page 5, line 7, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

g. Page 5, line 8, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

h. Page 5, line 10, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

i. Page 5, line 14, by inserting before the word "return" the words "*monthly deposit form or quarterly*".

j. Amend the title, line 1, by inserting after the word "Act" the words "relating to taxes owed to the state, and providing for penalties and interest for delinquent monthly withholding tax payments and".

ON THE PART OF THE HOUSE:

HUGO SCHNEKLOTH, Chairperson
WALTER CONLON
DOUGLAS RITSEMA
DIANE BRANDT
BILL DIELEMAN

ON THE PART OF THE SENATE:

ROLF V. CRAFT, Chairperson
JACK W. HESTER
DAVID M. READINGER
NORMAN RODGERS
BASS VAN GILST

Filed May 20, 1981.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 771

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

771, a bill for an Act relating to the regulation of public utilities, respectfully submit the following recommendations:

1. That the Senate recede from its amendment, H—3925 to House File 771 as amended, passed and reprinted by the House.

2. That House File 771, as amended, passed and reprinted by the House be amended as follows:

a. By striking everything after the enacting clause and inserting in lieu thereof the following:

“Section 1. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. CONTINUING AUDIT OF OPERATIONS. The commission shall adopt not later than July 1, 1983, rules and policies to implement a program for the continuous review of operations of rate-regulated public utilities with respect to all matters that affect rates or charges for utility service.

Sec. 2. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. REVIEW OF ANNUAL REPORTS. The commission shall review annual reports submitted by rate-regulated public utilities. The commission shall commence rate-review proceedings under this chapter if an annual report indicates that the earnings of the public utility are excessive.

Sec. 3. Chapter 476, Code 1981, is amended by adding the following new section:

NEW SECTION. RULES GOVERNING HEARINGS.

1. The commission shall adopt rules pursuant to chapter 17A to provide for the completion of proceedings under section 476.3 within one hundred eighty days after the date of the filing of a complaint under section 476.3, unnumbered paragraph 2, and to provide for the completion of proceedings under section 476.6 within ten months after the date of filing of the new or changed rates, charges, schedules or regulations under that section. These rules shall include reasonable time limitations for the submission or completion of comments and testimony, and exhibits, briefs and hearings, and may provide for the granting of additional time upon the request of a party to the proceeding or commission staff for good cause shown.

2. Additional time granted to a party or to commission staff under subsection 1 shall not extend the amount of time for which a utility is required to file a bond or other undertaking conditioned upon refund under section 476.3, unnumbered paragraph 2.

3. If in a proceeding under section 476.6 additional time is granted to a party or commission staff under subsection 1, the commission may extend the ten-month period during which a utility is prohibited from placing its entire rate increase request into effect under section 476.6, but an extension shall not exceed one-half of

the aggregate amount of all additional time granted under subsection 1.

4. The commission shall adopt rules that require the commission, in rate regulatory proceedings under sections 476.3 and 476.6, to consider the use of the most current test period possible in determining reasonable and just rates, subject only to the availability of existing and verifiable data respecting costs and revenues, and in addition to consider verifiable data that exists as of the date of commencement of the proceedings respecting known and measurable changes in costs not associated with a different level of revenue, and known and measurable revenues not associated with a different level of costs, that are to occur at any time within twelve months after the date of commencement of the proceedings. For purposes of this subsection, a proceeding commences under section 476.6 upon the filing date of new or changed rates, charges, schedules or regulations. This subsection does not limit the authority of the commission to consider other evidence in proceedings under sections 476.3 and 476.6.

Sec. 4. Section 476.1, unnumbered paragraph 3, Code 1981, is amended to read as follows:

Mutual telephone companies in which at least fifty percent of the users are owners, co-operative telephone corporations or associations, telephone companies having less than [two]fifteen thousand stations, municipally owned utilities, and unincorporated villages which own their own distribution system [shall not be] *are not* subject to the rate regulation provided for in this chapter[.].

PARAGRAPH DIVIDED. [provided, however, that nothing contained in this chapter shall be construed to] *This chapter does not apply to water works having less than two thousand customers, municipally owned water works, or rural water districts incorporated and organized pursuant to chapters 357A or 504A, or to a person furnishing electricity to five or fewer customers from electricity that is produced primarily for the person's own use.*

PARAGRAPH DIVIDED. [Telephone companies] *A telephone company otherwise exempt from rate regulation and having telephone exchange facilities which cross state lines may elect, in a writing, filed with the commission, to have [their] its rates regulated by the commission. When [such] a written election[, in writing,] has been filed with the commission, the commission shall assume rate regulation jurisdiction over [said companies] the company.*

Sec. 5. Section 476.3, Code 1981, is amended to read as follows:

476.3. COMPLAINTS—INVESTIGATION. Every public utility shall furnish reasonably adequate service at rates and charges in accordance with tariffs filed with the commission. [Whenever] *When* there is filed with the commission by any person or body politic, or filed by the commission upon its own motion, a written complaint requesting the commission to determine the reasonableness of the rates, charges, schedules, services, regulations, or anything done or omitted to be done by any public utility subject to this chapter, in contravention of the provisions [thereof, such] *of this chapter, the written complaint [thus made] shall be forwarded by the*

commission to [such] *the* public utility, which shall be called upon to satisfy the complaint or to answer [the same] *it* in writing within a reasonable time to be specified by the commission. If [such] *the* public utility [shall] *does* not satisfy the commission with respect to the complaint within the time specified and there [shall appear] *appears* to be any reasonable ground for investigating [said] *the* complaint, [it shall be the duty of] the commission [to] *shall* promptly initiate a formal proceeding. [Such a] *The* formal proceeding may be initiated at any time by the commission on its own motion. [Whenever such] *If* a proceeding [has been] *is* initiated upon application or motion, the commission shall set the case for hearing and give [such] notice [thereof] as it deems appropriate. [Whenever] *When* the commission, after a hearing held after reasonable notice, finds any public utility's rates, charges, schedules, service, or regulations are unjust, unreasonable, discriminatory, or otherwise in violation of any provision of law, the commission shall determine just, reasonable, and nondiscriminatory rates, charges, schedules, service, or regulations to be [thereafter] observed and enforced.

If, as a result of either a review procedure conducted under section 1 of this Act or a review conducted under section 2 of this Act, a complaint is filed by commission staff alleging that a utility's rates are excessive, the disputed amount shall be specified in the complaint. The public utility shall, within the time prescribed by the commission, file a bond or undertaking approved by the commission conditioned upon the refund in a manner prescribed by the commission of amounts collected after the date of filing of the complaint in excess of rates or charges finally determined by the commission to be lawful. If upon hearing the commission finds that the utility's rates are unlawful, the commission shall order a refund, with interest, or amounts collected after the date of filing of the complaint in excess of amounts which would have been collected under the rates finally approved, provided that the commission shall not order a refund that is greater than the amount specified in the complaint, plus interest, and provided that if the commission fails to render a decision within one hundred eighty days following the date of filing of the complaint, the commission shall not order a refund of any excess amounts that are collected after the expiration of that one hundred eighty-day period and prior to the date the decision is rendered.

A determination of utility rates by the commission pursuant to this section that is based upon a departure from previously established regulatory principles shall apply prospectively from the date of the decision.

Sec. 6. Section 476.6, unnumbered paragraphs 4, 5 and 6, Code 1981, are amended to read as follows:

[Whenever there is filed with the commission by any] *At the time* a public utility subject to rate regulation *files with the commission* any new or changed rates, charges, schedules or regulations, [the commission may, prior to the effective date thereof, docket the case as a formal proceeding and set the case for hearing. The commission shall give such notice of such formal proceedings as it deems appropriate] *the public utility also shall submit factual evidence, written argument, and affidavits containing testimonial evidence to be offered in support of the filing, provided that this requirement shall not apply if the public utility is a rural electric cooperative. The public utility may, as a part of its filing or separately at any*

subsequent time, submit a request for authority to place part or all of the proposed rates, charges, schedules or regulations into effect on a temporary basis and until permanent rates, charges, schedules or regulations take effect under this section.

[After the initiation of such formal proceedings and pending the final decision thereon, the commission may, at any time before they become effective, suspend the operation of such new or changed rates, charges, schedules or regulations, but not for a period longer than twelve months from the date when they would have become effective if not suspended.] After the filing by a public utility subject to rate regulation of new or changed rates, charges, schedules or regulations, the commission may, prior to the expiration of thirty days after the filing date, docket the case as a formal proceeding and set the case for hearing. The commission shall give such notice of formal proceedings as it deems appropriate. Unless the commission otherwise orders, the docketing of a case as a formal proceeding suspends the effective date of the new or changed rates, charges, schedules or regulations until temporary or permanent rates, charges, schedules or regulations are approved by the commission or otherwise take effect under this section.

[However, a public utility may at any time after rates, charges, schedules or regulations have been suspended for ninety days] Upon the request of a public utility, the commission shall, when required by this paragraph, grant the public utility temporary authority to place in effect any or all of the suspended rates, charges, schedules or regulations by filing with the commission a bond or other undertaking approved by the commission conditioned upon the refund in a manner to be prescribed by the commission of any amounts collected in excess of the amounts which would have been collected under rates, charges, schedules or regulations finally approved by the commission. In determining that portion of the new or changed rates, charges, schedules or regulations to be placed in effect prior to a final decision, the commission shall apply previously established regulatory principles and shall, at a minimum, permit rates and charges which will allow the utility the opportunity to earn a return on common stock equity equal to that which the commission held reasonable and just in the most recent rate case involving the same utility or the same type of utility service, provided that if the most recent final decision of the commission in an applicable rate case was rendered more than twelve months prior to the date of filing of the request for temporary rates, the commission shall in addition consider financial market data that is filed or that is otherwise available to the commission and shall adjust the rate of return on common stock equity that was approved in that decision upward or downward as necessary to reflect current conditions. The commission shall render a decision on a request for temporary authority within ninety days after the date of filing of the request. The decision shall be effective immediately. If the commission has not rendered a final decision with respect to suspended rates, charges, schedules or regulations upon the expiration of ten months after the filing date, plus the length of any delay that necessarily results either from the failure of the public utility to exercise due diligence in connection with the proceedings or from intervening judicial proceedings, plus the length of any extension permitted by section 3, subsection 3 of this Act, then those portions that were approved by the commission on a temporary basis shall be deemed finally approved by the commission and the utility may place them into effect on a permanent basis, and the utility also may place into effect subject to refund and until the final decision of the commission any portion of the

suspended rates, charges, schedules or regulations not previously approved on a temporary basis by filing with the commission a bond or other undertaking approved by the commission. If the commission finds that an extension of the ten-month period is necessary to permit the accumulation of necessary data with respect to the operation of a newly constructed electric generating facility that has a capacity of one hundred megawatts or more of electricity and that is proposed to be included in the rate base for the first time, the commission may extend the ten-month period up to a maximum extension of six months, but only with respect to that portion of the suspended rates, charges, schedules or regulations that are necessarily connected with the inclusion of the generating facility in the rate base. If a utility is proposing to include in its rate base for the first time a newly constructed electric generating facility that has a capacity of one hundred megawatts or more of electricity, the filing date of new or changed rates, charges, schedules or regulations shall, for purposes of computing the ninety-day and ten-month limitations stated above, be the date as determined by the commission that the new plant went into service, but only with respect to that portion of the suspended rates, charges, schedules or regulations that are necessarily connected with the inclusion of the generating facility in the rate base. The commission shall establish a rate of interest to be paid by a public utility to persons receiving refunds. The rate of interest shall be a reasonable rate as determined by the commission, but not less than five percent per annum, and the interest shall be compounded annually. The public utility shall not place into effect any portion of any suspended rates, charges, schedules or regulations of any subsequent rate filing relating to services with respect to which a rate filing is pending within twelve months following the date a prior application was filed or until after the date the commission has issued a final order in any previously filed rate proceedings, whichever date is earlier, unless the public utility applies to the commission for authority and receives authority to place a portion of the subsequent [filed] rate filing into effect on an interim basis.

Sec. 7. Section 476.10, Code 1981, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Whenever the commission shall deem it necessary in order to carry out the duties imposed upon it in connection with rate regulation under section 476.6, investigations under section 476.3, or review proceedings under section 1 of this Act, the commission may employ additional temporary or permanent staff, or may contract with persons who are not state employees for engineering, accounting, or other professional services, or both. The costs of these additional employees and contract services shall be paid by the public utility whose rates are being reviewed in the same manner as other expenses are paid under this section. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, such sums as may be necessary to enable the commission to hire additional staff and contract for services under this section. The authority to hire additional temporary or permanent staff that is granted to the commission by this section shall not be subject to limitation by any administrative or executive order or decision that restricts the number of state employees or the filling of employee vacancies, and shall not be subject to limitation by any law of this state that restricts the number of state employees or the filling of employee vacancies unless that law is made applicable to this section by express reference to this section.

Sec. 8. The Iowa state commerce commission shall investigate the practice of allowing a public utility to recover advertising costs from its customers. The commission shall recommend to the general assembly not later than January 15, 1982, whether or not it is appropriate to adopt legislation to disallow a portion of advertising costs when determining costs of operations for rate-making purposes. The Code editor shall not codify this section.

Sec. 9. Sections 5 and 6 of this Act apply to proceedings commenced under section 476.3 or 476.6, respectively, on or after the effective date of this Act."

b. Amend the title by striking lines 1 through 14 and inserting in lieu thereof the words "An Act relating to the regulation of public utilities and making an appropriation to the Iowa state commerce commission."

ON THE PART OF THE HOUSE:
ROBERT M.L. JOHNSON, Chairperson
DOUGLAS SHULL
GEORGE R. SWEARINGEN

ON THE PART OF THE SENATE:
EDGAR H. HOLDEN, Chairperson
LUCAS J. DE KOSTER
EMIL J. HUSAK
JOHN W. JENSEN

Filed May 20, 1981.

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 850

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the difference between the Senate and the House of Representatives on House File 850, 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, respectfully make the following report:

- 1. That the House recede from its amendment, S—3869 to the Senate amendment, H—4339, to House File 850, as amended, passed, and reprinted by the House.
- 2. That the Senate recede from its amendment, S—4339, to House File 850, as amended, passed, and reprinted by the House.
- 3. That House File 850, as amended, passed, and reprinted by the House, be amended as follows:
 - 1. Page 3, by inserting after line 24 the following new paragraphs:

"c. For salaries, support, maintenance, and miscellaneous purposes of the criminalistics laboratory in the division of criminal investigation \$180,000 \$180,000

d. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriation in paragraph c of this subsection for the criminalistics laboratory for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 is void."

2. Page 3, by inserting after line 35 the following new paragraph:

"b. For maintenance and fuel for patrol vehicles to allow for the maintenance of the current level of effort in providing for the safety of the traveling public on the highways of this state, only to be expended upon authorization of the governor by executive order \$100,000 \$100,000"

3. Page 4, by inserting after line 19 the following new sections:

"Sec. ____ . There is appropriated from the general fund of the state to the Iowa crime commission, or its successor agency, for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>

1. IOWA CRIME COM-
MISSION, OR ITS SUCCESSOR
AGENCY

a. Criminal justice		
planning	\$234,000	\$260,000
b. Juvenile justice		
planning	\$37,840	\$48,935
c. Jail standards		
development, jail training, and technical assistance	\$100,000	\$

2. It is the intent of the general assembly that if the duties of the Iowa crime commission specified in subsection 1 of this section and for which funds are appropriated are subsequently transferred to another agency, the funds appropriated in subsection 1 of this section are appropriated to the successor agency to be expended only for the purposes specified in subsection 1 of this section.

3. If legislation creating a criminal justice improvement fund is enacted and becomes law, the appropriations in subsection 1 of this section for each year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 are void.

Sec. ____ . There is appropriated from the general fund of the state to the office for planning and programming for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	1981-1982	1982-1983
	<i>Fiscal Year</i>	<i>Fiscal Year</i>
OFFICE FOR PLANNING AND PROGRAMMING		
Statistical analysis center \$98,350 \$103,710"		

4. Page 4, line 32, by striking the figure "5,578,205" and inserting in lieu thereof the figure "5,278,205".

5. Page 4, line 32, by striking the figure "5,680,176" and inserting in lieu thereof the figure "5,380,176".

6. Page 4, by inserting after line 35 the following:

"Notwithstanding chapter 8, it is the intent of the general assembly that funds appropriated for public transit purposes to implement a state assistance plan shall be allocated in whole or in part to a public transit system prior to the time actual expenditures are incurred if the allocation is first approved by the state department of transportation. A public transit system shall make application for advance allocations to the state department of transportation specifically stating the reasons why an advance allocation is required and this allocation shall be included in the total to be audited."

7. Page 5, line 18, by striking the figure "10,773,418" and inserting in lieu thereof the figure "11,073,418".

8. Page 5, line 18, by striking the figure "11,382,011" and inserting in lieu thereof the figure "11,682,011".

9. Page 8, by inserting after line 21 the following new section:

"Sec. ____ . There is appropriated from the general fund of the state to the Mississippi river parkway commission for each fiscal year of the fiscal biennium beginning July 1, 1981 and ending June 30, 1983, the sum of fifteen thousand (15,000) dollars, or so much thereof as is necessary, for support, maintenance, and miscellaneous purposes."

10. Page 8, by inserting after line 21 the following new sections:

"Sec. ____ . If Senate File 561 is enacted by the Sixty-ninth General Assembly and becomes law, and the law provides for a study of the state department of transportation to determine staff requirements, administrative structure, and general efficiency of the department within the funding available, there is

appropriated from the road use tax fund to the legislative council the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, to pay for the costs of the study.

Sec. _____. If Senate File 456 is enacted by the Sixty-ninth General Assembly and becomes law, and the law provides for a study to determine the size of the primary road system and the size of the secondary road system, there is appropriated from the road use tax fund to the state department of transportation the sum of ten thousand (10,000) dollars, or so much thereof as is necessary, to pay for the costs of the study."

11. Page 8, by inserting after line 21 the following new section:

"Sec. 11. There is appropriated from the road use tax fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of eight hundred fifty thousand (850,000) dollars or so much thereof as may be necessary, for the construction of a new undivided four-lane roadway on state-owned property in Iowa City from the curve of Woolf avenue near the southwest corner of the dental science building and proceeding west and north to the intersection of Rocky Shore drive and U.S. Highways 6 and 218, including the reconstruction of the intersection of Rocky Shore drive and U.S. Highways 6 and 218 and the widening from two lanes to four lanes Woolf avenue from the curve of Woolf avenue to the south of the dental science building east to the point where the existing Woolf avenue becomes four lanes. The construction engineering and inspection of the project, consisting of draining, grading, and paving on U.S. Highways 6 and 218, shall be done by the state department of transportation. The state university of Iowa shall provide all right of way for the project, including modifications along U.S. Highways 6 and 218, and any costs incurred by the state university of Iowa in obtaining or purchasing right of way south of U.S. Highway 218 for the project shall be borne by the state university of Iowa. The installation of the traffic signal devices at the intersections of Rocky Shore drive and U.S. Highways 6 and 218 and the intersection of Newton road and Woolf avenue shall be paid from funds appropriated by this section. Funds appropriated by this section shall not be used for the construction of any parking facilities. If the cost of the project exceeds the amount of funds appropriated in this section, the state board of regents shall provide the additional funds, not to exceed five hundred thousand (500,000) dollars.

Of the amount appropriated by this section for the project, an amount equal to six hundred thousand (600,000) dollars shall be considered an interest-free loan to the state board of regents to be repaid by the board in the manner provided in this section. In the fiscal year beginning July 1, 1982 and ending June 30, 1983, and in each of the nine succeeding fiscal years, the state department of transportation shall, in apportioning funds appropriated for state institutional roads and state park roads pursuant to section 312.2, subsection 5, withhold sixty thousand (60,000) dollars from that portion of the funds allocated to the state board of regents as payment of one-tenth of the loan from the road use tax fund for the project.

Sec. 12. There is appropriated from the primary road fund for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983 the sum of one hundred fifty-thousand (150,000) dollars for the project specified in section 11 of this Act."

12. Page 8, lines 30 and 31, by striking the words "[with the approval of the director of general services]" and inserting in lieu thereof the words "with the approval of the [director of general services] *executive council*".

13. Amend the title, line 3, by striking the words "and public defense" and inserting in lieu thereof the words "public defense, and to the office for planning and programming for the statistical analysis center".

ON THE PART OF THE HOUSE:

LEE HOLT, Chairperson
CLIFFORD BRANSTAD
WILLIAM H. HARBOR
JAMES D. O'KANE
EMIL S. PAVICH

ON THE PART OF THE SENATE:

RICHARD F. DRAKE, Chairperson
EMIL J. HUSAK
JOHN N. NYSTROM
FORREST V. SCHWENGELS
ARTHUR A. SMALL, JR.

Filed May 22, 1981.

**SUPPLEMENT
TO THE
SENATE JOURNAL**

**Sixty-ninth General Assembly
1981 Regular Session**

**BILLS APPROVED OR ITEM
VETOED SUBSEQUENT TO ADJOURNMENT**

The following is a record of action on bills by the Governor and transmitted to the Secretary of State after the close of the 1981 Regular Session:

- S.C.R. 35— Pertaining to Regents bonding. Approved June 19, 1981.
- S.F. 48— Providing for the joint financing by public agencies of electric power facilities and other facilities. Approved June 16, 1981.
- S.F. 113— Relating to the payment of claims by counties for military service tax credits to be effective upon publication. Approved June 14, 1981.
- S.F. 146— Relating to procedures for construction, repair and improvement of public buildings. Approved June 14, 1981.
- S.F. 237— Providing for the allocation and apportionment of capital gains and losses for purposes of computing the state corporate income and franchise taxes and making the provisions retroactive. Approved June 13, 1981.
- S.F. 289— Relating to trespass on private property and imposing a penalty. Approved June 17, 1981.
- S.F. 300— Relating to the powers of banks. Approved June 15, 1981.
- S.F. 307— To permit a separate writing to identify bequests of certain tangible personal property in wills. Approved June 14, 1981.
- S.F. 324— Relating to installation of smoke detectors in multiple-unit residential buildings and to inspection by fire officials and providing a penalty. Approved June 16, 1981.
- S.F. 332— Relating to the Office of Appellate Defender. Approved June 14, 1981.
- S.F. 377— Relating to the disposal of resources for less than fair market value by individuals eligible for medical assistance. Approved June 14, 1981.
- S.F. 384— Relating to elections. Approved June 15, 1981.
- S.F. 440— Authorizing the use of railroad assistance funds for the restoration, conservation, and improvement of railroad main lines, switching yards, and sidings and providing funds. Approved June 15, 1981.
- S.F. 456— Relating to the jurisdictional transfer of highways and streets. Approved June 15, 1981.

- S.F. 466— Relating to the processing exemption in the state sales, services, and use tax. Approved June 19, 1981.
- S.F. 506— Redefining the types of projects for which industrial revenue bonds may be issued under Chapter 419. Approved June 2, 1981.
- S.F. 514— Relating to the operation of a motor vehicle, and providing penalties. Approved June 14, 1981.
- S.F. 517— Relating to certain crimes including accessory after the fact, assault, terrorism, indecent contact with a child, attempted burglary, theft, and other crimes which may result from the use of force in excess of reasonable force, and providing penalties. Approved June 19, 1981.
- S.F. 519— Amending the laws relating to games of skill, chance and raffles and providing penalties. Approved June 16, 1981.
- S.F. 531— Relating to pipelines. Approved June 15, 1981.
- S.F. 548— Relating to and making appropriations to various state regulatory, administrative and finance departments, boards, and commissions. Approved June 15, 1981.
- S.F. 551— Relating to the sale of public revenue bonds and making it effective upon publication. Approved June 19, 1981.
- S.F. 552— Relating to and making appropriations to agencies, institutions, commissions, departments, and boards responsible for education programs of this state. Approved June 20, 1981.
- S.F. 553— Relating to and 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 responsibility relate to agricultural affairs, economic development and energy and natural resources management. Approved June 15, 1981.
- S.F. 554— Reducing appropriated funds by four point six percent. Approved June 13, 1981.
- S.F. 555— Relating to the inheritance tax. Approved June 20, 1981.
- S.F. 557— Providing that a volunteer firefighter shall not be classified as a chauffeur when operating fire apparatus. Approved June 16, 1981.
- S.F. 562— Relating to the publication of the federal census report. Approved June 13, 1981.

- S.F. 564— Relating to the housing of inmates for either security or medical reasons at the Iowa security and medical facility. Approved June 17, 1981.
- S.F. 566— Relating to the administration and financing of current programs other than correctional and mental health programs under the jurisdiction of the Department of Social Services for the fiscal period beginning July 1, 1981, and ending June 30, 1983. Approved June 19, 1981.
- S.F. 567— Relating to the legalization of acts and agreements of North Iowa Municipal Electric Cooperative Association and other persons, with respect to the authority granted under that act, to take effect upon publication but to be retroactive in effect to April 26, 1979. Approved June 17, 1981.
- S.F. 569— Relating to claims against the state of Iowa and making appropriations in settlement of claims against the state of Iowa. Approved June 17, 1981.
- S.F. 571— Relating to district court officers, employees, and filing fees, and making an appropriation. Approved June 17, 1981.
- S.F. 575— Relating to appropriations for capital projects including making appropriations to certain educational agencies and striking appropriations for planning and completion of certain construction projects. Approved June 19, 1981.
- S.F. 576— Relating to the state cigarette and little cigar tax. Approved June 19, 1981.
- H.F. 154— Relating to the notice given before commencing an action for forcible entry or detention of real property and mobile homes. Approved June 13, 1981.
- H.F. 293— Creating a revolving farm fund for the Department of Social Services, effective upon publication. Approved June 13, 1981.
- H.F. 386— Providing for the implementation of agreements to arbitrate disputes, to provide minimum standards for arbitration procedures and rules for review of arbitration awards, and to subject violators to penalties. Approved June 18, 1981.
- H.F. 413— Relating to records of vital statistics kept by the state registrar and county and local registrars. Approved June 20, 1981.
- H.F. 467— Relating to rules of the fire marshal. Approved June 19, 1981.

- H.F. 472— Relating to the continuing education requirement of assessors and deputy assessors and to the selection of new assessors. Approved June 13, 1981.
- H.F. 503— Providing that parties to a judicial review of an administrative agency action may be provided copies of the petition of judicial review by personal service instead of mailing. Approved June 13, 1981.
- H.F. 572— Relating to the duties of the Board of Review. Approved June 19, 1981.
- H.F. 632— Requiring a permit for drilling operations for metallic minerals exploration. Approved June 2, 1981.
- H.F. 734— Relating to taxes owed to the state, and providing for penalties and interest for delinquent monthly withholding tax payments and establishing the rate of interest payable on delinquent taxes owed to the state. Approved June 13, 1981.
- H.F. 737— Including life cycle costs and energy efficiency as criteria to be used in developing state purchasing standards and specifications for energy consuming products. Approved June 20, 1981.
- H.F. 743— Amending the definitions contained in, and to revise the disclosure requirements, compliance procedures, and penalties prescribed by the Campaign Disclosure-Income Tax Checkoff Act. Approved June 20, 1981.
- H.F. 767— Relating to the satisfaction of debts owed to the holders of mechanic's liens. Approved June 16, 1981.
- H.F. 771— Relating to the regulation of public utilities and making an appropriation to the Iowa State Commerce Commission. Approved June 13, 1981.
- H.F. 782— Relating to the powers and duties of the Governor and the Energy Policy Council during a disaster or other emergency, to be effective upon publication. Approved June 2, 1981.
- H.F. 786— Permitting the county board of supervisors to classify secondary roads on the area service system to provide for a reduced level of maintenance on some of these roads. Approved June 13, 1981.
- H.F. 836— Relating to honoring county warrants. Approved June 20, 1981.
- H.F. 841— Relating to transactions involving the storage or sale of grain, and providing penalties, and providing for certain

temporary increases in fees to be effective until July 1, 1983. Approved June 13, 1981.

- H.F. 842— Providing for increasing the maximum permissible assessment for the Iowa beef excise tax. Approved June 17, 1981.
- H.F. 847— Relating to and making appropriations to various executive, legislative and judicial departments and agencies. Approved June 13, 1981.
- H.F. 849— Relating to the administration and financing of correctional and mental health programs under the jurisdiction of the Department of Social Services. Approved June 19, 1981.
- H.F. 851— Relating to the funding of state agencies for designated service programs. Approved June 19, 1981.
- H.F. 852— Requiring insurance companies to pay premium taxes on a prepayment basis. Approved June 13, 1981.
- H.F. 865— Providing for the imposition of a property tax levy for area schools for a cash reserve. Approved June 14, 1981.
- H.F. 867— Increasing the dollar amount which may be levied for the county agricultural extension education program. Approved June 19, 1981.
- H.F. 868— Relating to the state income and franchise taxes by allowing indexing to occur for subsequent tax years, updating references to the internal revenue code, and making certain provisions of the act retroactive. Approved June 20, 1981.
- H.F. 872— Delaying for six months from July 1, 1981, to January 1, 1982, the requirement for successful completion of a motorcycle education course or a motorized bicycle education course prior to the issuance of certain motor vehicle operators' licenses. Approved June 19, 1981.
- H.F. 873— Relating to the maintenance levy for benefited water districts. Approved June 13, 1981.
- H.F. 878— Reforming the schedule of assessment, levy, and collection of taxes by a special charter city to the schedule of assessment, levy, and collection of taxes of all other political subdivisions of the state. Approved June 20, 1981.

GOVERNOR'S ITEM VETO MESSAGES

June 19, 1981

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 850, an act making appropriations to and relating to the financing of agencies whose responsibilities relate to transportation, public safety, public defense and to the Office for Planning and Programming for the Statistical Analysis Center.

House File 850 is approved June 19, 1981, with the following exceptions which I hereby disapprove.

I am unable to approve the item designated in the act as Section 2, paragraph e which reads as follows:

e. It is the intent of the general assembly that documented assists to distressed motorists and that time spent at a court hearing by a member of the highway safety patrol shall be given a point value in the minimum work standard of contact points for highway safety patrol members assigned to road duty.

I have four reasons for taking this action:

—The State Patrol minimum performance standard has already been revised to include points for motorist assists;

—The issue of how to evaluate time spent in court within the point system is now under review and will likely be addressed in the 1982 work standards.

—The minimum performance standard is not established in law and to ensure maximum flexibility it is most appropriately modified through administrative rather than statutory action;

—The establishment of work standards is a management tool which is best left to the executive branch.

In an effort to ensure that the State Patrol carries out its duties and obligations in an efficient and effective manner, on October 8, 1979, the Department of Public Safety established a set of minimum performance standards by which all troopers would be evaluated.

It is important to note that this system was developed in part in response to concerns expressed by troopers, who were appealing disciplinary actions, that the Department of Public Safety did not have clear, specific work goals. The current point system does provide a precise standard by which all troopers know they will be fairly evaluated. Several members of the legislature correctly pointed out the need to review the system.

Since it was a new system, it clearly was not perfect. After the first year's experience, the Department of Public Safety did review the results of the point system and determined that the system should be modified. Significant changes that were implemented in April, 1981, included: the abolition of the requirement that each trooper achieve five OMVUI arrests during the year; the granting of points for motorist assists; and a readjustment of the points required on a daily basis.

This review process is continuing now as management officials consider what additional changes might be made to the point system for 1982. One of the issues being given careful consideration is how time spent in court should be evaluated within the overall point system. It is anticipated that this subject will be addressed in the 1982 standards.

Since the minimum performance standard system is a management tool, not based in legislation, I believe it would be unwise to rigidly cast part of the system within session laws. Moreover, since the point system is clearly evolving and will be subject to further modifications, it is essential that the Department maintain the maximum amount of flexibility in making periodic adjustments to the work standard. Having part of the system based in the session laws would, in my view, remove from management the flexibility it requires to make needed changes.

In passing this section of the bill, the legislature has pointed out a problem that needs to be, and is being, addressed. At the same time, I believe this section deals with the daily management and administration of the Department of Public Safety which is most properly left to the executive branch.

I therefore veto Section 2, paragraph e, of House File 850.

Sincerely,
ROBERT D. RAY
Governor

June 19, 1981

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit House File 875, an act relating to the compensation and benefits for public officials and employees by specifying salary rates and ranges and providing salary adjustments, increasing mileage reimbursement rates for public officers and employees, providing reimbursement for interview and moving expenses, making coordinating amendments to the Code, and appropriating funds.

House File 875 is approved June 19, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 24 which reads as follows:

Sec. 24. It is a condition of the appropriations made in this Act that mileage expense reimbursement rates or payments shall not be negotiated or included in a proposed collective bargaining agreement under chapter 20 during the biennium beginning July 1, 1981 and ending June 30, 1983.

This action is made necessary for two reasons:

—It is inappropriate to make this substantive change in Iowa's collective bargaining law in an appropriations bill.

—This restriction creates legal and practical difficulties for the state's collective bargaining agents.

Chapter 20 of the Iowa Code establishes a collective bargaining system for state government. This system received a great deal of public scrutiny and legislative debate prior to its being passed into law. The scope of those negotiations, listed in Section 20.9 of the Code of Iowa, received considerable attention by lawmakers and the mileage reimbursement was decided to be a negotiable item in a collective bargaining agreement.

While it is certainly the prerogative of the General Assembly to reassess the list of items subject to negotiation, it would be far more proper to conduct that reassessment in a bill designed to statutorily amend Chapter 20. In that way, the change would receive the full public debate and focus of attention it deserves. Section 24 is dwarfed in a lengthy and important appropriations bill and received scant review by the public and legislators as it received only perfunctory debate during the closing hours of the session.

Moreover, this section gives confusing signals to those engaged in collective bargaining with public employees. Since the restriction is in the session laws, it expires after two years. Thus, despite its wording which prohibits both the negotiation of mileage reimbursement and the inclusion of such in the next collective bargaining agreement, this section would legally expire by the time the next collective bargaining takes effect. The collective bargaining agent would be put into

an untenable legal and practical position: include mileage reimbursement in the negotiations and violate the session laws; or avoid including mileage reimbursement in the agreement despite the fact that there will be no restriction on doing so at the time the agreement is put into effect.

Therefore, it would have been far more appropriate for the General Assembly to reassess the allowed negotiable items of a collective bargaining agreement in a nonappropriations bill. That would have ensured full public debate of the item and the result would have established a clear policy for our collective bargaining agents. The General Assembly's failure to do this is cause for my item veto of Section 24.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of House File 875 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

June 20, 1981

The Honorable Mary Jane Odell
Secretary of State
State Capitol Building
L O C A L

Dear Madam Secretary:

I hereby transmit Senate File 572, an act relating to the administration and financing of mental health and mental retardation services, and providing effective dates.

Senate File 572 is approved June 20, 1981, with the following exception which I hereby disapprove.

I am unable to approve the item designated in the act as Section 13 which reads as follows:

Sec. 13. *NEW SECTION. STATE PAYMENT FOR PERSONS WITH NO COUNTY OF LEGAL SETTLEMENT.* If a person receives community-based mental health or mental retardation services and has no county of legal settlement or the person's legal settlement is unknown, as determined under sections 252.16 and 252.17, and if neither that person nor another person legally chargeable with that person's support is able to pay for the services, the state shall pay the costs of the services.

This action is made necessary for three reasons:

—This section requires a state appropriation in excess of \$200,000. However, the legislature did not act to appropriate those monies to the Department of Social Services to assume that financial responsibility.

—This section provides an open-ended appropriation with no limitations on the state's financial liability.

—This section expands the state's financial responsibility for services outside of the range currently provided to state mental health patients.

Presently, the state pays for county mental health services for those individuals who do not have a county of legal settlement if they are leaving a mental health institution or a state hospital-school. This section would extend the state's financial liability for all individuals with no county of legal settlement, regardless of the location of their earlier treatment. This could result in a significant drain on state finances at a time when the state budget is extremely tight. Indeed, I have been forced to make across-the-board cuts to many existing state programs, and the General Assembly has made additional cuts in order to ensure a balanced state budget.

It may be appropriate that in the future the state assume financial responsibility for all people who need mental health treatment, have no county of legal settlement, and cannot pay for the services. However, there is reason to believe that those who sought this expansion of state financial responsibility at this time were not fully aware of the dollar impact of that extension on the state budget. As a result, no appropriation to carry out the provisions of this section was made by the General Assembly. The state cannot assume this responsibility now, but the General Assembly can consider such an extension in the future when our state budget allows for it.

In addition, Section 13 provides an open-ended appropriation which includes no limit on the extension of the state's financial responsibility for these mental health patients. At this time of budget restrictions, we cannot afford to sign a blank check for state support of these mental health services.

Finally, it is important to note that Section 13 anticipates an expansion of state responsibility for mental health services which are not currently provided to existing state patients. Many of these services will not be fully defined until the Mental Health and Mental Retardation Commission begins operation on January 1, 1982. Providing state responsibility for services that have yet to be defined is premature. It would be best to wait until the Commission is fully established before any extension of existing mental health services is provided in the law.

In summary, while it may be wise for the state in the future to assume the cost of community-based mental health and mental retardation services for people who have no county of legal settlement and are not able to pay for those services themselves, the state's current budget constraints do not allow for such an extension

of financial responsibility at this time. The legislature extended the services but did not appropriate the monies necessary to fund these services. In addition, the open-ended nature of the appropriation and the failure to adequately define the services to be provided warrant an item veto of Section 13 of this bill.

For the above reasons, I hereby disapprove this item in accordance with Amendment 4 of the Amendments of 1968 to the Constitution of the State of Iowa. All other items of Senate File 572 are hereby approved as of this date.

Sincerely,
ROBERT D. RAY
Governor

COMMUNICATIONS FROM THE SECRETARY OF STATE
SUBSEQUENT TO ADJOURNMENT OF THE 1981 REGULAR SESSION

May 28, 1981

Ms. Linda Howarth Mackay
Secretary of the Senate
State Capitol Building
LOCAL

I hereby certify that Senate File 492 was published in The Hawk Eye, Burlington, Iowa, on May 20, 1981, and in The Bulletin-Journal, Independence, Iowa, on May 21, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 2, 1981

I hereby certify that House File 155 was published in The Bulletin-Journal, Independence, Iowa, on May 28, 1981, and in The Grundy Register, Grundy Center, Iowa, on May 28, 1981.

I further certify that House File 761 was published in the Monona Billboard, Monona, Iowa, on May 28, 1981, and in the Story City Herald, Story City, Iowa, on May 27, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that House File 731 was published in the Des Moines, Daily Record, Des Moines, Iowa, on May 6, 1981, and in The DeWitt Observer, DeWitt, Iowa, on May 9, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 9, 1981

I hereby certify that Senate File 114, was published in the Fort Madison Daily Democrat, Fort Madison, Iowa, on May 7, 1981, and in the Sioux City Journal, Sioux City, Iowa, on May 26, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that Senate File 546 was published in the Storm Lake Register, Storm Lake, Iowa, on May 23, 1981, and in the Council Bluffs Nonpareil, Council Bluffs, Iowa, on May 29, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that House File 831 was published in the Ottumwa Courier, Ottumwa, Iowa, on May 27, 1981, and in the Lyon County Reporter, Rock Rapids, Iowa, on June 1, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 22, 1981.

I hereby certify that Senate File 506 was published in the Cherokee Daily Times, Cherokee, Iowa, on June 5, 1981, and The Sigourney News-Review, Sigourney, Iowa, on June 10, 1981.

I further certify that Senate File 554 was published in the Creston News-

Advertiser, Creston, Iowa, on June 17, 1981, and the Reinbeck Courier, Reinbeck, Iowa, on June 18, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 23, 1981

I hereby certify that House File 509 was published in the Sioux County Index-Reporter, Hull, Iowa, on June 10, 1981, and the Marion Sentinel, Marion, Iowa, on June 11, 1981.

I further certify that House File 873 was published in the Lee Town News, Des Moines, Iowa, on June 18, 1981, and the Ankeny Press-Citizen, Ankeny, Iowa, on June 18, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 29, 1981

I hereby certify that Senate File 526 was published in the Ankeny Press-Citizen, Ankeny, Iowa, on May 28, 1981, and The Dubuque Leader, Dubuque, Iowa, on June 26, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that House File 632 was published in The Lyon County Reporter, Rock Rapids, Iowa, on June 24, 1981, and the Doon Press, Doon, Iowa, on June 25, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

June 30, 1981

I hereby certify that Senate File 531 was published in the Lake Mills Graphic, Lake Mills, Iowa, on June 24, 1981, and in The Sheffield Press, Sheffield, Iowa, on June 25, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

July 7, 1981

I hereby certify that Senate File 551 was published in the Lee Town News, Des Moines, Iowa, on June 25, 1981, and the Grinnell Herald Register, Grinnell, Iowa, on July 2, 1981.

I further certify that Senate File 562 was published in The Grundy Register, Grundy Center, Iowa, on July 2, 1981, and The Marion Sentinel, Marion, Iowa, on June 25, 1981.

I further certify that Senate File 567 was published in The Denison Bulletin, Denison, Iowa, on June 23, 1981, and the Adams County Free-Press, Corning, Iowa, on June 25, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

I hereby certify that House File 350 was published in the Waterloo Courier, Waterloo, Iowa, on May 15, 1981, and in the Sioux County Capital, Orange City, Iowa, on June 15, 1981.

I further certify that House File 782 was published in The Boone News-Republican, Boone, Iowa, on July 1, 1981, and the Urbandale News, Urbandale, Iowa, on June 11, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of Senate

ALSO:

July 21, 1981

I hereby certify that Senate File 456 was published in The Messenger, Fort Dodge, Iowa, on June 19, 1981, and in the Glidden Graphic, Glidden, Iowa, on June 25, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

ALSO:

July 28, 1981

I hereby certify that Senate File 113 was published in the North Iowa Times, McGregor, Iowa, on July 8, 1981, and in the Iowa City Press-Citizen, Iowa City, Iowa, on July 14, 1981.

Respectfully submitted,
MARY JANE ODELL
Secretary of State

IN MEMORIAM

Senate

Billingsley, Dr. John W	November 11, 1889—November 9, 1980
Cowden, Harry L	December 30, 1900—April 10, 1981
Hoeven, Charles B	March 30, 1895—November 9, 1980
Walter, Orval C	August 20, 1903—August 14, 1979

DR. JOHN BILLINGSLEY

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable John W. Billingsley, begs leave to submit the following memorial:

Dr. John W. Billingsley was born in Lenexa, Kansas, November 11, 1889. His father was Reverend L.K. Billingsley, a Methodist minister. In 1915, he married Mable Smith of Indianola, Iowa. Mrs. Billingsley preceded him in death; Dr. Billingsley passed away November 9, 1980, at Skiff Memorial Hospital.

Dr. Billingsley graduated from East Des Moines high school in 1906; from Simpson college, Indianola, Iowa, in 1910 with the degree of bachelor of arts; and from Western Reserve University school of medicine, Cleveland, Ohio, in 1914, with the degree of doctor of medicine. He was an intern at Iowa Methodist Hospital, Des Moines, Iowa, in 1914 and 1915. He was first lieutenant, medical corps, regular army, during World War I, serving fifteen months in France and Germany. He served as a member of the surgical staff at Skiff Memorial Hospital, Newton, Iowa.

Dr. Billingsley was a life member of the Iowa Medical Society, of which he was president in 1959 and 1960, vice president, trustee and was the recipient of the Society's merit award. He was head of the Jasper County civilian defense health services in the 1950's, and had also served on the state board of medical examiners.

He was a member of the First United Methodist Church, American Legion Post 111, of which he served as commander and Newton Veterans of Foreign Wars Post 1655.

Dr. Billingsley was a member of the Iowa Senate from 1935 to 1939, representing the twenty-ninth district of Jasper county. He is survived by his two sons, William Kirk Billingsley of Boulder, Colorado, and Dr. John Smith Billingsley of Fort Wayne, Indiana, and six grandchildren.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Dr. John W. Billingsley, the State has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his services to his community, state and nation and tender its sympathy and kindest regards to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and the Secretary of the Senate be instructed to forward an enrolled copy to each member of his family.

JOE BROWN, Chairperson
MICK LURA
BASS VAN GILST

HARRY L. COWDEN

MR. PRESIDENT: Your committee appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Harry L. Cowden, begs leave to submit the following memorial:

Harry L. Cowden was born at Montieth, Iowa, December 30, 1900, the son of Loren and Emma Cowden. He was married to Else M. Sorensen at Guthrie Center, June 4, 1926.

Mr. Cowden graduated from Guthrie Center High School in 1920, attended Des Moines University and graduated from American University of Commerce, Des Moines, Iowa.

Mr. Cowden was elected Guthrie County Clerk of District Court in 1932, serving eight years. In 1940, he was called to Extensive Active Duty with the Army as a Captain of Infantry and served as plans and training officer. He was a graduate of Army Command and General Staff College, Fort Leavenworth, Kansas, serving as an instructor in a number of officer schools and retired in 1955 as a Lieutenant Colonel.

Senator Cowden served in the Iowa Senate during the 59th, 60th, and 60th extraordinary General Assemblies.

Mr. Cowden was active in the United Methodist Church, as a Trustee and Finance Chairman; member of Guthrie Center Chamber of Commerce and Lions Club, holding many offices including President. Mr. Cowden also served as County Chairman for American Red Cross three years; two years as County Civil Defense Director, and received the Guthrie Center Junior Chamber of Commerce Distinguished Service Award in 1957.

Harry L. Cowden was a Master Mason 57 years; past Master of Orange Lodge, Guthrie Center; a member Des Moines Consistory; Knights Templar and Shrine. He served as Worthy Patron of Gleaners Chapter and Iowa Grand Chapter six years prior to election as Associate Grand Patron in 1960; he also served as Worthy Grand Patron Order of Eastern Star 1962.

Mr. Cowden passed away April 10, 1981, at Guthrie Center. He is survived by his wife, Else; two daughters, Mrs. Robert (Geneva) Knudson and Mrs. Robert Allen (Gloria) Burnett, both of Des Moines; and nine grandchildren.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Harry L. Cowden, the State has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his services to his community, state and nation and tender its sympathy and kindest regards to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and the Secretary of the Senate be instructed to forward an enrolled copy to each member of his family.

C.W. BILL HUTCHINS, Chairperson
JAMES E. BRILES
NORMAN RODGERS

CHARLES B. HOEVEN

MR. PRESIDENT: Your committee appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Charles B. Hoeven, begs leave to submit the following memorial:

Charles B. Hoeven was born at Hospers, Iowa, on March 30, 1895. Graduate of Alton high school, 1913; college of liberal arts of the State University of Iowa, 1921; and college of law at the State University of Iowa, 1922. Married in 1928 to Velma Ruth Pike of Toledo, Iowa, and they have one son and one daughter.

He had been president of the Alton Rotary Club and the Orange City Lions Club. He was a member of all Masonic bodies. He was an elder in the First Presbyterian Church of Alton, Iowa and a World war veteran, serving overseas. Member American Legion and past commander of his local post. Mr. Hoeven was also County attorney of Sioux county from 1925 to 1937, past president of the County Attorneys' Association of Iowa, President, board of education, Alton public schools; member of Phi Alpha Delta law fraternity; served on the board of directors of Alton Savings Bank and engaged in the practice of law in Alton, Iowa.

Mr. Hoeven was elected to the Iowa Senate to begin serving in 1937, 47th General Assembly. He served as President pro-tempore of the Senate in the 48th General Assembly.

Mr. Hoeven, a Republican, represented Iowa's old Eighth district - which was changed to the Sixth district in 1961 - from 1943 until 1965. During his congressional years he was chairman of the House Republican Conference in 1962, deputy minority whip in the House from 1957 to 1965, a member of the House Republican Policy Committee from 1957 to 1962 and ranking Republican on the Agriculture Committee from 1958 to 1965. The two things Mr. Hoeven considered most important in his political career was his service on the Agriculture Committee and his work on the Floyd River flood control project.

Mr. Hoeven always noted in his speeches his affinity for "native Iowans from Northwest Iowa as being from the garden spot of the world".

Mr. Hoeven died at a care center in Orange City on Sunday, November 9, 1980 at the age of 85. He is survived by his widow, Velma of Alton; one son, Charles Pike Hoeven of Slater, Iowa, and one daughter, Pauline Marshall, Ackley, Iowa; five

grandchildren; and two sisters, Mrs. E.F. Gilbert of Rock Rapids, Iowa and Mrs. C.S. Burrow, Orange County, California.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Charles B. Hoeven, the State has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service to his community, state and nation and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and the Secretary of the Senate be instructed to forward an enrolled copy to each member of his family.

LUCAS J. DE KOSTER, Chairperson
BERL E. PRIEBE
RICHARD VANDE HOEF

ORVAL C. WALTER

MR. PRESIDENT: Your committee, appointed to prepare a suitable resolution commemorating the life, character and public service of the late Honorable Orval C. Walter, begs leave to submit the following memorial:

Orval C. Walter was born on a farm at Lenox, Iowa, August 20, 1903, the son of Belle and John W. Walter. He graduated from Lenox Independent High School in 1921 and attended Iowa State University at Ames in 1921 to 1925. In 1926, he married Dorothy I. Wynn at Winterset, Iowa. They had one son, Richard of Lenox, Iowa and a daughter Mary Joan Hall of Spirit Lake, Iowa.

Mr. Walter was a retired farmer and implement dealer. He served two terms on Lenox school board and two terms on Lenox City Council. He was a member of the Christian Church at Lenox; a Master Mason and member of Easter Star, Za-Ga-Zig Shrine, Des Moines and Rotary International.

He was a State Senator representing Adams and Taylor Counties in 1961-1963 and in the 1964 Special Session was the assistant Law Clerk of the Senate in 1965, a member of the Democratic party.

Senator Walter died at the Rosary Hospital in Corning, Iowa, August 14, 1979, at the age of 75. He was preceded in death by his wife, Dorothy, January 3, 1976; his parents, and 2 sisters, Bernice Mills and Glenna McClintock.

Now Therefore, Be It Resolved by the Senate of the Sixty-ninth General Assembly of Iowa: That in the passing of the Honorable Orval C. Walter, the State has lost an honored citizen and a faithful and useful public servant, and the Senate by this resolution would express its appreciation of his service to his community, state and nation and tender its sympathy to the members of his family.

Be It Further Resolved: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

JAMES E. BRILES, Chairperson
DICK RAMSEY
NORMAN RODGERS

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GALLAGHER, JAMES V.---Senator Sixteenth District

Bills introduced---240, 241, 309, 377, 454, 455, 466, 773
 Amendments filed--750, 949, 1044, 1060, 1063, 1155, 1393, 1409, 1448, 1608,
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 Amendments offered---1063
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 Senate Concurrent Resolution 4, compensation---179-189 adopted
 Senate Concurrent Resolution 6, International Year of Disabled Persons, 1981-
 352-353, 365, 383, 524, 1602, 1664 adopted
 Senate Concurrent Resolution 7, evaluate commerce comm. - 363-364, 383, 524
 Senate Concurrent Resolution 8, warning label on alcoholic beverages - 455-
 456, 481, 524
 Senate Concurrent Resolution 12, official symbol, "Purple Ribbon", Vietnam
 Vets - 670-671, 701, 723 adopted
 Senate Concurrent Resolution 17, Easter observance - 1119, 1121, 1208 adopted

- Senate Concurrent Resolution 32, extraordinary session, redistricting & changes in appropriations - 1736, 1750, 1773, 1793-1794, 1817, 1795-1796 adopted as amended
- Senate Concurrent Resolution 35, ten-year bldg. program, bd. of regents--- 1743-1746, 1751, 1786-1787 adopted - 1853-1854 adopted as amended, 1875, 1879, 1885 sent to governor, signed by governor 6-19-81
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- Senate Resolution 2, Senate rules - 19-42, 58, 132, 147, 134-136 adopted
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- Senate Resolution 5, recognize Philip E. Burks - 242-243, 280, 342, 370, 464, 451 adopted
- Senate Resolution 6, Senate rules, lobbyists - 397-402, 428, 469 adopted
- Senate Resolution 7, Senate Code of Ethics - 402-405, 428, 469-470 adopted
- Senate Resolution 8, governor's appointments, list of, approved - 433-437, 441, 453 adopted
- Senate Resolution 9, amend Senate Rule 58 - 477-479, 484, 506 adopted
- Senate Resolution 10, pay tribute to Constance Belin - 585, 615, 793
- Senate Resolution 11, Atlanta murder investigation, approp. - 757-758, 794, 907
- Senate Resolution 13, Days of Remembrance, Nazi Holocaust - 1235, 1268, 1307, 1310, 1341 adopted
- Senate Resolution 14, Forrest J. Mitchell, appointee, defer consideration of - 1289-1290 adopted
- Senate Resolution 15, public submit complaints, beer & liquor control dept. - 1403, 1446, 1535
- Senate Resolution 16, reasons for rejection in detail, if, redistricting plan - 1662, 1687
- Senate Resolution 17, reasons for disapproval of SF 570, reapportionment bill - 1677-1681 adopted
- Senate Resolution 18, Senate legislative expenses - 1700-1701, 1704, 1871-1872 adopted
- House Concurrent Resolution 6, litigation, Wilson, et al. v. Omaha Indian Tribe, et al. - 337-338, 365, 458, 484-485, 557, 558, 588
- House Concurrent Resolution 8, designate March 21st as official Bird Day - 581-582, 615, 793, 1091, 1325 adopted, 1348
- House Concurrent Resolution 9, jurisdictional transfer of roads & streets - 497-498, 526, 588, 658, 1055
- House Concurrent Resolution 13, Year of the Tree - 1452-1453, 1471, 1496, 1612
- House Concurrent Resolution 15, audit & review, bd. of regents - 5
- House Concurrent Resolution 21, welcome delegation from Nigeria - 826-827, 846, 856 adopted
- House Concurrent Resolution 26, Community Services Admin. - 1453-1454, 1496, 1612
- House Concurrent Resolution 29, Day of Recognition for Vietnam veterans - 1401-1402, 1446, 1535

House Concurrent Resolution 30, GA endorse Nat'l. Victims Rights Week -
1454, 1496, 1612

House Concurrent Resolution 31, preserve Iowa's railroad core system - 1353-
1355, 1405

GENTLEMAN, JULIA B.---Senator Thirty-Third District

Bills introduced---128, 294, 362, 687, 735, 1102

Amendments filed---295, 750, 853, 1045, 1125, 1179, 1233, 1262, 1352, 1409,
1471, 1557, 1564, 1588, 1651, 1730, 1763

Amendments offered---295, 539, 859, 1232, 1260, 1420, 1568, 1591, 1735, 1763

Amendments withdrawn---1370, 1487, 1763

Called up reports of investigating committees---1144

Committee appointments---1885

Investigating committee reports---591, 942, 1124

Notice of appointee hearing---910

Presided at sessions of the Senate---1275, 1673

Resolutions offered---242-243, 352, 363, 585, 670, 1235, 1235-1236, 1833

Rulings---1276

Standing committees and subcommittees appointed to---53

Subcommittee assignments---164, 191, 192, 194, 196, 197, 266, 269, 270, 342,
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909, 972, 1222, 1307, 1308, 1309

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Presented Mr. Art Davis, member of the U.S. Holocaust Memorial Council
with enrolled copy of Senate Resolution 13---1434

GOODWIN, NORMAN J.---Senator Thirty-ninth District

Bills introduced---47, 353, 377, 431, 454, 543

Amendments filed---692, 818, 876, 996, 1044, 1380, 1448

Amendments offered---1171

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Committee appointments---7, 1783

Reports---11, 1808-1809

Resolutions offered---242-243, 352, 363, 670, 1518

Standing committees and subcommittees appointed to---53

Subcommittee assignments---140, 194, 196, 197, 266, 269, 272, 342, 343, 345,
457, 458, 524, 588, 589, 590, 694, 695, 696, 792, 793, 904, 905, 908, 909,
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Bills signed by---366-367, 607, 811, 843, 930, 941, 979, 1069, 1104-1105, 1152,
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 Resolution relating to Condition of the State Message, HCR 1---45 adopted
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GRATIAS, ARTHUR L.---Senator Seventh District

Bills introduced---43, 103, 104, 166, 205, 263, 310, 377, 454, 518
 Amendments filed---552, 580, 1118, 1125, 1155, 1523, 1556, 1639, 1786
 Amendments offered---288, 897, 1278, 1565, 1639
 Call of the Senate---753
 Called up reports of investigating committees---422
 Committee appointments---4
 Investigating committee reports---332-333, 424, 1727
 Notice of appointee hearing---306
 Petitions presented---1555
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 Resolutions offered---242-243, 352, 455-456, 670, 1027-1028, 1403, 1518
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 Subcommittee assignments---140, 192, 193, 195, 197, 266, 267, 268, 341, 459,
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HESTER, JACK W.--- Senator Twenty-seventh District

Bills introduced---167, 353, 363, 490, 555, 556
 Amendments filed---487, 542, 615, 660, 750, 783, 863, 1038, 1074, 1096, 1099,
 1125, 1218, 1381, 1393, 1525, 1575, 1635, 1753
 Amendments offered---500, 673, 777, 783, 1038, 1080, 1218, 1355, 1501, 1656
 Amendments withdrawn---777, 782, 1639
 Appointed to Interstate Cooperative Commission---227
 Call of the Senate---753
 Committee appointments---7, 1700
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 Resolutions offered---242-243, 363, 499-500, 670, 1290-1291, 1518
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HOLDEN, EDGAR H.---Senator Fortieth District, Assistant Majority Floor Leader

Bills introduced---44, 48, 61, 73, 74, 103, 190, 232, 240, 263, 264, 339, 387, 431, 454, 466, 555, 640, 653, 736, 1845

Amendments filed---59, 178, 206, 208, 227, 253, 289, 290, 306, 307, 372, 533, 616, 637, 660, 686, 703, 818, 853, 862, 894, 922, 1029, 1032, 1038, 1066, 1073, 1074, 1087, 1093, 1125, 1197, 1237, 1254, 1448, 1513, 1551, 1555, 1575, 1588, 1643, 1773, 1798, 1803, 1847

Amendments offered---208, 289, 291, 356, 357, 449, 539, 677, 691, 774, 808, 862, 922, 1036, 1038, 1076, 1077, 1183, 1197, 1266, 1280, 1456, 1461, 1513, 1551, 1607, 1643, 1803

Amendments withdrawn---206, 208, 290, 677, 862, 1076, 1077, 1197, 1280, 1798, 1848

Call of the Senate---753

Committee appointments---952, 1361, 1700

Investigating committee reports---238, 278, 769

Petitions presented---552, 1634

Presided at sessions of the Senate---158, 518, 599, 1146, 1194, 1482, 1583, 1594, 1595

Reports---1771

Resolutions offered---242-243, 352, 670

Rulings---604, 1583, 1594, 1595

Standing committees and subcommittees appointed to---54

Subcommittee assignments---140, 192, 193, 194, 195, 197, 267, 268, 269, 270, 271, 272, 341, 342, 458, 459, 521, 523, 524, 525, 587, 588, 589, 695, 696, 697, 791, 792, 793, 793-794, 905, 907, 908, 909, 972, 1103, 1222, 1223, 1307, 1309, 1429, 1430, 1535, 1612, 1686, 1813

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HULSE, MERLIN D.---Senator Twelfth District

Bills introduced---74, 76, 353
 Amendments filed--818, 1044, 1096, 1099, 1753, 1756, 1786
 Amendments offered--1756
 Called up reports of investigating committees--420-421
 Investigating committee reports--318, 795
 Petitions presented---486-487, 1555

Resolutions offered--242-243, 352, 363, 670, 1403
 Standing committees and subcommittees appointed to--54
 Subcommittee assignments--164, 192, 194, 197, 272, 341, 342, 343, 459, 587,
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HULTMAN, CALVIN O.--Senator Forty-ninth District, Majority Floor Leader
 Bills introduced--73, 431, 535, 583, 629, 1355, 1511, 1533, 1551, 1564, 1709,
 1820-1821
 Amendments filed--58, 132, 134, 176, 1043, 1045, 1078, 1147, 1352, 1448, 1497,
 1523, 1730, 1794, 1796, 1798, 1802, 1852
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 1040, 1072, 1104, 1170, 1224, 1340-1341, 1374, 1687, 1703
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 confirmation, governor's appointment--1869
 Resolutions offered--158-159, 242-243, 352, 670, 1110-1111, 1290-1291, 1708-
 1709, 1737-1738, 1855-1856, 1874
 Standing committees and subcommittees appointed to--54, 459, 975
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Appointed and appointments to--49
 Appointees, investigation of--511, 814, 851
 Bills introduced--688, 712, 762, 829, 922, 939, 1005
 Amendments filed--351, 750
 Amendments offered--539, 897
 Investigating committee reports--591, 942, 1142
 Resolutions offered--1247-1248, 1248-1249
 Subcommittee assignments--191, 192, 193, 344, 345, 521, 522, 525, 587, 589,
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HUSAK, EMIL J.--Senator Thirty-sixth District

Bills introduced---240, 294, 377, 396, 454, 671

Amendments filed---206, 207, 231, 372, 516, 567, 580, 599, 616, 877, 894, 1044,
1237, 1373, 1393, 1448, 1464, 1556, 1690, 1753, 1878

Amendments offered---599, 1035, 1076, 1096, 1373

Committee appointments---7, 1700, 1715, 1836

Petitions presented---818, 1351

Presided at sessions of the Senate---1060, 1696, 1763, 1832

Reports---46, 1752, 1771, 1872

Resolutions offered---242-243, 352, 363, 670, 1518, 1662-1663, 1736-1737

Rulings---1766

Standing committees and subcommittees appointed---54

Subcommittee assignments---140, 175, 192, 193, 194, 268, 269, 270, 271, 272,
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Subcommittee assignments, governor's appointments---714, 843

HUTCHINS, C.W. (Bill)--Senator Twenty-eighth District, Assistant Minority
Floor Leader

Bills introduced---127, 283, 293, 377, 433, 601, 671, 723, 1445

Amendments filed---206, 207, 231, 321, 580, 599, 604, 637, 644, 686, 733, 750,
798, 818, 877, 927, 949, 996, 1020, 1032, 1044, 1054, 1093, 1096, 1125,
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Appointed to Legislative Council---226

Committee appointments---16, 1700

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LURA, MICHAEL (Mick)---Senator Twentieth District

Bills introduced---263, 265, 535, 543, 555, 688
 Amendments filed---321, 860, 863, 1088, 1387, 1409, 1510, 1555, 1557, 1559, 1574, 1575, 1588, 1597, 1607, 1622, 1635, 1640, 1757, 1774, 1862
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MILLER, ALVIN V.---Senator Sixth District

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 Amendments filed---227, 603, 703, 920, 996, 1044, 1045, 1155, 1254, 1262, 1393,
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 Amendments offered---603, 1165, 1262, 1393, 1871

Amendments withdrawn---920, 1871
 Committee appointments---1361, 1715
 Petitions presented---719, 1634, 1816
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 Senate File 561---1682
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 Senate File 571, S---3792---1734
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 House File 754, S---3459---1358
 House File 786---1517
 House File 804---1440
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 House File 847---1778
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 House File 849, S---3822---1765

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Senate File 122---1135
 Senate File 130, S---3045---315
 Senate File 197---918-919
 Senate File 235---926
 Senate File 260---707
 Senate File 305, item veto of Sec. 34---1791-1792
 Senate File 321---1883
 Senate File 514---1137
 Senate File 519---1883
 Senate File 522, S---3571---1568
 Senate File 531, motion to reconsider S---3370C---1100
 Senate File 553, S---3718---1624
 Senate File 566, S---3693---1596
 Senate File 576, S---3862---1806

Withdrawn:

Senate Joint Resolution 13---1410
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 Senate File 87---290
 Senate File 146---502
 Senate File 152, S---3049---503
 Senate File 159---467
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- Senate File 393--1209
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- Senate File 531--1112
- Senate File 548--1629
- Senate File 552, S—3681B--1568
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- House File 154, S—3450--1486
- House File 186--1410
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- House File 767--1529-1530
- House File 767--1530
- House File 816--1530
- House File 822--1529
- House File 850--1767
- House File 851--1767
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 - Senate Joint Resolution 10, S—3184--882
 - Senate File 1--1692
 - Senate File 235--926
 - Senate File 517, S—3545--1532
 - Senate File 517, S—3616 to S—3545--1532
 - Senate File 558--1693
 - Senate File 561--1683
 - Senate File 566--1618
 - House File 849, S—3822--1766
- Motions to reconsider---
 - Senate Joint Resolution 10, S—3123--782
 - Senate File 324, S—3135B, 3135C, 3135D--807
- Motions to reconsider and motions to reconsider be laid on table---
 - Senate File 370--1263
- Withdrawn:
 - Senate File 370--1263
- Motion to lay on table---
 - House File 303--1532
- Withdrawn:
 - House File 303--1532

MURRAY, JOHN S.---Senator Twenty-first District, Assistant Majority Floor Leader

Bills introduced---74, 103, 104, 150, 362, 431, 454, 471, 519, 543, 583, 617, 630
 Amendments filed---209, 227, 231, 238, 297, 733, 750, 894, 964, 1044, 1074, 1179,
 1254, 1266, 1288, 1352, 1564, 1594, 1597, 1671, 1689
 Amendments offered---743, 1171, 1230, 1256, 1266, 1544, 1564, 1698, 1717, 1757
 Amendments withdrawn---1232
 Appointed to Legislative Council---226
 Appointed to Legislative Fiscal Committee---227
 Committee appointments---4, 1797
 Investigating committee reports---1105
 Presided at sessions of the Senate---1657
 Reports---5-6, 1864-1865
 Resolutions offered---242-243, 352, 363, 670
 Standing committees and subcommittees appointed to---54, 459, 975
 Subcommittee assignments---140, 192, 193, 194, 195, 196, 197, 266, 270, 271,
 341, 342, 344, 457, 523, 525, 587, 588, 590, 694, 696, 792, 905, 972, 973,
 974, 1103, 1104, 1307, 1308, 1309, 1728, 1749, 1813
 Subcommittee assignments, governor's appointments---176, 812, 844, 845

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Appointed and appointments to---50
 Appointees, investigation of---163, 244, 698, 851
 Bills introduced---455, 480, 544, 600, 744, 880, 969, 1004
 Amendments filed---1073, 1254, 1318
 Amendments offered---1414
 Investigating committee reports---244, 245, 299, 300, 318-319, 885-886, 932-933
 Subcommittee assignments---164, 191, 194, 196, 197, 269, 270, 343, 345, 457,
 458, 459, 520, 587, 588, 589, 694, 695, 791, 792, 793, 905, 908, 909, 975,
 1222, 1307, 1308, 1876
 Subcommittee assignments, governor's appointments---164, 244, 714-715, 870

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NYSTROM, JOHN N.---Senator Twenty-second District, Assistant Majority Floor Leader

Bills introduced---127, 361, 377, 431, 432, 543, 688
 Amendments filed---751, 996, 1002, 1044, 1084, 1178, 1381, 1523, 1640, 1674,
 1675
 Amendments offered---1002, 1376, 1674, 1675, 1852
 Announcements---331
 Called up reports of investigating committees---417-418, 422-423
 Committee appointments---255, 1836
 Investigating committee reports---245, 247, 367, 681, 714, 715, 943-944, 944
 Presided at sessions of the Senate---330, 923, 1007, 1510, 1659, 1883
 Reports---1872
 Resolutions offered---242-243, 352, 670

Standing committees and subcommittees appointed to--54
Subcommittee assignments--191, 192, 196, 197, 267, 341, 342, 344, 345, 522,
525, 587, 590, 694, 696, 697, 904, 905, 905-906, 906, 907, 972, 974, 1308,
1309, 1612, 1876
Subcommittee assignments, governor's appointments--176, 367

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By temporary officers of the Senate--4
By permanent officer and employees of the Senate--11
By President pro tempore Ramsey of the Senate--7
By newly elected Senators--7
By secretaries--12
By pages--13
By page to Lieutenant Governor Terry E. Branstad--13
By Secretary of the Senate--4
By Sergeant-at-Arms, Roy Nelson--11

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Temporary officers elected and took oath of office--4
Permanent officers elected and took oath of office--9-11
Sergeant-at-Arms, Roy Nelson--10
Secretaries assigned and took oath of office--11-12
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Compensation of--179-189
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Senate File 570--1674

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Took oath of office--13
Presented check to Ed Strackey, representative of Camp Sunnyside--1109

PALMER, WILLIAM D.--Senator Thirty-second District

Bills introduced--377, 519, 570, 711, 810, 1445
Amendments filed--451, 465, 469, 597, 703, 1092, 1254, 1381, 1549, 1557, 1574,
1803
Amendments offered--451, 468, 469, 923, 1148, 1303, 1558, 1609
Appointed to Legislative Council--226
Appointed to Legislative Fiscal Committee--227
Investigating committee reports--715
Reports--1667-1670
Resolutions offered--242-243, 352, 363, 670, 757-758

Standing committees and subcommittees appointed to--55, 459, 975
 Subcommittee assignments--192, 194, 266, 267, 268, 269, 270, 341, 342, 457,
 458, 520, 521, 522, 523, 524, 525, 694, 696, 791-792, 792, 793, 904, 905,
 905-906, 906, 909, 972, 1103, 1222, 1223, 1307, 1430, 1686, 1728, 1813

PARLIAMENTARY INQUIRIES---

Senate File 130, S—3051 - Senator Briles---314
 House File 849, S—3807 - Senator Junkins---1756
 Ruled in order:
 House File 849, S—3807---1756

PERSONNEL COMMITTEE---

(See Officers and Employees of the Senate and/or Rules and Administration,
 Committee on)

PIONEER LAWMAKERS ASSOCIATION OF IOWA---

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 Resolution relating to, HCR 16---938, 957, 1091, 1103, 1209 adopted
 Honorary membership awarded to Otto Weber formerly with the Iowa
 Legislative Bulletin Service---1364

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House File 867, S—3866, same subject matter previously considered -
 Senator Lura---1841
 Ruling:
 House File 867, S—3866---1841

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 Senate File 48, S—3206 - Senator Briles---863
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 Senate File 122, refer to Ways and Means - Senator Junkins---285
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 Senate File 130, refer to Ways and Means - Senator Junkins---288
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 Senate File 130, S—3054 - Senator Briles---445
 Senate File 284, S—3157, Rule 23 - Senator Rush---858
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 Senate File 310, S—3232 - Senator Briles---919
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 Senate File 321, refer to Ways and Means - Senator Junkins---1239
 Senate File 329, improperly on regular calendar - Senator Junkins---955-
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 Senate File 370, refer to State Government - Senator Hultman---1054
 Senate File 412, S—3231 not divisible as divided - Senator DeKoster---1006
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Senate File 420, S—3205 - Senator Gallagher---1025
Senate File 470, fiscal note required - Senator Baugher---1216
Senate File 470, S—3461 - Senator Small---1216
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Senate File 487, refer to Cities - Senator Junkins---1220
Senate File 508, HF 775 could not be substituted - Senator Carr---1184
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Senate File 517, S—3545 - Senator Carr---1476
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Senate File 548, S—3850 - Senator Jensen---1792
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Senate File 570, S—3763 - Senator Rush---1676
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1675
Senate File 572, same subject matter previously considered - Senator
Junkins---1735
Senate File 576, S—3855 - Senator Craft---1801
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rec'd. - Senator Junkins---1257
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rec'd. - Senator Junkins---1257

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 House File 804, S—3470A - Senator Taylor---1339
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 House File 831, same subject matter previously considered - Senator
 Junkins---1621
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 House File 850, S—3785 - Senator Hutchins---1720
 House File 850, S—3786 - Senator Junkins---1721
 House File 850, S—3758 - Senator Husak---1721
 House File 850, fiscal note - Senator Gallagher---1722
 House File 850, S—3799 - Senator Drake---1723
 House File 850, S—3802 - Senator Husak---1724
 House File 868, S—3879 - Senator Holden---1858

Ruled in order:

Senate File 130, S—3045---313
 Senate File 310, S—3236---927
 Senate File 420, S—3205---1025
 Senate File 509, S—3347---1149
 Senate File 527, S—3382A---1244
 Senate File 552, S—3571---1562
 Senate File 552, S—3675---1564
 Senate File 553, S—3719---1607
 Senate File 561, S—3661---1640
 Senate File 561, S—3725---1643
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Ruled out of order:

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Senate File 470, S—3461---1216
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 Senate File 552, S—3669---1562
 Senate File 561, S—3740---1645
 Senate File 566, S—3648---1595
 Senate File 570, S—3762---1675
 Senate File 570, S—3763---1675
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 Senate File 576, S—3855---1801
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 House File 771, S—3576---1465
 House File 804, S—3458---1339
 House File 804, S—3470A---1339
 House File 850, S—3758---1721

Ruled well taken:

Senate Joint Resolution 10---782
 Senate File 122, refer to Ways and Means---285
 Senate File 130, refer to Ways and Means---288
 Senate File 130, refer to Appropriations---315
 Senate File 329, refer to State Government---956
 Senate File 370, refer to State Government---1054
 Senate File 412, S—3231, not divisible as divided---1006
 Senate File 508, HF 775 could not be substituted---1184
 House File 304, bill could not be rec'd---1257
 House File 774, bill could not be rec'd---1257

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Senate File 321, refer to Ways and Means---1239
 Senate File 470, fiscal note required---1216
 Senate File 487, refer to Cities---1228
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 Senate File 572, same subject matter previously considered (ruled substantively different)---1735
 House File 413, fiscal note required---1373
 House File 831, same subject matter previously considered - (ruled under Section 159, Mason's Manual)---1621

Rulings:

Senate File 415, improperly on Regular Calendar---956
 Senate File 487, refer to Cities---1228-1229

Withdrawn:

House File 737, S—3504---1285
 House File 850, fiscal note---1722

House File 850, S--3799--1723
 Amendment withdrawn:
 Senate File 470, S--3462--1216

PRESENTATIONS--

(See also Introductions)

Vietnam Veterans honored in special ceremony, presentation made--799
 Senate and House Pages presented a check to Ed Strackey, representative of
 Camp Sunnyside--1109
 Statement from Governor Robert D. Ray commemorating the victims of World
 War II Holocaust--1434
 Senator Gentleman presented Mr. Art Davis, member of U.S. Holocaust
 Memorial Council, with an enrolled copy of Senate Resolution 13--1434
 Senator Brown presented Kathleen Lucas, Queen of the Forty-sixth Annual
 Tulip Time Festival--1531
 Tulip Queen Kathleen Lucas, presented President Branstad with a "kiss" and
 package of Pella Dutch cookies--1531

PRESIDENT OF THE SENATE--Lieutenant Governor Terry E. Branstad
 (See Lieutenant Governor Branstad, Terry E., President of the Senate)

PRESIDENT OF THE UNITED STATES, CONGRESS, and/or FEDERAL
AGENCIES--

Resolutions relating to:

Senate Concurrent Resolution 3, congratulate President, etc., hostages
 return; welcome Kathryn Koob--158-159, 161, 165 adopted
 Senate Concurrent Resolution 9, ceiling on coal severance taxes - 499-500,
 526, 588, 849, 1500 adopted
 Senate Concurrent Resolution 10, unemployment trust fund, state control -
 583-584, 596, 710 adopted
 Senate Concurrent Resolution 11, exempt corporate officers, fed.
 unemployment taxation - 584-585, 596, 710 adopted
 Senate Concurrent Resolution 14, halt military aid, solution to El
 Salvador's problems - 928-929, 941, 1103
 Senate Concurrent Resolution 2, presidential election returns - 705, 729,
 908
 Senate Concurrent Resolution 35, warning label, alcoholic beverage
 bottles - 1819-1820, 1875

PRESIDENT PRO TEMPORE OF THE SENATE--Senator Dick Ramsey
 (See Ramsey, Dick--Senator Forty-seventh District)

PRESS, MEMBERS OF--

Assignment of desks in press gallery--8-9
 Codes, session laws of the Sixty-ninth General Assembly furnished to--16
 Resolution relating to, SR 1--16 adopted

PRIEBE, BERL E.--Senator Fourth District

Bills introduced--43, 44, 47, 59, 60, 61, 73, 77, 126, 127, 166, 190, 240, 339, 433,
 519, 543, 688, 758

- Amendments filed---176, 295, 307, 495, 542, 599, 602, 604, 660, 877, 902, 927,
936, 949, 964, 1038, 1044-1045, 1060, 1073, 1077, 1097, 1099, 1108, 1118,
1125, 1154, 1178, 1179, 1237, 1245, 1288, 1393, 1409, 1448, 1464, 1471,
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1597, 1604, 1644, 1650, 1651, 1658, 1671, 1721, 1740, 1753, 1760, 1761,
1773, 1801, 1803, 1817, 1838, 1879
- Amendments offered---295, 500, 542, 602, 604, 689, 902, 927, 1060, 1077, 1131,
1232, 1245, 1330, 1331, 1510, 1544, 1565, 1583, 1607, 1644, 1657, 1658,
1721, 1740, 1801, 1803, 1831
- Amendments withdrawn---1331, 1596, 1597, 1658, 1722, 1740, 1831
- Appointed to Interstate Cooperative Commission---227
- Committee appointments---13, 460
- Reports---14-15
- Resolutions offered---242-243, 352, 363, 670, 1320-1321, 1518, 1662-1663, 1736-
1737
- Standing committees and subcommittees appointed to---55
- Subcommittee assignments---175, 192, 193, 194, 195, 196, 197, 266, 269-270,
341, 344, 345, 458, 520, 521, 522, 524, 588, 694, 696, 793, 793-794, 907,
.908, 1223, 1307, 1309, 1430, 1686

PRINTING DIVISION OF GENERAL SERVICES---

- Superintendent of Printing---~~2~~
- Codes, session laws of Sixty-eighth General Assembly distributed to members
of the press, SR 1---16 adopted.
- Journals, bills and binders be mailed to all county auditors, SCR 1---15-16
adopted
- Journals, bills and binders be mailed to Iowa's U.S. Senators and Congressmen,
SCR 1---15-16 adopted

PROCLAMATION---

- Iranian hostages, Special Prayer and Thanksgiving, Governor Robert D. Ray---
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- Senate File 545---1223
- House File 745---1151
- House File 787---1151
- House File 856---1771
- House File 857---1771

RAMSEY, DICK---Senator Forty-seventh District, President pro tempore

- Elected President pro tempore---7
- Took oath of office---7
- Addressed the Senate---7-8
- Bills introduced---293, 338, 375, 432, 466, 490, 570, 671, 688, 727, 855
- Amendments filed---552, 605, 685, 719, 864, 865, 876, 996, 1020, 1025, 1026,
1028, 1031, 1044, 1064, 1065, 1087, 1092, 1093, 1098, 1124, 1125, 1266,
1273, 1299, 1318, 1352, 1381, 1448, 1471, 1493, 1547, 1555, 1588, 1594,
1597, 1604, 1640, 1730

Amendments offered--573, 864, 865, 920, 1025, 1026, 1028, 1031, 1064, 1065,
1098, 1244, 1266, 1267, 1303, 1391, 1443, 1476, 1490, 1493, 1514, 1515,
1547, 1594, 1597, 1640, 1735
Amendments withdrawn--865, 1031, 1098, 1547, 1597, 1645
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Reports--1752
Resolutions offered--242-243, 352, 670
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Standing committees and subcommittees appointed to--55
Subcommittee assignments--140, 191, 192, 193, 194, 195, 196, 197, 268, 269,
270, 271, 341, 342, 344, 346, 457, 459, 521, 522, 523, 588, 589, 590, 694,
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1307, 1308, 1309, 1429, 1535, 1612, 1813
Subcommittee assignments, governor's appointments--812-844
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RAY, GOVERNOR ROBERT D.--
(See Governor Ray, Robert D.)

READINGER, DAVID M.--Senator Thirtieth District
Bills introduced--128, 361, 454, 455, 787
Amendments filed--383, 733, 750, 863, 1025, 1038, 1074, 1254, 1273, 1393, 1471,
1473, 1496, 1497, 1549, 1557, 1604, 1651, 1671
Amendments offered--1025, 1183
Committee appointments--5, 51, 388, 1700
Reports--1771
Resolutions offered--242-243, 352, 363, 585, 670, 1227-1228
Standing committees and subcommittees appointed to--55
Subcommittee assignments--175, 191, 268, 269, 270, 271, 341, 346, 458, 459,
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793, 905, 906, 907, 909, 972, 973, 974, 974-975, 1222, 1223, 1307, 1429,
1430, 1535, 1686, 1703, 1813

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(See also Communications)
Aging, Commission on the--214
Area Education Agency 6--57
Arrowhead Area Education Agency 5--56
Grant Wood Area Education Agency 10--57
Green Valley Area Education Agency 14--57

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(See Chief Justice of the Supreme Court, The Honorable W.W. Reynoldson)

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 - Senate Resolution 18, legislative expenses---1700-1701, 1704, 1871-1872 adopted

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SMALL, JR., ARTHUR A.---Senator Thirty-seventh District

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- Agriculture--169, 236, 279, 280, 317, 460, 510, 909, 941
- Appropriations--144, 379, 429, 430, 563, 634, 652, 884, 978, 1069-1070, 1090, 1152, 1199, 1200, 1223, 1268, 1378, 1405, 1495, 1521, 1633, 1648, 1728, 1749
- Cities--237, 238, 252, 510, 884, 909, 931
- Commerce--123, 144, 145, 169, 226, 237, 279, 280, 316, 350, 365, 379, 486, 526, 545, 546, 563, 681, 730, 852
- County Government--153, 154, 160, 226, 278, 279, 304, 305, 316, 317, 350, 365, 366, 438, 564, 607, 608, 652, 681, 713, 730, 812, 813, 931, 963
- Education--129, 145, 146, 152, 153, 279, 280, 366, 745, 964
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- Human Resources--305, 306, 486, 526, 527, 652, 813, 931
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Senate Concurrent Resolution 5, comparative & contributory negligence, tort law--339-340, 365, 458
Senate Concurrent Resolution 13, oil recycling plant--772-773, 813, 907
Senate Concurrent Resolution 15, peace officers retirement--1007-1008, 1040, 1103
Senate Concurrent Resolution 16, state school foundation aid program--1027-1028, 1069, 1222
Senate Concurrent Resolution 18, civil service for cities--1227-1228, 1268, 1307
Senate Concurrent Resolution 19, citizens privacy task force--1235-1236, 1268, 1307
Senate Concurrent Resolution 20, coordination of elderly services--1247-1248, 1252, 1334, 1429
Senate Concurrent Resolution 21, chronic renal disease program--1248-1249, 1252, 1334, 1429
Senate Concurrent Resolution 22, water use & supply--1290-1291, 1310, 1429
Senate Concurrent Resolution 23, dairy industry, fees, etc.--1291, 1311, 1334, 1429
Senate Concurrent Resolution 24, worker's comp. ins. coverage--1305-1306, 1315, 1334, 1429
Senate Concurrent Resolution 25, water supply & distribution--1320-1321, 1379, 1429
Senate Concurrent Resolution 26, rural crime--1518, 1536, 1612
Senate Concurrent Resolution 27, rail service needed--1641-1642, 1666
Senate Concurrent Resolution 28, training academy, correctional officers & others--1652-1653, 1687
Senate Concurrent Resolution 29, shifting of funds--1662-1663, 1687
Senate Concurrent Resolution 31, obscenity--1725-1726, 1749
Senate Concurrent Resolution 33, agricultural products price--1736-1737, 1770
Senate Concurrent Resolution 34, problems of mortgage investments by IPERS--1737-1738, 1770
Senate Concurrent Resolution 36, employment incentives--1788, 1875
Senate Concurrent Resolution 37, city civil service--1830
Senate Concurrent Resolution 38, state correctional system--1833
Senate Concurrent Resolution 40, dual standards problem, sulfur dioxide emission--1869-1870
Senate Resolution 19, money market funds--1708-1709, 1749

Senate Resolution 20, comprehensive workfare program, social service recipients--1836-1837

SUBCOMMITTEE APPOINTMENTS---

Appropriations subcommittees, listed and members of--50-51

SUBCOMMITTEE ASSIGNMENTS---

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SUPREME COURT OF IOWA---

(See Chief Justice of Supreme Court, The Honorable W.W. Reynoldson)

TAYLOR, RAY---Senator Fifth District

Bills introduced--44, 47, 73, 78, 103, 138, 139, 150, 159, 166, 189, 190, 232, 241, 264, 377, 396, 519, 543, 629, 758, 829, 1057, 1113, 1448, 1706

Amendments filed--178, 603, 877, 894, 1065, 1087, 1096, 1099, 1118, 1124, 1125, 1155, 1218, 1219, 1237, 1265, 1393, 1461, 1556, 1562, 1574, 1588, 1635, 1720, 1721, 1723, 1848

Amendments offered--559, 603, 780, 1065, 1096, 1099, 1118, 1217, 1218, 1219, 1244, 1265, 1461, 1562, 1591, 1627, 1720, 1721, 1723

Amendments withdrawn--1627, 1629, 1720, 1848

Appointed to Legislative Council--226

Committee appointments--51, 324

Investigating committee reports--1009-1010

Petitions presented--1447, 1729

Presided at sessions of the Senate---1038, 1852

Resolutions offered--242-243, 352, 455-456, 670, 1290-1291, 1518, 1725-1726, 1788

Standing committees and subcommittees appointed to--55

Subcommittee assignments--140, 164, 192, 193, 195, 197, 266, 267, 268, 269, 270, 342, 343, 344, 458, 459, 521, 522, 523, 524, 694, 695, 696, 791, 791-792, 792, 793, 793-794, 905, 906, 906-907, 907, 909, 972, 973, 974, 975,

1103, 1222, 1307, 1429, 1430, 1686, 1703, 1813

Subcommittee assignments, governor's appointments--812, 844

TECHNICAL CORRECTIONS---

Senate File 425, change House amendment number from S--3585 to S--3583--1484

TIEDEN, DALE L.---Senator Ninth District

Bills introduced--61, 104, 190, 283, 339, 361, 431, 433, 454, 455, 499, 582, 712, 855

Amendments filed--771, 1044-1045, 1064, 1093, 1125, 1178, 1237, 1242, 1261, 1393, 1471, 1555, 1556, 1575, 1588, 1607

Amendments offered--925, 1096, 1242, 1490, 1600, 1607

Amendments withdrawn--1237, 1607
 Call of the Senate--753
 Committee appointments--16, 61, 1783
 Petitions presented--306
 Reports--459-460, 1447, 1808-1809
 Resolutions offered--242-243, 352, 363, 670, 1320-1321, 1518, 1725-1726
 Standing committees and subcommittees appointed to--55
 Subcommittee assignments--192, 194, 196, 197, 266, 269, 270, 343, 457, 458,
 520, 521, 587, 588, 589, 695, 792, 793, 905, 908, 909, 973, 975, 1222, 1309,
 1875
 Subcommittee assignments, governor's appointments--844

TITLE XX ADVISORY COMMITTEE--

Senators appointed to--1877

TRANSPORTATION, COMMITTEE ON--

Appointed and appointments to--50
 Appointees, investigation of--163, 698, 851
 Bills introduced--104, 190, 264, 293, 472, 758, 868, 879, 965, 968, 1000
 Investigating committee reports--246, 247, 745, 870
 Reports--1176, 1224, 1554, 1863
 Subcommittee assignments--140, 266, 267, 520, 522, 525, 587, 694, 696, 791,
 793, 906, 973, 974
 Subcommittee assignments, governor's appointments--176, 715, 845

VANDE HOEF, RICHARD--Senator Second District

Bills introduced--377, 386, 519, 706, 727
 Amendments filed--227, 964, 1073, 1087, 1096, 1125, 1155, 1301, 1408, 1556,
 1557, 1575, 1588, 1594, 1878, 1879
 Amendments offered--1132, 1183, 1301, 1373, 1593
 Amendments withdrawn--1593
 Committee appointments--61, 460, 1715, 1797
 Reports--1752, 1864-1865
 Resolutions offered--242-243, 352, 363, 670, 1290-1291, 1518
 Standing committee and subcommittees appointed--55
 Subcommittee assignments--191, 196, 197, 268, 271, 272, 341, 344, 345, 521,
 522, 524, 525, 587, 590, 694, 695, 696, 697, 791, 792, 793, 907, 908, 909,
 975, 1307, 1308, 1309, 1429, 1612
 Subcommittee assignments, governor's appointments--843

VAN GILST, BASS--Senator Forty-sixth District

Bills introduced--431, 454
 Amendments filed--603, 605, 644, 818, 1044, 1060, 1096, 1206, 1226, 1237, 1254,
 1393, 1523, 1544, 1549, 1567, 1575, 1597, 1604, 1717, 1760, 1761, 1847
 Amendments offered--603, 605, 1233, 1237, 1544, 1549, 1661, 1717, 1847
 Amendments withdrawn--605
 Committee appointments--16, 17, 460, 1700, 1783
 Petitions presented--1730, 1770
 Reports--459-460, 1447, 1771, 1808-1809

Resolutions offered--242-243, 352, 363, 670, 1518
 Standing committees and subcommittees appointed to--55
 Subcommittee assignments--191, 192, 194, 269, 270, 271, 272, 341, 343, 345,
 457, 458, 459, 520, 521, 522, 523, 524, 525, 587, 589, 590, 694, 695, 696,
 791, 791-792, 906, 907, 908, 909, 972, 975, 1104, 1308, 1430, 1876
 Subcommittee assignments, governor's appointments--843

WALDSTEIN, ARNE--Senator Third District

Bills introduced--73, 353, 377, 454, 466, 583
 Amendments filed--604, 605, 692, 1073, 1080, 1093, 1096, 1097, 1099, 1125,
 1178, 1216, 1286, 1389, 1471, 1556, 1651, 1690, 1817
 Amendments offered--604, 692, 1080, 1097, 1099, 1216, 1281, 1286, 1577, 1593,
 1595, 1698
 Amendments withdrawn--605, 1216, 1617
 Call of the Senate--753
 Committee appointments--1797
 Received consent that Tim Faller, Legislative Fiscal Analyst, remain in Senate
 Chamber during discussion of SF 566--1578
 Reports--1864-1865
 Resolutions offered--242-243, 352, 363, 670, 1290-1291, 1518
 Standing committees and subcommittees appointed to--55
 Subcommittee assignments--193, 196, 268, 271, 272, 345, 521, 522, 524, 525,
 587, 590, 791, 793, 974, 1104, 1307, 1429, 1612
 Subcommittee assignments, governor's appointments--843, 844

WAYS AND MEANS, COMMITTEE ON--

Appointed and appointments to--50
 Bills introduced--310, 432, 480, 671, 752, 922, 1000, 1195, 1275, 1334, 1377,
 1402, 1467, 1519, 1533, 1534, 1726, 1769, 1870
 Amendments filed--996, 1318, 1507, 1818
 Amendments offered--1501, 1835, 1841
 Subcommittee assignments--191, 192, 193, 194, 268, 269, 270, 271, 341, 343,
 457, 520, 521, 522, 523, 524, 525, 694, 695, 696, 697, 791, 792, 793, 904,
 906, 907, 908, 909, 972, 973, 1104, 1222-1223, 1307, 1309, 1429, 1430,
 1535, 1686, 1703, 1813

WELLS, JAMES D.--Senator Fourteenth District

Bills introduced--104, 361, 377, 378, 455, 727, 787, 879
 Amendments filed--692, 719, 719-720, 733, 1044, 1393, 1408, 1456, 1471, 1492,
 1651
 Amendments offered--1424, 1492
 Committee appointments--7, 1700
 Reports--11, 1741
 Resolutions offered--242-243, 352, 363, 670, 757-758
 Standing committees and subcommittees appointed to--56
 Subcommittee assignments--193, 195, 196, 266, 267, 272, 342, 343, 457, 458,
 459, 520, 521, 522, 523, 524, 525, 587, 588, 695, 696, 791, 792, 793, 794,
 904, 905, 906, 907, 908, 972, 974, 974-975, 975, 1103, 1223, 1307, 1308,
 1429

Subcommittee assignments, governor's appointments---729

YENGER, SUE---Senator Forty-fifth District

Bills introduced---361, 432, 454, 455, 787

Amendments filed---465, 605, 750, 863, 996, 1044, 1045, 1052, 1053, 1073, 1108,
1207, 1226, 1254, 1261, 1273, 1284, 1288, 1448, 1463, 1556, 1568, 1589,
1690, 1730, 1817

Amendments offered---1052, 1053, 1185, 1261, 1288, 1339, 1465, 1594, 1698,
1735, 1828

Amendments withdrawn---605, 1260

Notice of appointee hearing---979

Petitions presented---1634

Presided at sessions of the Senate---1551

Resolutions offered---242-243, 352, 363, 670, 1830, 1836, 1869-1870

Standing committees and subcommittees appointed to---56, 590

Subcommittee assignments---191, 193, 196, 197, 266, 269, 272, 345, 346, 522,
587, 588, 792, 907, 975, 1103, 1429

Subcommittee assignments, governor's appointments---175, 812, 843, 844