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**Volume II
April 6, 2004—April 20, 2004**

**THOMAS J. VILSACK, Governor
CHRISTOPHER RANTS, Speaker of the House
JEFF LAMBERTI, President of the Senate**

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JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 6, 2004

The House met pursuant to adjournment at 8:55 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Dennis St. Lawrence, pastor of Grace Baptist Church, Chariton. He was the guest of Representative Richard Arnold from Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 5, 2004 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 22, a bill for an act relating to the awarding of joint physical care of a child.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 561, a bill for an act creating the crime of invasion of privacy, and providing a penalty.

Also: That the Senate has on April 5, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2200, a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2207, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2230, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

Also: That the Senate has on April 5, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2262, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2396, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2433, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards.

Also: That the Senate has on April 5, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2462, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

Also: That the Senate has on April 5, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2537, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF HOUSE RESOLUTION 149

Heaton of Henry and Whitaker of Van Buren called up for consideration **House Resolution 149**, a resolution encouraging the

adoption of the Iowa tartan and the Iowa dress tartan as official state tartans, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Heaton of Henry and Whitaker of Van Buren introduced to the House: Ann Gerlds, President of the Scottish Heritage Society of Iowa. John Grundwald, Greg Fransisco, Terry Cochran and John Morris entertained the House with bag pipe music.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 142

Miller of Webster called up for consideration **House Resolution 142**, a resolution honoring the National Bar Association for its important contributions to the legal profession and the judicial process, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Miller of Webster introduced Vicky Long Hill and Inga Bumbary-Langston from the National Bar Association.

The House rose and expressed its welcome.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 10:41 a.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Manternach of Jones on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 2348, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes, was taken up for consideration.

SENATE FILE 2121 SUBSTITUTED FOR HOUSE FILE 2348

S. Olson of Clinton asked and received unanimous consent to substitute Senate File 2121 for House File 2348.

Senate File 2121, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes, was taken up for consideration.

The House stood at ease at 11:13 a.m., until the fall of the gavel.

The House resumed session at 11:21 a.m., Speaker pro tempore Carroll in the chair.

Whitaker of Van Buren offered the following amendment H-8407 filed by him from the floor and moved its adoption:

H-8407

- 1 Amend Senate File 2121, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "laboratory" the following: "and the sales price from
- 5 the furnishing of genetic test laboratory services
- 6 involving genetically modified organism testing and
- 7 animal speciation testing".
- 8 2. Title page, line 1, by inserting after the
- 9 word "environmental" the following: "and genetic".

Amendment H-8407 lost.

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

On the question "Shall the bill pass?" (S.F. 2121)

The ayes were, 63:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Chambers	Dandekar	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Lykam	Maddox	McCarthy
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Carroll, Presiding	

The nays were, 36:

Bukta	Cohoon	Connors	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Mascher	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Stevens	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 1:

Manternach

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

HOUSE FILE 2348 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 2348 from further consideration by the House.

Regular Calendar

House File 2558, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Greimann of Story asked and received unanimous consent that amendment H-8403 be deferred.

Lensing of Johnson offered amendment H-8401 filed by her from the floor as follows:

H-8401

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 707.1, Code 2003, is amended
- 5 to read as follows:
- 6 707.1 MURDER DEFINED.
- 7 A person who kills another person or terminates a
- 8 human pregnancy with malice aforethought either
- 9 express or implied commits murder.
- 10 Sec. 2. Section 707.2, subsections 1, 2, 3, 4, and
- 11 6, Code 2003, are amended to read as follows:
- 12 1. The person willfully, deliberately, and with
- 13 premeditation kills another person or terminates a
- 14 human pregnancy.
- 15 2. The person kills another person or terminates a
- 16 human pregnancy while participating in a forcible
- 17 felony.
- 18 3. The person kills another person or terminates a
- 19 human pregnancy while escaping or attempting to escape
- 20 from lawful custody.
- 21 4. The person intentionally kills a peace officer,
- 22 correctional officer, public employee, or hostage or
- 23 terminates a human pregnancy while the person is
- 24 imprisoned in a correctional institution under the
- 25 jurisdiction of the Iowa department of corrections, or
- 26 in a city or county jail.
- 27 6. The person kills another person or terminates a
- 28 human pregnancy while participating in an act of
- 29 terrorism as defined in section 708A.1.
- 30 Sec. 3. Section 707.4, unnumbered paragraph 1,
- 31 Code 2003, is amended to read as follows:
- 32 A person commits voluntary manslaughter when that
- 33 person causes the death of another person or the
- 34 termination of a human pregnancy, under circumstances

35 which would otherwise be murder, if the person causing
36 the death or terminating the human pregnancy acts
37 solely as the result of sudden, violent, and
38 irresistible passion resulting from serious
39 provocation sufficient to excite such passion in a
40 person and there is not an interval between the
41 provocation and the killing in which a person of
42 ordinary reason and temperament would regain control
43 and suppress the impulse to kill.

44 Sec. 4. Section 707.11, Code 2003, is amended to
45 read as follows:

46 707.11 ATTEMPT TO COMMIT MURDER.

47 A person commits a class "B" felony when, with the
48 intent to cause the death of another person or the
49 termination of a human pregnancy and not under
50 circumstances which would justify the person's

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1 actions, the person does any act by which the person
2 expects to set in motion a force or chain of events
3 which will cause or result in the death of the other
4 person or the termination of a human pregnancy.

5 It is not a defense to an indictment for attempt to
6 commit murder that the acts proved could not have
7 caused the death of any person or the termination of a
8 human pregnancy, provided that the actor intended to
9 cause the death of some person or the termination of a
10 human pregnancy by so acting, and the actor's
11 expectations were not unreasonable in the light of the
12 facts known to the actor."

13 2. Page 1, by striking lines 2 through 5.

14 3. Page 1, line 6, by striking the figure "2".

15 4. Title page, lines 1 and 2, by striking the
16 words "crimes against members of the species homo
17 sapiens at any stage of development" and inserting the
18 following: "termination of a human pregnancy".

19 5. By renumbering as necessary.

Boddicker of Cedar rose on a point of order that amendment H-8401 was not germane.

The Speaker ruled the point not well taken and amendment H-8401 germane.

On motion by Lensing of Johnson amendment H-8401 lost.

Shoultz of Black Hawk asked and received unanimous consent that amendment H-8400 be deferred.

Mascher of Johnson offered amendment H-8405 filed by her from the floor as follows:

H-8405

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, by inserting after line 9, the
- 3 following:
- 4 "3. Sections 707.1, 707.2, 707.3, 707.4, and
- 5 707.11 shall not apply to any course of infertility
- 6 treatment."

Foege of Linn rose on a point of order requesting House File 2558 be deferred.

The Speaker ruled the point not well taken.

On motion by Mascher of Johnson, amendment H-8405 lost.

Gipp of Winneshiek asked and received unanimous consent that House File 2558 be deferred and that the bill retain its place on the calendar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2259, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

Also: That the Senate has on April 6, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2328, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

Also: That the Senate has on April 6, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2393, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

Also: That the Senate has on April 6, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2395, a bill for an act creating the criminal offense of intellectual property counterfeiting, and providing penalties.

Also: That the Senate has on April 6, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2541, a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 6, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 12:04 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:08 p.m., Speaker pro tempore Carroll in the chair.

SPECIAL PRESENTATION

Dix of Butler introduced to the House the President of Wartburg College, Jack Ohle, the Wartburg College Wrestling Team and the Men's and Women's Cross Country Teams.

The House rose and expressed its welcome.

ADOPTION OF HOUSE RESOLUTION 160

Dix of Butler asked and received unanimous consent for the immediate consideration of **House Resolution 160**, a resolution recognizing and congratulating the Wartburg College 2003 Men's and

Women's Cross-Country Teams and the Wartburg College 2003-2004 Wrestling Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

The House resumed consideration of **House File 2558**, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable, previously deferred.

Hunter of Polk offered amendment H-8402 filed by him from the floor as follows:

H-8402

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, by striking lines 1 through 9, and
- 3 inserting the following:
- 4 "Section 1. Section 707.8, subsection 2, Code
- 5 2003, is amended to read as follows:
- 6 2. A person who terminates a human pregnancy
- 7 without the consent of the pregnant person during the
- 8 commission of a felony or felonious assault is guilty
- 9 of a class "~~C~~" "B" felony."
- 10 2. Title page, lines 1 through 3, by striking the
- 11 words "crimes against members of the species homo
- 12 sapiens at any stage of development and making
- 13 penalties applicable" and inserting the following:
- 14 "nonconsensual termination of a human pregnancy during
- 15 the commission of a felony or a felonious assault and
- 16 providing a penalty".

Amendment H-8402 lost.

Hunter of Polk offered the following amendment H-8406 filed by him from the floor and moved its adoption:

H-8406

- 1 Amend House File 2558 as follows:
- 2 1. Page 1, by striking lines 1 through 9 and
- 3 inserting the following:
- 4 "Sec. _____. Section 707.8, subsection 6, Code 2003,
- 5 is amended to read as follows:

6 6. A person who unintentionally terminates a human
7 pregnancy while drag racing in violation of section
8 321.278 is guilty of a class "~~D~~" "C" felony."
9 2. Title page, by striking lines 1 through 3, and
10 inserting the following: "An Act relating to
11 unintentional termination of a human pregnancy while
12 drag racing and providing a penalty."

Amendment H-8406 lost.

Mascher of Johnson offered the following amendment H-8404 filed by her from the floor and moved its adoption:

H-8404

1 Amend House File 2558 as follows:
2 1. Page 1, by striking lines 1 through 9, and
3 inserting the following:
4 "Section 1. Section 707.8, subsection 3, Code
5 2003, is amended to read as follows:
6 3. A person who intentionally terminates a human
7 pregnancy without the knowledge and voluntary consent
8 of the pregnant person is guilty of a class "~~C~~" "B"
9 felony."
10 2. Title page, lines 1 through 3, by striking the
11 words "crimes against members of the species homo
12 sapiens at any stage of development and making
13 penalties applicable" and inserting the following:
14 "intentional nonconsensual termination of a human
15 pregnancy and providing a penalty".

Amendment H-8404 lost.

Winckler of Scott offered the following amendment H-8411 filed by her from the floor and moved its adoption:

H-8411

1 Amend House File 2558 as follows:
2 1. Page 1, by striking lines 1 through 9, and
3 inserting the following:
4 "Section 1. Section 707.8, subsection 4, Code
5 2003, is amended to read as follows:
6 4. A person who unintentionally terminates a human
7 pregnancy by any of the means provided pursuant to
8 section 707.6A, subsection 1, is guilty of a class "~~C~~"
9 "B" felony."
10 2. Title page, lines 1 through 3, by striking the
11 words "crimes against members of the species homo

12 sapiens at any stage of development and making
 13 penalties applicable" and inserting the following:
 14 "the unintentional termination of a human pregnancy
 15 and providing a penalty".

Amendment H-8411 lost.

Smith of Marshall offered the following amendment H-8412 filed by him from the floor and moved its adoption:

H-8412

1 Amend House File 2558 as follows:
 2 1. Page 1, by striking lines 1 through 9 and
 3 inserting the following:
 4 "Section 1. Section 707.8, subsection 1, Code
 5 2003, is amended to read as follows:
 6 1. A person who terminates a human pregnancy
 7 without the consent of the pregnant person during the
 8 commission of a forcible felony is guilty of a class
 9 ~~"B"~~ "A" felony."
 10 2. Title page, lines 1 through 3, by striking the
 11 words "crimes against members of the species homo
 12 sapiens at any stage of development and making
 13 penalties" and inserting the following:
 14 "nonconsensual termination of a pregnancy during the
 15 commission of a forcible felony and providing a
 16 penalty".

Amendment H-8412 lost.

Mascher of Johnson offered amendment H-8416 filed by her from the floor as follows:

H-8416

1 Amend House File 2558 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. DEPARTMENT OF JUSTICE – VICTIM
 5 ASSISTANCE GRANTS – APPROPRIATION. There is
 6 appropriated from the general fund of the state to the
 7 department of justice for the fiscal year beginning
 8 July 1, 2004, and ending June 30, 2005, the following
 9 amount, or so much thereof as is necessary, to be used
 10 for the purpose designated:
 11 For victim assistance grants:
 12 \$ 2,250,000
 13 The funds appropriated in this section shall be

14 used to provide grants to care providers providing
15 services to crime victims of domestic abuse or to
16 crime victims of rape and sexual assault."
17 2. Title page, line 1, by inserting after the
18 word "to" the following: "victims of".
19 3. Title page, lines 1 through 3, by striking the
20 words "against members of the species homo sapiens at
21 any stage of development and making penalties
22 applicable" and inserting the following: "and making
23 an appropriation".

Horbach of Tama rose on a point of order that amendment H-8416 was not germane.

The Speaker ruled the point well taken and amendment H-8416 not germane.

Mascher of Johnson asked and received unanimous consent that amendment H-8422 be deferred.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8423 filed by him from the floor.

Mascher of Johnson offered the following amendment H-8421 filed by her from the floor and moved its adoption:

H-8421

1 Amend House File 2558 as follows:
2 1. Page 1, by striking lines 2 through 5.
3 2. Page 1, line 6, by striking the figure "2."
4 3. Title page, lines 1 through 3, by striking the
5 words "against members of the species homo sapiens at
6 any stage of development and making penalties
7 applicable" and inserting the following:
8 "inapplicable to legal abortion".
9 4. By renumbering as necessary.

Amendment H-8421 lost.

Greimann of Story asked and received unanimous consent to withdraw amendment H-8403, previously deferred, filed by her from the floor.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8400, previously deferred, filed by him from the floor.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8422, previously deferred, filed by her from the floor.

Speaker Rants in the chair at 2:06 p.m.

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

On the question "Shall the bill pass?" (H.F. 2558)

The ayes were, 63:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Bukta	Carroll
Chambers	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lukan	Maddox	Mertz
Murphy	Olson, S.	Osterhaus	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Stevens	Struyk	Swaim
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Wilderdyke	Mr. Speaker	
		Rants	

The nays were, 36:

Bell	Berry	Cphoon	Connors
Dandekar	Davitt	Dennis	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacobs	Jacoby	Jenkins
Lensing	Lykam	Mascher	McCarthy
Miller	Oldson	Olson, D.	Petersen
Shoultz	Smith	Taylor, D.	Taylor, T.
Wendt	Whitead	Winckler	Wise

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2558** and **Senate File 2121**.

SENATE MESSAGE CONSIDERED

Senate File 2303, by committee on ways and means, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

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

Ways and Means Calendar

House File 2560, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2560)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Manternach

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

House File 2561, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2561)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford

Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 2:

Fallon Hunter

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2560 and 2561.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2378, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

Also: That the Senate has on April 6, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

Also: That the Senate has on April 6, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2489, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties.

Also: That the Senate has on April 6, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2553, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 3:13 p.m., until the fall of the gavel.

The House resumed session at 4:24 p.m., Roberts of Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

House File 2565, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties, was taken up for consideration.

Kramer of Polk offered the following amendment H-8371 filed by him and moved its adoption:

H-8371

- 1 Amend House File 2565 as follows:
- 2 1. Page 1, by inserting after line 19 the
- 3 following:
- 4 "Sec.____. Section 421.17, Code Supplement 2003,
- 5 is amended by adding the following new subsection:
- 6 NEW SUBSECTION. 28. To place on the department's
- 7 official website the official electronic state of Iowa
- 8 voter registration form and a link to the Iowa
- 9 secretary of state's official website."

Amendment H-8371 was adopted, placing out of order amendments H-8391 and H-8392 filed by Shoultz of Black Hawk from the floor.

SENATE FILE 2296 SUBSTITUTED FOR HOUSE FILE 2565

Kramer of Polk asked and received unanimous consent to substitute Senate File 2296 for House File 2565.

Senate File 2296, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties, was taken up for consideration.

Shoultz of Black Hawk offered amendment H-8409 filed by him from the floor and requested division as follows:

H-8409

- 1 Amend Senate File 2296, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-8409 A

- 3 1. Page 9, by striking lines 6 through 19.
- 4 2. Page 10, by striking lines 16 through 29.

H-8409 B

- 5 3. By striking page 27, line 32, through page 28,
- 6 line 20.

Shoultz of Black Hawk asked and received unanimous consent that amendment H-8409A be deferred.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-8409B.

Shoultz of Black Hawk moved the adoption of amendment H-8409A, previously deferred.

Amendment H-8409A lost.

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

On the question "Shall the bill pass?" (S.F. 2296)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Roberts,			
Presiding			

The nays were and 2:

Fallon

Hunter

Absent or not voting and 1:

Manternach

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

HOUSE FILE 2565 WITHDRAWN

Kramer of Polk asked and received unanimous consent to withdraw House File 2565 from further consideration by the House.

HOUSE FILE 2491 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw House File 2491 from further consideration by the House.

HOUSE FILE 2477 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 2477 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 2296** be immediately messaged to the Senate.

Senate File 443, a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque offered the following amendment H-8321 filed by the committee on ways and means and moved its adoption:

H-8321

- 1 Amend Senate File 443, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 1 and inserting the
- 4 following:
- 5 "Section 1. Section 15E.42, subsection 3, Code
- 6 Supplement 2003, is amended to read as follows:
- 7 3. "Investor" means ~~an individual~~ a person making

8 a cash investment in a qualifying business or ~~an~~
9 ~~individual taxed on income from a revocable trust's~~
10 ~~cash investment in a qualifying business or a person~~
11 ~~making a cash investment in a community-based seed~~
12 ~~capital fund. "Investor" does not include a person~~
13 ~~which is a current or previous~~ that holds at least a
14 seventy percent ownership interest as an owner,
15 member, or shareholder in a qualifying business.

16 Sec. 2. Section 15E.43, subsection 1, paragraphs a
17 and b, Code Supplement 2003, are amended to read as
18 follows:

19 ~~a. For tax years beginning on or after January 1,~~
20 ~~2002, a tax credit shall be allowed against the taxes~~
21 ~~imposed in chapter 422, division II, for a portion of~~
22 ~~an individual taxpayer's equity investment, as~~
23 ~~provided in subsection 2, in a qualifying business.~~
24 ~~An individual shall not claim a tax credit under this~~
25 ~~paragraph of a partnership, limited liability company,~~
26 ~~S corporation, estate, or trust electing to have~~
27 ~~income taxed directly to the individual. However, an~~
28 ~~individual receiving income from a revocable trust's~~
29 ~~investment in a qualified business may claim a tax~~
30 ~~credit under this paragraph against the taxes imposed~~
31 ~~in chapter 422, division II, for a portion of the~~
32 ~~revocable trust's equity investment, as provided in~~
33 ~~subsection 2, in a qualified business.~~

34 b. For tax years beginning on or after January 1,
35 2002, a tax credit shall be allowed against the taxes
36 imposed in chapter 422, divisions II, III, and V, and
37 in chapter 432, and against the moneys and credits tax
38 imposed in section 533.24, for a portion of a
39 taxpayer's equity investment, as provided in
40 subsection 2, in a qualifying business or a community-
41 based seed capital fund. An individual may claim a
42 tax credit under this paragraph of a partnership,
43 limited liability company, S corporation, estate, or
44 trust electing to have income taxed directly to the
45 individual. The amount claimed by the individual
46 shall be based upon the pro rata share of the
47 individual's earnings from the partnership, limited
48 liability company, S corporation, estate, or trust.

49 Sec. 3. Section 15E.44, subsection 4, Code
50 Supplement 2003, is amended to read as follows:

Page 2

1 4. After verifying the eligibility of a qualifying
2 business, the board shall issue a tax credit
3 certificate to be attached to the equity investor's
4 tax return. The tax credit certificate shall contain
5 the taxpayer's name, address, tax identification
6 number, the amount of credit, the name of the

7 qualifying business, and other information required by
8 the department of revenue. The tax credit
9 certificate, unless rescinded by the board, shall be
10 accepted by the department of revenue as payment for
11 taxes imposed pursuant to chapter 422, ~~division~~
12 divisions II, III, and V, and in chapter 432, and for
13 the moneys and credits tax imposed in section 533.24,
14 subject to any conditions or restrictions placed by
15 the board upon the face of the tax credit certificate
16 and subject to the limitations of section 15E.43.
17 Sec. 4. Section 15E.51, subsection 4, Code
18 Supplement 2003, is amended to read as follows:
19 4. A taxpayer shall not claim a tax credit under
20 this section if the taxpayer is a venture capital
21 investment fund allocation manager for the Iowa fund
22 of funds created in section 15E.65 or an investor that
23 receives a tax credit for the same investment in a
24 qualifying business as described in section 15E.44 or
25 in a community-based seed capital fund as described in
26 section 15E.45.
27 Sec. 5. Section 15E.45, subsection 2, paragraph b,
28 Code".
29 2. Page 1, by striking line 13 and inserting the
30 following:
31 "Sec. _____. APPLICABILITY DATES.
32 1. Sections 1 through 4 of this Act apply
33 retroactively to January 1, 2004, for tax years
34 beginning on or after that date.
35 2. Section 5 of this Act applies".
36 3. Title page, line 2, by striking the words "a
37 retroactive applicability date" and inserting the
38 following: "retroactive applicability dates".

The committee amendment H-8321 was adopted.

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

On the question "Shall the bill pass?" (S.F. 443)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp

Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Roberts, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 1:

Manternach

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

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien in the chair at 5:04 p.m.

Jochum of Dubuque offered the following amendment H-8399 filed by her from the floor and moved its adoption:

H-8399

- 1 Amend Senate File 2269, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting

4 clause and inserting the following:

5 "Section 1. Section 47.1, Code Supplement 2003, is
6 amended by adding the following new unnumbered
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The state commissioner
9 shall adopt rules pursuant to chapter 17A, for the
10 implementation of uniform and nondiscriminatory
11 administrative complaint procedures for resolution of
12 grievances relating to violations of Title III of Pub.
13 L. No. 107-252. In complaint proceedings in which all
14 of the respondents are local election officials, the
15 presiding officer shall be the state commissioner of
16 elections. In complaint proceedings in which one of
17 the respondents is the state commissioner of
18 elections, the presiding officer shall be a panel
19 consisting of all members of the state voter
20 registration commission appointed pursuant to section
21 47.8, except the state commissioner of elections or
22 the state commissioner's designee.

23 Sec. 2. Section 47.7, subsections 2, 3, and 4,
24 Code Supplement 2003, are amended by striking the
25 subsections and inserting in lieu thereof the
26 following:

27 2. a. On or before January 1, 2006, the state
28 registrar of voters shall implement in a uniform and
29 nondiscriminatory manner, a single, uniform, official,
30 centralized, interactive computerized statewide voter
31 registration file defined, maintained, and
32 administered at the state level that contains the name
33 and registration information of every legally
34 registered voter in the state and assigns a unique
35 identifier to each legally registered voter in the
36 state. The state voter registration system shall be
37 coordinated with other agency databases within the
38 state, including, but not limited to, the department
39 of transportation driver's license records, judicial
40 records of convicted felons and persons declared
41 incompetent to vote, and department of public health
42 records of deceased persons.

43 b. On or after January 1, 2006, a county shall not
44 establish or maintain a voter registration system
45 separate from the state voter registration system.
46 Each county shall provide to the state registrar the
47 names, voter registration information, and voting
48 history of each registered voter in the county in the
49 form required by the state registrar.

50 c. A state or local election official may obtain

Page 2

1 immediate electronic access to the information
2 contained in the computerized voter registration file.

3 All voter registration information obtained by a local
4 election official shall be electronically entered into
5 the computerized voter registration file on an
6 expedited basis at the time the information is
7 provided to the local election official. The state
8 registrar shall provide such support as may be
9 required to enable local election officials to
10 electronically enter the information into the
11 computerized voter registration file on an expedited
12 basis. The list generated from the computerized file
13 shall serve as the official voter registration list
14 for the conduct of all elections for federal office in
15 the state.

16 d. The state registrar shall prescribe by rule the
17 procedures for access to the state voter registration
18 file, security requirements, and access protocols for
19 adding, changing, or deleting information from the
20 state voter registration file.

21 Sec. 3. Section 47.8, Code Supplement 2003, is
22 amended by adding the following new subsection:

23 NEW SUBSECTION. 5. In complaint proceedings held
24 pursuant to section 47.1 in which one of the
25 respondents is the state commissioner of elections,
26 the presiding officer shall be a panel consisting of
27 all members of the state voter registration
28 commission, except the state commissioner of elections
29 or the state commissioner's designee.

30 Sec. 4. Section 48A.8, Code 2003, is amended to
31 read as follows:

32 48A.8 REGISTRATION BY MAIL.

33 1. An eligible elector may register to vote by
34 completing a mail registration form. The form may be
35 mailed or delivered by the registrant or the
36 registrant's designee to the commissioner in the
37 county where the person resides. A separate
38 registration form shall be signed by each individual
39 registrant.

40 2. An eligible elector who registers by mail and
41 who has not previously voted in an election for
42 federal office in the county of registration shall be
43 required to provide identification documents when
44 voting for the first time in the county, unless the
45 registrant provided on the registration form the
46 registrant's Iowa driver's license number, or the
47 registrant's Iowa nonoperator's identification card
48 number, or the last four numerals of the registrant's
49 social security number and the driver's license,
50 nonoperator's identification, or partial social

1 security number matches an existing state or federal

identification record with the same number, name, and date of birth. If the registrant under this subsection votes in person at the polls, or by absentee ballot at the commissioner's office or at a satellite voting station, the registrant shall provide a current and valid photo identification card, or shall present to the appropriate election official one of the following current documents that shows the name and address of the registrant:

- a. Utility bill.
- b. Bank statement.
- c. Paycheck.
- d. Government check.
- e. Other government document.

3. If the registrant under subsection 2 votes an absentee ballot by mail, the registrant shall provide a photocopy of one of the documents listed in subsection 2 when returning the absentee ballot.

4. A registrant under subsection 2 who is required to present identification when casting a ballot in person shall be permitted to vote a provisional ballot if the voter does not provide the required identification documents. If a voter who is required to present identification when casting a ballot votes an absentee ballot by mail, the ballot returned by the voter shall be considered a provisional ballot pursuant to sections 49.81 and 53.31.

Sec. 5. Section 48A.11, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. The registrant's name, including first name and any family forename or surname.

Sec. 6. Section 48A.11, subsection 1, paragraph e, Code 2003, is amended by striking the paragraph and inserting in lieu thereof the following:

e. Iowa driver's license number if the registrant has a current and valid Iowa driver's license, Iowa nonoperator's identification card if the registrant has a current and valid Iowa nonoperator's identification card, or the last four numerals of the registrant's social security number. If the registrant does not have an Iowa driver's license number, an nonoperator's identification card number, or a social security number, the form shall provide space for a number to be assigned as provided in subsection 7.

Sec. 7. Section 48A.11, subsection 1, paragraph f, Code 2003, is amended to read as follows:

f. Date of birth, including month, date, and year.

Sec. 8. Section 48A.11, Code 2003, is amended by

Page 4

adding the following new subsection:

NEW SUBSECTION. 2A. The following questions and statement regarding eligibility shall be included on forms that may be used for registration by mail:

a. Are you a citizen of the United States of America?

b. Will you be eighteen years of age on or before election day?

c. If you checked "no" in response to either of these questions, do not complete this form.

Sec. 9. Section 48A.11, subsection 5, Code 2003, is amended to read as follows:

5. All forms for voter registration shall be prescribed ~~by rule adopted~~ by the state voter registration commission.

Sec. 10. Section 48A.11, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A voter registration application lacking the registrant's name, sex, date of birth, or residence address or description shall not be processed. A voter registration application lacking the registrant's driver's license number, Iowa nonoperator's identification card number, or the last four digits of the registrant's social security number shall not be processed. A registrant whose registration is not processed pursuant to this subsection shall be notified pursuant to section 48A.26, subsection 3. A registrant who does not have an Iowa driver's license number, an Iowa nonoperator's identification number, or a social security number and who notifies the registrar of such shall be assigned a unique identifying number that shall serve to identify the registrant for voter registration purposes.

Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF VOTER REGISTRATION INFORMATION.

Upon receipt of an application for voter registration by mail, the state registrar of voters shall compare the driver's license number, the Iowa nonoperator's identification card number, or the last four numerals of the social security number provided by the registrant with the records of the state department of transportation. To be verified, the voter registration record shall contain the same name, date of birth, and driver's license or whole or partial social security number as the records of the department of transportation. If the information cannot be verified, the application shall be rejected and the registrant shall be notified of the reason for the rejection. If the information can be verified, a record shall be made of the verification and the

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application shall be accepted.

The voter registration commission shall adopt rules in accordance with chapter 17A to provide procedures for processing registration applications if the department of transportation does not, before the close of registration for an election for which the voter registration would be effective, if verified, provide a report that the information on the application has matched or not matched the records of the department.

This section does not apply to persons entitled to register to vote and to vote pursuant to section 48A.5, subsection 4.

Sec. 12. Section 48A.26, subsection 3, Code 2003, is amended to read as follows:

3. If the registration form is missing required information pursuant to section 48A.11, subsection 7, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration by mail form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. If the incomplete application is received during the twelve days before the close of registration for an election, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.

Sec. 13. Section 48A.26, Code 2003, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. If the registrant applied by mail to register to vote and did not answer either "yes" or "no" to the question in section 48A.11, subsection 2A, paragraph "a", the application shall be processed, but the registration shall be designated as valid only for elections that do not include candidates for federal offices on the ballot. The acknowledgment shall advise the applicant that the status of the registration is local and the reason for the registration being assigned local status. The commissioner shall enclose a new registration by mail form for the applicant to use. If the original application is received during the twelve days before the close of registration for an election that includes candidates for federal offices on the ballot, the commissioner shall provide the registrant with an opportunity to complete the form before the close of registration.

NEW SUBSECTION. 3B. If the registrant applied by mail to register to vote and answered "no" to the

Page 6

1 question in section 48A.11, subsection 2A, paragraph
2 "a", the application shall not be processed. The
3 acknowledgement shall advise the applicant that the
4 registration has been rejected because the applicant
5 indicated on the registration form that the applicant
6 is not a citizen of the United States.

7 Sec. 14. Section 48A.28, subsection 2, unnumbered
8 paragraph 2, Code 2003, is amended to read as follows:

9 A commissioner participating in the national change
10 of address program, in the first quarter of each
11 calendar year, shall send a notice and preaddressed,
12 postage paid return card by forwardable mail to each
13 registered voter whose name was not reported by the
14 national change of address program and who has not
15 voted; ~~in two or more consecutive general elections~~
16 ~~and has not~~ registered again, or ~~who has not~~ reported
17 a change to an existing registration, ~~or who has not~~
18 ~~responded to a notice from the commissioner or~~
19 ~~registrar~~ during the ~~preceding four calendar years~~
20 ~~period between and following the previous two general~~
21 ~~elections~~. The form and language of the notice and
22 return card shall be specified by the state voter
23 registration commission by rule. A registered voter
24 shall not be sent a notice and return card under this
25 subsection more frequently than once in a four-year
26 period.

27 Sec. 15. Section 48A.36, subsection 2, Code 2003,
28 is amended to read as follows:

29 2. Upon receipt of electronic registration data
30 under subsection 1, the state registrar of voters ~~may~~
31 ~~shall~~ cause the updating of registration records ~~for~~
32 ~~registrants in counties which have arranged for data~~
33 ~~processing services under section 47.7, subsection 2.~~
34 The registrar shall notify the ~~appropriate~~
35 commissioner of the actions taken.

36 Sec. 16. Section 48A.37, subsection 2, Code 2003,
37 is amended to read as follows:

38 2. Electronic records shall include a status code
39 designating whether the records are active, ~~or~~
40 ~~inactive, local or pending~~. Inactive records are
41 records of registered voters to whom notices have been
42 sent pursuant to section 48A.28, subsection 3, and who
43 have not returned the card or otherwise responded to
44 the notice, and those records have been designated
45 inactive pursuant to section 48A.29. Local records
46 are records of applicants who did not answer either
47 "yes" or "no" to the question in section 48A.11,
48 subsection 2A, paragraph "a". Pending records are
49 records of applicants whose applications have not been
50 verified pursuant to section 48A.25A. All other

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records are active records. An inactive record shall be made active when the registered voter votes at an election, registers again, or reports a change of name, address, telephone number, or political party affiliation. A pending record shall be made active upon verification. A local record shall be valid for any election for which no candidates for federal office appear on the ballot, but the registrant may not vote in a federal election unless the registrant submits a new voter registration application before election day indicating that the applicant is a citizen of the United States.

Sec. 17. Section 48A.38, subsection 1, paragraph f, Code 2003, is amended to read as follows:

f. The county commissioner of registration and the state registrar of voters shall remove a voter's social security number, driver's license number, or Iowa nonoperator's identification card number from a voter registration list prepared pursuant to this section.

Sec. 18. Section 49.81, Code 2003, is amended to read as follows:

49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL BALLOT.

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 4, or section 49.80 from voting except under this section shall be ~~permitted to~~ notified by the appropriate precinct election official that the voter may cast a paper provisional ballot. If a booth meeting the requirement of section 49.25 is not available at that polling place, the precinct election officials shall make alternative arrangements to insure the challenged voter the opportunity to vote in secret. The marked ballot, folded as required by section 49.84, shall be delivered to a precinct election official who shall immediately seal it in an envelope of the type prescribed by subsection 4. The sealed envelope shall be deposited in ~~a special an~~ an envelope marked "ballots for special precinct" "provisional ballots" and shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

2. Each person who casts a ~~special~~ provisional ballot under this section shall receive a printed statement in substantially the following form:

Your qualifications as a registered voter have been challenged for the following reasons:

I.

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1 II.
2 III.
3 ... You must show identification before your ballot
4 can be counted. Please bring or mail a copy of a
5 current and valid photo identification card to the
6 county commissioners office or bring or mail a copy of
7 one of the following current documents that show your
8 name and address:
9 a. Utility bill.
10 b. Bank statement.
11 c. Paycheck.
12 d. Government check.
13 e. Other government document.
14 PARAGRAPH DIVIDED. Your right to vote will be
15 reviewed by the special precinct counting board on
16 You have the right and are encouraged to make
17 a written statement and submit additional written
18 evidence to this board supporting your qualifications
19 as a registered voter. This written statement and
20 evidence may be given to an election official of this
21 precinct on election day or mailed or delivered to the
22 county commissioner of elections, but must be received
23 before a.m./p.m. on at If your
24 ballot is not counted you will receive, by mail,
25 notification of this fact and the reason that the
26 ballot was not counted.
27 3. Any elector may present written statements or
28 documents, supporting or opposing the counting of any
29 special provisional ballot, to the precinct election
30 officials on election day, until the hour for closing
31 the polls. Any statements or documents so presented
32 shall be delivered to the commissioner when the
33 election supplies are returned.
34 4. The individual envelopes used for each ~~paper~~
35 provisional ballot cast pursuant to subsection 1 shall
36 have printed on them ~~the format of the face of the~~
37 ~~registration form under section 48A.8 and the~~
38 following:
39 I believe I am a registered voter of this ~~precinct~~
40 county and I am eligible to vote in this election. I
41 registered to vote in county on or about
42 at My name at that time was I have not
43 moved to a different county since that time. I am a
44 United States citizen, at least eighteen years of age.
45
46 (signature of voter) (date)
47 The following information is to be provided by the
48 precinct election official:
49 Reason for challenge:
50

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1

2 ... Did not present required identification form.

3

4 (signature of precinct

5 election official)

6 The precinct election official shall attach a

7 completed voter registration form from each

8 provisional voter unless the person's registration

9 status is listed in the election register as pending.

10 Sec. 19. Section 49.98, Code 2003, is amended to

11 read as follows:

12 49.98 COUNTING BALLOTS.

13 The ballots shall be counted according to the
14 voters' marks on them as provided in sections 49.92 to
15 49.97, and not otherwise. If, for any reason, it is
16 impossible to determine from a ballot, as marked, the
17 choice of the voter for any office, the vote for that
18 office shall not be counted. When there is a conflict
19 between a straight party or organization vote for one
20 political party or nonparty political organization and
21 the vote cast by marking the voting target next to the
22 name of a candidate for another political party or
23 nonparty political organization on the ballot, the
24 mark next to the name of the candidate shall be held
25 to control, and the straight party or organization
26 vote in that case shall not apply as to that office.

27 Any ballot shall be rejected if it is marked in any
28 other manner than authorized in sections 49.92 to
29 49.97. A ballot shall be rejected if the voter used a
30 mark to identify the voter's ballot. For each voting
31 system, the state commissioner shall, by rule adopted
32 pursuant to chapter 17A, develop uniform definitions
33 of what constitutes a vote.

34 Sec. 20. Section 50.20, Code 2003, is amended to

35 read as follows:

36 50.20 NOTICE OF NUMBER OF SPECIAL, PROVISIONAL
37 BALLOTS.

38 The commissioner shall compile a list of the number
39 of special provisional ballots cast under section
40 49.81 in each precinct. The list shall be made
41 available to the public as soon as possible, but in no
42 case later than nine o'clock a.m. on the second day
43 following the election. Any elector may examine the
44 list during normal office hours, and may also examine
45 the affidavit envelopes bearing the ballots of
46 challenged electors until the reconvening of the
47 special precinct board as required by this chapter.
48 Only those persons so permitted by section 53.23,
49 subsection 4, shall have access to the affidavits
50 while that board is in session. Any elector may

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1 present written statements or documents, supporting or
2 opposing the counting of any special ballot, at the
3 commissioner's office until the reconvening of the
4 special precinct board.

5 Sec. 21. Section 50.21, unnumbered paragraph 2,
6 Code 2003, is amended to read as follows:

7 If no ~~special~~ provisional ballots were cast in the
8 county pursuant to section 49.81 at any election, the
9 special precinct election board need not be so
10 reconvened. If the number of ~~special~~ provisional
11 ballots ~~so~~ cast at any election is not sufficient to
12 require reconvening of the entire election board of
13 the special precinct, the commissioner may reconvene
14 only the number of members required. If the number of
15 ~~special~~ provisional ballots cast at any election
16 exceeds the number of absentee ballots cast, the size
17 of the special precinct election board may be
18 increased at the commissioner's discretion. The
19 commissioner shall observe the requirements of
20 sections 49.12 and 49.13 in making adjustments to the
21 size of the special precinct election board.

22 Sec. 22. Section 52.2, Code 2003, is amended to
23 read as follows:

24 52.2 PURCHASE.

25 The board of supervisors of ~~any~~ a county may, by a
26 majority vote, authorize, purchase, and order the use
27 of ~~either~~ voting machines or an electronic voting
28 system in any one or more voting precincts within ~~said~~
29 the county until otherwise ordered by ~~said~~ the board
30 of supervisors. Voting machines and an electronic
31 voting system may be used concurrently ~~at different~~
32 ~~precincts within any county, but not~~ at the same
33 precinct.

34 Sec. 23. NEW SECTION. 53.37A STATE COMMISSIONER
35 DUTIES.

36 The state commissioner of elections shall provide
37 information regarding voter registration procedures
38 and absentee ballot procedures to be used by members
39 of the armed forces of the United States. The state
40 commissioner shall accept valid voter registration
41 applications and absentee ballot applications and
42 shall forward the applications to the appropriate
43 county commissioner of elections in a timely manner.

44 Sec. 24. Section 53.40, unnumbered paragraph 1,
45 Code 2003, is amended to read as follows:

46 A request in writing for a ballot may be made by
47 any member of the armed forces of the United States
48 who is or will be a qualified voter on the day of the
49 election at which the ballot is to be cast, at any
50 time before the election. Any member of the armed

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1 forces of the United States may request ballots for
2 all elections to be held ~~within a calendar year~~
3 ~~through the next two general elections~~. The request
4 may be made by using the federal postcard application
5 form and indicating that the applicant wishes to
6 receive ballots for all elections as permitted by
7 state law. The county commissioner shall send the
8 applicant a ballot for each election held ~~during the~~
9 ~~calendar year in which~~ after the application is
10 received ~~and through the next two general elections~~.
11 The commissioner shall forward a copy of the absentee
12 ballot request to other commissioners who are
13 responsible under section 47.2, subsection 2, for
14 conducting elections in which the applicant is
15 eligible to vote.

16 Sec. 25. Section 53.53, Code 2003, is amended by
17 adding the following new unnumbered paragraphs:
18 NEW UNNUMBERED PARAGRAPH. A federal write-in
19 ballot received by the state commissioner of elections
20 shall be forwarded immediately to the appropriate
21 county commissioner. However, if the state
22 commissioner receives a federal write-in ballot after
23 election day and before noon on the Monday following
24 an election, the state commissioner shall at once
25 verify that the voter has complied with the
26 requirements of this section and that the voter's
27 federal write-in ballot is eligible to be counted. If
28 the ballot is eligible to be counted, the state
29 commissioner shall notify the appropriate county
30 commissioner and make arrangements for the ballot to
31 be transmitted to the county for counting. If the
32 ballot is not eligible to be counted, the state
33 commissioner shall mail the ballot to the appropriate
34 commissioner along with notification that the ballot
35 is ineligible to be counted. The county commissioner
36 shall keep the ballot with the other records of the
37 election.
38 NEW UNNUMBERED PARAGRAPH. The county commissioner
39 shall notify a voter when the voter's federal write-in
40 ballot was not counted and shall give the voter the
41 reason the ballot was not counted.

42 Sec. 26. IMMEDIATE EFFECTIVE DATE. This Act,
43 being deemed of immediate importance, takes effect
44 upon enactment."

45 2. Title page, by striking lines 3 and 4, and
46 inserting the following: "to reflect current
47 practice, and providing an".

Roll call was requested by Jochum of Dubuque and Murphy of Dubuque.

On the question "Shall amendment H-8399 be adopted?" (S.F. 2269)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Chambers, Presiding			

Absent or not voting, 1:

Manternach

Amendment H-8399 lost.

Jochum of Dubuque offered the following amendment H-8398 filed by her from the floor and moved its adoption:

H-8398

1 Amend Senate File 2269, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 14.

4 2. Page 14, line 3, by inserting after the word
5 "~~required.~~" the following: "The form prescribed by
6 the commissioner shall be prepared in triplicate with
7 instructions printed on the form directing the
8 applicant to deliver the original to the county
9 commissioner and to retain the duplicate. If the
10 application was supplied to the applicant by someone
11 other than the county commissioner or the
12 commissioner's designee, the triplicate shall be
13 retained by the individual or organization who
14 supplied the ballot application to the applicant."

15 3. By striking page 14, line 18 through page 15,
16 line 10.

17 4. By striking page 15, line 28, through page 16,
18 line 23, and inserting the following:

19 "Sec. ____ NEW SECTION. 53.17A RECEIPT REQUIRED
20 FOR RETURN OF VOTED ABSENTEE BALLOTS.

21 When a voted absentee ballot is returned to the
22 commissioner by a person acting as an actual or
23 implied agent for a political party, candidate, or
24 committee, as defined by chapter 68A, the person shall
25 issue to the voter a receipt for the voted absentee
26 ballot.

27 The receipt shall contain the following
28 information:

29 1. The name of the voter.

30 2. The date and time the voted absentee ballot was
31 received from the voter.

32 3. The name and date of the election for which the
33 absentee ballot is being voted.

34 4. The name of the political party, candidate, or
35 committee for whom the person is returning the voted
36 absentee ballot.

37 5. The name of the person acting as an actual or
38 implied agent for the political party, candidate, or
39 committee.

40 6. A statement that the voted absentee ballot will
41 be delivered to the appropriate commissioner before
42 the polls close on election day.

43 The state commissioner shall prescribe a form for
44 receipts required by this section. The form
45 prescribed by the commissioner shall be prepared in
46 triplicate with instructions printed on the form
47 directing the voter to include the original with the
48 voted absentee ballot delivered to the county
49 commissioner and to retain the duplicate. If the
50 voted ballot is delivered to the commissioner by

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- 1 someone other than the voter, the triplicate shall be
- 2 retained by the individual or organization who
- 3 delivered the voted ballot to the commissioner."
- 4 5. Title page, line 4, by striking the words
- 5 "providing penalties,".
- 6 6. By renumbering as necessary.

Amendment H-8398 lost.

Mascher of Johnson offered the following amendment H-8426 filed by her from the floor and moved its adoption:

H-8426

- 1 Amend Senate File 2269, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec. ____ Section 39.21, Code 2003, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 4. Township trustees and township
- 8 clerks as provided in section 39.22, subsection 2."
- 9 2. Page 1, by inserting before line 15 the
- 10 following:
- 11 "Sec. ____ Section 43.14, subsection 1, unnumbered
- 12 paragraph 1, Code 2003, is amended to read as follows:
- 13 Nomination papers shall include a petition and an
- 14 affidavit of candidacy. All nomination petitions
- 15 shall be eight and one-half by eleven inches in size
- 16 and in substantially the form prescribed by the state
- 17 commissioner of elections. The petition may contain
- 18 signatures on the front and back of a sheet of paper.
- 19 Each side shall be considered a separate page of the
- 20 petition for purposes of this section. They ~~Petitions~~
- 21 shall include or provide spaces for the following
- 22 information:
- 23 Sec. ____ Section 45.5, subsection 1, unnumbered
- 24 paragraph 1, Code Supplement 2003, is amended to read
- 25 as follows:
- 26 Nomination papers shall include a petition and an
- 27 affidavit of candidacy. All nomination petitions
- 28 shall be eight and one-half by eleven inches in size
- 29 and shall be in substantially the form prescribed by
- 30 the state commissioner of elections. The petition may
- 31 contain signatures on the front and back of a sheet of
- 32 paper. Each side shall be considered a separate page
- 33 of the petition for purposes of this section. They
- 34 Petitions shall provide spaces for the following
- 35 information:

36 Sec. ____ Section 46.21, unnumbered paragraph 1,
37 Code 2003, is amended to read as follows:

38 At least sixty-nine days before each judicial
39 election, the state commissioner of elections shall
40 certify to the county commissioner of elections of
41 each county a list of the judges of the supreme court,
42 court of appeals, and district court including
43 district associate judges, full-time associate
44 juvenile judges, and full-time associate probate
45 judges, and clerks of the district court to be voted
46 on in each county at that election. The county
47 commissioner of elections shall place the names upon
48 the ballot in the order in which they appear in the
49 certificate, ~~unless only one county is voting thereon.~~
50 The state commissioner of elections shall rotate the

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1 names in the certificate by county, ~~or the county~~
2 ~~commissioner of elections shall rotate them upon the~~
3 ~~ballot by precinct if only one county is voting~~
4 ~~thereon.~~ The names of all judges and clerks to be
5 voted on shall be placed upon one ballot, which shall
6 be in substantially the following form:"

7 3. Page 9, by inserting after line 12 the
8 following:

9 "Sec. ____ Section 49.14, subsection 1, Code 2003,
10 is amended to read as follows:

11 1. The commissioner may appoint substitute
12 precinct election officials as alternates for election
13 board members. ~~A majority of the original election~~
14 ~~board members shall be present at the precinct polling~~
15 ~~place at all times; However, at partisan elections~~
16 ~~such the majority of election board members at the~~
17 ~~precinct polling place shall include at least one~~
18 ~~precinct election official from each political party.~~
19 ~~If the chairperson leaves the polling place, the~~
20 ~~chairperson shall designate another member of the~~
21 ~~board to serve as chairperson until the chairperson~~
22 ~~returns.~~ The responsibilities and duties of a
23 precinct election official, other than the
24 chairperson, present at the time the polling place was
25 opened on the day of an election may be assumed at any
26 later time that day by a substitute appointed as an
27 alternate. The substitute shall serve either for the
28 balance of that election day or for any shorter period
29 of time the commissioner may designate.

30 Sec. ____ Section 49.26, subsection 2, Code 2003,
31 is amended to read as follows:

32 2. When voting machines are available for an
33 election precinct, the commissioner shall determine in
34 advance of each election conducted for a city of three

35 thousand five hundred or less population or any school
36 district in which voting occurs in that precinct
37 whether voting there shall be by machine or paper
38 ballot. ~~If the commissioner concludes, on the basis~~
39 ~~of voter turnout for recent similar elections and~~
40 ~~factors considered likely to affect voter turnout for~~
41 ~~the forthcoming election, that voting will probably be~~
42 ~~so light as to make preparation and use of paper~~
43 ~~ballots less expensive than preparation and use of a~~
44 ~~voting machine, paper ballots shall be used.~~

45 Sec. _____. Section 49.30, subsection 1, Code 2003,
46 is amended to read as follows:

47 1. Where special paper ballots are used, if it is
48 not possible to include all offices and public
49 measures on a single ballot, separate ballots may be
50 provided for ~~township offices~~, nonpartisan offices,

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1 judges, or public measures.

2 Sec. _____. Section 49.30, subsection 2, paragraph
3 a, Code 2003, is amended to read as follows:

4 a. If it is impossible to place the names of all
5 candidates on the machine ballot, the commissioner may
6 provide a separate paper ballot for the candidates for
7 judge of the district court, ~~the township offices~~, and
8 the nonpartisan offices listed in section 39.21. One
9 of the paper ballots shall be furnished to each
10 registered voter.

11 Sec. _____. Section 49.37, subsection 3, Code 2003,
12 is amended to read as follows:

13 3. The commissioner shall arrange the partisan
14 county offices on the ballot with the board of
15 supervisors first; followed by the other county
16 offices ~~and township offices~~ in the same sequence in
17 which they appear in ~~sections section~~ 39.17 ~~and 39.22~~.
18 Nonpartisan offices shall be listed after partisan
19 offices.

20 Sec. _____. Section 49.73, subsection 1, paragraph
21 e, Code 2003, is amended to read as follows:

22 e. The unincorporated area of any county voting on
23 a hotel and motel tax pursuant to section 422A.1 or a
24 local option sales and services tax pursuant to
25 section 422B.1."

26 4. Page 12, by inserting after line 10 the
27 following:

28 "Sec. _____. Section 50.9, Code 2003, is amended to
29 read as follows:

30 50.9 RETURN OF BALLOTS NOT VOTED.

31 Ballots not voted, or spoiled by voters while
32 attempting to vote, shall be returned by the precinct
33 election officials to the commissioner, and a receipt

34 taken for the ballots. The ballots shall be preserved
35 for twenty-two months following elections for federal
36 offices ~~and for six months following elections for all~~
37 ~~other offices.~~ For all other elections, ballots not
38 voted, or spoiled by voters while attempting to vote,
39 may be destroyed the day after the last day to contest
40 the election, or the day after final determination of
41 any pending contest."

42 5. Page 13, by inserting after line 8 the
43 following:

44 "Sec. ____ Section 50.25, subsection 7, Code 2003,
45 is amended by striking the subsection and inserting in
46 lieu thereof the following:

47 7. County offices."

48 6. Page 13, by inserting after line 19 the
49 following:

50 "Sec. ____ Section 52.7, Code 2003, is amended to

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1 read as follows:

2 52.7 CONSTRUCTION OF MACHINE APPROVED.

3 1. A voting machine approved by the state board of
4 examiners for voting machines and electronic voting
5 systems must be so constructed as to provide
6 facilities for voting for the candidates of at least
7 seven different parties or organizations, must permit
8 a voter to vote for any person for any office although
9 not nominated as a candidate by any party or
10 organization, and must permit voting in absolute
11 secrecy.

12 2. It must also be so constructed as to prevent
13 voting for more than one person for the same office,
14 except where the voter is lawfully entitled to vote
15 for more than one person for that office; and it must
16 afford the voter an opportunity to vote for any or all
17 persons for that office as the voter is by law
18 entitled to vote for and no more, at the same time
19 preventing the voter from voting for the same person
20 twice.

21 3. It may also be provided with one ballot in each
22 party column or row containing only the words
23 "presidential electors", preceded by the party name,
24 and a vote for such ballot shall operate as a vote for
25 all the candidates of such party for presidential
26 electors.

27 4. Such machine shall be so constructed as to
28 accurately account for every vote cast upon it.

29 5. A voting machine may be used at satellite
30 voting stations or at the commissioner's office for
31 voting of absentee ballots if the following apply:

32 a. The voting machine is a direct recording

33 electronic voting system.

34 b. The voting machine is equipped with the ability
35 to retrieve a ballot after the ballot has been voted.

36 c. The voting machine is so constructed to remove
37 identifying information from the ballot before the
38 ballot is tabulated.

39 Sec. _____. Section 52.36, Code 2003, is amended to
40 read as follows:

41 52.36 COMMISSIONER IN CHARGE OF COUNTING CENTER –
42 APPOINTMENT OF RESOLUTION BOARD.

43 All proceedings at the counting center shall be
44 under the direction of the commissioner and open to
45 the public. The proceedings ~~shall may~~ be under the
46 observation of at least one member of each of the
47 political parties referred to in section 49.13, ~~if~~
48 members are designated by the county chairperson ~~or,~~
49 ~~if the chairperson fails to make a designation, by the~~
50 ~~commissioner~~. No person except those employed and

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1 authorized by the commissioner for the purpose shall
2 touch any ballot or ballot container.

3 The commissioner shall appoint from the lists
4 provided by the county political party chairpersons a
5 resolution board to tabulate write-in votes and to
6 decide questions regarding damaged, defective, or
7 other ballots which cannot be tabulated by machine.
8 The commissioner shall appoint as many people to the
9 resolution board as the commissioner believes are
10 necessary. The resolution board shall be divided into
11 two-person teams. Each team shall consist of people
12 who are not members of the same political party. If a
13 team is unable to decide how to count one or more
14 ballots, a third person shall be available to consult
15 with the team and to resolve disputes. Ballots which
16 were objected to shall be endorsed and separated as
17 required by section 50.4."

18 7. Page 13, line 28, by inserting after the word
19 "ballot." the following: "However, for those
20 elections in which the commissioner directs the polls
21 be opened at noon pursuant to section 49.73, a voter
22 may apply in person for an absentee ballot at the
23 commissioner's office from eight a.m. until eleven
24 a.m. on election day."

25 8. Page 18, by inserting after line 4 the
26 following:

27 "Sec. _____. Section 376.11, unnumbered paragraphs
28 1, 3, 4, and 5, Code 2003, are amended to read as
29 follows:

30 Write-in votes are permitted to be cast in all
31 elections for city offices. A person who receives a

32 sufficient number of write-in votes to be elected to a
33 city office shall be declared the winner of the
34 election. If a person who was elected by write-in
35 votes chooses not to serve in that office the person
36 shall submit a resignation in writing to the city
37 clerk not later than five ~~o'clock~~ p.m. on the tenth
38 day following the canvass of the election. If a
39 person who was elected by write-in votes resigns at a
40 later time, the office shall be considered vacant at
41 the end of the term and the council shall fill the
42 vacancy pursuant to the provisions of section 372.13,
43 subsection 2.
44 In city primary elections any person who receives
45 write-in votes shall execute an affidavit in
46 substantially the form required by section 45.3, and
47 file it with the county commissioner of elections or
48 the city clerk not later than five ~~o'clock~~ p.m. on the
49 fourth day ~~after~~ following the canvass of the primary
50 election. If any person who received write-in votes

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1 fails to file the affidavit at the time required, the
2 county commissioner shall disregard the write-in votes
3 cast for that person. A notation shall be made on the
4 abstract of votes showing which persons who received
5 write-in votes filed affidavits. The total number of
6 votes cast for each office on the ballot shall be
7 amended by subtracting the write-in votes of those
8 candidates who failed to file the affidavit. It is
9 not necessary for a candidate whose name was printed
10 upon the ballot to file an affidavit. Of the
11 remaining candidates, those who receive the highest
12 number of votes to the extent of twice the number of
13 unfilled positions shall be placed on the ballot for
14 the regular city election as candidates for that
15 office.
16 In cities in which the city council has chosen a
17 runoff election in lieu of a primary, if a person who
18 was elected by write-in votes chooses not to accept
19 the office by filing a resignation notice with the
20 city clerk or commissioner of elections not later than
21 five ~~o'clock~~ p.m. on the fourth day following the
22 canvass, all remaining persons who received write-in
23 votes and who wish to be considered candidates for the
24 runoff election shall execute an affidavit in
25 substantially the form required by section 45.3 and
26 file it with the county commissioner or the city clerk
27 not later than five ~~o'clock~~ p.m. of the fourth day
28 following the canvass. If a person receiving write-in
29 votes fails to file the affidavit at the time
30 required, the county commissioner of elections shall

31 disregard the write-in votes cast for that person.
32 The abstract of votes shall be amended to show that
33 the person who was declared elected declined the
34 office and a notation shall be made next to the names
35 of those persons who did not file the affidavit. A
36 runoff election shall be held with the remaining
37 candidates who have the highest number of votes to the
38 extent of twice the number of unfilled positions.
39 In a city in which the council has chosen a runoff
40 election, if no person was declared elected for an
41 office all persons who received write-in votes shall
42 execute an affidavit in substantially the form
43 required by section 45.3 and file it with the county
44 commissioner of elections or the city clerk not later
45 than five ~~o'clock~~ p.m. on the fourth day following the
46 canvass of votes. If any person who received write-in
47 votes fails to file the affidavit the county
48 commissioner of elections shall disregard the write-in
49 votes cast for that person. The abstract of votes
50 shall be amended to note which of the write-in

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1 candidates failed to file the affidavit. A runoff
2 election shall be held with the remaining candidates
3 who have the highest number of votes to the extent of
4 twice the number of unfilled positions."
5 9. By renumbering as necessary.

Amendment H-8426 lost.

Ford of Polk offered the following amendment H-8429 filed by him
from the floor and moved its adoption:

H-8429

1 Amend Senate File 2269, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Sec. ____ Section 39A.3, subsection 1, Code 2003,
6 is amended by adding the following new paragraph:
7 NEW PARAGRAPH. c. INTERFERENCE WITH VOTING.
8 (1) Interrupts, hinders, or opposes a voter while
9 in or approaching the polling place for the purpose of
10 voting.
11 (2) An election official who, on election day,
12 fails to perform duties prescribed by chapters 43 and
13 49 and such failure prevents a person lawfully
14 entitled to vote from voting.
15 If the county attorney receives four or more

16 complaints alleging a violation of this paragraph "c"
17 and such complaints allege a violation at the same
18 polling place, the county attorney shall investigate
19 the complaints.

20 Sec. _____. Section 39A.4, subsection 1, paragraph
21 a, subparagraph (2), is amended by striking the
22 subparagraph."

23 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 44.

Amendment H-8429 lost.

Fallon of Polk offered the following amendment H-8358 filed by
him and moved its adoption:

H-8358

1 Amend Senate File 2269, as passed by the Senate, as
2 follows:

3 1. Page 13, by inserting after line 8, the
4 following:

5 "Sec. _____. Section 52.1, subsection 2, paragraph

6 h, Code 2003, is amended to read as follows:

7 h. "Voting machine" means a mechanical or
8 electronic device, meeting the requirements of section
9 52.7, designated for use in casting, registering,
10 recording, and counting votes at an election. "Voting
11 machine" includes, but is not limited to, direct
12 recording electronic devices."

13 2. Page 13, by inserting after line 19, the
14 following:

15 "Sec. _____. Section 52.5, unnumbered paragraph 2,
16 Code 2003, is amended to read as follows:

17 The state commissioner shall formulate, with the
18 advice and assistance of the examiners, and adopt
19 rules governing the testing and examination of any
20 voting machine or electronic voting system by the
21 board of examiners. The rules shall prescribe the
22 method to be used in determining whether the machine
23 or system is suitable for use within the state and
24 performance standards for voting equipment in use
25 within the state. The rules shall provide that all
26 electronic voting systems and voting machines approved
27 for use by the examiners after April 9, 2003, shall
28 meet voting systems performance and test standards, as
29 adopted by the federal election commission on April
30 30, 2002, and as deemed adopted by Pub. L. No. 107-

31 252, section 222. The rules shall include standards
32 for determining when recertification is necessary
33 following modifications to the equipment or to the
34 programs used in tabulating votes, and a procedure for
35 rescinding certification if a system or machine is
36 found not to comply with performance standards adopted
37 by the state commissioner.
38 Sec. _____. Section 52.7, unnumbered paragraphs 2
39 and 4, Code 2003, are amended to read as follows:
40 It must also be so constructed as to prevent voting
41 for more than one person for the same office, except
42 where the voter is lawfully entitled to vote for more
43 than one person for that office; and it must afford
44 the voter an opportunity to vote for any or all
45 persons for that office as the voter is by law
46 entitled to vote for and no more, at the same time
47 preventing the voter from voting for the same person
48 twice. The voting machine must be so constructed as
49 to provide the voter with an opportunity to change a
50 vote before the ballot is recorded and counted.

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1 Such machine shall be so constructed as to
2 accurately account for every vote cast upon it. The
3 machine shall be so constructed as to remove
4 information from the ballot identifying the voter
5 before the ballot is recorded and counted. If the
6 machine is a direct electronic recording device, the
7 machine shall be so constructed as to store each
8 ballot cast separate from the ballot tabulation
9 function, which ballot may be reproduced on paper in
10 the case of a recount, manual audit, or machine
11 malfunction."
12 3. Title page, line 3, by inserting after the
13 word "practice," the following: "making changes
14 related to voting machines,".
15 4. By renumbering as necessary.

Amendment H-8358 was adopted.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8383 filed by him on April 5, 2004.

Gaskill of Wapello offered the following amendment H-8428 filed by her from the floor and moved its adoption:

H-8428

1 Amend Senate File 2269, as passed by the Senate, as

2 follows:

3 1. Page 16, by inserting after line 4, the
4 following:

5 "Sec. ____ Section 53.9, Code Supplement 2003, is
6 amended to read as follows:

7 53.9 PROHIBITED PERSONS.

8 No person required to file reports under chapter
9 68A, and no person acting as an actual or implied
10 agent for a person required to file reports under
11 chapter 68A, shall receive absentee ballots on behalf
12 of voters. This prohibition does not apply to section
13 53.17, except that a person named on the ballot as a
14 candidate for an election is prohibited from
15 delivering or mailing to the commissioner a completed
16 absentee ballot, other than the candidate's own
17 completed absentee ballot, for that election."

18 2. By renumbering as necessary.

Amendment H-8428 lost.

Jacobs of Polk offered amendment H-8366 filed by her as follows:

H-8366

1 Amend Senate File 2269, as passed by the Senate, as
2 follows:

3 1. Page 16, by striking lines 5 through 23 and
4 inserting the following:

5 "Sec. ____ Section 53.17, Code 2003, is amended to
6 read as follows:

7 53.17 MAILING OR DELIVERING BALLOT.

8 1. The sealed envelope containing the absentee
9 ballot shall be enclosed in a carrier envelope which
10 shall be securely sealed. The sealed carrier envelope
11 shall be returned to the commissioner by one of the
12 following methods:

13 ~~4. a.~~ The sealed carrier envelope may be delivered
14 by the registered voter, by the special precinct
15 election officials designated pursuant to section
16 53.22, subsection 1, or by the voter's designee if the
17 absentee ballot is voted by a voter described in
18 section 53.22, subsection 5, to the commissioner's
19 office no later than the time the polls are closed on
20 election day, except as otherwise provided in
21 subsection 4.

22 ~~2. b.~~ The sealed carrier envelope may be mailed to
23 the commissioner by the registered voter, by an
24 immediate family member of the voter, or by the
25 voter's designee if the ballot is voted by a voter
26 described in section 53.22, subsection 5. The carrier
27 envelope shall indicate that greater postage than

~~ordinary first class mail may be required. The commissioner shall pay any insufficient postage due on a carrier envelope bearing ordinary first class postage and accept the ballot.~~

c. The sealed carrier envelope may be delivered to the commissioner by an absentee ballot courier, but only as provided in subsection 4.

2. In order for the ballot to be counted, the carrier envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service not later than the day before the election and received by the commissioner not later than noon on the Monday following the election.

3. If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour

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before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office before the canvass for that election by the board of supervisors.

4. a. A person who represents a political party, candidate, or committee, as defined by chapter 68A, shall register with the commissioner as an absentee ballot courier in order to deliver completed absentee ballots to the commissioner. A candidate whose name is on the ballot or an elected official shall not be allowed to register as an absentee ballot courier.

b. The registration shall include the courier's name and address and the best means for contacting the person or the political party, candidate, or committee the person represents. An absentee ballot courier must register with the commissioner prior to each election for which the person will be delivering completed absentee ballots to the commissioner. For each election, the commissioner shall maintain a list of all persons who have registered as absentee ballot couriers.

c. A person wishing to register as an absentee ballot courier must complete a training course in the laws, procedures, and penalties related to handling

27 completed absentee ballots. The training course shall
28 be conducted by the commissioner; the commissioner's
29 designee; or, in the case of partisan elections, by
30 the respective county central committees. The
31 curriculum for the training course shall be
32 established by the state commissioner by rule adopted
33 pursuant to chapter 17A.
34 d. When an absentee ballot courier retrieves a
35 completed absentee ballot from a voter, the courier
36 shall fill out a receipt to be retained by the voter.
37 The receipt shall state the name of the courier and
38 that the completed absentee ballot will be delivered
39 to the commissioner's office within seventy-two hours
40 or by five p.m. on election day, whichever is sooner.
41 e. An absentee ballot courier shall submit a cover
42 sheet listing the names of persons whose ballots are
43 being delivered each time the courier delivers ballots
44 to the commissioner's office.
45 f. A violation of any part of this subsection is
46 election misconduct in the first degree, pursuant to
47 section 39A.2, subsection 1, paragraph "b".
48 subparagraph (1).
49 5. For purposes of this section, "immediate family
50 member" means the spouse, adult child or stepchild.

Page 3

1 adult grandchild, parent or stepparent, grandparent,
2 or adult sibling of the voter."
3 2. By renumbering as necessary.

Ford of Polk offered the following amendment H-8430, to amendment H-8366, filed by him from the floor and moved its adoption:

H-8430

1 Amend the amendment, H-8366, to Senate File 2269,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting after line 2, the
4 following:
5 "____. Page 1, by inserting before line 1, the
6 following:
7 "Section 1. Section 39A.2, subsection 1, paragraph
8 b, subparagraph (1), Code 2003, is amended to read as
9 follows:
10 (1) Destroys, delivers, or handles an application
11 for a ballot or an absentee ballot with the intent of
12 interfering with the voter's right to vote, except as
13 otherwise provided in section 53.17, subsection 4.
14 Sec. 2. Section 39A.3, subsection 1, paragraph a,

15 Code 2003, is amended by adding the following new
16 subparagraph:

17 NEW SUBPARAGRAPH. (4) Violates any part of
18 section 53.17, subsection 4."

19 2. Page 2, by striking lines 46 through 48, and
20 inserting the following: "election misconduct in the
21 second degree, pursuant to section 39A.3, subsection
22 1, paragraph "a", subparagraph (4)."

23 3. By renumbering as necessary.

Roll call was requested by Ford of Polk and Murphy of Dubuque.

On the question "Shall amendment H-8430 to amendment H-8366 be adopted?" (S.F. 2269)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Chambers, Presiding			

Absent or not voting, 1:

Manternach

Amendment H-8430 lost.

Jacobs of Polk asked and received unanimous consent to withdraw amendment H-8410 to amendment H-8366 filed by her from the floor.

T. Taylor of Linn offered the following amendment H-8424, to amendment H-8366, filed by him from the floor and moved its adoption:

H-8424

1 Amend the amendment, H-8366, to Senate File 2269,
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting before line 3, the
4 following:

5 "____. Page 1, line 5, by inserting after the word
6 "voter," the following: "a person designated by the
7 voter to return the ballot on election day only,".

8 ____ Page 1, line 12, by inserting after the word
9 "voter," the following: "a person designated by the
10 voter to return the ballot on election day only,".

11 ____ Page 16, line 4, by inserting after the word
12 "day," the following: "The statement shall also point
13 out that if the ballot is delivered to the
14 commissioner's office on election day, the applicant
15 may designate any person to deliver the completed
16 ballot to the commissioner's office.""

17 2. Page 1, by inserting after line 34, the
18 following:

19 "d. The sealed carrier envelope may be delivered
20 to the commissioner's office on election day by any
21 person designated by the voter."

Roll call was requested by T. Taylor of Linn and Mascher of Johnson.

On the question "Shall amendment H-8424 to amendment H-8366 be adopted?" (S.F. 2269)

The ayes were, 46:

Bell	Berry	Bukta	Cohon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevort	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy

Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdye
Chambers, Presiding			

Absent or not voting, 1:

Manternach

Amendment H-8424 lost.

Jacobs of Polk asked and received unanimous consent that amendment H-8425, to amendment H-8366 be deferred.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2269 be deferred and that the bill retain its place on the calendar. (Amendment H-8366 pending)

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 2004, passed the following bill in which the concurrence of the Senate was asked:

Senate File 2291, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

Also: That the Senate has on April 6, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2292, a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration **House File 2193**, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure, amended by the Senate, and moved that the House concur in the following Senate amendment H-8367:

H-8367

1 Amend House File 2193, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 5 through 8 and
4 inserting the following: "course of at least forty
5 clock hours of training, or one and three-quarters
6 semester credit hours or the equivalent thereof as
7 determined pursuant to administrative rule and
8 regulations promulgated by the United States
9 department of education, relating to manicuring in a
10 licensed school of".

11 2. Page 1, by striking lines 17 through 20 and
12 inserting the following: "clock hours, or seventy
13 semester credit hours or the equivalent thereof as
14 determined pursuant to administrative rule and
15 regulations promulgated by the United States
16 department of education. The clock hours, and
17 equivalent number of semester credit hours or the
18 equivalent thereof as determined pursuant to
19 administrative rule and regulations promulgated by the
20 United States department of education, of a course of
21 study required for licensure".

The motion prevailed and the House concurred in the Senate amendment H-8367.

Tymeson of Madison moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2193)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Chambers, Presiding	

The nays were, none.

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2193** and **Senate File 443** be immediately messaged to the Senate.

INTRODUCTION OF BILL

House File 2571, by committee on government oversight, a bill for an act relating to agriculture by providing for reporting requirements.

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

SENATE MESSAGES CONSIDERED

Senate File 2291, by committee on ways and means, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

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

Senate File 2292, by committee on appropriations, a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

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

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration **House File 2527**, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent, amended by the Senate, and moved that the House concur in the following Senate amendment H-8363:

H-8363

- 1 Amend House File 2527, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 13, and
- 4 inserting the following: "parent by the state
- 5 registrar. The mailing of a certified copy of the
- 6 certificate to a biological parent shall not be
- 7 precluded by the execution of a release of custody
- 8 under chapter 600A, and, upon request, a biological
- 9 parent shall be provided with a certified copy of the
- 10 certificate unless the parental rights of the
- 11 biological parent are terminated."
- 12 2. Page 1, by inserting before line 14, the
- 13 following:
- 14 "Sec. 2. Section 600A.9, subsection 4, Code 2003,

15 is amended by adding the following new paragraph:
 16 NEW PARAGRAPH. e. The state registrar for the
 17 purposes of section 144.13A, subsection 2."

The motion prevailed and the House concurred in the Senate amendment H-8363.

Carroll of Poweshiek moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2527)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Chambers, Presiding	

The nays were, none.

Absent or not voting, 1:

Manternach

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

SENATE AMENDMENT CONSIDERED

Greiner of Washington called up for consideration **House File 2523**, a bill for an act providing for the regulation of air quality, and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8354:

H-8354

- 1 Amend House File 2523, 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 455B.133, subsection 3, Code
- 6 2003, is amended to read as follows:
- 7 3. Adopt, amend, or repeal ambient air quality
- 8 standards for the atmosphere of this state on the
- 9 basis of providing air quality necessary to protect
- 10 the public health and welfare and to reduce emissions
- 11 contributing to acid rain pursuant to Title IV of the
- 12 federal Clean Air Act Amendments of 1990. However,
- 13 the commission shall not adopt, amend, or repeal an
- 14 ambient standard for which the United States
- 15 environmental protection agency has not promulgated a
- 16 standard."
- 17 2. Page 1, by striking lines 10 and 11, and
- 18 inserting the following: "January 1, 1991. This does
- 19 not prohibit the commission from adopting ~~a~~ an
- 20 emission standard for a source or class".
- 21 3. Page 1, line 32, by inserting before the word
- 22 "HEALTH" the following: "ODOR".
- 23 4. Page 1, line 35, by striking the words "a
- 24 health" and inserting the following: "an odor
- 25 health".
- 26 5. Page 2, by striking lines 31 through 34 and
- 27 inserting the following: "business."
- 28 6. Page 3, line 28, by inserting after the word
- 29 "assembly" the following: "and the commission".
- 30 7. Page 4, line 1, by inserting after the word
- 31 "assembly" the following: "and the commission".
- 32 8. Page 4, by striking line 7 and inserting the
- 33 following: "final report, and a statute that".
- 34 9. By striking page 5, line 30, through page 7,
- 35 line 2, and inserting the following:
- 36 "____. a. The minimal risk levels for an airborne
- 37 pollutant that is hydrogen sulfide are as follows:

- 38 (1) The short-term minimal risk level is one of
39 the following:
- 40 (a) A concentration dose exceeding seventy parts
41 per billion for the duration of two consecutive valid
42 sampling weeks.
- 43 (b) A sum of the hourly average concentration
44 doses exceeding twenty-three and fifty-two hundredths
45 parts per million-hour for two consecutive valid
46 sampling weeks, reduced by seven hundredths parts per
47 million-hour for each hour for which there is no valid
48 hourly average.
- 49 (2) The long-term minimal risk level is one of the
50 following:

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- 1 (a) A concentration dose exceeding thirty parts
2 per billion for the duration of twelve consecutive
3 valid sampling months.
- 4 (b) A sum of the hourly average concentration
5 doses exceeding two hundred sixty-two and eight
6 hundredths parts per million-hour for twelve
7 consecutive valid sampling months, reduced by three
8 hundredths parts per million-hour for each hour for
9 which there is no valid hourly average.
- 10 b. The minimal risk levels for an airborne
11 pollutant that is ammonia are as follows:
- 12 (1) The short-term minimal risk level is one of
13 the following:
- 14 (a) A concentration dose exceeding one thousand
15 seven hundred parts per billion for the duration of
16 two consecutive valid sampling weeks.
- 17 (b) A sum of the hourly average concentration
18 doses exceeding five hundred seventy-one and two-
19 tenths parts per million-hour for two consecutive
20 valid sampling weeks, reduced by one and seven-tenths
21 parts per million-hour for each hour for which there
22 is no valid hourly average.
- 23 (2) The long-term minimal risk level is one of the
24 following:
- 25 (a) A concentration dose exceeding three hundred
26 parts per billion for the duration of twelve
27 consecutive valid sampling months.
- 28 (b) A sum of the hourly average concentration
29 doses exceeding two thousand six hundred twenty-eight
30 parts per million-hour for each hour for which there
31 is no valid hourly average.
- 32 c. A valid sampling day, valid sampling week, and
33 valid sampling month for purposes of this subsection
34 shall be determined as provided in this paragraph.
35 Hourly averages must first be computed by averaging
36 all valid five-minute averages recorded by the data

37 acquisition system in that hour. An hourly average is
38 considered valid if at least forty-five minutes of
39 valid five-minute averages are recorded by the data
40 acquisition system. A sampling day consists of
41 twenty-four nonoverlapping hours beginning from
42 midnight on a given day to midnight on the following
43 day. A sampling day is considered valid if at least
44 eighteen hours of valid hourly averages have been
45 recorded at the monitoring location. To determine the
46 daily average, each of the valid hourly concentrations
47 associated with a sampling day shall be averaged and
48 truncated to one part per billion. A valid sampling
49 day shall be computed by averaging all valid hourly
50 averages recorded by the data acquisition system in

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1 that sampling day. A valid sampling week consists of
2 at least six valid sampling days in a period of seven
3 consecutive days. A valid sampling month is a
4 calendar month in which at least seventy-five percent
5 of the days of the month are valid sampling days."

6 10. Page 7, line 13, by striking the word
7 "operating" and inserting the following: "operation".

8 11. Page 7, by striking lines 34 and 35 and
9 inserting the following: "particular airborne
10 pollutant, for a specific type or phase of animal
11 production system commonly used in this state and for
12 a specific type of manure storage or treatment system
13 commonly used at such animal production systems if all
14 of the".

15 12. Page 8, by striking lines 4 and 5 and
16 inserting the following: "pollutant from that type or
17 phase of animal production system commonly used in
18 this state and that type of manure storage or
19 treatment system commonly used at such animal
20 production systems is present at separated locations
21 at levels".

22 13. Page 8, by striking lines 12 and 13 and
23 inserting the following: "that the airborne pollutant
24 from a specific type or phase of animal production
25 system commonly used in this state and a specific type
26 of manure storage or treatment system commonly used at
27 such animal production systems is present at".

28 14. Page 10, by striking line 3 and inserting the
29 following: "level. If the notice is for a violation
30 of the short-term minimal risk level for an airborne
31 pollutant that is hydrogen sulfide or ammonia, the
32 notice shall expire one hundred eighty days from the
33 date of its issuance. If the notice is for any other
34 violation of a minimal risk level or health effect
35 level for odor, the notice shall expire one year from

36 the date of its".
 37 15. Page 10, by inserting after line 22 the
 38 following:
 39 "____. The governor shall appoint members to a
 40 monitoring advisory committee to advise the department
 41 on the monitoring of airborne pollutants that are
 42 hydrogen sulfide, ammonia, and odor as required by
 43 this Act. Members shall not be representatives of the
 44 department and must have expertise in data collection
 45 and in the operation of equipment used for data
 46 collection as required by this Act. The department
 47 shall consult with members in a meeting which shall be
 48 chaired by a person appointed by the governor. The
 49 committee shall consult with the department regarding
 50 monitoring as required by this section or rules

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1 adopted pursuant to this section. The committee shall
 2 evaluate and assess protocols for data collection,
 3 data processing, and data retention as required by
 4 this section. The committee shall also evaluate
 5 instrument calibration procedures and instrument
 6 siting procedures for objective data collection, and
 7 oversee instrumentation evaluation for selection of
 8 equipment."
 9 16. By renumbering, relettering, or redesignating
 10 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8354.

Greiner of Washington moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2523)

The ayes were, 65:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Cohoon	Dandekar	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins

Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Lykam	McCarthy
Mertz	Miller	Olson, S.	Paulsen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Shomshor	Struyk	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Wise
Chambers, Presiding			

The nays were, 34:

Berry	Bukta	Connors	Davitt
Fallon	Foege	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Maddox	Mascher	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Schickel
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead	Winckler		

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2527** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, previously deferred. (Amendment H-8366 pending)

Petersen of Polk offered the following amendment H-8438, to amendment H-8366, filed by Petersen, Mascher of Johnson, Gaskill of Wapello and Jochum of Dubuque from the floor and moved its adoption:

H-8438

1 Amend the amendment, H-8366, to Senate File 2269,
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting before line 3, the
4 following:

5 "____. Page 1, line 5, by inserting after the word
6 "voter," the following: "an absentee ballot
7 courier,."

8 _____. Page 1, line 12, by inserting after the word
9 "voter," the following: "an absentee ballot
10 courier,."

11 2. Page 1, by inserting before line 3 the
12 following:

13 "____. Page 16, line 4, by inserting after the
14 word "day." the following: "The statement shall also
15 point out that it is possible for an absentee ballot
16 courier to personally deliver the completed absentee
17 ballot to the office of the commissioner before the
18 closing of the polls on election day."

19 3. Page 2, line 7, by striking the word
20 "represents" and inserting the following: "acts as an
21 actual or implied agent of".

22 4. Page 2, line 17, by striking the words "the
23 person represents" and inserting the following: "for
24 which the person is acting as an actual or implied
25 agent".

26 5. Page 2, line 20, by striking the word
27 "commissioner." and inserting the following:
28 "commissioner or within seventy-two hours of
29 completing the training required in paragraph "c".
30 However, after completing training, a person is
31 immediately eligible to act as a courier."

32 6. Page 2, by striking line 30, and inserting the
33 following: "the respective state or county central
34 committees, or those committees' designees. The".

35 7. Page 2, by striking lines 37 through 40, and
36 inserting the following: "The state commissioner
37 shall prescribe a form for receipts required by this
38 subsection. The receipt shall include all of the
39 following:

40 (1) The name of the courier.

41 (2) The date and time the voted absentee ballot
42 was received from the voter.

43 (3) The name and date of the election for which
44 the absentee ballot is being voted.

45 (4) The name of the political party, candidate, or
46 committee for which the courier is acting as an actual
47 or implied agent.

48 (5) A statement that the completed absentee ballot
49 will be delivered to the commissioner's office within
50 seventy-two hours or at any time before the closing of

Page 2

1 the polls on election day, whichever is sooner."
2 8. Page 2, line 44, by inserting after the word
3 "office," the following: "The sheet shall also list
4 the names of any courier who actually retrieved a
5 completed absentee ballot from a voter if it is
6 someone other than the courier delivering the ballot
7 to the commissioner's office."

Amendment H-8438 lost.

Jacobs of Polk offered the following amendment H-8425, to amendment H-8366, previously deferred, filed by her from the floor and moved its adoption:

H-8425

1 Amend the amendment, H-8366, to Senate File 2269,
2 as passed by the Senate, as follows:
3 1. Page 1, by inserting before line 3, the
4 following:
5 "____. Page 1, line 5, by inserting after the word
6 "voter," the following: "an absentee ballot
7 courier,".
8 _____. Page 1, line 12, by inserting after the word
9 "voter," the following: "an absentee ballot
10 courier,".
11 _____. Page 16, line 4, by inserting after the word
12 "day." the following: "The statement shall also point
13 out that it is possible for an absentee ballot courier
14 to personally deliver the completed absentee ballot to
15 the office of the commissioner by five p.m. on
16 election day."
17 2. Page 2, line 7, by striking the word
18 "represents" and inserting the following: "acts as an
19 actual or implied agent of".
20 3. Page 2, line 17, by striking the words "the
21 person represents" and inserting the following: "for
22 which the person is acting as an actual or implied
23 agent".
24 4. Page 2, by striking lines 37 through 40, and
25 inserting the following: "The state commissioner
26 shall prescribe a form for receipts required by this
27 subsection. The receipt shall include all of the
28 following:
29 (1) The name of the courier.
30 (2) The date and time the voted absentee ballot
31 was received from the voter.
32 (3) The name and date of the election for which

33 the absentee ballot is being voted.
 34 (4) The name of the political party, candidate, or
 35 committee for which the courier is acting as an actual
 36 or implied agent.
 37 (5) A statement that the completed absentee ballot
 38 will be delivered to the commissioner's office within
 39 seventy-two hours or by five p.m. on election day,
 40 whichever is sooner."

Amendment H-8425 was adopted.

On motion by Jacobs of Polk amendment H-8366, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2269)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Chambers,			
Presiding			

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith

Stevens
Thomas
Winckler

Swaim
Wendt
Wise

Taylor, D.
Whitaker

Taylor, T.
Whitead

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2269** be immediately messaged to the Senate.

Roberts of Carroll in the chair at 8:31 p.m.

Unfinished Business Calendar

Senate File 2279, a bill for an act relating to petition requirements for establishing a satellite absentee voting station, with report of committee recommending amendment and passage, was taken up for consideration.

Jacobs of Polk offered the following amendment H-8323 filed by the committee on state government and moved its adoption:

H-8323

- 1 Amend Senate File 2279, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 28, by striking the word "six"
- 4 and inserting the following: "~~six~~ four".
- 5 2. Title page, line 1, by striking the words
- 6 "requirements for establishing" and inserting the
- 7 following: "and operating hour requirements for".

The committee amendment H-8323 was adopted.

Petersen of Polk offered the following amendment H-8437 filed by her from the floor and moved its adoption:

H-8437

1 Amend Senate File 2279, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 8, by inserting after the word
 4 "petition." the following: "A petition requesting
 5 establishment of a satellite absentee voting station
 6 shall also list the precincts for which the
 7 commissioner is to provide ballots at the satellite
 8 absentee voting station."

Amendment H-8437 was adopted.

Gaskill of Wapello offered the following amendment H-8353 filed by her and Mascher of Johnson and moved its adoption:

H-8353

1 Amend Senate File 2279, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 19 through 25 and
 4 inserting the following:
 5 "b. In a city with a population of ten thousand or
 6 more, two hundred eligible electors."

Amendment H-8353 lost.

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

On the question "Shall the bill pass?" (S.F. 2279)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Roberts,			
Presiding			

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2279** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 8:57 p.m., until the completion of the committee on ways and means meeting.

EVENING SESSION

The House reconvened at 9:46 p.m., Speaker Rants in the chair.

SENATE FILE 2026 REREFERRED

The Speaker announced that Senate File 2026, previously **passed on file** was rereferred to committee on **ways and means**.

MOTION TO RECONSIDER (House File 2523)

I move to reconsider the vote by which House File 2523 passed the House on April 6, 2004.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday evening, March 17, 2004. Had I been present, I would have voted "aye" on House Files 22, 2357, 2381, 2433 and 2471.

GRANZOW of Hardin

I was necessarily absent from the House chamber on Monday, April 5, 2004. Had I been present, I would have voted "aye" on Senate Files 2066, 2183, 2190, 2213, 2266 and 2284.

GRANZOW of Hardin

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 6th day of April, 2004: House Files 2170, 2315, 2450, 2493, 2516 and 2522.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fourteen High School students from BGM High School, Brooklyn, Iowa, accompanied by Duane Poppenhagen. By Carroll of Poweshiek and De Boef of Keokuk.

One hundred and thirty-four students from West High School, Davenport, Iowa. By Lykam of Scott, S. Olson of Clinton, J.R. Van Fossen of Scott and Winkler of Scott.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2004\1177	Betty Shumaker, Ottumwa – For celebrating her 80 th birthday.
2004\1178	Floyd Dickerson, Ottumwa – For celebrating his 80 th birthday.
2004\1179	Georgia Weieneth, Ottumwa – For celebrating her 80 th birthday.
2004\1180	Donald Sigman, Ottumwa – For celebrating his 80 th birthday.
2004\1181	Garold Davis, Ottumwa – For celebrating his 80 th birthday.
2004\1182	Richard Gilliland, Ottumwa – For celebrating his 80 th birthday.
2004\1183	Kathe Stephenson, Eldon – For celebrating her 80 th birthday.
2004\1184	Doris Mason, Ottumwa – For celebrating her 80 th birthday.
2004\1185	Carol Mooro, Ottumwa – For celebrating her 80 th birthday.
2004\1186	Janice Sloan, Ottumwa – For celebrating her 80 th birthday.
2004\1187	Edith Glen, Ottumwa – For celebrating her 80 th birthday.
2004\1188	Emery Given, Ottumwa – For celebrating his 80 th birthday.
2004\1189	Ruth Jackson, Ottumwa – For celebrating her 80 th birthday.
2004\1190	Kenneth Webber, Hedrick – For celebrating his 80 th birthday.
2004\1191	Jack Darnielle, Ottumwa – For celebrating his 80 th birthday.
2004\1192	Kathryn Kosman, Ottumwa – For celebrating her 80 th birthday.
2004\1193	Helen Thode, Ottumwa – For celebrating her 80 th birthday.
2004\1194	Dorothy Lapsey, Ottumwa – For celebrating her 80 th birthday.
2004\1195	Cletus Meyer, Waucoma – For celebrating his 80 th birthday.
2004\1196	Dorothy Rechkemmer, Oelwein – For celebrating her 80 th birthday.
2004\1197	Evelyn Chase, Oelwein – For celebrating her 90 th birthday.

- 2004\1198 John and Flora Mae Kisner, Oelwein – For celebrating their 50th wedding anniversary.
- 2004\1199 William E. Graham, Indianola – For celebrating his 90th birthday.
- 2004\1200 Betty and Alvin Cumings, Indianola – For celebrating their 60th wedding anniversary.
- 2004\1201 Katherine and Lyle Weeks, Indianola – For celebrating their 50th wedding anniversary.
- 2004\1202 Adelaide and Virgil Beck, Indianola – For celebrating their 65th wedding anniversary.
- 2004\1203 Sally Garnett, Carlisle – For celebrating her 80th birthday.
- 2004\1204 Nadean Downey, Indianola – For celebrating her 90th birthday.
- 2004\1205 Elizabeth Clark, Indianola – For celebrating her 90th birthday.
- 2004\1206 Bonne Dey Fisher, Indianola – For celebrating her 95th birthday.
- 2004\1207 Berdina Duwe, Guttenberg – For celebrating her 85th birthday.
- 2004\1208 Ray Koehn, Farmersburg – For celebrating his 82nd birthday.
- 2004\1209 Vila Schroeder, Farmersburg – For celebrating her 80th birthday.
- 2004\1210 Myrtle and Bob Hamilton, Chariton – For celebrating their 50th wedding anniversary.
- 2004\1211 Joey Dean Reiser, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1212 Joe Putnam, Letts – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1213 Nicholas Hinzman, Humboldt High School – For being named a State of Iowa Scholar.
- 2004\1214 Brett Legvold, Eagle Grove High School – For being named a State of Iowa Scholar.
- 2004\1215 Jody Stanek, Prairie Valley High School – For being named a State of Iowa Scholar.
- 2004\1216 Melvin Tigges, Guthrie Center – For celebrating his 80th birthday.
- 2004\1217 Wayne Jones, Stuart – For celebrating his 80th birthday.
- 2004\1218 Elwein and Helen Karas, Anita – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2026

Ways and Means: Van Fossen, J.K., Chair; Kramer and Shoultz.

Senate File 2289

Ways and Means: Boal, Chair; Huser and Lukan.

Senate File 2295

Ways and Means: Lukan, Chair; Boal and Wendt.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 725), relating to agriculture by providing for reporting requirements, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 2004.

COMMITTEE ON WAYS AND MEANS

Senate File 2026, a bill for an act relating to the reduction of the sales and use taxes on the sale of furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8442** April 6, 2004.

RESOLUTION FILED

HR 161, by Hanson, a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary.

Laid over under **Rule 25**.

Frevert of Palo Alto			Gaskill of Wapello
Greimann of Story			Heddens of Story
Hogg of Linn			Hunter of Polk
Huser of Polk			Jacoby of Johnson
Jochum of Dubuque			Kuhn of Floyd
Lensing of Johnson			Lykam of Scott
Mascher of Johnson			McCarthy of Polk
Miller of Webster			Murphy of Dubuque
Oldson of Polk			D. Olson of Boone
Osterhaus of Jackson			Petersen of Polk
Quirk of Chickasaw			Reasoner of Union
Shomshor of Pottawattamie			Shoultz of Black Hawk
Smith of Marshall			Stevens of Dickinson
Swaim of Davis			D. Taylor of Linn
T. Taylor of Linn			Thomas of Clayton
Wendt of Woodbury			Whitaker of Van Buren
Whitead of Woodbury			Winckler of Scott
Wise of Lee			
H—8417	S.F.	2298	Boggess of Page
			Jenkins of Black Hawk
H—8418	S.F.	2298	Dix of Butler
H—8419	HF.	2259	Senate Amendment
H—8420	H.F.	2393	Senate Amendment
H—8427	S.F.	2298	Dolecheck of Ringgold
			Struyk of Pottawattamie
			Hanson of Benton
			Jones of Mills
H—8431	H.F.	2434	Senate Amendment
H—8432	H.F.	2548	Alons of Sioux
H—8433	S.F.	2298	Fallon of Polk
			Raecker of Polk
H—8434	S.F.	2298	Boal of Polk
H—8435	H.F.	2489	Senate Amendment
H—8436	S.F.	2298	Dolecheck of Ringgold
H—8439	S.F.	2298	Boggess of Page
			Jenkins of Black Hawk
H—8440	H.R.	135	Boal of Polk
H—8441	S.F.	2298	Hoffman of Crawford
H—8442	S.F.	2026	Committee on Ways and Means

On motion by Gipp of Winneshiek the House adjourned at 9:37 p.m., until 8:45 a.m., Wednesday, April 7, 2004.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 7, 2004

The House met pursuant to adjournment at 9:09 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the music of the Okoboji Jazz band from Okoboji High School in Milford, under the direction of Greg Forney. They were the guests of Representative Greg Stevens from Dickinson County whose son and House Clerk, Dan Stevens, plays with the band.

The House rose and expressed its welcome.

The National Anthem was offered by the Show Hawk Men of Harley-Melvin-Sanborn High School, accompanied by the vocal music director, Sue Ewen. They were the guests of Representative Royd Chambers from O'Brien County.

The Journal of Tuesday, April 6, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Manternach of Jones, until his arrival, on request of Gipp of Winneshiek.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 117, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

MICHAEL E. MARSHALL, Secretary

Roberts of Carroll in the chair at 9:20 a.m.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 123

Swaim of Davis called up for consideration **House Concurrent Resolution 123**, a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 108

Carroll of Poweshiek called up for consideration **House Concurrent Resolution 108**, a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 145

Heaton of Henry called up for consideration **House Resolution 145**, a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 156

Wise of Lee called up for consideration **House Resolution 156**, a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 157

Cohoon of Des Moines called up for consideration **House**

Resolution 157, a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF SENATE CONCURRENT RESOLUTION 117

Greiner of Washington asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 117**, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Greiner of Washington introduced to the House the 2004 Iowa Pork Queen, Courtney Knupp.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:36 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:06 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kramer of Polk on request of Gipp of Winneshiek.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2352, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty.

Also: That the Senate has on April 7, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2447, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2480, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2518, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2528, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2530, a bill for an act relating to the assessment of surcharges in criminal proceedings.

Also: That the Senate has on April 7, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 371, a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Also: That the Senate has on April 7, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2066, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

Also: That the Senate has on April 7, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2213, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Also: That the Senate has on April 7, 2004, amended and adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 109, a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 1:06 p.m., until the fall of the gavel.

The House resumed session at 3:50 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolutions 108, 123** and **Senate Concurrent Resolution 117**.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2567, a bill for an act regulating the transportation of animal carcasses, and providing for fees and penalties, was taken up for consideration.

Frevert of Palo Alto offered the following amendment H-8377 filed by her and Lalk of Fayette and moved its adoption:

H-8377

- 1 Amend House File 2567 as follows:
- 2 1. Page 3, by inserting after line 29 the

3 following:

4 "Sec. 101. NEW SECTION. 167.22 CHRONIC WASTING
5 DISEASE.

6 1. As used in this section "chronic wasting
7 disease" means the same as defined in section 170.1.

8 2. Except as otherwise provided in this
9 subsection, a person licensed under this chapter shall
10 not transport the carcass of a deer or elk into this
11 state if the carcass originates from an area outside
12 this state that has a significant prevalence of
13 chronic wasting disease as determined by the state
14 veterinarian. In order to transport the carcass into
15 this state, the person must obtain approval by the
16 state veterinarian in a manner and according to
17 procedures required by the department."

18 2. Page 3, by inserting after line 31 the
19 following:

20 "Sec. _____. EFFECTIVE DATE. Section 101 of this
21 Act, being deemed of immediate importance, takes
22 effect upon enactment."

23 3. Title page, line 1, by striking the word
24 "and".

25 4. Title page, line 2, by inserting after the
26 word "penalties" the following: ", and providing for
27 an effective date".

Amendment H-8377 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2567)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy

Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Fallon	Ford	Kramer
--------	------	--------

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

House File 2569, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff, was taken up for consideration.

Hogg of Linn offered the following amendment H-8378 filed by him and moved its adoption:

H-8378

- 1 Amend House File 2569 as follows:
- 2 1. Page 1, by striking lines 1 through 5.
- 3 2. Page 2, lines 20 and 21, by striking the words
- 4 "the county has adopted a resolution pursuant to
- 5 section 331.301, subsection 16, and".

Amendment H-8378 lost.

SPECIAL PRESENTATION

Chambers of O'Brien introduced to the House the Honorable Rich Vande Hoef, former state representative from Osceola County.

The House rose and expressed its welcome.

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

On the question "Shall the bill pass?" (H.F. 2569)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 265, a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2471, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2551, a bill for an act relating to programs under the authority of the department of public health.

MICHAEL E. MARSHALL, Secretary

HOUSE FILES 2292 and 2456 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House Files 2292 and 2456 from further consideration by the House.

HOUSE FILES 2377 and 2474 WITHDRAWN

Lalk of Fayette asked and received unanimous consent to withdraw House Files 2377 and 2474 from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2567 and 2569.**

INTRODUCTION OF BILLS

House File 2572, by committee on ways and means, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

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

House File 2573, by committee on appropriations, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

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

SPECIAL PRESENTATION

Lukan of Dubuque introduced to the House the Honorable Joe Ertl, former state representative from Dubuque County.

The House rose and expressed its welcome.

Mascher of Johnson introduced to the House the Honorable Paul Scherrman, former state representative from Dubuque County.

The House rose and expressed its welcome.

SENATE AMENDMENT CONSIDERED

Baudler of Adair called up for consideration **House File 2259**, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8419:

H-8419

- 1 Amend House File 2259, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 23 through 26, and
- 4 inserting the following:
- 5 "Iowa law prohibits the sale or purchase of more
- 6 than two packages containing pseudoephedrine as the
- 7 sole active ingredient."
- 8 2. Page 2, by striking lines 18 through 20 and
- 9 inserting the following:
- 10 "9. This section shall not apply to the following:
- 11 a. Any package of a product containing
- 12 pseudoephedrine as the product's sole active
- 13 ingredient which is in liquid form.
- 14 b. Any package of a product containing
- 15 pseudoephedrine as the product's sole active
- 16 ingredient which is primarily intended for

17 administration to children under twelve years of age
 18 according to the label, regardless of whether the
 19 product is in liquid or solid form.
 20 c. Any package of a product containing
 21 pseudoephedrine as the product's sole active
 22 ingredient that the board of pharmacy examiners, with
 23 the concurrence of the department of public safety,
 24 upon application of a manufacturer, exempts from this
 25 section because the product is formulated to
 26 effectively prevent conversion of the active
 27 ingredient into methamphetamine or its salts or
 28 precursors. The board of pharmacy examiners, with the
 29 concurrence of the department of public safety, shall
 30 adopt rules pursuant to chapter 17A to administer this
 31 paragraph."

The motion prevailed and the House concurred in the Senate amendment H-8419.

Baudler of Adair moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2259)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Klemme	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

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

SENATE AMENDMENT CONSIDERED

Drake of Pottawattamie called up for consideration **House File 2262**, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates, amended by the Senate, with the following Senate amendment H-8394:

H-8394

- 1 Amend House File 2262, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 "Sec. ____ Section 97B.1A, subsection 22, Code
- 6 Supplement 2003, is amended to read as follows:
- 7 22. "Special service" means service for an
- 8 employer while employed in a protection occupation as
- 9 provided in section 97B.49B, and as a county sheriff;
- 10 ~~or deputy sheriff, or airport fire fighter~~ as provided
- 11 in section 97B.49C."
- 12 2. Page 14, by inserting after line 7 the
- 13 following:
- 14 "Sec. ____ Section 97B.49B, subsection 1,
- 15 paragraph c, Code Supplement 2003, is amended to read
- 16 as follows:
- 17 c. "Eligible service" means membership and prior
- 18 service in a protection occupation. In addition, for
- 19 a member with membership and prior service in a
- 20 protection occupation described in paragraph "e",
- 21 subparagraph (2), eligible service includes membership

22 and prior service as a sheriff, or deputy sheriff, ~~or~~
23 ~~airport fire fighter~~ as defined in section 97B.49C.
24 Sec. _____. Section 97B.49B, subsection 1, paragraph
25 e, Code Supplement 2003, is amended by adding the
26 following new subparagraph:
27 NEW SUBPARAGRAPH. (8) An airport fire fighter
28 employed by the military division of the department of
29 public defense.
30 Sec. _____. Section 97B.49B, subsection 3, paragraph
31 b, Code Supplement 2003, is amended by adding the
32 following new subparagraph:
33 NEW SUBPARAGRAPH. (7) For the fiscal year
34 commencing July 1, 2004, and each succeeding fiscal
35 year, there is appropriated from the general fund of
36 the state to the system, from funds not otherwise
37 appropriated, an amount necessary to pay the employer
38 share of the cost of the additional benefits provided
39 to airport fire fighters under this section.
40 Sec. _____. Section 97B.49C, subsection 1, paragraph
41 a, Code Supplement 2003, is amended by striking the
42 paragraph.
43 Sec. _____. Section 97B.49C, subsection 1, paragraph
44 d, Code Supplement 2003, is amended to read as
45 follows:
46 d. "Eligible service" means membership and prior
47 service as ~~an airport fire fighter~~, a sheriff, and
48 deputy sheriff under this section. In addition,
49 eligible service includes membership and prior service
50 as a marshal in a city not covered under chapter 400

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1 or a fire fighter or police officer of a city not
2 participating in the retirement systems established in
3 chapter 410 or 411, and as an airport fire fighter
4 prior to July 1, 1994.
5 Sec. _____. Section 97B.49C, subsection 2, Code
6 Supplement 2003, is amended to read as follows:
7 2. CALCULATION OF MONTHLY ALLOWANCE.
8 a. Notwithstanding other provisions of this
9 chapter, a member who retires from employment as a
10 sheriff, deputy sheriff, or airport fire fighter on or
11 after July 1, 1994, and before July 1, 2004, and at
12 the time of retirement is at least fifty-five years of
13 age may elect to receive, in lieu of the receipt of
14 any benefits as calculated pursuant to section 97B.49A
15 or 97B.49D, a monthly retirement allowance equal to
16 one-twelfth of an amount equal to the applicable
17 percentage of the three-year average covered wage as a
18 member who has been employed in eligible service
19 multiplied by a fraction of years of service, with
20 benefits payable during the member's lifetime.

21 b. Notwithstanding other provisions of this
22 chapter, a member who retires from employment as a
23 sheriff or deputy sheriff on or after July 1, 2004,
24 and at the time of retirement is either at least
25 fifty-five years of age or is at least the applicable
26 early retirement age with at least twenty-two years of
27 eligible service may elect to receive, in lieu of the
28 receipt of any benefits as calculated pursuant to
29 section 97B.49A or 97B.49D, a monthly retirement
30 allowance equal to one-twelfth of an amount equal to
31 the applicable percentage of the three-year average
32 covered wage as a member who has been employed in
33 eligible service multiplied by a fraction of years of
34 service, with benefits payable during the member's
35 lifetime.
36 c. For purposes of this subsection, "applicable
37 early retirement age" means the following:
38 (1) For each active or inactive vested member
39 retiring on or after July 1, 2004, and before July 1,
40 2005, fifty-four years of age.
41 (2) For each active or inactive vested member
42 retiring on or after July 1, 2005, and before July 1,
43 2006, fifty-three years of age.
44 (3) For each active or inactive vested member
45 retiring on or after July 1, 2006, and before July 1,
46 2007, fifty-two years of age.
47 (4) For each active or inactive vested member
48 retiring on or after July 1, 2007, and before July 1,
49 2008, fifty-one years of age.
50 (5) For each active or inactive vested member

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1 retiring on or after July 1, 2008, fifty years of age.
2 Sec. ____. Section 97B.49C, subsection 3, paragraph
3 a, Code Supplement 2003, is amended to read as
4 follows:
5 a. Annually, the system shall actuarially
6 determine the cost of the ~~additional~~ benefits provided
7 for members covered under this section as a percentage
8 of the covered wages of the employees covered by this
9 section. ~~Sixty~~ Fifty percent of the cost shall be
10 paid by the employers of employees covered under this
11 section and ~~forty~~ fifty percent of the cost shall be
12 paid by the employees. The employer and employee
13 contributions required under this paragraph are in
14 ~~addition to~~ lieu of the contributions paid under
15 sections 97B.11 and 97B.11A. ~~However, the cost of~~
16 ~~including service as an airport fire fighter prior to~~
17 ~~July 1, 1994, as eligible service under this section~~
18 ~~shall not affect the contribution rates calculated and~~
19 ~~paid by the member or the employer under this section.~~

20 Sec. _____. Section 97B.49C, subsection 3, paragraph
21 b, Code Supplement 2003, is amended to read as
22 follows:

23 b. ~~(1)~~ Annually, during each fiscal year
24 commencing with the fiscal year beginning July 1,
25 1988, each county shall pay to the system the amount
26 necessary to pay the employer share of the cost of the
27 additional benefits provided to sheriffs and deputy
28 sheriffs.

29 ~~(2) For the fiscal year commencing July 1, 1994,~~
30 ~~and each succeeding fiscal year, there is appropriated~~
31 ~~from the general fund of the state to the system, from~~
32 ~~funds not otherwise appropriated, an amount necessary~~
33 ~~to pay the employer share of the cost of the~~
34 ~~additional benefits provided to airport fire fighters~~
35 ~~under this section."~~

36 3. Page 16, by inserting after line 32 the
37 following:

38 "Sec. _____. Section 97B.52, subsection 1, paragraph
39 a, subparagraph (3), Code Supplement 2003, is amended
40 to read as follows:

41 (3) For service as a sheriff, ~~or~~ deputy sheriff,
42 ~~or airport fire fighter~~, as provided in section
43 97B.49C, the applicable denominator is twenty-two."

44 4. Page 17, by inserting after line 17 the
45 following:

46 "Sec. _____. Section 97B.52A, subsection 1,
47 paragraph c, Code Supplement 2003, is amended to read
48 as follows:

49 c. For a member whose first month of entitlement
50 is July 2000 or later, the member does not return to

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1 any employment with a covered employer until the
2 member has qualified for at least one calendar month
3 of retirement benefits, and the member does not return
4 to covered employment until the member has qualified
5 for no fewer than four calendar months of retirement
6 benefits. For purposes of this paragraph, effective
7 July 1, 2000, any employment with a covered employer
8 does not include employment as an elective official or
9 member of the general assembly if the member is not
10 covered under this chapter for that employment. For
11 purposes of determining a bona fide retirement under
12 this paragraph and for a member whose first month of
13 entitlement is July 2004 or later, but before July
14 2006, covered employment does not include employment
15 as a licensed health care professional by a public
16 hospital as defined in section 249I.3."

17 5. Page 22, by inserting after line 5 the
18 following:

19 "Sec.____. Section 411.6, subsection 7, paragraph
20 c, Code 2003, is amended to read as follows:

21 c. Should a disability beneficiary under age
22 fifty-five be employed in a public safety occupation,
23 the disability beneficiary's retirement allowance
24 shall cease. Notwithstanding any provision of this
25 chapter to the contrary, if a disability beneficiary
26 is employed in a public safety occupation that would
27 otherwise constitute membership service, the
28 disability beneficiary shall not become a member of
29 the system. For purposes of this paragraph, "public
30 safety occupation" means a peace officer, as defined
31 in section 97A.1; a protection occupation, as defined
32 in section 97B.49B; a sheriff, or deputy sheriff, ~~or~~
33 ~~airport fire fighter~~, as defined in section 97B.49C;
34 and a police officer or fire fighter as defined in
35 section 411.1, who was not restored to active service
36 as provided by this subsection.

37 Sec.____. Section 724.6, subsection 2, Code 2003,
38 is amended to read as follows:

39 2. Notwithstanding subsection 1, fire fighters, as
40 defined in section 411.1, subsection 9, airport fire
41 fighters included under section ~~97B.49C~~ 97B.49B,
42 emergency rescue technicians, and emergency medical
43 care providers, as defined in section 147A.1, shall
44 not, as a condition of employment, be required to
45 obtain a permit under this section. However, the
46 provisions of this subsection shall not apply to a
47 person designated as an arson investigator by the
48 chief fire officer of a political subdivision."

49 6. Page 23, by inserting after line 18 the
50 following:

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1 "Sec.____. LICENSED HEALTH CARE PROFESSIONALS –
2 BONA FIDE RETIREMENT REPORT. The Iowa public
3 employees' retirement system and the Iowa hospital
4 association shall each submit a report to the general
5 assembly by December 1, 2006, concerning the costs and
6 effectiveness of the provision of this Act amending
7 section 97B.52A that provides that covered employment,
8 for purposes of establishing a bona fide retirement,
9 does not include employment as a licensed health care
10 professional by a public hospital as defined in
11 section 249I.3. Each report shall provide statistics
12 concerning the number of members taking advantage of
13 this provision, the costs and financial benefits, if
14 any, associated with this provision, and
15 recommendations for further action."

16 7. Page 29, by inserting after line 5 the
17 following:

18 "DIVISION IV

19 JUDICIAL RETIREMENT SYSTEM

20 Sec. ____ JUDICIAL RETIREMENT SYSTEM – SPECIAL
21 VESTING PROVISION.

22 1. Notwithstanding any provision of chapter 602 to
23 the contrary, a judge who has had an aggregate of at
24 least four years of service as a judge of one or more
25 of the courts as of the effective date of this section
26 of this Act shall be deemed to have had at least six
27 years of service as a judge for purposes of
28 determining the judge's eligibility for a retirement
29 benefit under the retirement system pursuant to
30 sections 602.9106, 602.9108, and 602.9112, and section
31 602.9107C, subsection 1.

32 2. This section of this Act, being deemed of
33 immediate importance, takes effect upon enactment."

34 8. Page 29, by inserting after line 5 the
35 following:

36 "DIVISION V

37 MISCELLANEOUS PROVISIONS

38 Sec. ____ NEW SECTION. 70A.17B PAYROLL DEDUCTION
39 FOR ADDITIONAL INSURANCE COVERAGE.

40 1. The state officer in charge of any of the state
41 payroll systems shall deduct from the wages or
42 salaries of a state officer or employee an amount
43 specified by the officer or employee for payment to
44 any company authorized to do business in this state
45 for the purpose of purchasing insurance if all of the
46 following conditions are met:

47 a. At least five hundred state officers or
48 employees request the deduction to purchase insurance
49 from the same company.

50 b. The request for the payroll deduction is made

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1 by the state officer or employee in writing to the
2 officer in charge of the program.

3 c. The pay period during which the deduction is
4 made, the frequency, and the amount of the deduction
5 are compatible with the payroll system.

6 d. The insurance coverage to be purchased is not
7 provided by the state.

8 e. The company providing the insurance enters into
9 a written agreement with the state delineating each
10 party's rights and responsibilities.

11 2. The moneys deducted under this section shall be
12 paid to the company designated by the requesting state
13 officers or employees. The deduction may be made even
14 though the compensation paid to an officer or employee
15 is reduced to an amount below the minimum prescribed
16 by law. Payment to an officer or employee of

17 compensation less the deduction shall constitute a
18 full discharge of claims and demands for services
19 rendered by the officer or employee during the period
20 covered by the payment. The request for the deduction
21 may be withdrawn at any time by filing a written
22 notification of withdrawal with the state officer in
23 charge of any of the state payroll systems.

24 3. The department of administrative services
25 reserves the right to terminate an insurance company's
26 participation in the program if the department
27 receives complaints regarding the actions of the
28 insurance company or its agents in relation to the
29 program and such termination would be in the best
30 interest of the state officers and employees, the
31 department makes a determination that the insurance
32 company has engaged in a pattern or practice of
33 unfair, misleading, or fraudulent acts and such
34 termination would be in the best interest of the state
35 officers and employees, or the commissioner of
36 insurance determines that the company has engaged in
37 practices that would otherwise disqualify the company
38 from providing insurance coverage in Iowa.

39 4. The department is authorized to establish and
40 collect an administrative fee as deemed necessary and
41 appropriate in an amount not to exceed the state's
42 actual cost of providing the payroll deduction
43 service."

44 9. Title page, line 1, by inserting after the
45 words "retirement systems" the following: "and other
46 employee benefit related matters".

47 10. Title page, line 4, by striking the words
48 "system, and" and inserting the following: "system,".

49 11. Title page, line 4, by inserting after the
50 words "retirement system," the following: "and the

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1 judicial retirement system,".

2 12. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

The House stood at ease at 4:35 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate amendment H-8394, to House File 2262 at 5:05 p.m., Roberts of Carroll in the chair.

Drake of Pottawattamie moved that the House concurred in the Senate amendment H-8394.

Roll call was requested by Murphy of Dubuque and Wise of Lee.

On the question "Shall the House concur in the Senate amendment H-8394?" (H.F. 2262)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Struyk
Taylor, D.	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Roberts,		
	Presiding		

The nays were, 44:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Fallon
Foege	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 2:

Ford	Kramer
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The House concurred in the Senate amendment H-8394.

Drake of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2262)

The ayes were, 83:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Carroll	Chambers	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jones	Klemme	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Sands
Schickel	Shomshor	Smith	Stevens
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Wilderdyke	Winckler	Roberts, Presiding	

The nays were, 15:

Bukta	Cohoon	Fallon	Frevert
Hunter	Jochum	Miller	Murphy
Osterhaus	Reasoner	Shoultz	Taylor, T.
Wendt	Whitead	Wise	

Absent or not voting, 2:

Ford	Kramer
------	--------

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2259 and 2262.**

SENATE AMENDMENT CONSIDERED

Baudler of Adair called up for consideration **House File 2393**, a bill for an act relating to the regulation of target shooting near

buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8420:

H-8420

- 1 Amend House File 2393, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "range" the following: "that is open to the public".
- 5 2. Page 1, line 13, by striking the word "range,"
- 6 and inserting the following: "range that is open to
- 7 the public and".

A non-record roll call was requested.

The ayes were 52, nays 33.

The motion prevailed and the House concurred in the Senate amendment H-8420.

Baudler of Adair moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2393)

The ayes were, 74:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	Mertz	Olson, S.
Osterhaus	Paulsen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Sands
Schickel	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdyke
Wise	Roberts,		
	Presiding		

The nays were, 24:

Connors	Gaskill	Greimann	Heddens
Hogg	Hunter	Jacoby	Jochum
Kuhn	Lensing	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Petersen	Reasoner	Shomshor	Shoultz
Smith	Taylor, T.	Whitead	Winckler

Absent or not voting, 2:

Ford	Kramer
------	--------

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 2393** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2484, a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2558, a bill for an act relating to crimes against members of the species *homo sapiens* at any stage of development and making penalties applicable.

Also: That the Senate has on April 7, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

MICHAEL E. MARSHALL, Secretary

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2004\1219 | Katherine Knutsen, Carroll High School – For being named a State of Iowa Scholar. |
| 2004\1220 | Jaclyn Helling, Carroll High School – For being named a State of Iowa Scholar. |
| 2004\1221 | Crystal Bennett, Carroll High School – For being named a State of Iowa Scholar. |
| 2004\1222 | Noah Kruse, Wall Lake View-Auburn High School – For being named a State of Iowa Scholar. |
| 2004\1223 | Lindi Lapel, Wall Lake View-Auburn High School – For being named a State of Iowa Scholar. |
| 2004\1224 | Natalie Olson, I-K-M High School – For being named a State of Iowa Scholar. |
| 2004\1225 | David A. VonAhnen, Marshalltown – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2004\1226 | Clem and Evie Schroeder, Hubbard – For celebrating their 50 th wedding anniversary. |
| 2004\1227 | Mervin Hyland, Radcliffe – For celebrating his 80 th birthday. |
| 2004\1228 | Robert Pekarek, Iowa Falls – For celebrating his 80 th birthday. |
| 2004\1229 | Delbert Harken, Ackley – For celebrating his 80 th birthday. |
| 2004\1230 | Martha Kruetzmann, Hubbard – For celebrating her 96 th birthday. |
| 2004\1231 | Chris Jones, Jesup – For receiving the Heroism Award. |
| 2004\1232 | James Pusey, Wayland – For being selected by Schantz-Mitchel American legion Post #593 to attend Boys State. |

- 2004\1233 Zack Johnson, Crawfordsville – For being selected by Schantz-Mitchell American Legion Post #593 to attend Boys State.
- 2004\1234 Doug Quackenbush, Jesup – For receiving the Heroism Award.
- 2004\1235 Cody Schmitz, AR-WE-VA High School – For being named a State of Iowa Scholar.
- 2004\1236 Holly Feser, Manning High School – For being named a State of Iowa Scholar.
- 2004\1237 Joshua Williams, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1238 Megan Snyder, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1239 Neal Molitor, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1240 Robyn Klocke, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1241 Cole Feldman, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1242 Andrea Clancy, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1243 Jenny Smith, Carroll High School – For being named a State of Iowa Scholar.
- 2004\1244 Anna Sander, Kuemper High School – For being named a State of Iowa Scholar.
- 2004\1245 Helen Clute, Waterloo – For celebrating her 80th birthday.
- 2004\1246 Al Strubel, Waterloo – For celebrating his 80th birthday.
- 2004\1247 Larry and Jere Klein, Waterloo – For celebrating their 50th wedding anniversary.
- 2004\1248 Ina Picht, Nevada – For celebrating her 101st birthday.
- 2004\1249 Ryan Helenthal, Keokuk High School – For being named to the Southeast Conference all-conference first team in wrestling.
- 2004\1250 Robert Treadwell, Keokuk High School – For earning the second team honors in the Southeast Conference all-conference wrestling.
- 2004\1251 Matt Briggs, Keokuk High School – For earning the second team honors in the Southeast Conference all-conference wrestling.

- 2004\1252 Tyler Mueller, Keokuk High School – For earning second team honors in the Southeast Conference all-conference wrestling.
- 2004\1253 Nora Tran, Keokuk High School – For being chosen to represent Keokuk High School in the All-Iowa Honor Drill Team.
- 2004\1254 Carly Babington, Keokuk High School – For being chosen to represent Keokuk High School in the All-Iowa Honor Drill Team.
- 2004\1255 Brooke Lindner, Keokuk High School – For being chosen to represent Keokuk High School in the All-Iowa Honor Drill Team.
- 2004\1256 Benjamin Huber, Janesville Junior-Senior High School – For being named a State of Iowa Scholar.
- 2004\1257 Derek Wagner, Oelwein High School – For being named a State of Iowa Scholar.
- 2004\1258 Andrew Pelc, Oelwein High School – For being named a State of Iowa Scholar.
- 2004\1259 Emily Muff, North Fayette High School – For being named a State of Iowa Scholar.
- 2004\1260 Sarah McSweeny, West Central Jr.-Sr. High School – For being named a State of Iowa Scholar.
- 2004\1261 Lindsey Loban, Oelwein High School – For being named a State of Iowa Scholar.
- 2004\1262 Lindsay Klinkefus, North Fayette High School – For being named a State of Iowa Scholar.
- 2004\1263 Sandra Imoehl, Oelwein High School – For being named a State of Iowa Scholar.
- 2004\1264 Kyle Hornberg, Oelwein High School – For being named a State of Iowa Scholar.
- 2004\1265 John Hofmeyer, Oelwein High School – For being named a State of Iowa Scholar.
- 2004\1266 Meredith Schaffner, Sumner Jr.-Sr. High School – For being named a State of Iowa Scholar.
- 2004\1267 Chelse Monnier, Tripoli Middle-Senior High School – For being named a State of Iowa Scholar.
- 2004\1268 Micheal Moeller, Tripoli Middle-Senior High School – For being named a State of Iowa Scholar.

- 2004\1269 Anna Moeller, Denver Senior High School – For being named a State of Iowa Scholar.
- 2004\1270 Katherine Menning, Denver Senior High School – For being named a State of Iowa Scholar.
- 2004\1271 Ryan Kuker, Wapsie Valley High School – For being named a State of Iowa Scholar.
- 2004\1272 Joshua Frederick, Tripoli Middle-Senior High School – For being named a State of Iowa Scholar.
- 2004\1273 Jonathan Empie, Denver Senior High School – For being named a State of Iowa Scholar.
- 2004\1274 Kara Bantz, Wapsie Valley High School – For being named a State of Iowa Scholar.
- 2004\1275 Dustin Albrecht, Wapsie Valley High School – For being named a State of Iowa Scholar.
- 2004\1276 Laurie Bailey, Wapsie Valley High School – For being named a State of Iowa Scholar.
- 2004\1277 Lindsey Armbruster, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1278 Sara Boeding, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1279 Jay Burmeister, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1280 Lucas Cook, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\1281 Lindsey Creedon, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1282 Elizabeth Douglass, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1283 Jason Feipel, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\1284 Joyce Ferry, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1285 Sarah Freitag, Davenport West High School – For being named a State of Iowa Scholar.

- 2004\1286 Emily Goebel, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\1287 Adrienne Hoffman, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1288 Melissa Kopf, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\1289 Meaghan Leggins, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1290 Kelly Peacock, North Scott High School – For being named a State of Iowa Scholar.
- 2004\1291 Audrey Pohlmann, Davenport West High School – For being named a State of Iowa Scholar.
- 2004\1292 Adam Coster, Grinnell – For being named a State of Iowa Scholar.
- 2004\1293 Lea Vogt, Waterloo – For celebrating her 90th birthday.
- 2004\1294 Ella Ullrich, Whiting – For celebrating her 95th birthday.
- 2004\1295 Elizabeth Kolbe, Grinnell – For being named a State of Iowa Scholar.
- 2004\1296 Daniel Hanson, Grinnell – For being named a State of Iowa Scholar.
- 2004\1297 Rebecca Godar, Grinnell – For being named a State of Iowa Scholar.
- 2004\1298 Bethany Buchanan, Grinnell – For being named a State of Iowa Scholar.
- 2004\1299 Marly Wooster, Grinnell – For being named a State of Iowa Scholar.
- 2004\1300 Aaron Alcock, Oskaloosa – For being named a State of Iowa Scholar.
- 2004\1301 Deborah Kaiser, Montezuma – For being named a State of Iowa Scholar.
- 2004\1302 Heather Watson, Grinnell – For being named a State of Iowa Scholar.
- 2004\1303 Jacob Vetter, Grinnell – For being named a State of Iowa Scholar.
- 2004\1304 Maggie Harms, Oskaloosa – For being named a State of Iowa Scholar.

- 2004\1305 Michelle Foster, Oskaloosa – For being named a State of Iowa Scholar.
- 2004\1306 Carmen DeJong, Oskaloosa – For being named a State of Iowa Scholar.
- 2004\1307 Abby Chamra, Rose Hill – For being named a State of Iowa Scholar.
- 2004\1308 Alissa Zickefoose, Oskaloosa – For being named a State of Iowa Scholar.
- 2004\1309 Gina Messamer, Oskaloosa – For being named a State of Iowa Scholar.
- 2004\1310 Scotta McLellan, Oskaloosa – For being named a State of Iowa Scholar.
- 2004\1311 City of Alden – For celebrating its Sesquicentennial Anniversary Year.
- 2004\1312 Nick Ruhter, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1313 Nathan W. Schultz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

Senate File 2303

Ways and Means: Kramer, Chair; Boal and Frevert.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Senate File 2153, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 2004.

Senate File 2288, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 2004.

Committee Bill (Formerly House File 2478), regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2004.

COMMITTEE ON WAYS AND MEANS

Senate File 2289, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2004.

Senate File 2295, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8444** April 7, 2004.

Committee Bill (Formerly House File 2442), relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2004.

Committee Bill (Formerly House Study Bill 727), relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and providing a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2004.

RESOLUTIONS FILED

HR 162, by Lensing, a resolution identifying suicide as a problem affecting the entire state and supporting the development of suicide prevention activities.

Laid over under **Rule 25**.

HR 163, by Raecker, a resolution recognizing the achievements of the Urbandale Senior League All Star Team in winning the Central Regional Championship of the 2003 Senior League Baseball World Series.

Laid over under **Rule 25**.

HR 164, by J.K. Van Fossen, a resolution requesting the United States Congress to expand the physical presence standard for the imposition of state and local business activity taxes.

Laid over under **Rule 25**.

SCR 109, by Putney, a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8443	S.F.	2298	Granzow of Hardin
H—8444	S.F.	2295	Committee on Ways and Means
H—8445	H.F.	2447	Senate Amendment
H—8446	S.F.	2298	Dolecheck of Ringgold
H—8447	S.F.	2298	Wise of Lee
			Hoffman of Crawford
			Schickel of Cerro Gordo
			Thomas of Clayton
			Stevens of Dickinson

Tjepkes of Webster
Lukan of Dubuque

Dandekar of Linn

On motion by Jacobs of Polk the House adjourned at 5:23 p.m., until 9:00 a.m., Thursday, April 8, 2004.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 8, 2004

The House met pursuant to adjournment at 9:02 a.m., Speaker Rants in the chair.

Prayer was offered by Bishop Alan Scarfe, Episcopal Diocese of Iowa, Des Moines. He was the guest of Representative J.R. Van Fossen from Scott County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, April 7, 2004 was approved.

SENATE MESSAGE CONSIDERED

Senate File 2215, by committee on ways and means, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

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

SPECIAL PRESENTATION

Stevens of Dickinson introduced to the House the Honorable Gene Blanchen, former state representative from Green County.

The House rose and expressed its welcome.

CONSIDERATION OF HOUSE RESOLUTION 140

Schickel of Cerro Gordo called up for consideration **House Resolution 140**, a resolution to recognize and honor the soldiers of the 1133rd Transportation Company of the Iowa National Guard and their families, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 10:09 a.m., Roberts of Carroll in the chair.

HOUSE REFUSED TO CONCUR

Tjepkes of Webster called up for consideration **House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system, amended by the Senate, and moved that the House concur in the following Senate amendment H-8431:

H-8431

- 1 Amend House File 2434, as passed by the House, as
- 2 follows:
- 3 1. Page 13, line 31, by striking the words
- 4 "paragraph b".
- 5 2. Page 13, by inserting after line 32 the
- 6 following:
- 7 "1. a. Notwithstanding section 34A.6, the
- 8 administrator shall adopt by rule a monthly surcharge
- 9 of up to ~~fifty~~ sixty-five cents to be imposed on each
- 10 wireless communications service number provided in
- 11 this state. The surcharge shall be imposed uniformly
- 12 on a statewide basis and simultaneously on all
- 13 wireless communications service numbers as provided by
- 14 rule of the administrator."
- 15 3. Page 14, line 1, by striking the word "fifty"
- 16 and inserting the following: "~~fifty~~ sixty-five".
- 17 4. Page 14, by striking lines 4 and 5.
- 18 5. Page 15, by inserting after line 14 the
- 19 following:
- 20 "b. The program manager shall allocate twenty-one
- 21 percent of the total amount of surcharge generated to
- 22 wireless carriers to recover their costs to deliver
- 23 E911 phase 1 services. If the total amount of moneys
- 24 remaining in the fund is insufficient to reimburse all
- 25 wireless carriers for such carrier's eligible
- 26 expenses, the program manager shall allocate a
- 27 prorated amount to each wireless carrier equal to the
- 28 percentage of such carrier's eligible expenses as
- 29 compared to the total of all eligible expenses for all
- 30 wireless carriers for the calendar quarter during
- 31 which such expenses were submitted. When prorated
- 32 expenses are paid, the remaining unpaid expenses shall

33 no longer be eligible for payment under this
34 paragraph."
35 6. Page 15, line 15, by striking the word "b."
36 and inserting the following: "c."
37 7. Page 15, line 28, by striking the word "c."
38 and inserting the following: "d."
39 8. Page 16, line 18, by striking the word "d."
40 and inserting the following: "e."
41 9. Page 16, line 22, by striking the word "e."
42 and inserting the following: "f."
43 10. Page 16, line 27, by inserting after the word
44 "year," the following: "The program manager shall
45 allocate to each joint E911 service board and to the
46 department of public safety a minimum of one thousand
47 dollars per calendar quarter for each public safety
48 answering point within the service area of the
49 department of public safety or joint E911 service
50 board."

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1 11. Page 16, line 29, by striking the word "d"
2 and inserting the following: "e".
3 12. Page 16, by striking line 30 and inserting
4 the following: "f shall be twenty-four percent of
5 the total amount of surcharge generated per".
6 13. Page 17, line 9, by inserting after the word
7 "dollars" the following: "for each public safety
8 answering point within the service area of the
9 department of public safety or joint E911 service
10 board".
11 14. Page 17, line 10, by striking the word "e"
12 and inserting the following: "f".
13 15. Page 17, by striking line 22 and inserting
14 the following:
15 "g. After amounts in paragraphs "e" and "f" have
16 been".
17 16. Page 17, line 30, by striking the word "g."
18 and inserting the following: "h."
19 17. Page 17, line 31, by striking the word "f"
20 and inserting the following: "g".
21 18. Page 18, line 2, by inserting after the word
22 "sources" the following: "and approved by the program
23 manager".
24 19. Page 18, line 7, by striking the word "h."
25 and inserting the following: "i."
26 20. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-8431.

SENATE AMENDMENT CONSIDERED

Watts of Dallas called up for consideration **House File 2447**, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-8445:

H-8445

1 Amend House File 2447, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 10A.601, subsections 1 and 7,
6 Code Supplement 2003, are amended to read as follows:
7 1. A full-time employment appeal board is created
8 within the department of inspections and appeals to
9 hear and decide contested cases under chapter 8A,
10 subchapter IV, and chapters 80, 88, ~~89A~~, 91C, 96, and
11 97B.
12 7. An application for rehearing before the appeal
13 board shall be filed pursuant to section 17A.16,
14 unless otherwise provided in chapter 8A, subchapter
15 IV, or chapter 80, 88, ~~89A~~, 91C, 96, or 97B. A
16 petition for judicial review of a decision of the
17 appeal board shall be filed pursuant to section
18 17A.19. The appeal board may be represented in any
19 such judicial review by an attorney who is a regular
20 salaried employee of the appeal board or who has been
21 designated by the appeal board for that purpose, or at
22 the appeal board's request, by the attorney general.
23 Notwithstanding the petitioner's residency requirement
24 in section 17A.19, subsection 2, a petition for
25 judicial review may be filed in the district court of
26 the county in which the petitioner was last employed
27 or resides, provided that if the petitioner does not
28 reside in this state, the action shall be brought in
29 the district court of Polk county, Iowa, and any other
30 party to the proceeding before the appeal board shall
31 be named in the petition. Notwithstanding the thirty-
32 day requirement in section 17A.19, subsection 6, the
33 appeal board shall, within sixty days after filing of
34 the petition for judicial review or within a longer
35 period of time allowed by the court, transmit to the
36 reviewing court the original or a certified copy of
37 the entire records of a contested case. The appeal

38 board may also certify to the court, questions of law
39 involved in any decision by the appeal board.
40 Petitions for judicial review and the questions so
41 certified shall be given precedence over all other
42 civil cases except cases arising under the workers'
43 compensation law of this state. No bond shall be
44 required for entering an appeal from any final order,
45 judgment, or decree of the district court to the
46 supreme court.
47 Sec. 2. Section 89.2, Code 2003, is amended by
48 adding the following new subsections:
49 NEW SUBSECTION. 0A. "ASME code" means the boiler
50 and pressure vessel code published by the American

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1 society of mechanical engineers.
2 NEW SUBSECTION. 0B. "Board" means the boiler and
3 pressure vessel board created in section 89.14.
4 Sec. 3. Section 89.3, Code 2003, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 13. An inspection report created
7 pursuant to this chapter that requires modification,
8 alteration, or change shall be in writing and shall
9 cite the state law or rule or the ASME code section
10 allegedly violated.
11 Sec. 4. Section 89.5, subsection 1, Code 2003, is
12 amended by striking the subsection.
13 Sec. 5. Section 89.5, subsection 4, unnumbered
14 paragraph 1, Code 2003, is amended to read as follows:
15 A rule adopted pursuant to this ~~section~~ chapter
16 which adopts standards by reference to another
17 publication shall be exempt from the requirements of
18 section 17A.6, subsection 4, if the following
19 conditions exist:
20 Sec. 6. Section 89.7, subsection 3, Code 2003, is
21 amended to read as follows:
22 3. Upon such showing and the payment of a fee, the
23 commissioner shall issue a certificate of inspection
24 by the division of labor services, which shall be
25 valid only for the period specified in section 89.3.
26 ~~The commissioner shall establish the amount of the fee~~
27 ~~by rule.~~
28 Sec. 7. Section 89.8, Code 2003, is amended by
29 striking the section and inserting in lieu thereof the
30 following:
31 89.8 BOILER AND PRESSURE VESSEL SAFETY FUND –
32 FEES APPROPRIATED.
33 1. A boiler and pressure vessel safety revolving
34 fund is created within the state treasury under the
35 control of the commissioner and shall consist of
36 moneys collected by the commissioner as fees. Moneys

37 in the fund are appropriated and shall be used by the
38 commissioner to pay the actual costs and expenses
39 necessary to operate the board and administer the
40 provisions of this chapter. All salaries and expenses
41 properly chargeable to the fund shall be paid from the
42 fund. Section 8.33 does not apply to any moneys in
43 the fund. Notwithstanding section 12C.7, subsection
44 2, interest or earnings on moneys deposited in the
45 fund shall be credited to the fund.

46 2. This section is repealed effective July 1,
47 2012.

48 Sec. 8. Section 89.9, Code 2003, is amended to
49 read as follows:

50 89.9 DISPOSAL OF FEES.

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1 All fees provided for in this chapter shall be
2 collected by the commissioner and remitted to the
3 treasurer of state, to be deposited in the boiler and
4 pressure vessel safety fund pursuant to section 89.8,
5 together with an itemized statement showing the source
6 of collection.

7 Sec. 9. Section 89.11, Code 2003, is amended to
8 read as follows:

9 89.11 INJUNCTION.

10 In addition to any and all other remedies, if any
11 owner, user, or person in charge of any equipment
12 covered by this chapter, shall continue to use any
13 equipment covered by this chapter, after receiving a
14 notice of defect and exhausting appeal rights as
15 provided by this chapter, without first correcting
16 ~~said the~~ defects or making replacements, the
17 commissioner ~~of labor~~ may apply to the district court
18 or any judge thereof by petition in equity, in an
19 action brought in the name of the state, for a writ of
20 injunction to restrain the use of ~~said the~~ alleged
21 defective equipment.

22 Sec. 10. NEW SECTION. 89.14 BOILER AND PRESSURE
23 VESSEL BOARD – CREATED – DUTIES.

24 1. A boiler and pressure vessel board is created
25 within the division of labor services of the
26 department of workforce development to formulate
27 definitions and rules requirements for the safe and
28 proper installation, repair, maintenance, alteration,
29 use, and operation of boilers and pressure vessels in
30 this state.

31 2. The boiler and pressure vessel board is
32 composed of nine members, one of whom shall be the
33 commissioner or the commissioner's designee. The
34 remaining eight members shall be appointed by the
35 governor, subject to confirmation by the senate, to

36 four-year staggered terms beginning and ending as
37 provided in section 69.19. One member shall be a
38 special inspector who is employed by an insurance
39 company that is licensed and actively writing boiler
40 and machinery insurance in this state and who is
41 commissioned to inspect boiler and pressure vessels in
42 this state, two members shall be appointed from
43 certified employee organizations, one of whom shall
44 represent steamfitters, two members shall be
45 mechanical engineers who regularly practice in the
46 area of boilers and pressure vessels, one member shall
47 be a boiler and pressure vessel distributor in this
48 state, one member shall represent boiler and pressure
49 vessel manufacturers, and one member shall be a
50 mechanical contractor engaged in the business of

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1 installation, renovation, and repair of boilers and
2 pressure vessels.
3 3. A vacancy in membership shall be filled in the
4 same manner as the original appointment. The members
5 shall serve without compensation, but shall be
6 reimbursed for actual and necessary expenses incurred
7 in the performance of official duties as a member.
8 4. The members of the board shall select a
9 chairperson, vice chairperson, and secretary from
10 their membership. However, neither the commissioner
11 nor the commissioner's designee shall serve as
12 chairperson. The board shall meet at least quarterly
13 but may meet as often as necessary. Meetings shall be
14 set by a majority of the board or upon the call of the
15 chairperson, or in the chairperson's absence, upon the
16 call of the vice chairperson. A majority of the board
17 members shall constitute a quorum.
18 5. The board shall adopt rules pursuant to chapter
19 17A necessary to administer the duties of the board.
20 Rules adopted by the board shall be in accordance with
21 accepted engineering standards and practices. The
22 board shall adopt rules relating to the equipment
23 covered by this chapter that are in accordance with
24 the ASME code, which may include addenda,
25 interpretations, and code cases, as soon as reasonably
26 practical following publication by ASME.
27 6. A notice of defect or inspection report issued
28 by the commissioner pursuant to this chapter may,
29 within thirty days after the making of the order, be
30 appealed to the board. Board action constitutes final
31 agency action for purposes of chapter 17A.
32 7. Not later than July 1, 2005, and every three
33 years thereafter, the board shall conduct a
34 comprehensive review of existing boiler rules,

35 regulations, and standards, including but not limited
36 to those relating to potable hot water supply boilers
37 and water heaters.

38 8. The board shall establish fees for
39 examinations, commissions, inspections, annual
40 statements, shop inspections, and other services. The
41 fees shall reflect the actual costs and expenses
42 necessary to operate the board and perform the duties
43 of the commissioner.

44 Sec. 11. Section 89A.1, subsection 2, Code 2003,
45 is amended by striking the subsection.

46 Sec. 12. Section 89A.1, subsection 19, Code 2003,
47 is amended by striking the subsection and inserting in
48 lieu thereof the following:

49 NEW SUBSECTION. 19. "Safety board" means the
50 elevator safety board created in section 89A.13.

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1 Sec. 13. Section 89A.3, subsection 1, unnumbered
2 paragraphs 1 and 2, Code 2003, are amended to read as
3 follows:

4 The ~~commissioner~~ safety board may adopt rules
5 governing maintenance, construction, alteration, and
6 installation of facilities, and the inspection and
7 testing of new and existing installations as necessary
8 to provide for the public safety, and to protect the
9 public welfare.

10 The ~~commissioner~~ safety board shall adopt, amend,
11 or repeal rules pursuant to chapter 17A as ~~the~~
12 ~~commissioner~~ it deems necessary for the ~~execution of~~
13 ~~the commissioner's duties under~~ administration of this
14 chapter, which shall include, but not be limited to,
15 rules providing for:

16 Sec. 14. Section 89A.3, subsection 1, paragraphs h
17 and i, Code 2003, are amended by striking the
18 paragraphs.

19 Sec. 15. Section 89A.3, subsection 2, Code 2003,
20 is amended to read as follows:

21 2. The ~~commissioner~~ safety board shall adopt rules
22 for facilities according to the applicable provisions
23 of the American society of mechanical engineers safety
24 codes for elevators and escalators, A17.1 and A17.3,
25 as the ~~commissioner~~ safety board deems necessary. In
26 adopting rules the ~~commissioner~~ safety board may adopt
27 the American society of mechanical engineers safety
28 codes, or any part of the codes, by reference.

29 The ~~commissioner~~ safety board may adopt rules
30 permitting existing passenger and freight elevators to
31 be modified into material lift elevators.

32 Sec. 16. Section 89A.3, subsections 4 and 5, Code
33 2003, are amended to read as follows:

34 4. The commissioner shall furnish copies of the
35 rules adopted ~~by the commissioner pursuant to this~~
36 ~~chapter~~ to any person who requests them, without
37 charge, or upon payment of a charge not to exceed the
38 actual cost of printing of the rules.

39 5. The ~~commissioner~~ safety board may adopt rules
40 permitting inclined or vertical wheelchair lifts in
41 churches and houses of worship to service more than
42 one floor.

43 Sec. 17. Section 89A.3, Code 2003, is amended by
44 adding the following new subsection:

45 NEW SUBSECTION. 6. The commissioner may adopt
46 rules pursuant to chapter 17A relating to the denial,
47 issuance, revocation, and suspension of special
48 inspector commissions.

49 Sec. 18. Section 89A.6, subsections 2, 3, and 6,
50 Code 2003, are amended to read as follows:

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1 2. Every existing facility registered with the
2 commissioner shall be inspected within one year after
3 the effective date of the registration, except that
4 the ~~commissioner~~ safety board may, ~~at the~~
5 ~~commissioner's discretion~~, extend by rule the time
6 specified for making inspections.

7 3. Every facility shall be inspected not less
8 frequently than annually, except that the ~~commissioner~~
9 safety board may adopt rules providing for inspections
10 of facilities at intervals other than annually.

11 6. In addition to the inspections required by
12 subsections 1 to 3, the ~~commissioner~~ safety board may
13 provide by rule for additional inspections as the
14 ~~commissioner~~ safety board deems necessary to enforce
15 the provisions of this chapter.

16 Sec. 19. Section 89A.9, unnumbered paragraph 1,
17 Code 2003, is amended to read as follows:

18 Operating permits shall be issued by the
19 commissioner to the owner of every facility when the
20 inspection report indicates compliance with the
21 applicable provisions of this chapter. However, ~~no~~
22 ~~permits~~ a permit shall ~~not~~ be issued if the fees
23 required by ~~section 89A.13~~ this chapter have not been
24 paid. Permits shall be issued within thirty days
25 after filing of the inspection report required by
26 section 89A.6, unless the time is extended for cause
27 by the division. ~~No~~ A facility shall ~~not~~ be operated
28 after the thirty days or after an extension granted by
29 the commissioner has expired, unless an operating
30 permit has been issued.

31 Sec. 20. Section 89A.10, subsection 2, unnumbered
32 paragraph 1, Code 2003, is amended to read as follows:

33 If the owner does not make the changes necessary
34 for compliance as required in subsection 1 within the
35 period specified by the commissioner, the
36 commissioner, upon notice, may suspend or revoke the
37 operating permit, or may refuse to issue the operating
38 permit for the facility. The commissioner shall
39 notify the owner of any action to suspend, revoke, or
40 refuse to issue an operating permit and the reason for
41 the action by service in the same manner as an
42 original notice or by certified mail. An owner may
43 appeal the commissioner's initial decision to the
44 safety board. The appeal shall be heard by an
45 administrative law judge of the department of
46 inspections and appeals. An owner who, after a
47 hearing before an administrative law judge, is
48 aggrieved by a suspension, revocation, or refusal to
49 issue an operating permit may appeal to the employment
50 appeal board created under section 10A.601. Notice of

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1 ~~appeal shall be filed with the appeal board within~~
2 ~~thirty calendar days from receipt of the notice of the~~
3 ~~commissioner's action. The decision of the safety~~
4 ~~board shall be considered final agency action pursuant~~
5 ~~to chapter 17A.~~

6 Sec. 21. Section 89A.10, subsection 2, unnumbered
7 paragraphs 2 and 3, Code 2003, are amended by striking
8 the unnumbered paragraphs.

9 Sec. 22. Section 89A.11, Code 2003, is amended to
10 read as follows:

11 89A.11 NONCONFORMING FACILITIES.

12 The ~~commissioner safety board~~, pursuant to rule,
13 may grant exceptions and variances from the
14 requirements of rules adopted for any facility.
15 Exceptions or variations shall be reasonably related
16 to the age of the facility, and may be conditioned
17 upon a repair or modification of the facility deemed
18 necessary by the ~~commissioner safety board~~ to assure
19 reasonable safety. However, ~~no~~ an exception or
20 variance ~~may~~ shall not be granted except to prevent
21 undue hardship. Such facilities shall be subject to
22 orders issued pursuant to section 89A.10.

23 Sec. 23. Section 89A.13, Code 2003, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 89A.13 ELEVATOR SAFETY BOARD.

27 1. An elevator safety board is created within the
28 division of labor services in the department of
29 workforce development to formulate definitions and
30 rules for the safe and proper installation, repair,
31 maintenance, alteration, use, and operation of

32 facilities in this state.

33 2. The safety board is composed of nine members,
34 one of whom shall be the commissioner or the
35 commissioner's designee. The governor shall appoint
36 the remaining eight members of the board, subject to
37 senate confirmation, to staggered four-year terms
38 which shall begin and end as provided in section
39 69.19. The members shall be as follows: two
40 representatives from an elevator manufacturing company
41 or its authorized representative; two representatives
42 from elevator servicing companies; one building owner
43 or manager; one representative employed by a local
44 government in this state who is knowledgeable about
45 building codes in this state; one representative of
46 workers actively involved in the installation,
47 maintenance, and repair of elevators; and one licensed
48 mechanical engineer.

49 3. A vacancy in membership shall be filled in the
50 same manner as the original appointment. The members

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1 shall serve without salary, but shall be reimbursed
2 for actual and necessary expenses incurred in the
3 performance of official duties as a member.

4 4. The members of the safety board shall select a
5 chairperson, vice chairperson, and a secretary from
6 their membership. However, neither the commission nor
7 the commissioner's designee shall serve as
8 chairperson. The safety board shall meet at least
9 quarterly but may meet as often as necessary.
10 Meetings shall be set by a majority of the safety
11 board or upon the call of the chairperson, or in the
12 chairperson's absence, upon the call of the vice
13 chairperson. A majority of the safety board members
14 shall constitute a quorum.

15 5. The owner or user of equipment regulated under
16 this chapter may appeal a notice of defect or an
17 inspection report to the safety board within thirty
18 days after the issuance of the notice or report.
19 Safety board action constitutes final agency action
20 for purposes of chapter 17A.

21 6. The safety board shall adopt rules pursuant to
22 chapter 17A necessary to administer the duties of the
23 board.

24 7. Not later than July 1, 2005, and every three
25 years thereafter, the safety board shall conduct a
26 comprehensive review of existing elevator and facility
27 rules, regulations, and standards.

28 Sec. 24. Section 89A.14, Code 2003, is amended to
29 read as follows:

30 89A.14 CONTINUING DUTY OF OWNER.

31 Every facility shall be maintained by the owner in
32 a safe operating condition and in conformity with the
33 rules adopted by the ~~commissioner~~ safety board.
34 Sec. 25. Section 89A.15, Code 2003, is amended to
35 read as follows:
36 89A.15 INSPECTIONS BY LOCAL AUTHORITIES.
37 ~~No~~ A city or other governmental subdivision shall
38 not make or maintain any ordinance, bylaw, or
39 resolution providing for the licensing of special
40 inspectors. An ordinance or resolution relating to
41 the inspection, construction, installation,
42 alteration, maintenance, or operation of facilities
43 within the limits of the city or governmental
44 subdivision, which conflicts with this chapter or with
45 rules adopted ~~by the commissioner~~ pursuant to this
46 chapter is void. The commissioner, in the
47 commissioner's discretion, may accept inspections by
48 local authorities in lieu of inspections required by
49 section 89A.6, but only upon a showing by the local
50 authority that applicable laws and rules will be

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1 consistently and literally enforced, and that
2 inspections will be performed by special inspectors.
3 Sec. 26. Section 89A.18, Code 2003, is amended to
4 read as follows:
5 89A.18 CIVIL PENALTY.
6 If upon notice and hearing the commissioner
7 determines that an owner has operated a facility after
8 an order of the commissioner that suspends, revokes,
9 or refuses to issue an operating permit for the
10 facility has become final under section 89A.10,
11 subsection 2, the commissioner may assess a civil
12 penalty against the owner in an amount not exceeding
13 five hundred dollars, as determined by the
14 commissioner. An order assessing a civil penalty is
15 subject to appeal ~~and judicial review~~ under section
16 89A.10, subsection 2, in the same manner and to the
17 same extent as decisions referred to in that
18 subsection. The commissioner may commence an action
19 in the district court to enforce payment of the civil
20 penalty. No record of assessment against or payment
21 of a civil penalty by any person for a violation of
22 this section shall be admissible as evidence in any
23 court in any civil action. Revenue from the penalty
24 provided in this section shall be remitted to the
25 treasurer of state for deposit in the state general
26 fund.
27 Sec. 27. NEW SECTION. 89A.19 ELEVATOR SAFETY
28 FUND – FEES APPROPRIATED.
29 1. A revolving elevator safety fund is created in

30 the state treasury under the control of the
31 commissioner and shall consist of moneys collected by
32 the commissioner as fees. Moneys in the fund are
33 appropriated to and shall be used by the commissioner
34 to pay the actual costs and expenses necessary to
35 operate the safety board and perform the duties of the
36 commissioner as described in this chapter. All fees
37 collected by the commissioner pursuant to this chapter
38 shall be remitted to the treasurer of state to be
39 deposited in the elevator safety fund. All salaries
40 and expenses properly chargeable to the fund shall be
41 paid from the fund. Section 8.33 does not apply to
42 any moneys in the fund. Notwithstanding section
43 12C.7, subsection 2, interest or earnings on moneys
44 deposited in the fund shall be credited to the fund.
45 2. This section is repealed effective July 1,
46 2012.
47 Sec. 28. Section 602.8102, subsection 25, Code
48 Supplement 2003, is amended to read as follows:
49 25. Carry out duties relating to the judicial
50 review of orders of the ~~employment appeal~~ elevator

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1 safety board as provided in section 89A.10, subsection
2 2.
3 Sec. 29. FY 2004-2005 FEE DISPOSITION – INTENT.
4 Notwithstanding sections 89.8 and 89A.19 or any other
5 provision of law to the contrary, revenues from fees
6 imposed or collected during the fiscal year beginning
7 July 1, 2004, and the amount of accruals of those
8 revenues collected from the fees imposed or collected
9 before June 30, 2005, but not remitted to the
10 commissioner until after June 30, 2005, shall be
11 deposited in the general fund of the state. It is the
12 intent of the general assembly that the moneys
13 appropriated from the general fund of the state to the
14 division of labor services of the department of
15 workforce development for the fiscal year beginning
16 July 1, 2005, and ending June 30, 2006, be reduced by
17 the total amount of revenues projected to be deposited
18 in the boiler and pressure vessel safety fund created
19 by section 89.8 and the elevator safety fund created
20 by section 89A.19 in the fiscal year beginning July 1,
21 2005.
22 Sec. 30. EFFECTIVE DATE. This Act, being deemed
23 of immediate importance, takes effect upon enactment."
24 2. Title page, by striking lines 1 through 4 and
25 inserting the following: "An Act relating to
26 equipment and installation safety programs
27 administered by the division of labor services of the
28 department of workforce development, and providing an
29 effective date."

The motion prevailed and the House concurred in the Senate amendment H-8445.

Watts of Dallas moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2447)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Murphy

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

SENATE AMENDMENT CONSIDERED

Struyk of Pottawattamie called up for consideration **House File 2544**, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable, amended by the Senate, and moved that the House concur in the following Senate amendment H-8385:

H-8385

- 1 Amend House File 2544, as passed by the House, as
- 2 follows:
- 3 1. Page 1, lines 29 and 30, by striking the words
- 4 "or in lieu thereof" and inserting the following: "~~or~~
- 5 ~~in lieu thereof~~".

The motion prevailed and the House concurred in the Senate amendment H-8385.

Struyk of Pottawattamie moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2544)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel

Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Murphy

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

INTRODUCTION OF BILL

House File 2574, by committee on ways and means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions.

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2434, 2447 and 2544**.

MOTION TO RECONSIDER WITHDRAWN (House File 2523)

Gipp of Winneshiek asked and received unanimous consent to withdraw the motion to reconsider **House File 2523**, a bill for an act providing for the regulation of air quality, and making penalties applicable, filed by him on April 6, 2004.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2523** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2367, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

Also: That the Senate has on April 8, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2467, a bill for an act relating to the quorum requirement for the IowaAccess advisory council.

Also: That the Senate has on April 8, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2486, a bill for an act relating to animal agriculture by providing for offenses involving animals and crops and related property, and providing penalties.

MICHAEL E. MARSHALL, Secretary

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to the House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2433

1. Page 1, line 14 – Should say NEW SUBSECTION instead of NEW SECTION.

House File 2523

1. Page 2, line 8 – The word state should be lower case in Iowa state university.

MARGARET A. THOMSON
Chief Clerk of the House

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 7, 2004, and is on file in the office of the Chief Clerk:

April 7, 2004

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

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

These include 51 claims of general nature that were denied by the State Appeal Board during February, March and April 2004.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 80TH GENERAL ASSEMBLY
February 2004 through April 2004

<u>Claim</u>	<u>Full Name</u>	<u>City, State</u>	<u>Type</u>	<u>Amount</u>
D030002	Iowa State Patrol Communications Division-Dept of Public Safety	Des Moines IA	Computers	\$6,123.54
G000060	C D Farm Service	Spencer IA	Fuel Tax Refund	\$1,754.17
G000063	Page County Secondary Road Dept	Clarinda IA	Fuel Tax Refund	\$7,600.95

<u>Claim</u>	<u>Full Name</u>	<u>City, State</u>	<u>Type</u>	<u>Amount</u>
G011234	Linn County Correctional Center	Cedar Rapids IA	Inmates Housing	\$4,770.00
G011237	Linn County Correctional Center	Cedar Rapids IA	Inmates Housing	\$2,880.00
G011335	Linn County Correctional Center	Cedar Rapids IA	Inmates Housing	\$3,420.00
G020981	Casey's General Stores	Ankeny IA	Motor Fuel Tax Refund	Unspecified
G030207	Nebraska Coast, Inc.	Council Bluffs IA	Refund Penalty	\$180.96
G030433	Linn County Department of Human Resources Management	Cedar Rapids IA	Commitment Costs	\$15,400.35
G030501	Scott County Community Services	Davenport IA	Commitment Fees	\$32,477.07
G030637	Joanne S. Brackey	Twin Lakes MN	IRP Refund	\$1,876.33
G030797	Kooima Lakes Service	Spirit Lake IA	Interest-late	\$36.24
G030867	Patrick Mackey	Des Moines IA	Child Support Credit Refund	\$1,300.00
G030882	Scott A. Kleppe Kleppe Trucking	Hawkeye IA	IRP Fee/Penalty Refund	\$28.17
G030921	James D. Kleppe	Clermont IA	Refund IRP Penalty	\$91.27
G030922	Scott A. Kleppe	Hawkeye IA	Refund IRP Penalty	\$139.42
G031105	Kimberley Ann Thacker-Craig	Des Moines IA	Transportation	\$702.00
G040032	Kim Marie Rosener	Sioux City IA	Interest	\$70.75

<u>Claim</u>	<u>Full Name</u>	<u>City, State</u>	<u>Type</u>	<u>Amount</u>
G040149	Karen Diane Wirtz	Moline IL	License Refund	\$163.00
G040571	Angela Marie Scott	Madison WI	License Refund	\$198.00
G040572	Amerin Guaranty Corporation	Philadelphia PA	Premium Tax Refund	\$24,512.00
G040743	Rhonda Kay King	Beavertown OR	License Refund	\$155.00
G040792	Valero Marketing & Supply Company	San Antonio TX	Motor Fuel Tax Refund	\$16,771.98
G041051	City of Des Moines	Des Moines IA	Parking Ticket	\$10.00
G921580	Karen & Gale Kleppe	Wyoming IA	Foster Care Training	\$100.00
G930327	Wapello County Auditor	Ottumwa IA	Outdated Invoice	\$10,010.87
G930983	Arthur Poyner	Ft. Madison IA	Back Pay	\$401.50
G940228	Families Inc.	West Branch IA	Outdated Invoice	\$471.45
G952262	Fort Dodge Medical Center	Fort Dodge IA	Medical Exam	\$96.50
G960211	Charles Juarez	Malvern IA	Interest on back pay owed	\$1,204.79
G960568	Families of NE Iowa	Maquoketa IA	Provider Services	\$1,819.44
G960576	Families of NE Iowa	Maquoketa IA	Provider Services	\$71.36
G960580	Families of NE Iowa	Maquoketa IA	Provider Services	\$640.30
G960585	Families of NE Iowa	Maquoketa IA	Provider Services	\$1,391.52
G960587	Families of NE Iowa	Maquoketa IA	Provider Services	\$181.92

<u>Claim</u>	<u>Full Name</u>	<u>City, State</u>	<u>Type</u>	<u>Amount</u>
G960591	Families of NE Iowa	Maquoketa IA	Provider Services	\$56.38
G960600	Families of NE Iowa	Maquoketa IA	Provider Services	\$142.72
G960604	Families of NE Iowa	Maquoketa IA	Provider Services	\$948.60
G960612	Families of NE Iowa	Maquoketa IA	Provider Services	\$356.16
G0960619	Families of NE Iowa	Maquoketa IA	Provider Services	\$356.16
G0960632	Families of NE Iowa	Maquoketa IA	Provider Services	\$261.90
G0960633	Families of NE Iowa	Maquoketa IA	Provider Services	\$242.88
G0960635	Families of NE Iowa	Maquoketa IA	Provider Services	\$95.76
G0960640	Families of NE Iowa	Maquoketa IA	Provider Services	\$314.50
G0961749	Families of Northeast Iowa	Maquoketa IA	Wrap Around Program	\$2,680.82
G0961893	Families, Inc	West Branch IA	Provider Services	\$345.90
G962514	Families, Inc.	West Branch IA	Outdated Invoice	\$69.18
G971046	Black Hawk County Relief Office	Waterloo IA	Medical Fees	\$1,355.60
G0971544	Peter O. Nopoulos, D.D.S.	Marion IA	Dental Care	\$1,133.00
G0980772	Van Buren Community School District	Keosauqua IA	Tax Refund	\$5,292.52
G0990276	Marjorie M Sheely	Council Bluffs IA	IPERS Refund unspecified	

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2004\1314 | Enos Dawson, Oakland – For celebrating his 90 th birthday. |
| 2004\1315 | Helen Gittins, Council Bluffs – For attaining the age of 100 years. |
| 2004\1316 | Lottie Barritt, Council Bluffs – For attaining the age of 100 years. |
| 2004\1317 | Ethel Ellis, Council Bluffs – For attaining the age of 102 years. |
| 2004\1318 | Florence Garst, Council Bluffs – For attaining the age of 103 years. |
| 2004\1319 | Lois Wayland, Council Bluffs – For attaining the age of 103 years. |
| 2004\1320 | Mary Kenney, Council Bluffs – For attaining the age of 102 years. |
| 2004\1321 | Irene Peterson, Council Bluffs – For attaining the age of 107 years. |
| 2004\1322 | Alvina Walters, Council Bluffs – For attaining the age of 101 years. |
| 2004\1323 | Dorothy Ratekin, Council Bluffs – For attaining the age of 100 years. |
| 2004\1324 | Adeline “Babe” Smay, Council Bluffs – For attaining the age of 102 years. |
| 2004\1325 | Bill Imes, Ruthven – For celebrating his 90 th birthday. |
| 2004\1326 | Mary Eischeid, Spencer – For celebrating her 80 th birthday. |
| 2004\1327 | Earl and Pauline Genskow, Tama – For celebrating their 50 th wedding anniversary. |
| 2004\1328 | Larry and Mary Ann Hall, Tama – For celebrating their 50 th wedding anniversary. |
| 2004\1329 | Laura Jorgensen, Eagle Grove – For being inducted into Rho Chi, the National Honor Society for Pharmacy. |
| 2004\1330 | Alfred Frahm, Evansdale – For celebrating his 85 th birthday. |
| 2004\1331 | Pat Sieren, Keota – For celebrating her 80 th birthday. |

- 2004\1332 Clifford Heitschusen, South Amana – For celebrating his 80th birthday.
- 2004\1333 Katie M. Adolf, Everly – For being named a State of Iowa Scholar.
- 2004\1334 Laura Geerdes, Everly – For being named a State of Iowa Scholar.
- 2004\1335 Elizabeth M. Davis, Spencer – For being named a State of Iowa Scholar.
- 2004\1336 Samuel C. Dvorak, Spencer – For being named a State of Iowa Scholar.
- 2004\1337 Joseph J. Hodgins, Spencer – For being named a State of Iowa Scholar.
- 2004\1338 Charlie Kehr, Spencer – For being named a State of Iowa Scholar.
- 2004\1339 Kristi E. Linn, Spencer – For being named a State of Iowa Scholar.
- 2004\1340 Sarah J. Miller, Spencer – For being named a State of Iowa Scholar.
- 2004\1341 Jodi S. Monahan, Spencer – For being named a State of Iowa Scholar.
- 2004\1342 Melissa A. Nensel, Spencer – For being named a State of Iowa Scholar.
- 2004\1343 Skyler L. Wigen, Spencer – For being named a State of Iowa Scholar.
- 2004\1344 Jessica A. Grave, Hospers – For being named a State of Iowa Scholar.
- 2004\1345 Kyra M. Anderson, Hawarden – For being named a State of Iowa Scholar.
- 2004\1346 Holli J. Gregg, Hawarden – For being named a State of Iowa Scholar.
- 2004\1347 Jenny K. Henderson, Ireton – For being named a State of Iowa Scholar.
- 2004\1348 Amanda Schouten, Hawarden – For being named a State of Iowa Scholar.
- 2004\1349 James R. Bierly, Hull – For being named a State of Iowa Scholar.
- 2004\1350 Amanda Warntjes, Boyden – For being named a State of Iowa Scholar.

- 2004\1351 Evan M. Wiersma, Rock Valley – For being named a State of Iowa Scholar.
- 2004\1352 Addison J. Bartlett, Orange City – For being named a State of Iowa Scholar.
- 2004\1353 Sally E. Blezien, Orange City – For being named a State of Iowa Scholar.
- 2004\1354 Sarah L. Kiuken, Orange City – For being named a State of Iowa Scholar.
- 2004\1355 Kayla M. Lyftogt, Orange City – For being named a State of Iowa Scholar.
- 2004\1356 Stacie B. Oolman, Orange City – For being named a State of Iowa Scholar.
- 2004\1357 Stephanie L. Van Der Weide, Orange City – For being named a State of Iowa Scholar.
- 2004\1358 Amanda J. Van Wechel, Orange City – For being named a State of Iowa Scholar.
- 2004\1359 Devin L. Byker, Ireton – For being named a State of Iowa Scholar.
- 2004\1360 David D. Kordahl, Sioux Center – For being named a State of Iowa Scholar.
- 2004\1361 Andrew J. Olthoff, Sioux Center – For being named a State of Iowa Scholar.
- 2004\1362 Taylor Helmus, Rock Valley – For being named a State of Iowa Scholar.
- 2004\1363 Kimberly J. Johnson, Rock Valley – For being named a State of Iowa Scholar.
- 2004\1364 Kyle L. Blankers, Sheldon – For being named a State of Iowa Scholar.
- 2004\1365 Ben M. Birks, Sioux Center – For being named a State of Iowa Scholar.
- 2004\1366 Derek J. Dalle, Sioux Center – For being named a State of Iowa Scholar.
- 2004\1367 Kevin A. Riggle, Sioux Center – For being named a State of Iowa Scholar.
- 2004\1368 Diane R. Meyer, Harris – For being named a State of Iowa Scholar.

- 2004\1369 Brian H. Feller, Sibley – For being named a State of Iowa Scholar.
- 2004\1370 Andrea M. Krahling, Sibley – For being named a State of Iowa Scholar.
- 2004\1371 Kevin D. Mehlbrech, Sibley – For being named a State of Iowa Scholar.
- 2004\1372 Brett J. Vandehoef, Sibley – For being named a State of Iowa Scholar.
- 2004\1373 Justin G. Bohnet, Sanborn – For being named a State of Iowa Scholar.
- 2004\1374 Logan D. Starkenburg, Hartley – For being named a State of Iowa Scholar.
- 2004\1375 Megan J. Wolters, Sanborn – For being named a State of Iowa Scholar.
- 2004\1376 Leah M. Alons, Sanborn – For being named a State of Iowa Scholar.
- 2004\1377 Kelly M. Van Beek, Sanborn – For being named a State of Iowa Scholar.
- 2004\1378 Chandni Desai, Primghar – For being named a State of Iowa Scholar.
- 2004\1379 Nikki J. Fulk, Primghar – For being named a State of Iowa Scholar.
- 2004\1380 Johnathan L. Loveall, Sheldon – For being named a State of Iowa Scholar.
- 2004\1381 Sarah Schares, Dunkerton High School – For being named a State of Iowa Scholar.
- 2004\1382 Luke Conner, Wapsie Valley High School – For being named a State of Iowa Scholar.
- 2004\1383 Lindsay Timmerman, Wapsie Valley High School – For being named a State of Iowa Scholar.
- 2004\1384 Megan Brandt, Independence High School – For being named a State of Iowa Scholar.
- 2004\1385 Andrew Behan, Independence High School – For being named a State of Iowa Scholar.
- 2004\1386 Cassie Bonefas, Independence High School – For being named a State of Iowa Scholar.

- 2004\1387 Alexa Doan, Independence High School – For being named a State of Iowa Scholar.
- 2004\1388 Matthew Robinson, Independence High School – For being named a State of Iowa Scholar.
- 2004\1389 Kayla Becker, Don Bosco High School – For being named a State of Iowa Scholar.
- 2004\1390 Eric Neverman, Jessup High School – For being named a State of Iowa Scholar.
- 2004\1391 Anna Powell, Jessup High School – For being named a State of Iowa Scholar.
- 2004\1392 Adam Venem, Jessup High School – For being named a State of Iowa Scholar.
- 2004\1393 Hillary Charmichael, Union High School – For being named a State of Iowa Scholar.
- 2004\1394 Amy Higgins, Union High School – For being named a State of Iowa Scholar.
- 2004\1395 Jenna Cherry, East Buchanan High School – For being named a State of Iowa Scholar.
- 2004\1396 Arthur Starkenburg, Sibley – For celebrating his 80th birthday.
- 2004\1397 Matthew Pollpeter, Ft. Madison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1398 Barret Anderson, Valley High School, West Des Moines, – For receiving the Presidential Scholarship Award from the University of Iowa.
- 2004\1399 Eugene and Lorraine Webb, Dubuque – For celebrating their 50th wedding anniversary.
- 2004\1400 Daniel W. Watterson, Melvin – For being named a State of Iowa Scholar.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 729 Appropriations

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

RESOLUTIONS FILED

HR 165, by Whitead, a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition.

Laid over under **Rule 25**.

HR 166, by Raecker, a resolution recognizing the achievements of the Urbandale Junior League All Star Team in winning the Central Regional Championship of the 2003 Junior League Baseball World Series.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8448	H.F.	2484	Senate Amendment
H—8449	H.F.	2455	Carroll of Poweshiek Jacobs of Polk
H—8450	S.F.	2298	Heaton of Henry Carroll of Poweshiek
			Greiner of Washington Raecker of Polk
H—8451	S.F.	2209	Boddicker of Cedar
H—8452	S.F.	2298	Klemme of Plymouth
H—8453	S.F.	2288	Upmeyer of Hancock Kuhn of Floyd
H—8454	S.F.	2298	Dolecheck of Ringgold

On motion by Gipp of Winneshiek the House adjourned at 10:32 a.m., until 10:00 a.m., Monday, April 12, 2004.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 12, 2004

The House met pursuant to adjournment at 10:03 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Mark Reasoner, pastor of Sacred Heart Catholic Church, Osage. He was the guest of Representative Mike Reasoner, also his brother, from Union County and Representative Mark Kuhn from Floyd County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Drew Polzin, grandson of Representative Clarence Hoffman and his wife Lynn from Crawford County.

The Journal of Thursday, April 8, 2004 was approved.

PETITION FILED

The following petition was received and placed on file:

By Berry of Black Hawk from 473 constituents of the Waterloo Community School District favoring adequate funding of Iowa public schools, even if it means a tax increase and to fund minority student achievement at \$550 million dollars.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2004, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2186, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

Also: That the Senate has on April 8, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2357, a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties.

Also: That the Senate has on April 8, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2402, a bill for an act restricting executive branch authority to transfer appropriations between departments.

Also: That the Senate has on April 8, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2557, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Also: That the Senate has on April 8, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2179, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Also: That the Senate has on April 8, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2208, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

Also: That the Senate has on April 8, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2279, a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 10:07 a.m., until the fall of the gavel.

The House resumed session at 1:17 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2440, a bill for an act relating to awards of noneconomic damages against health care providers.

Also: that the Senate has on April 12, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2559, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

Also: That the Senate has on April 12, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2119, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

Also: That the Senate has on April 12, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2183, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

Also: That the Senate has on April 12, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act establishing a planning group for unifying state administration of services utilized by elderly Iowans.

Also: That the Senate has on April 12, 2004, amended and adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 113, a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 2299, by committee on government oversight, a bill for an act establishing a planning group for unifying state administration of services utilized by elderly and disabled Iowans.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 2298, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Dix of Butler offered amendment H-8365 filed by the committee on appropriations and requested division as follows:

H-8365

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate as follows:

H-8365 A

- 3 1. Page 28, line 15, by striking the figure
- 4 "5,784,500", and inserting the following:
- 5 "6,084,500".
- 6 2. Page 34, by striking lines 33 and 34 and
- 7 inserting the following:
- 8 " \$ 4,889,124
- 9FTEs 94.20"
- 10 3. Page 35, by striking lines 15 through 20.
- 11 4. Page 63, by inserting after line 5, the
- 12 following:
- 13 "Sec. ____ Section 256.7, Code Supplement 2003, is
- 14 amended by adding the following new subsection:
- 15 **NEW SUBSECTION.** 26. Adopt rules that set
- 16 standards for the approval of teacher intern
- 17 preparation programs in accordance with section
- 18 262.76. The state board shall process and respond to
- 19 an application submitted by a higher education
- 20 institution or consortium in accordance with section
- 21 262.76 within six months after the date of receipt of
- 22 the application."
- 23 5. Page 65, by inserting after line 6, the
- 24 following:
- 25 "Sec. ____ **NEW SECTION.** 262.76 TEACHER INTERN
- 26 PREPARATION PROGRAM.

27 The state board of regents and the colleges of
28 education at its institutions of higher learning shall
29 work cooperatively with other accredited postsecondary
30 institutions with practitioner preparation programs
31 and the department of education to ensure that at
32 least one teacher intern preparation program is
33 established within the state that meets the standards
34 as provided in 281 IAC ch. 77. Not later than July 1,
35 2005, the board shall establish the teacher intern
36 preparation program wholly within one of its higher
37 education institutions or through a consortium of
38 institutions. The board may also consider cooperative
39 arrangements with other higher education institutions,
40 including those that do not have practitioner
41 preparation programs, or with area education agencies
42 provided any program established by such a cooperative
43 arrangement meets the standards as provided in 281 IAC
44 ch. 77."

45 6. Page 65, line 22, by inserting after the word
46 "contracts" the following: ", if applicable,".

47 7. Page 161, by striking lines 2 through 12.

48 8. Page 169, by striking lines 3 through 16.

49 9. Page 169, line 27, by striking the words "the
50 effective date of this Act" and inserting the

Page 2

1 following: "July 1, 2004".

2 10. Page 170, by striking lines 1 through 17.

3 11. Page 171, by inserting after line 30 the
4 following:

5 "Sec. _____. NEW SECTION. 564.9 DEPARTMENT OF
6 NATURAL RESOURCES – ACCESS.

7 1. The department of natural resources shall grant
8 the owner of a parcel of land access to a public road
9 if any of the following applies:

10 a. It is otherwise impossible for the owner to
11 access the public road because the parcel is
12 surrounded by land held by the department.

13 b. The parcel is otherwise surrounded by land with
14 a topography that makes access unreasonable.

15 c. Access by another way would cause degradation
16 or destroy the integrity of the land.

17 2. The department may grant access to the owner by
18 the sale, exchange, or other transfer of land or by
19 the grant of an easement.

20 3. A person entitled to access as provided in this
21 section may construct a road for automobile traffic
22 from the parcel to the public road. The owner shall
23 be responsible for constructing and maintaining any
24 private road from the parcel to the public road which
25 shall not be more than twenty feet in width unless

26 otherwise agreed to by the parties."
27 12. By striking page 173, line 28, through page
28 174, line 11.
29 13. Page 177, line 17, by striking the word and
30 figures "13B.4, subsection 2,".
31 14. Page 177, by striking lines 20 through 24.
32 15. Page 182, line 28, by striking the words
33 "school year detailing contract settlement" and
34 inserting the following: "contract settlement".
35 16. Page 184, by striking lines 19 through 34.
36 17. By striking page 184, line 35, through page
37 185, line 9.

H-8365 B

38 18. By striking page 192, line 29, through page
39 193, line 30, and inserting the following:
40 "Sec.____. Section 425.1, subsection 1, unnumbered
41 paragraph 1, Code Supplement 2003, is amended to read
42 as follows:
43 A homestead credit fund is created. ~~There is~~
44 ~~appropriated annually from the general fund of the~~
45 ~~state Notwithstanding any conflicting provisions of~~
46 section 8.56, there is appropriated for the fiscal
47 year beginning July 1, 2004, and ending June 30, 2005,
48 from the cash reserve fund created in section 8.56 to
49 the department of revenue to be credited to the
50 homestead credit fund, an amount sufficient equal to

Page 3

1 one hundred two million nine hundred forty-five
2 thousand three hundred seventy-nine dollars to
3 implement this chapter.
4 Sec.____. Section 425.19, Code 2003, is amended to
5 read as follows:
6 425.19 CLAIM AND CREDIT OR REIMBURSEMENT.
7 Subject to the limitations provided in this
8 division, a claimant may annually claim a credit for
9 property taxes due during the fiscal year next
10 following the base year or claim a reimbursement for
11 rent constituting property taxes paid in the base
12 year. The amount of the credit for property taxes due
13 for a homestead shall be paid on June 15 of each year
14 by the director to the county treasurer who shall
15 credit the money received against the amount of the
16 property taxes due and payable on the homestead of the
17 claimant and the amount of the reimbursement for rent
18 constituting property taxes paid shall be paid to the
19 claimant ~~from by the state general fund~~ on or before
20 December 31 ~~of each year unless otherwise provided.~~
21 Sec.____. Section 425.23, subsection 3, paragraph

22 a, Code Supplement 2003, is amended to read as
23 follows:

24 a. A person who is eligible to file a claim for
25 credit for property taxes due and who has a household
26 income of eight thousand five hundred dollars or less
27 and who has an unpaid special assessment levied
28 against the homestead may file a claim for a special
29 assessment credit with the county treasurer. The
30 department shall provide to the respective treasurers
31 the forms necessary for the administration of this
32 subsection. The claim shall be filed not later than
33 September 30 of each year. Upon the filing of the
34 claim, interest for late payment shall not accrue
35 against the amount of the unpaid special assessment
36 due and payable. The claim filed by the claimant
37 constitutes a claim for credit of an amount equal to
38 the actual amount due upon the unpaid special
39 assessment, plus interest, payable during the fiscal
40 year for which the claim is filed against the
41 homestead of the claimant. However, where the
42 claimant is an individual described in section 425.17,
43 subsection 2, paragraph "b", and the tentative credit
44 is determined according to the schedule in subsection
45 1, paragraph "b", subparagraph (2), of this section,
46 the claim filed constitutes a claim for credit of an
47 amount equal to one-half of the actual amount due and
48 payable during the fiscal year. The treasurer shall
49 certify to the director of revenue not later than
50 October 15 of each year the total amount of dollars

Page 4

1 due for claims allowed. The amount of reimbursement
2 due each county shall be paid by the director of
3 revenue by November 15 of each year, drawn upon
4 warrants payable to the respective treasurer. ~~There~~
5 ~~is appropriated annually from the general fund of the~~
6 ~~state to the department of revenue an amount~~
7 ~~sufficient to carry out the provisions of this~~
8 ~~subsection.~~ The treasurer shall credit any moneys
9 received from the department against the amount of the
10 unpaid special assessment due and payable on the
11 homestead of the claimant.

12 Sec. _____. Section 425.39, Code Supplement 2003, is
13 amended to read as follows:

14 425.39 FUND CREATED – APPROPRIATION – PRIORITY.

15 The elderly and disabled property tax credit and
16 reimbursement fund is created. ~~There is appropriated~~
17 ~~annually from the general fund of the state~~
18 Notwithstanding any conflicting provisions of section
19 8.56, there is appropriated for the fiscal year
20 beginning July 1, 2004, and ending June 30, 2005, from

21 the cash reserve fund created in section 8.56 to the
22 department of revenue to be credited to the elderly
23 and disabled property tax credit and reimbursement
24 fund, from funds not otherwise appropriated, an amount
25 sufficient equal to nineteen million five hundred
26 forty thousand dollars to implement this division for
27 claimants described in section 425.17, subsection 2,
28 paragraph "a". If the sum of the amount of claims for
29 credit for property taxes due plus the amount of
30 claims for reimbursement for rent constituting
31 property tax paid which are to be paid during the
32 fiscal year beginning July 1, 2004, exceeds the amount
33 appropriated in this section, the director of revenue
34 shall prorate the payments for the property tax credit
35 and for reimbursement for rent constituting property
36 tax paid. In order for the director to carry out the
37 requirements of this section, notwithstanding any
38 provision to the contrary in this chapter, claims for
39 reimbursement for rent constituting property taxes
40 paid filed before May 1, 2005, shall be eligible to be
41 paid during the fiscal year ending June 30, 2005, and
42 those claims filed on or after May 1, 2005, shall be
43 eligible to be paid during the fiscal year beginning
44 July 1, 2005, and the director is not required to make
45 payments to counties for the property tax credit
46 before June 15, 2005.

47 Sec. _____. Section 425A.1, Code 2003, is amended to
48 read as follows:

49 425A.1 FAMILY FARM TAX CREDIT FUND.

50 The family farm tax credit fund is created in the

Page 5

1 office of the treasurer of state. There shall be
2 transferred annually to the fund the first ten million
3 dollars of the amount ~~annually~~ appropriated to the
4 agricultural land credit fund, provided in section
5 426.1. ~~Any balance in the fund on June 30 shall~~
6 ~~revert to the general fund.~~

7 Sec. _____. Section 426.1, Code 2003, is amended to
8 read as follows:

9 426.1 AGRICULTURAL LAND CREDIT FUND.

10 There is created as a permanent fund in the office
11 of the treasurer of state a fund to be known as the
12 agricultural land credit fund, ~~and for the purpose of~~
13 ~~establishing and maintaining this fund for each fiscal~~
14 ~~year there is appropriated thereto from funds in the~~
15 ~~general fund not otherwise appropriated the sum of~~
16 ~~thirty nine million one hundred thousand dollars.~~
17 Notwithstanding any conflicting provisions of section
18 8.56, there is appropriated for the fiscal year
19 beginning July 1, 2004, and ending June 30, 2005, from

20 ~~the cash reserve fund created in section 8.56 to the~~
21 ~~agricultural land credit fund the sum of thirty-four~~
22 ~~million six hundred ten thousand one hundred eighty-~~
23 ~~three dollars~~ of which the first ten million dollars
24 shall be transferred to and deposited into the family
25 farm tax credit fund created in section 425A.1. ~~Any~~
26 ~~balance in said fund on June 30 shall revert to the~~
27 ~~general fund.~~

28 Sec. _____. Section 426A.1A, Code 2003, is amended
29 by striking the section and inserting in lieu thereof
30 the following:

31 426A.1A APPROPRIATIONS.

32 Notwithstanding any conflicting provisions of
33 section 8.56, there is appropriated for the fiscal
34 year beginning July 1, 2004, and ending June 30, 2005,
35 from the cash reserve fund created in section 8.56 to
36 the department of revenue the sum of two million five
37 hundred sixty-eight thousand four hundred two dollars
38 to fund the credits provided under this chapter.

39 Sec. _____. Section 426A.4, Code Supplement 2003, is
40 amended to read as follows:

41 426A.4 CERTIFICATION BY DIRECTOR OF REVENUE.

42 Sums distributable from the ~~general fund of the~~
43 state shall be allocated annually to the counties of
44 the state. On September 15 annually the director of
45 revenue shall certify and draw warrants to the
46 treasurer of each county payable from the ~~general~~
47 ~~designated~~ fund of the state in the amount claimed.
48 Payments shall be made to the treasurer of each county
49 not later than September 30 of each year.

50 Sec. _____. Section 426A.6, Code Supplement 2003, is

Page 6

1 amended to read as follows:

2 426A.6 SETTING ASIDE ALLOWANCE.

3 If the director of revenue determines that a claim
4 for military service tax exemption has been allowed by
5 a board of supervisors which is not justifiable under
6 the law and not substantiated by proper facts, the
7 director may, at any time within thirty-six months
8 from July 1 of the year in which the claim is allowed,
9 set aside the allowance. Notice of the disallowance
10 shall be given to the county auditor of the county in
11 which the claim has been improperly granted and a
12 written notice of the disallowance shall also be
13 addressed to the claimant at the claimant's last known
14 address. The claimant or the board of supervisors may
15 appeal to the state board of tax review pursuant to
16 section 421.1, subsection 4. The claimant or the
17 board of supervisors may seek judicial review of the
18 action of the state board of tax review in accordance

19 with chapter 17A. If a claim is disallowed by the
20 director of revenue and not appealed to the state
21 board of tax review or appealed to the state board of
22 tax review and thereafter upheld upon final
23 resolution, including judicial review, the credits
24 allowed and paid ~~from the general fund of~~ by the state
25 become a lien upon the property on which the credit
26 was originally granted, if still in the hands of the
27 claimant and not in the hands of a bona fide
28 purchaser, the amount so erroneously paid shall be
29 collected by the county treasurer in the same manner
30 as other taxes, and the collections shall be returned
31 to the department of revenue and credited to the
32 ~~general fund of the state~~ fund from which the claim
33 was paid. The director of revenue may institute legal
34 proceedings against a military service tax exemption
35 claimant for the collection of payments made on
36 disallowed exemptions.

37 Sec. _____. Section 426A.8, unnumbered paragraphs 1
38 and 4, Code Supplement 2003, are amended to read as
39 follows:

40 If the amount of credit apportioned to any property
41 eligible to military service tax exemption under this
42 chapter in any year shall exceed the total tax,
43 exclusive of any special assessments levied against
44 such property eligible for military service tax
45 exemption, then the excess shall be remitted by the
46 county treasurer to the department of revenue to be
47 redeposited in the ~~general fund of the state~~ from
48 which the credit was paid and reallocated the
49 following year by the department.

50 The amount of the credit shall be allocated and

Page 7

1 paid from the surplus redeposited in the ~~general~~ fund
2 of the state provided for in the first paragraph of
3 this section.

4 Sec. _____. Section 426A.9, Code Supplement 2003, is
5 amended to read as follows:

6 426A.9 ERRONEOUS CREDITS.

7 If any claim is allowed, and subsequently reversed
8 on appeal, any credit shall be void, and the amount of
9 the credit shall be charged against the property in
10 question, and the director of revenue, the county
11 auditor and the county treasurer shall correct their
12 books and records. The amount of the erroneous
13 credit, when collected, shall be returned by the
14 county treasurer to the ~~general fund of the state~~ from
15 which the credit was paid.

16 Sec. _____. Section 435.22, subsection 5, unnumbered
17 paragraph 6, Code Supplement 2003, is amended to read

18 as follows:

19 ~~There is appropriated annually from the general~~
20 ~~fund of the state~~ The appropriation made in section
21 425.39 shall be available to the department of revenue
22 ~~an amount sufficient~~ to carry out this subsection."

H-8365 A

23 19. Page 203, by inserting after line 16 the
24 following:

25 "Sec.____. MODIFIED ADDITIONAL ALLOWABLE GROWTH.
26 For the fiscal year beginning July 1, 2004, and ending
27 June 30, 2005, notwithstanding anything contrary in
28 section 257.18, subsection 2, if the board adopts a
29 resolution, not later than April 15, 2004, to increase
30 its participation in the instructional support program
31 under section 257.18 and a petition is not filed or if
32 the question is submitted to the registered voters of
33 the school district and the question is approved, the
34 school budget review committee shall establish
35 modified allowable growth for the school district for
36 the fiscal year beginning July 1, 2004, for the amount
37 of increased spending authority. The modified
38 allowable growth shall equal the sum of the state aid
39 and property tax portion of the instructional support
40 program requested by the district. The district is
41 not eligible for state aid as determined under section
42 257.20 due to increased participation percent."

H-8365 B

43 20. Page 204, by striking line 11 and inserting
44 the following:

45 "Sec.____. Sections 25B.7 and 266.39D, Code
46 Supplement 2003, are".

H-8365 A

47 21. Page 204, line 19, by striking the figure "
48 257.16,".

49 22. Page 204, by striking lines 32 through 34 and
50 inserting the following:

Page 8

1 "____. The section of this division of this Act
2 providing modified allowable growth for school
3 districts to participate in an instructional support
4 program, being deemed of immediate importance, takes
5 effect upon enactment."

H-8365

6 23. By renumbering, relettering, or redesignating
7 and correcting internal references as necessary.

Fallon of Polk offered amendment H-8389, to the committee amendment H-8365A, filed by him as follows:

H-8389

1 Amend the House amendment, H-8365, to Senate File
2 2298, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 10 the
5 following:
6 "____. Page 49, by striking lines 1 through 18 and
7 inserting the following:
8 "..... \$147,582,047
9 The funds appropriated in this subsection shall be
10 allocated as follows:
11 a. Merged Area I \$ 7,193,209
12 b. Merged Area II..... \$ 8,136,366
13 c. Merged Area III..... \$ 7,600,107
14 d. Merged Area IV..... \$ 3,670,204
15 e. Merged Area V \$ 8,015,816
16 f. Merged Area VI \$ 7,142,277
17 g. Merged Area VII \$ 10,530,666
18 h. Merged Area IX \$ 13,020,106
19 i. Merged Area X \$ 20,883,389
20 j. Merged Area X \$ 21,903,444
21 k. Merged Area XII..... \$ 8,609,947
22 l. Merged Area XIII..... \$ 8,743,547
23 m. Merged Area XIV..... \$ 3,744,512
24 n. Merged Area XV \$ 11,726,862
25 o. Merged Area XVI \$ 6,661,595""
26 2. Page 1, by inserting before line 11 the
27 following:
28 "____. By striking page 52, line 2, through page
29 60, line 9, and inserting the following: "purposes,
30 and for not more than the following full-time
31 equivalent positions:
32 \$ 1,190,152
33 FTEs 16.00
34 b. For allocation by the state board of regents to
35 the state university of Iowa, the Iowa state
36 university of science and technology, and the
37 university of northern Iowa to reimburse the
38 institutions for deficiencies in their operating funds
39 resulting from the pledging of tuitions, student fees
40 and charges, and institutional income to finance the
41 cost of providing academic and administrative
42 buildings and facilities and utility services at the

43 institutions:
 44 \$ 12,701,278
 45 Notwithstanding section 8.33, funds appropriated
 46 for purposes of this lettered paragraph that remain
 47 unencumbered or unobligated on June 30, 2005, shall
 48 not revert to the general fund of the state, but shall
 49 be available for expenditure for the following fiscal
 50 year for purposes specified in this lettered

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1 paragraph.
 2 c. For funds to be allocated to the southwest Iowa
 3 graduate studies center:
 4 \$ 108,673
 5 d. For funds to be allocated to the siouxland
 6 interstate metropolitan planning council for the
 7 tristate graduate center under section 262.9,
 8 subsection 21:
 9 \$ 79,940
 10 e. For funds to be allocated to the quad-cities
 11 graduate studies center:
 12 \$ 161,173
 13 2. STATE UNIVERSITY OF IOWA
 14 a. General university, including lakeside
 15 laboratory
 16 For salaries, support, maintenance, equipment, and
 17 miscellaneous purposes, and for not more than the
 18 following full-time equivalent positions:
 19 \$276,520,093
 20 FTEs 4,055.62
 21 b. University hospitals
 22 For salaries, support, maintenance, equipment, and
 23 miscellaneous purposes and for medical and surgical
 24 treatment of indigent patients as provided in chapter
 25 255, and for medical education, and for not more than
 26 the following full-time equivalent positions:
 27 \$ 27,984,189
 28 FTEs 5,471.01
 29 c. Psychiatric hospital
 30 For salaries, support, maintenance, equipment,
 31 miscellaneous purposes, and for the care, treatment,
 32 and maintenance of committed and voluntary public
 33 patients, and for not more than the following full-
 34 time equivalent positions:
 35 \$ 7,223,647
 36 FTEs 272.11
 37 d. Center for disabilities and development
 38 For salaries, support, maintenance, and
 39 miscellaneous purposes, and for not more than the
 40 following full-time equivalent positions:
 41 \$ 6,526,426

42 FTEs 143.34
43 e. Oakdale campus
44 For salaries, support, maintenance, and
45 miscellaneous purposes, and for not more than the
46 following full-time equivalent positions:
47 \$ 2,725,472
48 FTEs 43.25
49 f. State hygienic laboratory
50 For salaries, support, maintenance, and

Page 3

1 miscellaneous purposes and for not more than the
2 following full-time equivalent positions:
3 \$ 3,900,021
4 FTEs 102.49
5 g. Family practice program
6 For allocation by the dean of the college of
7 medicine, with approval of the advisory board, to
8 qualified participants, to carry out chapter 148D for
9 the family practice program, including salaries and
10 support, and for not more than the following full-time
11 equivalent positions:
12 \$ 2,129,177
13 FTEs 192.40
14 h. Child health care services
15 For specialized child health care services,
16 including childhood cancer diagnostic and treatment
17 network programs, rural comprehensive care for
18 hemophilia patients, and the Iowa high-risk infant
19 follow-up program, including salaries and support, and
20 for not more than the following full-time equivalent
21 positions:
22 \$ 665,709
23 FTEs 53.46
24 i. Statewide cancer registry
25 For the statewide cancer registry, and for not more
26 than the following full-time equivalent positions:
27 \$ 183,322
28 FTEs 2.40
29 j. Substance abuse consortium
30 For funds to be allocated to the Iowa consortium
31 for substance abuse research and evaluation, and for
32 not more than the following full-time equivalent
33 positions:
34 \$ 66,534
35 FTEs 1.50
36 k. Center for biocatalysis
37 For the center for biocatalysis, and for not more
38 than the following full-time equivalent positions:
39 \$ 903,984
40 FTEs 5.20

41 1. Primary health care initiative
 42 For the primary health care initiative in the
 43 college of medicine, and for not more than the
 44 following full-time equivalent positions:
 45 \$ 779,359
 46 FTEs 7.75
 47 m. Birth defects registry
 48 For the birth defects registry, and for not more
 49 than the following full-time equivalent positions:
 50 \$ 45,781

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1 FTEs 1.30
 2 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY
 3 a. General university
 4 For salaries, support, maintenance, equipment, and
 5 miscellaneous purposes, and for not more than the
 6 following full-time equivalent positions:
 7 \$217,686,641
 8 FTEs 3,647.42
 9 b. Agricultural experiment station
 10 For salaries, support, maintenance, and
 11 miscellaneous purposes, and for not more than the
 12 following full-time equivalent positions:
 13 \$ 31,814,892
 14 FTEs 546.98
 15 c. Cooperative extension service in agriculture
 16 and home economics
 17 For salaries, support, maintenance, and
 18 miscellaneous purposes, and for not more than the
 19 following full-time equivalent positions:
 20 \$ 20,244,546
 21 FTEs 383.34
 22 d. Leopold center
 23 For agricultural research grants at Iowa state
 24 university under section 266.39B, and for not more
 25 than the following full-time equivalent positions:
 26 \$ 476,225
 27 FTEs 11.25
 28 e. Livestock disease research
 29 For deposit in and the use of the livestock disease
 30 research fund under section 267.8:
 31 \$ 226,367
 32 4. UNIVERSITY OF NORTHERN IOWA
 33 a. General university
 34 For salaries, support, maintenance, equipment, and
 35 miscellaneous purposes, and for not more than the
 36 following full-time equivalent positions:
 37 \$ 97,950,925
 38 FTEs 1,398.01
 39 b. Recycling and reuse center

40 For purposes of the recycling and reuse center, and
41 for not more than the following full-time equivalent
42 positions:
43 \$ 217,290
44 FTEs 3.00
45 5. STATE SCHOOL FOR THE DEAF
46 For salaries, support, maintenance, and
47 miscellaneous purposes, and for not more than the
48 following full-time equivalent positions:
49 \$ 10,132,297
50 FTEs 126.60

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1 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
2 For salaries, support, maintenance, and
3 miscellaneous purposes, and for not more than the
4 following full-time equivalent positions:
5 \$ 5,669,244
6 FTEs 81.00
7 7. TUITION AND TRANSPORTATION COSTS
8 For payment to local school boards for the tuition
9 and transportation costs of students residing in the
10 Iowa braille and sight saving school and the state
11 school for the deaf pursuant to section 262.43 and for
12 payment of certain clothing, prescription, and
13 transportation costs for students at these schools
14 pursuant to section 270.5:
15 \$ 7,500""
16 3. Page 1, by inserting after line 22 the
17 following:
18 "____. Page 64, by striking lines 28 through 32
19 and inserting the following:
20 "1. There is appropriated from the general fund of
21 the state to the commission for each fiscal year the
22 sum of ~~forty-six~~ forty-eight million ~~four~~ eight
23 ~~hundred seventeen~~ thirty thousand ~~nine hundred sixty-~~
24 ~~four~~ seventy-five dollars for". "
25 4. Page 1, by inserting after line 46 the
26 following:
27 "____. Page 65, by inserting after line 28 the
28 following:
29 "Sec.____. Section 279.51, subsection 1,
30 unnumbered paragraph 1, Code 2003, is amended to read
31 as follows:
32 There is appropriated from the general fund of the
33 state to the department of education for the fiscal
34 year beginning July 1, 2000, and each succeeding
35 fiscal year, the sum of ~~twelve~~ fourteen million five
36 hundred sixty thousand dollars.
37 Sec.____. Section 279.51, subsection 1, paragraph
38 b, Code 2003, is amended to read as follows:

39 b. For the fiscal year beginning July 1, 1998, and
40 for each succeeding fiscal year, ~~eight~~ ten million
41 five hundred ten thousand dollars of the funds
42 appropriated shall be allocated to the child
43 development coordinating council established in
44 chapter 256A for the purposes set out in subsection 2
45 of this section and section 256A.3."

46 5. Page 2, by inserting after line 34 the
47 following:

48 "____. By striking page 183, line 32 through page
49 184, line 9, and inserting the following:

50 "Sec.____. Section 257.8, subsection 1, Code

Page 6

1 Supplement 2003, is amended to read as follows:

2 1. STATE PERCENT OF GROWTH. The state percent of
3 growth for the budget year beginning July 1, 2003, is
4 two percent. The state percent of growth for the
5 budget year beginning July 1, 2004, is ~~two~~ six
6 percent. The state percent of growth for each
7 subsequent budget year shall be established by statute
8 which shall be enacted within thirty days of the
9 submission in the year preceding the base year of the
10 governor's budget under section 8.21. The
11 establishment of the state percent of growth for a
12 budget year shall be the only subject matter of the
13 bill which enacts the state percent of growth for a
14 budget year."

15 6. Page 2, by striking lines 35 through 37 and
16 inserting the following:

17 "____. By striking page 184, line 19, through page
18 185, line 31, and inserting the following:

19 "Sec.____. Section 257.35, subsection 2, Code
20 Supplement 2003, is amended by striking the
21 subsection."

22 7. Page 7, by striking lines 47 and 48 and
23 inserting the following:

24 "____. Page 204, by striking lines 18 and 19, and
25 inserting the following:

26 "1. The section of this division of this Act
27 amending section 257.8 is applicable for".

28 8. Page 8, by inserting after line 5 the
29 following:

30 "____. Page 205, by inserting after line 21 the
31 following:

32 "DIVISION
33 INCOME TAX

34 Sec.____. Section 422.5, subsection 1, paragraphs
35 a through i, Code Supplement 2003, are amended to read
36 as follows:

37 a. On all taxable income from zero through one

38 thousand dollars, ~~thirty six hundredths~~ four-tenths of
39 one percent.

40 b. On all taxable income exceeding one thousand
41 dollars but not exceeding two thousand dollars,
42 ~~seventy two hundredths~~ eight-tenths of one percent.

43 c. On all taxable income exceeding two thousand
44 dollars but not exceeding four thousand dollars, two
45 and ~~forty three hundredths~~ seven-tenths percent.

46 d. On all taxable income exceeding four thousand
47 dollars but not exceeding nine thousand dollars, ~~four~~
48 ~~and one half~~ five percent.

49 e. On all taxable income exceeding nine thousand
50 dollars but not exceeding fifteen thousand dollars,

Page 7

1 six and ~~twelve hundredths~~ eight-tenths percent.

2 f. On all taxable income exceeding fifteen
3 thousand dollars but not exceeding twenty thousand
4 dollars, ~~six and forty eight hundredths~~ seven and two-
5 tenths percent.

6 g. On all taxable income exceeding twenty thousand
7 dollars but not exceeding thirty thousand dollars, ~~six~~
8 ~~and eight tenths~~ seven and fifty-five hundredths
9 percent.

10 h. On all taxable income exceeding thirty thousand
11 dollars but not exceeding forty-five thousand dollars,
12 ~~seven and ninety two hundredths~~ eight and eight-tenths
13 percent.

14 i. On all taxable income exceeding forty-five
15 thousand dollars, ~~eight~~ nine and ninety-eight
16 hundredths percent.

17 Sec.____. Section 422.5, subsection 1, paragraph
18 j, Code Supplement 2003, is amended to read as
19 follows:

20 j. ~~(4)~~ The tax imposed upon the taxable income of
21 a nonresident shall be computed by reducing the amount
22 determined pursuant to paragraphs "a" through "i" by
23 the amounts of nonrefundable credits under this
24 division and by multiplying this resulting amount by a
25 fraction of which the nonresident's net income
26 allocated to Iowa, as determined in section 422.8,
27 subsection 2, ~~paragraph "a"~~, is the numerator and the
28 nonresident's total net income computed under section
29 422.7 is the denominator. This provision also applies
30 to individuals who are residents of Iowa for less than
31 the entire tax year.

32 ~~(2) The tax imposed upon the taxable income of a~~
33 ~~resident shareholder in an S corporation which has in~~
34 ~~effect for the tax year an election under subchapter S~~
35 ~~of the Internal Revenue Code and carries on business~~
36 ~~within and without the state may be computed by~~

37 reducing the amount determined pursuant to paragraphs
38 "a" through "i" by the amounts of nonrefundable
39 credits under this division and by multiplying this
40 resulting amount by a fraction of which the resident's
41 net income allocated to Iowa, as determined in section
42 422.8, subsection 2, paragraph "b", is the numerator
43 and the resident's total net income computed under
44 section 422.7 is the denominator. If a resident
45 shareholder has elected to take advantage of this
46 subparagraph, and for the next tax year elects not to
47 take advantage of this subparagraph, the resident
48 shareholder shall not elect to take advantage of
49 this subparagraph for the three tax years immediately
50 following the first tax year for which the shareholder

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1 elected not to take advantage of this subparagraph,
2 unless the director consents to the reelection. This
3 subparagraph also applies to individuals who are
4 residents of Iowa for less than the entire tax year.
5 This subparagraph shall not affect the amount of
6 the taxpayer's checkoff to the Iowa election campaign
7 fund under section 68A.601, the checkoff for the fish
8 and game fund in section 456A.16, the credits from tax
9 provided in sections 422.10, 422.11A, and 422.12 and
10 the allocation of these credits between spouses if the
11 taxpayers filed separate returns or separately on
12 combined returns.
13 Sec. _____. Section 422.5, subsection 1, paragraph
14 k, unnumbered paragraph 4, Code Supplement 2003, is
15 amended to read as follows:
16 In the case of a resident, including a resident
17 estate or trust, the state's apportioned share of the
18 state alternative minimum tax is one hundred percent
19 of the state alternative minimum tax computed in this
20 subsection. In the case of a resident or part year
21 resident shareholder in an S corporation which has in
22 effect for the tax year an election under subchapter S
23 of the Internal Revenue Code and carries on business
24 within and without the state, a nonresident, including
25 a nonresident estate or trust, or an individual,
26 estate, or trust that is domiciled in the state for
27 less than the entire tax year, the state's apportioned
28 share of the state alternative minimum tax is the
29 amount of tax computed under this subsection, reduced
30 by the applicable credits in sections 422.10 through
31 422.12 and this result multiplied by a fraction with a
32 numerator of the sum of state net income allocated to
33 Iowa as determined in section 422.8, subsection 2,
34 paragraph "a" or "b" as applicable, plus tax
35 preference items, adjustments, and losses under

36 subparagraph (1) attributable to Iowa and with a
37 denominator of the sum of total net income computed
38 under section 422.7 plus all tax preference items,
39 adjustments, and losses under subparagraph (1). In
40 computing this fraction, those items excludable under
41 subparagraph (1) shall not be used in computing the
42 tax preference items. Married taxpayers electing to
43 file separate returns or separately on a combined
44 return must allocate the minimum tax computed in this
45 subsection in the proportion that each spouse's
46 respective preference items, adjustments, and losses
47 under subparagraph (1) bear to the combined preference
48 items, adjustments, and losses under subparagraph (1)
49 of both spouses.
50 Sec.____. Section 422.7, subsection 21, Code

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1 Supplement 2003, is amended by striking the
2 subsection.
3 Sec.____. Section 422.8, subsection 2, Code
4 Supplement 2003, is amended to read as follows:
5 2. ~~a~~ Nonresident's net income allocated to Iowa
6 is the net income, or portion of net income, which is
7 derived from a business, trade, profession, or
8 occupation carried on within this state or income from
9 any property, trust, estate, or other source within
10 Iowa. However, income derived from a business, trade,
11 profession, or occupation carried on within this state
12 and income from any property, trust, estate, or other
13 source within Iowa shall not include distributions
14 from pensions, including defined benefit or defined
15 contribution plans, annuities, individual retirement
16 accounts, and deferred compensation plans or any
17 earnings attributable thereto so long as the
18 distribution is directly related to an individual's
19 documented retirement and received while the
20 individual is a nonresident of this state. If a
21 business, trade, profession, or occupation is carried
22 on partly within and partly without the state, only
23 the portion of the net income which is fairly and
24 equitably attributable to that part of the business,
25 trade, profession, or occupation carried on within the
26 state is allocated to Iowa for purposes of section
27 422.5, subsection 1, paragraph "j", and section 422.13
28 and income from any property, trust, estate, or other
29 source partly within and partly without the state is
30 allocated to Iowa in the same manner, except that
31 annuities, interest on bank deposits and interest-
32 bearing obligations, and dividends are allocated to
33 Iowa only to the extent to which they are derived from
34 a business, trade, profession, or occupation carried

35 on within the state.

36 ~~b. A resident's income allocable to Iowa is the~~
37 ~~income determined under section 422.7 reduced by items~~
38 ~~of income and expenses from an S corporation that~~
39 ~~carries on business within and without the state when~~
40 ~~those items of income and expenses pass directly to~~
41 ~~the shareholders under provisions of the Internal~~
42 ~~Revenue Code. Those items of income and expenses are~~
43 ~~increased by the greater of the following:~~

44 ~~(1) The net income or loss of the corporation~~
45 ~~which is fairly and equitably attributable to this~~
46 ~~state under section 422.33, subsections 2 and 3.~~

47 ~~(2) Any cash or the value of property~~
48 ~~distributions which are made only to the extent that~~
49 ~~they are paid from income upon which Iowa income tax~~
50 ~~has not been paid, as determined under rules of the~~

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1 ~~director, reduced by the amount of any of these~~
2 ~~distributions that are made to enable the shareholder~~
3 ~~to pay federal income tax on items of income, loss,~~
4 ~~and expenses from the corporation.~~

5 Sec.____. Section 422.8, subsection 6, Code
6 Supplement 2003, is amended by striking the
7 subsection.

8 Sec.____. Section 422.37, Code 2003, is amended by
9 striking the section and inserting in lieu thereof the
10 following:

11 422.37 COMBINED RETURNS.

12 An affiliated group of corporations shall, under
13 rules prescribed by the director, file a combined
14 return showing the net income of all corporations
15 engaged in a unitary business, subject to the
16 following:

17 1. The affiliated group filing under this section
18 shall meet the requirements to file a consolidated
19 return for federal income tax purposes under the
20 Internal Revenue Code for the same taxable year.

21 2. All members of the affiliated group shall join
22 in the filing of an Iowa combined return to the extent
23 they are engaged in a unitary business.

24 3. Members of the affiliated group exempt from
25 taxation by section 422.34 shall not be included in a
26 combined return.

27 4. All members of the affiliated group shall use
28 the statutory method of allocation and apportionment
29 unless the director has granted permission to all
30 members to use an alternative method of allocation and
31 apportionment.

32 5. The computation of federal taxable income
33 before the net operating loss deduction on a combined

34 return for members of an affiliated group shall be
35 made in the same manner and under the same procedures,
36 including all intercompany adjustments and
37 eliminations, as are required for consolidating the
38 incomes of affiliated corporations for the taxable
39 year for federal income tax purposes in accordance
40 with the Internal Revenue Code.

41 6. The combined income approach reflects the
42 federal taxable income of the unitary members of the
43 Iowa affiliated group as a single economic unit, with
44 the application of the adjustments in section 422.35,
45 and the affiliated group shall only file one income
46 tax return. Any nonunitary members of the federal
47 affiliated group subject to tax imposed by section
48 422.33 must each file its own separate corporate
49 income tax return. The net income of an affiliated
50 group is determined by applying the apportionment

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1 formula against the combined income of the affiliated
2 group.

3 7. Only the sales of those corporations in the
4 affiliated group subject to the tax imposed by section
5 422.33 are included in the numerator of the
6 apportionment formula.

7 8. Only those corporations in the affiliated group
8 subject to the tax imposed by section 422.33 are
9 jointly and severally liable for the Iowa tax of the
10 combined group.

11 Sec.____. EFFECTIVE AND APPLICABILITY DATES. This
12 division of this Act, being deemed of immediate
13 importance, takes effect upon enactment and applies as
14 follows:

15 1. The section of this division amending section
16 422.5, subsection 1, paragraphs "a" through "i", apply
17 to tax years beginning on or after January 1, 2005.

18 2. The section of this division amending section
19 422.5, subsection 1, paragraphs "j" and "k", and
20 section 422.8 apply retroactively to January 1, 2004,
21 for tax years beginning on or after that date.

22 3. The section of this division amending section
23 422.7 applies retroactively to January 1, 2004, for
24 tax years beginning on or after that date.

25 4. The section of this division amending section
26 422.37 applies retroactively to January 1, 2004, for
27 tax years beginning on or after that date.

28 DIVISION

29 SALES AND USE TAXES

30 Sec.____. Section 423.3, subsection 27, as enacted
31 by 2003 Iowa Acts, First Extraordinary Session,
32 chapter 2, section 96, is amended to read as follows:

33 27. The sales price of tangible personal property
34 sold, or of services furnished, to a nonprofit
35 hospital licensed pursuant to chapter 135B which is
36 located in a rural county to be used in the operation
37 of the hospital. For purposes of this exemption,
38 "rural county" is a county with a population of not
39 more than fifty thousand according to the latest
40 federal census.
41 Sec. ____ Section 423.3, subsection 45, as enacted
42 by 2003 Iowa Acts, First Extraordinary Session,
43 chapter 2, section 96, is amended by striking the
44 subsection and inserting in lieu thereof the
45 following:
46 45. The sales price from the sales by a trade shop
47 to a printer of lithographic-offset plates,
48 photoengraved plates, engravings, negatives, color
49 separations, typesetting, the end products of image
50 modulation, or any base material used as a carrier for

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1 light-sensitive emulsions to be used by the printer to
2 complete a finished product for sale at retail. For
3 purposes of this subsection, "trade shop" means a
4 business which is not normally engaged in printing and
5 which sells supplies to printers, including but not
6 limited to, those supplies enumerated in this
7 subsection.

8 Sec. ____ Section 423.3, subsections 51, 66, 67,
9 74, 75, 76, and 77, as enacted by 2003 Iowa Acts,
10 First Extraordinary Session, chapter 2, section 96,
11 are amended by striking the subsections.

12 Sec. ____ Section 423.6, subsections 17 through
13 21, as enacted by 2003 Iowa Acts, First Extraordinary
14 Session, chapter 2, section 99, are amended by
15 striking the subsections.

16 DIVISION

17 INSURANCE PREMIUMS TAXES

18 Sec. ____ Section 432.1, subsection 1, paragraph
19 a, Code Supplement 2003, is amended to read as
20 follows:

21 a. ~~The applicable percent, as provided in~~
22 ~~subsection 2, Two percent~~ of the gross amount of
23 premiums received during the preceding calendar year
24 by every life insurance company or association, not
25 including fraternal beneficiary associations, or the
26 gross payments or deposits collected from holders of
27 fraternal beneficiary association certificates, on
28 contracts of insurance covering risks resident in this
29 state during the preceding year, including contracts
30 for group insurance and annuities and without
31 including or deducting any amounts received or paid

32 for reinsurance.

33 Sec.____. Section 432.1, subsection 2, Code
34 Supplement 2003, is amended by striking the
35 subsection.

36 Sec.____. Section 432.1, subsection 3, Code
37 Supplement 2003, is amended to read as follows:

38 3. ~~The applicable percent, as provided in~~
39 ~~subsection 4, Two percent~~ of the gross amount of
40 premiums, assessments, and fees received during the
41 preceding calendar year by every company or
42 association other than life on contracts of insurance
43 other than life for business done in this state,
44 including all insurance upon property situated in this
45 state, after deducting the amounts returned upon
46 canceled policies, certificates and rejected
47 applications but not including the gross premiums,
48 assessments, and fees in connection with ocean marine
49 insurance authorized in section 515.48.

50 Sec.____. Section 432.1, subsection 4, Code

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1 Supplement 2003, is amended by striking the
2 subsection.

3 Sec.____. Section 432.1, subsection 6, Code
4 Supplement 2003, is amended by striking the subsection
5 and inserting in lieu thereof the following:

6 6. Each insurance company and association
7 transacting business in this state whose Iowa premium
8 tax liability for the preceding calendar year was one
9 thousand dollars or more shall remit on or before June
10 1, on a prepayment basis, an amount equal to one-half
11 of the premium tax liability for the preceding
12 calendar year.

13 Sec.____. Section 432.2, Code Supplement 2003, is
14 amended to read as follows:

15 432.2 MUTUAL SERVICE CORPORATIONS.

16 Notwithstanding section 432.1, a hospital service
17 corporation, medical service corporation,
18 pharmaceutical service corporation, optometric service
19 corporation, and any other service corporation
20 operating under chapter 514 shall pay as taxes to the
21 director of revenue an amount equal to ~~the applicable~~
22 ~~percent, as provided in section 432.1, subsection 2,~~
23 ~~two percent~~ of the gross amount of payments received
24 during the preceding calendar year for subscriber
25 contracts covering residents in this state after
26 deducting the amounts returned to subscribers upon
27 canceled subscriber contracts and rejected
28 applications. Section 432.1, subsections 5 and 6,
29 apply to the tax imposed by this section.

30 Sec.____. Section 518.18, subsection 1, Code

31 Supplement 2003, is amended to read as follows:

32 ~~1. The applicable Two~~ percent of the gross amount
33 of premiums received during the preceding calendar
34 year, after deducting the amount returned upon the
35 canceled policies, certificates, and rejected
36 applications; and after deducting premiums paid for
37 windstorm or hail reinsurance on properties
38 specifically reinsured. However, the reinsurer of
39 such windstorm or hail risks shall pay ~~the applicable~~
40 a two percent ~~of tax on~~ the gross amount of
41 reinsurance premiums received upon such risks after
42 deducting the amounts returned upon canceled policies,
43 certificates, and rejected applications. ~~For purposes~~
44 ~~of this section, "applicable percent" means the same~~
45 ~~as specified in section 432.1, subsection 4.~~

46 Sec.____. Section 518.18, subsections 2 and 3,
47 Code Supplement 2003, are amended by striking the
48 subsections.

49 Sec.____. Section 518A.35, subsection 1, Code
50 Supplement 2003, is amended to read as follows:

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1 ~~4.~~ A state mutual insurance association doing
2 business under this chapter shall on or before the
3 first day of March, each year, pay to the director of
4 revenue, or a depository designated by the director, a
5 sum equivalent to ~~the applicable two~~ percent of the
6 gross receipts from premiums and fees for business
7 done within the state, including all insurance upon
8 property situated in the state without including or
9 deducting any amounts received or paid for
10 reinsurance. However, a company reinsuring windstorm
11 or hail risks written by county mutual insurance
12 associations is required to pay ~~the applicable a two~~
13 percent tax on the gross amount of reinsurance
14 premiums received upon such risks, but after deducting
15 the amount returned upon canceled policies and
16 rejected applications covering property situated
17 within the state, and dividends returned to
18 policyholders on property situated within the state.
19 ~~For purposes of this section, "applicable percent"~~
20 ~~means the same as specified in section 432.1,~~
21 ~~subsection 4.~~

22 Sec.____. Section 518A.35, subsections 2 and 3,
23 Code Supplement 2003, are amended by striking the
24 subsections.

25 DIVISION

26 USE TAX REVENUE TRANSFER

27 Sec.____. Notwithstanding the provisions of
28 section 423.43, as enacted by 2003 Iowa Acts, First
29 Extraordinary Session, chapter 2, section 136, from

30 the use tax revenues to be credited to the road use
31 tax fund pursuant to section 423.43, subsection 1, as
32 enacted by 2003 Iowa Acts, First Extraordinary
33 Session, chapter 2, section 136, the first seven
34 million dollars collected during the fiscal year
35 beginning July 1, 2004, and ending June 30, 2005,
36 shall be credited to the general fund of the state.

37 DIVISION

38 REPEAL OF NEW TAX INCENTIVE CREDIT AND REFUND

39 Sec.____. 2004 Iowa Acts, Senate File 2290, is
40 repealed.

41 Sec.____. EFFECTIVE DATE. This division of this
42 Act, being deemed of immediate importance, takes
43 effect upon enactment.""

44 9. By renumbering as necessary.

Connors of Polk rose on a point of order that amendment H-8389 was not germane, to amendment H-8365A.

The Speaker ruled the point well taken and amendment H-8389 not germane, to amendment H-8365A.

Fallon of Polk moved to suspend the rules to consider amendment H-8389 to the committee amendment H-8365A.

Roll call was requested by Dix of Butler and J. K. Van Fossen of Scott.

On the question "Shall the rules be suspended to consider amendment H-8389 to the committee amendment H-8365A?" (S.F. 2298)

The ayes were, 2:

Fallon Hunter

The nays were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

Absent or not voting, none.

The motion to suspend the rules lost.

Fallon of Polk offered the following amendment H-8433, to the committee amendment H-8365A, filed by him and Raecker of Polk and moved its adoption:

H-8433

1 Amend the amendment, H-8365, to Senate File 2298,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, by inserting after line 10 the
 5 following:
 6 "____. Page 51, by inserting after line 28 the
 7 following:
 8 "Sec. _____. EDUCATION FUNDING – APPROPRIATION.
 9 There is appropriated from the grow Iowa values fund
 10 created in section 15G.108 to the department of
 11 education for the fiscal year beginning July 1, 2004,
 12 and ending June 30, 2005, the following amount, or so
 13 much thereof as is necessary, to be used for the
 14 purpose designated:
 15 To supplement amounts appropriated pursuant to
 16 section 257.16 from the general fund of the state to
 17 pay the foundation aid and supplementary aid under
 18 section 257.4, subsection 2:
 19 \$ 41,000,000
 20 The amount appropriated pursuant to this section
 21 shall be in addition to, and shall not replace, funds
 22 otherwise appropriated pursuant to section 257.16 for
 23 the fiscal year beginning July 1, 2004, and ending

24 June 30, 2005, and shall be distributed on a per pupil
 25 basis to school districts based upon the district's
 26 budget enrollment.

27 Notwithstanding section 8.33, moneys appropriated
 28 in this section that remain unencumbered or
 29 unobligated at the close of the fiscal year shall not
 30 revert but shall remain available for expenditure for
 31 the purposes designated.""

32 2. Page 1, by inserting after line 46 the
 33 following:

34 "____. Page 67, by inserting after line 8 the
 35 following:

36 "Sec.____. 2003 Iowa Acts, First Extraordinary
 37 Session, chapter 2, section 66, subsection 1,
 38 unnumbered paragraph 2, is amended to read as follows:

39 For programs administered by the department of
 40 economic development:

41 FY 2003-2004	\$ 45,000,000
42 FY 2004-2005	\$ 41,000,000
43	<u>0</u>
44 FY 2005-2006.....	\$ 44,000,000
45 FY 2006-2007.....	\$ 48,000,000""

Roll call was requested by Fallon of Polk and Dix of Butler.

On the question "Shall amendment H-8433, to the committee
 amendment H-8365A be adopted?" (S.F. 2298)

The ayes were, 10:

Eichhorn	Fallon	Greimann	Hogg
Hunter	Kuhn	McCarthy	Raecker
Rayhons	Whitaker		

The nays were, 88:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boguess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen

Quirk	Rasmussen	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

Absent or not voting, 2:

Huser Kramer

Amendment H-8433 lost.

Dix of Butler offered the following amendment H-8386, to the committee amendment H-8365A, filed by him and moved its adoption:

H-8386

1 Amend the amendment, H-8365, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 11 through 44 and
5 inserting the following:
6 "____. Page 49, by inserting after line 18 the
7 following:
8 "Sec.____. STATEWIDE TEACHER INTERN PROGRAM
9 FEASIBILITY STUDY – FEDERAL GRANT APPLICATION
10 COORDINATION.
11 1. The department of education shall work
12 cooperatively with the state board of regents and
13 other accredited postsecondary institutions with
14 approved practitioner preparation programs to assess
15 the feasibility of the offering of a teacher intern
16 program that will be available statewide and which
17 will meet the standards as provided in 281 IAC 77.
18 The department shall, at minimum, collaborate with the
19 state board of regents and the colleges of education
20 at board's institutions of higher learning, and with
21 other accredited postsecondary institutions with
22 approved practitioner preparation programs. The study
23 shall include the projected enrollment, cost, delivery
24 of the program via technology, and possible time lines
25 for implementation of a statewide teacher intern
26 program. The study shall, at minimum, consider the
27 establishment of a program operated through a regents
28 institution under a cooperative arrangement with other
29 postsecondary institutions, including institutions
30 that do not have approved practitioner preparation
31 programs, or with one or more area education agencies.

32 The department shall submit a report summarizing the
33 results of the study and making recommendations to the
34 chairpersons and ranking members of the house and
35 senate committees on education and the chairpersons
36 and rankings members of the joint appropriations
37 subcommittee on education by January 15, 2005.

38 2. The department shall work cooperatively with
39 the state board of regents and other appropriate
40 eligible grantees to obtain any available federal
41 funding, including grants that may be available for
42 the establishment and operation of a teacher intern
43 program."

44 2. Page 2, by inserting after line 31, the
45 following:

46 "____. Page 182, line 27, by inserting after the
47 word "data" the following: "regarding the salaries
48 and benefits of administrators and"."

49 3. Page 4, by striking lines 28 through 46 and
50 inserting the following: "paragraph "a". If the

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1 director determines that the amount of claims for
2 credit for property taxes due plus the amount of
3 claims for reimbursement for rent constituting
4 property tax paid which are to be paid during the
5 fiscal year beginning July 1, 2004, will exceed the
6 amount appropriated, the director shall estimate the
7 percentage of the credits and reimbursements which
8 will be funded by the appropriation and use the
9 estimated percentage in computing for each claim the
10 allowable amount of property tax credit and
11 reimbursement for rent constituting property tax paid.
12 If the amount of claims for credit for property taxes
13 due to be paid during the fiscal year exceeds the
14 amount remaining after payment to renters, the
15 director shall prorate the payments to the counties
16 for the property tax credit. In order for the
17 director to carry out the requirements of this
18 section, notwithstanding any provision to the contrary
19 in this chapter, claims for reimbursement for rent
20 constituting property taxes paid filed before May 1,
21 2005, shall be eligible to be paid during the fiscal
22 year ending June 30, 2005, and those claims filed on
23 or after May 1, 2005, shall be eligible to be paid
24 during the fiscal year beginning July 1, 2005, and the
25 director is not required to make payments to counties
26 for the property tax credit before June 15, 2005."

27 4. Page 7, line 39, by inserting before the word
28 "instructional" the following: "increased".

Amendment H-8386 was adopted.

Hutter of Scott offered the following amendment H-8408, to the committee amendment H-8365A, filed by him and moved its adoption:

H-8408

1 Amend the amendment, H-8365, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate as
3 follows:
4 1. Page 1, by inserting after line 47 the
5 following:
6 "____. Page 163, line 26, by striking the figure
7 "16,663,446" and inserting the following:
8 "16,413,446".
9 _____. Page 163, line 27, by striking the figure
10 "202.00" and inserting the following: "200.00".
11 _____. Page 163, by inserting after line 27 the
12 following:
13 "As a condition of the appropriation made in this
14 section, 2.00 FTEs shall be eliminated from the local
15 public defender's office in Muscatine."

A non-record roll call was requested.

The ayes were 15, nays 59.

Amendment H-8408 lost.

Klemme of Plymouth offered amendment H-8452, to the committee amendment H-8365, filed by him as follows:

H-8452

1 Amend the committee amendment, H-8365, to Senate
2 File 2298, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. By striking page 1, line 3 through page 8,
5 line 7 and inserting the following:
6 "____. By striking everything after the enacting
7 clause and inserting the following:
8 "DIVISION I
9 RESERVE FUNDS – USE OF REVERSIONS
10 Section 1. Section 8.55, subsection 4, Code
11 Supplement 2003, is amended by striking the
12 subsection.
13 Sec. 2. Section 8.56, subsection 1, Code
14 Supplement 2003, is amended to read as follows:
15 1. A cash reserve fund is created in the state
16 treasury. The cash reserve fund shall be separate
17 from the general fund of the state and shall not be

18 considered part of the general fund of the state
19 except in determining the cash position of the state
20 as provided in subsection 3. The moneys in the cash
21 reserve fund are not subject to section 8.33 and shall
22 not be transferred, used, obligated, appropriated, or
23 otherwise encumbered except as provided in this
24 section. ~~Notwithstanding section 12C.7, subsection 2,~~
25 ~~interest or earnings on moneys deposited in the cash~~
26 ~~reserve fund shall be credited to the rebuild Iowa~~
27 ~~infrastructure fund created in section 8.57.~~ Moneys
28 in the cash reserve fund may be used for cash flow
29 purposes during a fiscal year provided that any moneys
30 so allocated are returned to the cash reserve fund by
31 the end of that fiscal year.

32 Sec. 3. Section 8.57, subsection 1, paragraph a,
33 unnumbered paragraph 1, Code Supplement 2001, as
34 amended by 2002 Iowa Acts, Second Extraordinary
35 Session, chapter 1001, section 28, and by 2003 Iowa
36 Acts, chapter 179, section 31, is amended to read as
37 follows:

38 The "cash reserve goal percentage" for fiscal years
39 beginning on or after July 1, ~~2004~~ 2005, is seven and
40 one-half percent of the adjusted revenue estimate.
41 For each fiscal year in which the appropriation of the
42 surplus existing in the general fund of the state at
43 the conclusion of the prior fiscal year pursuant to
44 paragraph "b" was not sufficient for the cash reserve
45 fund to reach the cash reserve goal percentage for the
46 current fiscal year, there is appropriated from the
47 general fund of the state an amount to be determined
48 as follows:

49 Sec. 4. 2002 Iowa Acts, Second Extraordinary
50 Session, chapter 1001, section 33, as amended by 2003

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1 Iowa Acts, chapter 179, section 40, is amended to read
2 as follows:

3 SEC. 33. EFFECTIVE DATE – APPLICABILITY. The
4 amendments to the following designated Code provisions
5 in this division of this Act take effect July 1, ~~2004~~
6 2005:

7 1. Section 8.55, subsection 2, paragraph "a".

8 2. Section 8.56, subsection 4, paragraph "b".

9 3. Section 8.57, subsection 1, paragraph "a".

10 Sec. 5. USE OF REVERSIONS. Notwithstanding
11 section 8.62, if on June 30, 2005, a balance of an
12 operational appropriation, as defined in section 8.62,
13 except for the balances of charter agencies, as
14 defined in section 7J.1, remains unexpended or
15 unencumbered, the balance shall revert to the general
16 fund of the state as provided in section 8.33.

DIVISION II

TAX ON RESIDENTIAL UTILITIES – PHASEOUT

Sec. 6. Section 423.3, as enacted by 2003 Iowa Acts, First Extraordinary Session, chapter 2, section 96, is amended by adding the following new subsection:
NEW SUBSECTION. 84. a. Subject to paragraph "b", the sales price from the sale or furnishing of metered gas, electricity, and fuel, including propane and heating oil, to residential customers which is used to provide energy for residential dwellings and units of apartment and condominium complexes used for human occupancy.

b. The exemption in this subsection shall be phased in by means of a reduction in the tax rate as follows:

(1) If the date of the utility billing or meter reading cycle of the residential customer for the sale or furnishing of metered gas and electricity is on or after January 1, 2004, through December 31, 2004, or if the sale or furnishing of fuel for purposes of residential energy and the delivery of the fuel occurs on or after January 1, 2004, through December 31, 2004, the rate of tax is two percent of the sales price.

(2) If the date of the utility billing or meter reading cycle of the residential customer for the sale or furnishing of metered gas and electricity is on or after January 1, 2005, through December 31, 2005, or if the sale or furnishing of fuel for purposes of residential energy and the delivery of the fuel occurs on or after January 1, 2005, through December 31, 2005, the rate of tax is one percent of the sales price.

(3) If the date of the utility billing or meter

Page 3

reading cycle of the residential customer for the sale or furnishing of metered gas and electricity is on or after January 1, 2006, or if the sale, furnishing, or service of fuel for purposes of residential energy and the delivery of the fuel occurs on or after January 1, 2006, the rate of tax is zero percent of the sales price.

c. The exemption in this subsection does not apply to local option sales and services tax imposed pursuant to chapters 423B and 423E.

DIVISION III

COMBINED CORPORATE RETURNS

Sec. 7. Section 422.37, Code 2003, is amended by striking the section and inserting in lieu thereof the following:

16 422.37 COMBINED RETURNS.

17 An affiliated group of corporations shall, under
18 rules prescribed by the director, file a combined
19 return showing the net income of all corporations
20 engaged in a unitary business, subject to the
21 following:

22 1. The affiliated group filing under this section
23 shall meet the requirements to file a consolidated
24 return for federal income tax purposes under the
25 Internal Revenue Code for the same taxable year.

26 2. All members of the affiliated group shall join
27 in the filing of an Iowa combined return to the extent
28 they are engaged in a unitary business.

29 3. Members of the affiliated group exempt from
30 taxation by section 422.34 shall not be included in a
31 combined return.

32 4. All members of the affiliated group shall use
33 the statutory method of allocation and apportionment
34 unless the director has granted permission to all
35 members to use an alternative method of allocation and
36 apportionment.

37 5. The computation of federal taxable income
38 before the net operating loss deduction on a combined
39 return for members of an affiliated group shall be
40 made in the same manner and under the same procedures,
41 including all intercompany adjustments and
42 eliminations, as are required for consolidating the
43 incomes of affiliated corporations for the taxable
44 year for federal income tax purposes in accordance
45 with the Internal Revenue Code.

46 6. The combined income approach reflects the
47 federal taxable income of the unitary members of the
48 Iowa affiliated group as a single economic unit, with
49 the application of the adjustments in section 422.35,
50 and the affiliated group shall only file one income

Page 4

1 tax return. Any nonunitary members of the federal
2 affiliated group subject to tax imposed by section
3 422.33 must each file its own separate corporate
4 income tax return. The net income of an affiliated
5 group is determined by applying the apportionment
6 formula against the combined income of the affiliated
7 group.

8 7. Only the sales of those corporations in the
9 affiliated group subject to the tax imposed by section
10 422.33 are included in the numerator of the
11 apportionment formula.

12 8. Only those corporations in the affiliated group
13 subject to the tax imposed by section 422.33 are
14 jointly and severally liable for the Iowa tax of the

15 combined group.

16 Sec. 8. INCREASED REVENUES APPROPRIATED. There is
 17 appropriated from the general fund of the state from
 18 the additional revenues generated by the amendment to
 19 section 422.37 in this division of this Act to the
 20 department of revenue for the fiscal year beginning
 21 July 1, 2004, and ending June 30, 2005, the following
 22 amounts, or so much thereof as is necessary, to be
 23 used for the purposes designated:

24 a. For the additional funding necessary to fully
 25 fund the homestead property tax credit pursuant to
 26 section 425.1 over the amount appropriated for the
 27 fiscal year beginning July 1, 2003:
 28 \$ 17,454,621

29 b. For the additional funding necessary to fully
 30 fund the elderly and disabled property tax credit
 31 pursuant to section 425.39 over the amount
 32 appropriated for the fiscal year beginning July 1,
 33 2003:
 34 \$ 3,304,495

35 Sec. 9. RETROACTIVE APPLICABILITY PROVISION.

36 Except for the appropriations made to the department
 37 of revenue in this division, this division of this Act
 38 is retroactively applicable to January 1, 2004, for
 39 tax years beginning on or after that date.

40 DIVISION IV

41 CIGARETTE AND TOBACCO TAX RATES

42 Sec. 10. Section 453A.6, subsection 1, Code 2003,
 43 is amended to read as follows:

44 1. There is imposed, and shall be collected and
 45 paid to the department, ~~the following taxes~~ a tax on
 46 all cigarettes used or otherwise disposed of in this
 47 state for any purpose whatsoever:

48 ~~CLASS A. On cigarettes weighing not more than~~
 49 ~~three pounds per thousand, eighteen mills on each such~~
 50 ~~cigarette.~~

Page 5

1 ~~CLASS B. On cigarettes weighing more than three~~
 2 ~~pounds per thousand, eighteen mills on each such~~ equal
 3 to four and eight-tenths cents on each cigarette.

4 Sec. 11. Section 453A.6, Code 2003, is amended by
 5 adding the following new subsection:

6 NEW SUBSECTION. 6. Cigarettes shall be sold in
 7 packages of twenty or more.

8 Sec. 12. Section 453A.8, subsection 1, Code 2003,
 9 is amended to read as follows:

10 1. Stamps shall be sold by and purchased from the
 11 department. The department shall sell stamps to the
 12 holder of a state distributor's or manufacturer's
 13 permit which has not been revoked and to no other

14 person. Stamps shall be sold to the permit holders at
15 a discount of ~~two one~~ percent of the face value.
16 Stamps shall be sold in unbroken rolls of thirty
17 thousand stamps or unbroken lots of any other form
18 authorized by the director.

19 Sec. 13. Section 453A.40, subsection 1, Code
20 Supplement 2003, is amended to read as follows:

21 1. All persons required to obtain a permit or to
22 be licensed under section 453A.13 as distributors or
23 453A.44 having in their possession and held for resale
24 on the effective date of an increase in the tax rate
25 cigarettes, ~~or~~ little cigars, or tobacco products upon
26 which the tax under section 453A.6 or 453A.43 has been
27 paid, unused cigarette tax stamps which have been paid
28 for under section 453A.8, ~~or~~ unused metered imprints
29 which have been paid for under section 453A.12, or
30 tobacco products under section 453A.46 shall be
31 subject to an inventory tax on the items as provided
32 in this section.

33 Sec. 14. Section 453A.43, subsections 1, 2, and 3,
34 Code 2003, are amended to read as follows:

35 1. A tax is imposed upon all tobacco products in
36 this state and upon any person engaged in business as
37 a distributor of tobacco products, at the rate of
38 ~~twenty two~~ thirty percent of the wholesale sales price
39 of the tobacco products, except little cigars as
40 defined in section 453A.42. Little cigars shall be
41 subject to the same rate of tax imposed upon
42 cigarettes in section 453A.6, payable at the time and
43 in the manner provided in section 453A.6; and stamps
44 shall be affixed as provided in division I of this
45 chapter. The tax on tobacco products, excluding
46 little cigars, shall be imposed at the time the
47 distributor does any of the following:
48 a. Brings, or causes to be brought, into this
49 state from without the state tobacco products for
50 sale.

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1 b. Makes, manufactures, or fabricates tobacco
2 products in this state for sale in this state.

3 c. Ships or transports tobacco products to
4 retailers in this state, to be sold by those
5 retailers.

6 2. A tax is imposed upon the use or storage by
7 consumers of tobacco products in this state, and upon
8 the consumers, at the rate of ~~twenty two~~ thirty
9 percent of the cost of the tobacco products.

10 The tax imposed by this subsection shall not apply
11 if the tax imposed by subsection 1 on the tobacco
12 products has been paid.

13 This tax shall not apply to the use or storage of
 14 tobacco products in quantities of:
 15 a. Less than 25 cigars.
 16 b. Less than 10 oz. snuff or snuff powder.
 17 c. Less than 1 lb. smoking or chewing tobacco or
 18 other tobacco products not specifically mentioned
 19 herein, in the possession of any one consumer.
 20 3. Any tobacco product with respect to which a tax
 21 has once been imposed under this division shall not
 22 again be subject to tax under ~~said this division,~~
 23 except as provided in section 453A.40.
 24 Sec. 15. INCREASED REVENUES APPROPRIATED. There
 25 is appropriated from the general fund of the state
 26 from the additional revenues generated by the increase
 27 in the cigarette and tobacco products tax rates in
 28 this division of this Act to the designated
 29 departments and agencies for the fiscal year beginning
 30 July 1, 2004, and ending June 30, 2005, the following
 31 amounts, or so much thereof as is necessary, for the
 32 purposes designated:
 33 1. DEPARTMENT OF PUBLIC HEALTH
 34 a. Addictive disorders
 35 For reducing the prevalence of use of tobacco,
 36 alcohol, and other drugs, and treating individuals
 37 affected by addictive behaviors, including gambling:
 38 \$ 1,000,000
 39 b. Child and adolescent wellness
 40 For promoting an optimum health status for children
 41 and adolescents from birth through 21 years of age:
 42 \$ 1,000,000
 43 2. DEPARTMENT OF HUMAN SERVICES
 44 a. To be credited to the family investment program
 45 account and used for family investment program
 46 assistance under chapter 239B:
 47 \$ 2,521,320
 48 b. Medical assistance
 49 For medical assistance reimbursement and associated
 50 costs as specifically provided in the reimbursement

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1 methodologies in effect on June 30, 2004, except as
 2 otherwise expressly authorized by law, including
 3 reimbursement for abortion services, which shall be
 4 available under the medical assistance program only
 5 for those abortions which are medically necessary:
 6 \$ 57,613,927
 7 c. For medical contracts:
 8 \$ 1,800,000
 9 d. Children's health insurance program
 10 For maintenance of the healthy and well kids in
 11 Iowa program pursuant to chapter 514I for receipt of

12 federal financial participation under Title XXI of the
13 federal Social Security Act, which creates the state
14 children's health insurance program:
15 \$ 1,500,000
16 e. For child and family services:
17 \$ 10,000,000
18 f. For the state resource center at Glenwood for
19 salaries, support, maintenance, and miscellaneous
20 purposes:
21 \$ 3,157,994
22 g. For implementation of mental health,
23 developmental disabilities, and brain injury service
24 system redesign efforts:
25 \$ 5,000,000
26 h. For costs associated with the commitment and
27 treatment of sexually violent predators in the unit
28 located at the state mental health institute at
29 Cherokee, including costs of legal services and other
30 associated costs, including salaries, support,
31 maintenance, and miscellaneous purposes:
32 \$ 729,533
33 i. For distribution to counties of the county
34 mental health, mental retardation, and developmental
35 disabilities allowed growth factor adjustment, as
36 provided in 2003 Iowa Acts, chapter 179, section 2,
37 subsection 1, unnumbered paragraph 2:
38 \$ 4,665,111
39 3. COMMISSION OF VETERANS AFFAIRS
40 Iowa veterans home
41 For salaries, support, maintenance, and
42 miscellaneous purposes:
43 \$ 1,000,000
44 Sec. 16. EFFECTIVE DATE. Except for the
45 appropriations made to the department of public
46 health, department of human services, and commission
47 of veterans affairs in this division, this division of
48 this Act takes effect May 1, 2004.
49 DIVISION V
50 SERVICES SUBJECT TO TAX

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1 Sec. 17. Section 423.2, subsection 6, as enacted
2 by 2003 Iowa Acts, First Extraordinary Session,
3 chapter 2, section 95, is amended to read as follows:
4 6. The sales price of any of the following
5 enumerated services is subject to the tax imposed by
6 subsection 5: alteration and garment repair; armored
7 car; vehicle repair; battery, tire, and allied;
8 investment counseling; service charges of all
9 financial institutions; barber and beauty; boat
10 repair; vehicle wash and wax; campgrounds; carpentry;

11 roof, shingle, and glass repair; dance schools and
12 dance studios; dating services; dry cleaning,
13 pressing, dyeing, and laundering; electrical and
14 electronic repair and installation; excavating and
15 grading; farm implement repair of all kinds; flying
16 service; furniture, rug, carpet, and upholstery repair
17 and cleaning; fur storage and repair; golf and country
18 clubs and all commercial recreation; gun and camera
19 repair; house and building moving; household
20 appliance, television, and radio repair; janitorial
21 and building maintenance or cleaning; jewelry and
22 watch repair; lawn care, landscaping, and tree
23 trimming and removal; limousine service, including
24 driver; machine operator; machine repair of all kinds;
25 motor repair; motorcycle, scooter, and bicycle repair;
26 oilers and lubricators; office and business machine
27 repair; painting, papering, and interior decorating;
28 parking facilities; pay television; pet grooming; pipe
29 fitting and plumbing; wood preparation; executive
30 search agencies; private employment agencies,
31 excluding services for placing a person in employment
32 where the principal place of employment of that person
33 is to be located outside of the state; reflexology;
34 security and detective services; sewage services for
35 nonresidential commercial operations; sewing and
36 stitching; shoe repair and shoeshine; sign
37 construction and installation; storage of household
38 goods, mini-storage, and warehousing of raw
39 agricultural products; swimming pool cleaning and
40 maintenance; tanning beds or salons; taxidermy
41 services; telephone answering service; test
42 laboratories, including mobile testing laboratories
43 and field testing by testing laboratories, and
44 excluding tests on humans or animals; termite, bug,
45 roach, and pest eradicators; tin and sheet metal
46 repair; Turkish baths, massage, and reducing salons,
47 excluding services provided by massage therapists
48 licensed under chapter 152C; water conditioning and
49 softening; weighing; welding; well drilling; wrapping,
50 packing, and packaging of merchandise other than

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1 processed meat, fish, fowl, and vegetables; wrecking
2 service; wrecker and towing; engineering; accounting,
3 auditing, billing, bookkeeping, payroll, and tax
4 return preparation; public relations services except
5 the service of lobbying; computer services;
6 consulting; management services; architectural;
7 services allied to motion picture; information
8 retrieval; adjustments, collections, and credit
9 reporting; and surveying.

10 For the purposes of this subsection, the sales
11 price of a lease or rental includes rents, royalties,
12 and copyright and license fees. For the purposes of
13 this subsection, "financial institutions" means all
14 national banks, federally chartered savings and loan
15 associations, federally chartered savings banks,
16 federally chartered credit unions, banks organized
17 under chapter 524, savings and loan associations and
18 savings banks organized under chapter 534, and credit
19 unions organized under chapter 533.

20 Sec. 18. Section 423.2, as enacted by 2003 Iowa
21 Acts, First Extraordinary Session, chapter 2, section
22 95, is amended by adding the following new
23 subsections:

24 NEW SUBSECTION. 9A. Notwithstanding the five
25 percent tax rate imposed in this section, for the
26 period beginning January 1, 2006, and ending December
27 31, 2007, the tax rate imposed under this section is
28 four and three-fourths percent.

29 NEW SUBSECTION. 9B. Notwithstanding the five
30 percent tax rate imposed in this section, beginning
31 January 1, 2008, the tax rate imposed under this
32 section is four and one-fourth percent.

33 Sec. 19. Section 423.5, as enacted by 2003 Iowa
34 Acts, First Extraordinary Session, chapter 2, section
35 98, is amended by adding the following new
36 subsections:

37 NEW SUBSECTION. 8. Notwithstanding the five
38 percent tax rate imposed in this section, for the
39 period beginning January 1, 2006, and ending December
40 31, 2007, the tax rate imposed under this section is
41 four and three-fourths percent.

42 NEW SUBSECTION. 9. Notwithstanding the five
43 percent tax rate imposed in this section, beginning
44 January 1, 2008, the tax rate imposed under this
45 section is four and one-fourth percent.

46 Sec. 20. INCREASED REVENUE APPROPRIATIONS. There
47 is appropriated from the general fund of the state
48 from the additional revenues generated by the addition
49 of services taxable under the sales and use taxes in
50 this division of this Act to the designated

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1 departments and agencies for the fiscal year beginning
2 July 1, 2004, and ending June 30, 2005, the following
3 amounts, or so much thereof as is necessary, for the
4 purposes designated:

5 1. COLLEGE STUDENT AID COMMISSION:

6 a. National guard educational assistance program
7 For purposes of providing national guard
8 educational assistance under the program established

9	in section 261.86:	
10	.....	\$ 1,756,401
11	b. In addition to the funds appropriated in	
12	section 261.25, subsection 1, for tuition grants:	
13	.....	\$ 1,900,000
14	c. In addition to the funds appropriated in	
15	section 261.25, subsection 3, for vocational-technical	
16	grants:	
17	.....	\$ 216,849
18	2. DEPARTMENT OF EDUCATION	
19	a. Public broadcasting division	
20	For salaries, support, maintenance, capital	
21	expenditures, and miscellaneous purposes:	
22	.....	\$ 300,000
23	b. Student achievement and teacher quality program	
24	For purposes, as provided in law, of the student	
25	achievement and teacher quality program established	
26	pursuant to chapter 284:	
27	.....	\$ 4,250,000
28	c. Jobs for America's graduates	
29	For school districts to provide direct services to	
30	the most at-risk senior high school students enrolled	
31	in school districts through direct intervention by a	
32	jobs for America's graduates specialist:	
33	.....	\$ 400,000
34	d. Early childhood programs	
35	For purposes of early childhood programs,	
36	including, but not limited to, the early childhood	
37	programs grants and the school ready children grant	
38	program established pursuant to chapter 28, and the	
39	shared vision program administered by the child	
40	development coordinating council in accordance with	
41	chapter 256A:	
42	.....	\$ 1,500,000
43	e. Professional development	
44	For professional development of teachers and	
45	improvement of student achievement:	
46	.....	\$ 10,000,000
47	f. Community colleges	
48	For general state financial aid to merged areas as	
49	defined in section 260C.2, for vocational education	
50	programs in accordance with chapters 258 and 260C:	

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1	\$ 3,100,000
2	g. For the amount necessary to fund the increase	
3	in state foundation aid in section 257.16 for the	
4	fiscal year beginning July 1, 2004, and ending June	
5	30, 2005:	
6	.....	\$116,398,176
7	3. STATE BOARD OF REGENTS	

8 a. State university of Iowa
 9 For salaries, support, maintenance, equipment, and
 10 miscellaneous purposes:
 11 \$ 13,647,725
 12 b. Iowa state university of science and technology
 13 For salaries, support, maintenance, equipment, and
 14 miscellaneous purposes:
 15 \$ 10,746,906
 16 c. University of northern Iowa
 17 For salaries, support, maintenance, equipment, and
 18 miscellaneous purposes:
 19 \$ 4,827,986
 20 d. State school for the deaf
 21 For salaries, support, maintenance, equipment, and
 22 miscellaneous purposes:
 23 \$ 498,475
 24 e. Iowa braille and sight saving school
 25 For salaries, support, maintenance, equipment, and
 26 miscellaneous purposes:
 27 \$ 278,908

28 DIVISION VI

29 FAMILY FARM AND AGRICULTURAL TAX CREDITS

30 Sec. 21. Section 331.401, subsection 1, paragraph
 31 g, Code 2003, is amended by striking the paragraph.

32 Sec. 22. Section 331.512, subsection 3, Code 2003,
 33 is amended to read as follows:

34 3. Carry out duties relating to the homestead tax
 35 credit ~~and agricultural land tax credit~~ as provided in
 36 ~~chapters chapter 425 and 426.~~

37 Sec. 23. Section 331.559, subsection 13, Code
 38 Supplement 2003, is amended by striking the
 39 subsection.

40 Sec. 24. Section 425A.1, Code 2003, is amended to
 41 read as follows:

42 425A.1 FAMILY FARM TAX CREDIT FUND.

43 The family farm tax credit fund is created in the
 44 office of the treasurer of state. ~~There shall be~~
 45 ~~transferred annually to the fund the first ten million~~
 46 ~~dollars of the amount annually appropriated to the~~
 47 ~~agricultural land credit fund, provided in section~~
 48 ~~426.1. There is appropriated annually to the family~~
 49 ~~farm tax credit fund from the general fund of the~~
 50 ~~state the sum of twenty million dollars.~~ Any balance

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1 in the fund on June 30 shall revert to the general
 2 fund.

3 Sec. 25. Section 441.73, subsection 4, Code
 4 Supplement 2003, is amended to read as follows:

5 4. The executive council shall transfer for the
 6 fiscal year beginning July 1, ~~1992~~ 2004, and each

fiscal year thereafter, from funds established in sections 425.1 and ~~426.1~~ 425A.1, an amount necessary to pay litigation expenses. The amount of the fund for each fiscal year shall not exceed seven hundred thousand dollars. The executive council shall determine annually the proportionate amounts to be transferred from the two separate funds. At any time when no litigation is pending or in progress the balance in the litigation expense fund shall not exceed one hundred thousand dollars. Any excess moneys shall be transferred in a proportionate amount back to the funds from which they were originally transferred.

Sec. 26. Sections 426.1 through 426.3, Code 2003, are repealed.

Sec. 27. Sections 426.6 through 426.10, Code Supplement 2003, are repealed.

DIVISION VII

GAMBLING GAMES TAXATION

Sec. 28. Section 99F.11, Code Supplement 2003, is amended to read as follows:

99F.11 WAGERING TAX – RATE – ALLOCATIONS.

1. A tax is imposed on the adjusted gross receipts received annually from gambling games authorized under this chapter at the rate of five percent on the first one million dollars of adjusted gross receipts, at the rate of ten percent on the next two million dollars of adjusted gross receipts, and at the rate of twenty percent on any amount of adjusted gross receipts over three million dollars. However, beginning January 1, 1997, the rate on any amount of adjusted gross receipts over three million dollars from gambling games at racetrack enclosures is twenty two percent and shall increase by two percent each succeeding calendar year until the rate is thirty six percent. at the following rates:

a. Fifteen percent of the first ten million of adjusted gross receipts.

b. Twenty-five percent of the next sixty-five million of adjusted gross receipts.

c. Twenty-three percent of the remaining adjusted gross receipts.

2. The taxes imposed by this section shall be paid by the licensee to the treasurer of state within ten

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days after the close of the day when the wagers were made and shall be distributed as follows:

~~1.~~ a. If the gambling excursion originated at a dock located in a city, one-half of one percent of the adjusted gross receipts shall be remitted to the

6 treasurer of the city in which the dock is located and
7 shall be deposited in the general fund of the city.
8 Another one-half of one percent of the adjusted gross
9 receipts shall be remitted to the treasurer of the
10 county in which the dock is located and shall be
11 deposited in the general fund of the county.

12 ~~2.~~ b. If the gambling excursion originated at a
13 dock located in a part of the county outside a city,
14 one-half of one percent of the adjusted gross receipts
15 shall be remitted to the treasurer of the county in
16 which the dock is located and shall be deposited in
17 the general fund of the county. Another one-half of
18 one percent of the adjusted gross receipts shall be
19 remitted to the treasurer of the Iowa city nearest to
20 where the dock is located and shall be deposited in
21 the general fund of the city.

22 ~~3.~~ c. Three-tenths of one percent of the adjusted
23 gross receipts shall be deposited in the gambling
24 treatment fund specified in section 99G.39, subsection
25 1, paragraph "a".

26 ~~4.~~ d. The remaining amount of the adjusted gross
27 receipts tax shall be credited to the general fund of
28 the state.

29 Sec. 29. RETROACTIVE APPLICABILITY. The
30 provisions of this division of this Act amending
31 section 99F.11, being deemed of immediate importance,
32 take effect upon enactment and are retroactively
33 applicable to July 1, 2003, and are applicable on and
34 after that date.

35 DIVISION VIII

36 GROW IOWA VALUES FUND

37 Sec. 30. 2003 Iowa Acts, First Extraordinary
38 Session, chapter 2, section 75, is amended to read as
39 follows:

40 ~~SEC. 75. STREAMLINED SALES AND USE TAX REVENUE~~
41 GROW IOWA VALUES FUND – APPROPRIATION.

42 1. There is appropriated from the general fund of
43 the state ~~from moneys credited to the general fund of~~
44 ~~the state as a result of entering into the streamlined~~
45 ~~sales and use tax agreement,~~ for the fiscal period
46 beginning July 1, ~~2003~~ 2004, and ending June 30, 2010,
47 the following amounts to be used for the purpose
48 designated:

49 For deposit in the grow Iowa values fund created in
50 section 15G.107, if enacted by 2003 Iowa Acts, House

1	File 692 or another Act:	
2	FY 2003-2004	\$ 5,000,000
3	FY 2004-2005	\$ 23,000,000
4	FY 2005-2006	\$ 75,000,000

5	FY 2006-2007	\$ 75,000,000
6	FY 2007-2008	\$ 75,000,000
7	FY 2008-2009	\$ 75,000,000
8	FY 2009-2010	\$ 75,000,000

9 2. For purposes of this section, "moneys credited
10 to the general fund of the state as a result of
11 entering into the streamlined sales and use tax
12 agreement" means the amount of sales and use tax
13 receipts credited to the general fund of the state
14 during a fiscal year that exceeds by two percent or
15 more the total sales and use tax receipts credited to
16 the general fund of the state during the previous
17 fiscal year.

18 a. If the moneys credited to the general fund of
19 the state as a result of entering into the streamlined
20 sales and use tax agreement during a fiscal year total
21 less than the amount appropriated in this section, the
22 appropriation in this section shall be reduced to
23 equal the total amount of the moneys so credited.

24 b. If the appropriation for a fiscal year is
25 reduced pursuant to paragraph "a", all appropriations
26 made from the grow Iowa values fund for the same
27 fiscal year shall be reduced proportionately to the
28 amount reduced due to paragraph "a".

29 3. Notwithstanding section 8.33, moneys that
30 remain unexpended at the end of a fiscal year shall
31 not revert to any fund but shall remain available for
32 expenditure for the designated purposes during the
33 succeeding fiscal year.

34 DIVISION IX

35 MILITARY PAY DIFFERENTIAL

36 Sec. 31. 2003 Iowa Acts, chapter 179, section 21,
37 unnumbered paragraph 5, is amended to read as follows:
38 Notwithstanding section 8.33, unencumbered or
39 unobligated funds remaining on June 30, 2003, from the
40 appropriation made in this section shall not revert
41 but shall remain available to be used for the purposes
42 designated in the following fiscal year until the end
43 of the fiscal year beginning July 1, 2004.

44 Sec. 32. EFFECTIVE DATE. This division of this
45 Act, being deemed of immediate importance, takes
46 effect upon enactment.

47 DIVISION X

48 STATE PERCENT OF GROWTH

49 Sec. 33. Section 257.8, subsection 1, Code
50 Supplement 2003, is amended to read as follows:

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1 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
2 ~~growth for the budget year beginning July 1, 2003, is~~
3 ~~two percent.~~ The state percent of growth for the

budget year beginning July 1, 2004, is two percent. The state percent of growth for the budget year beginning July 1, 2005, is four percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

Sec. 34. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM. Notwithstanding section 257.8, subsection 1, it is the intent of the general assembly that the appropriation for the student achievement and teacher quality program established in section 284.1 for the fiscal year beginning July 1, 2005, shall be increased by at least forty-four million dollars over the amount appropriated for the program for the fiscal year beginning July 1, 2004.

Sec. 35. APPLICABILITY. The section of this division of this Act amending section 257.8 is applicable for computing state aid under the state school foundation program for the school budget year beginning July 1, 2005.

DIVISION XI

EARLY SEPARATION PROGRAM

Sec. 36. 2004 SICK LEAVE AND VACATION INCENTIVE PROGRAM.

1. As used in this section, unless the context provides otherwise:

a. "Credited service" means service under the Iowa public employees' retirement system, as service is defined in section 97B.1A, and membership service under the public safety peace officers' retirement, accident, and disability system, as defined in section 97A.1.

b. "Eligible employee" means an employee for whom, but for participation in the program, the sum of the number of years of credited service and the employee's age in years as of December 31, 2004, equals or exceeds seventy-five.

c. "Employee" means an employee of the executive branch of this state who is not covered by a collective bargaining agreement or who is represented by the largest statewide public employees' organization representing state employees, including

an employee of a judicial district department of correctional services if the district elects to

3 participate in the program, an employee of the state
4 board of regents if the board elects to participate in
5 the program, and an employee of the department of
6 justice. However, "employee" does not mean an elected
7 official.

8 d. "Participant" means a person who timely submits
9 an election to participate, and does participate, in
10 the sick leave and vacation incentive program
11 established under this section.

12 e. "Program" means the sick leave and vacation
13 incentive program established under this section.

14 f. "Regular annual salary" means an amount equal
15 to the eligible employee's regular biweekly rate of
16 pay as of the date of separation from employment
17 multiplied by twenty-six.

18 g. "Sick leave and vacation incentive benefit"
19 means an amount equal to the entire value of an
20 eligible employee's accumulated but unused vacation
21 plus the lesser of seventy-five percent of the value
22 of the eligible employee's accumulated and unused sick
23 leave or seventy-five percent of the employee's
24 regular annual salary.

25 2. To become a participant in the program, an
26 eligible employee shall do all of the following:

27 a. Submit by May 1, 2004, a written application,
28 on forms prescribed by the department of
29 administrative services, seeking participation in the
30 program.

31 b. Agree to waive any and all rights to receive
32 payments of sick leave balances under section 70A.23
33 and accrued vacation balances in a form other than as
34 provided in this section.

35 c. Agree to waive all rights to file suit against
36 the state of Iowa, including all of its departments,
37 agencies, and other subdivisions, based on state or
38 federal claims arising out of the employment
39 relationship.

40 d. Acknowledge, in writing, that participation in
41 the program waives any right to accept permanent part-
42 time or permanent full-time employment with the state
43 other than as an elected official on or after July 2,
44 2004.

45 e. Agree to separate from employment with the
46 state by July 2, 2004.

47 3. a. Upon acceptance to participate in the
48 program and separation from employment with the state
49 by July 2, 2004, a participant shall receive a sick
50 leave and vacation incentive benefit. The state shall

vacation incentive benefit each fiscal year for a period of five years commencing with the fiscal year ending June 30, 2005.

b. A participant in the program shall be eligible to continue participation in the group plan or under the group contract at the participant's own expense in the same manner as a retired employee pursuant to section 509A.13. In addition, a participant shall be deemed an eligible retired state employee for purposes of eligibility for continuation of group insurance covering spouses as provided in section 509A.13A.

4. a. The department of administrative services shall administer the program, including the determination of eligibility for participation in the program, and shall adopt administrative rules to administer the program. The department may adopt rules on an emergency basis under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules.

b. Records of the Iowa public employees' retirement system may be released for the purposes of administering and monitoring the program subject to the requirements of section 97B.17, subsection 5.

c. The department of administrative services, in collaboration with the department of management, shall present an interim report to the general assembly, including copies to the legislative services agency and the fiscal committee of the legislative council, by October 1, 2004, concerning the operation of the program. The department shall also submit an annual update concerning the program by October 1 of each year for four years, commencing October 1, 2005. The reports shall include information concerning the number of program participants, the cost of the program including any payments made to participants, the number of state employment positions eliminated pursuant to the program, and the number of positions vacated by a program participant that have been refilled.

5. An employer, as defined in section 70A.38, may employ persons to fill vacancies created as a result of employee participation in the program established pursuant to this section subject to the following:

a. The employer shall not fill more than seventy-five percent of the vacancies created as a result of employee participation in the program.

b. An employer shall not offer employment to an

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individual who is participating in the program established pursuant to this division of this Act or in an early termination program established pursuant to 2001 Iowa Acts, First Extraordinary Session, chapter 5, or 2002 Iowa Acts, Second Extraordinary Session, chapter 1001.

Sec. 37. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XII

CIGARETTE STAMP PRINTING

Sec. 38. Section 453A.7, unnumbered paragraph 2, Code Supplement 2003, is amended to read as follows:

There is appropriated annually from the general fund of the state ~~the sum of one hundred fifteen thousand dollars to carry out to the department of~~ revenue an amount sufficient to implement the provisions of this section."

____. Title page, by striking lines 1 through 3 and inserting the following: "An Act relating to state budgetary matters and revenue enhancements by making and revising certain appropriations, phasing out the sales tax on residential utilities, requiring combined corporate returns of unitary businesses, adjusting cigarette and tobacco products tax rates, expanding the services subject to sales and use taxes and adjusting the sales and use tax rates, increasing the appropriation for family farm tax credits and repealing the agricultural land tax credits, revising the tax rates for gambling game establishments, altering the source of moneys to the grow Iowa values fund, providing for military pay differential, establishing state percent of growth for school aid, providing an early employment separation incentive program, providing a standing appropriation for printing cigarette tax stamps, and including effective and retroactive applicability date provisions.""

Murphy of Dubuque rose on a point of order that amendment H-8452 was not germane, to the committee amendment H-8365A.

The Speaker ruled the point well taken and amendment H-8452 not germane, to the committee amendment H-8365A.

Klemme of Plymouth moved to suspend the rules to consider amendment H-8452.

Roll call was requested by Klemme of Plymouth and J.K. Van Fossen of Scott.

On the question "Shall the rules be suspended to consider amendment H-8452, to the committee amendment H-8365A?" (S.F. 2298)

The ayes were, 1:

Klemme

The nays were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

Absent or not voting, none.

The motion to suspend the rules lost.

Murphy of Dubuque offered the amendment H-8482, to the committee amendment H-8365A, filed by Murphy, Thomas of Clayton, Kuhn of Floyd, Lensing of Johnson, Petersen of Polk and Wise of Lee from the floor as follows:

H-8482

1 Amend the amendment, H-8365, to Senate File 2298,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 2, by inserting after line 31 the
 5 following:
 6 "____. Page 182, by inserting after line 12 the
 7 following:
 8 "Section 1. NEW SECTION. 91D.2 OVERTIME PAY
 9 REQUIREMENTS – EXEMPTIONS.
 10 The overtime pay requirements of the federal Fair
 11 Labor Standards Act of 1938, as stated in 29 U.S.C. §
 12 207, shall apply to employers and employees in this
 13 state, except that the definitions set forth and in
 14 place in 29 C.F.R. pt. 541 prior to October 1, 2003,
 15 shall be used in determining whether an employee is
 16 exempt or nonexempt for purposes of federal overtime
 17 pay requirements.""
 18 2. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment H-8482 was not germane, to the committee amendment H-8365A.

The Speaker ruled the point well taken and amendment H-8482 not germane, to amendment H-8365A.

Murphy of Dubuque moved to suspend the rules to consider amendment H-8482 to the committee amendment H-8365A.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall the rules be suspended to consider amendment H-8482 to the committee amendment H-8365A?" (S.F. 2298)

The ayes were, 46:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead

Winckler

Wise

The nays were, 52:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Manternach	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Mr. Speaker
			Rants

Absent or not voting, 2:

Chambers

Maddox

The motion to suspend the rules lost.

Paulsen of Linn offered the following amendment H-8484, to the committee amendment H-8365A, filed by him from the floor and moved its adoption:

H-8484

- 1 Amend the amendment, H-8365, to Senate File 2298,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 38, by inserting before the word
- 5 "state" the following: "increased".
- 6 2. Page 7, line 39, by inserting before the word
- 7 "and" the following: ", income surtax,".

Amendment H-8484 was adopted.

Fallon of Polk rose on a point of order that the committee amendment H-8365A, as amended, was not germane.

The Speaker ruled the point well taken and the committee amendment H-8365A, as amended, not germane.

Dix of Butler moved to suspend the rules to consider the committee

amendment H-8365A, as amended.

Roll call was requested by Paulsen of Linn and Dix of Butler.

On the question "Shall the rules be suspended to consider amendment H-8365A, as amended?" (S.F. 2298)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Manternach	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Quirk	Reasoner	Shomshor	Shoultz
Smith	Stevens	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, none.

The motion prevailed and the rules were suspended.

On motion by Dix of Butler the committee amendment H-8365A, as amended, was adopted.

Speaker pro tempore Carroll in the chair at 3:05 p.m.

Dix of Butler asked and received unanimous consent to withdraw the committee amendment H-8365B, placing out of order amendment H-8386, Page 1 line 49 and Page 2 Line 28 and amendment H-8415 filed by Mertz, et al., on April 6, 2004, H-8443 filed by Granzow of Hardin on April 7, 2004 and H-8468 filed by Wise of Lee, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Huser of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury and Winckler of Scott, from the floor.

Dix of Butler offered the amendment H-8418 filed by him as follows:

H-8418

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 12, by striking the figure
4 "4,564,351" and inserting the following: "4,616,351".
5 2. Page 4, line 13, by striking the figure
6 "1,144,755" and inserting the following: "1,092,755".
7 3. Page 6, by inserting after line 10 the
8 following:
9 "c. The insurance division shall allocate \$10,000
10 from the examination receipts for the payment of its
11 fees to the national council of insurance
12 legislators."
13 4. Page 49, by inserting after line 18 the
14 following:
15 "Sec. _____. WHOLE-GRADE SHARING AGREEMENT DEADLINE
16 WAIVER. Notwithstanding sections 282.10 and 282.11,
17 the department of education may, at the department's
18 discretion, waive any of the deadline requirements of
19 sections 282.10 and 282.11, relating to the signing of
20 a whole-grade sharing agreement by the boards of two
21 or more school districts involved in the agreement and

22 the public notice and hearing requirements, if one of
23 the districts involved in the agreement has an
24 enrollment of less than three hundred. This section
25 is repealed July 1, 2004."

26 5. Page 50, lines 21 and 22, by striking the
27 figures "2001-2002" and inserting the following:
28 "2003-2004".

29 6. Page 65, by inserting after line 30 the
30 following:

31 "Sec. _____. Section 284.10, subsection 6, Code
32 Supplement 2003, is amended to read as follows:

33 6. By July 1, ~~2005~~ 2006, the director shall
34 develop and implement an evaluator training
35 certification renewal program for administrators and
36 other practitioners who need to renew a certificate
37 issued pursuant to this section.

38 Sec. _____. Section 284.13, subsection 1, paragraph
39 a, Code Supplement 2003, is amended by striking the
40 paragraph."

41 7. Page 65, line 31, by inserting after the word
42 "b," the following: "c,".

43 8. Page 65, line 35, by striking the words "~~one~~
44 ~~million~~ seven" and inserting the following: "~~seven~~
45 ~~one million one~~".

46 9. Page 66, by inserting after line 2 the
47 following:

48 "c. For the fiscal year beginning July 1, ~~2003~~
49 ~~2004~~, and succeeding fiscal years, an amount up to
50 four million ~~two hundred thousand~~ dollars for first-

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1 year and second-year beginning teachers, to the
2 department of education for distribution to school
3 districts for purposes of the beginning teacher
4 mentoring and induction programs. A school district
5 shall receive one thousand three hundred dollars per
6 beginning teacher participating in the program. If
7 the funds appropriated for the program are
8 insufficient to pay mentors and school districts as
9 provided in this paragraph, the department shall
10 prorate the amount distributed to school districts
11 based upon the amount appropriated. Moneys received
12 by a school district pursuant to this paragraph shall
13 be expended to provide each mentor with an award of
14 five hundred dollars per semester, at a minimum, for
15 participation in the school district's beginning
16 teacher mentoring and induction program; to implement
17 the plan; and to pay any applicable costs of the
18 employer's share of contributions to federal social
19 security and the Iowa public employees' retirement
20 system or a pension and annuity retirement system

21 established under chapter 294, for such amounts paid
22 by the district."

23 10. Page 66, by striking lines 15 through 17, and
24 inserting the following: "~~districts for training~~
25 ~~costs~~. A portion of the funds allocated to the
26 department for purposes of this paragraph may be used
27 by the department for administrative purposes."

28 11. Page 66, line 21, by striking the words "one
29 hundred fifty" and inserting the following: "three
30 hundred".

31 12. Page 66, line 27, by striking the word "four"
32 and inserting the following: "two".

33 13. Page 66, line 28, by inserting after the word
34 "five" the following: "fifty".

35 14. Page 67, by inserting after line 8 the
36 following:

37 "Sec. _____. Section 284.13, subsection 1, Code
38 Supplement 2003, is amended by adding the following
39 new paragraph:

40 NEW PARAGRAPH. i. For the fiscal year beginning
41 July 1, 2004, and ending June 30, 2005, moneys made
42 available for the purposes of implementing paragraphs
43 "d" and "e" may be allocated in the amounts, as
44 determined by the department, needed to implement the
45 purposes of paragraphs "d" and "e".

46 Sec. _____. Section 294A.22, Code Supplement 2003,
47 is amended by adding the following new unnumbered
48 paragraph:

49 NEW UNNUMBERED PARAGRAPH. If funds appropriated
50 are insufficient to pay phase II allocations in full,

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1 the department of administrative services shall
2 prorate payments to school districts and area
3 education agencies.

4 Sec. _____. Section 284.11, Code Supplement 2003, is
5 repealed."

6 15. Page 67, by striking line 9 and inserting the
7 following:

8 "Sec. _____. EFFECTIVE DATES.

9 1. The provisions of this division".

10 16. Page 67, by inserting after line 14 the
11 following:

12 "2. The section of this division of this Act,
13 relating to a waiver for whole-grade sharing agreement
14 deadlines, being deemed of immediate importance, takes
15 effect upon enactment and applies from the date of
16 enactment to June 30, 2004."

17 17. Page 75, line 15, by striking the words
18 "pursuant to section 99G.39".

19 18. Page 76, line 8, by striking the words

20 "provided otherwise in".

21 19. Page 76, line 9, by inserting after the
22 figure "2004" the following: "otherwise provides for
23 the deposit of tax revenue received by the state
24 racing and gaming commission pursuant to section
25 99D.15 in the gambling treatment fund".

26 20. Page 179, by inserting after line 19 the
27 following:

28 "Sec. _____. STATE APPEAL BOARD STREAMLINING. For
29 the fiscal year beginning July 1, 2004, the state
30 appeal board may pay out of any moneys in the state
31 treasury not otherwise appropriated for costs
32 associated with streamlining and improving the state
33 appeal board process."

34 21. Page 180, by inserting after line 5 the
35 following:

36 "Sec. _____. Section 8.62, Code Supplement 2003, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 4. Notwithstanding any provision
39 of this section and section 8.39 to the contrary, if a
40 full-time equivalent position funded with an
41 appropriation from the general fund of the state
42 remains vacant for a period of at least forty-five
43 days, the agency to which the appropriation was made
44 shall revert to the general fund of the state at the
45 close of the fiscal year the salary and benefits cost
46 of that position for the period of the vacancy."

47 22. Page 181, by inserting after line 15 the
48 following:

49 "Sec. _____. Section 35A.2, Code 2003, is amended to
50 read as follows:

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1 35A.2 COMMISSION OF VETERANS AFFAIRS.

2 1. A commission of veterans affairs is created
3 consisting of ~~seven~~ nine persons who shall be
4 appointed by the governor, subject to confirmation by
5 the senate. Members shall be appointed to staggered
6 terms of four years beginning and ending as provided
7 in section 69.19. The governor shall fill a vacancy
8 for the unexpired portion of the term.

9 2. Six commissioners shall be honorably discharged
10 members of the armed forces of the United States. The
11 American legion of Iowa, disabled American veterans
12 department of Iowa, veterans of foreign wars
13 department of Iowa, American veterans of World War II,
14 Korea, and Vietnam, the Vietnam veterans of America,
15 and the military order of the purple heart, through
16 their department commanders, shall submit two names
17 respectively from their organizations to the governor.
18 The governor shall appoint from each of the

19 organizations one representative to serve as a member
20 of the commission, unless the appointments would
21 conflict with the bipartisan and gender balance
22 provisions of sections 69.16 and 69.16A. In addition,
23 the governor shall appoint ~~one member~~ three members of
24 the public, knowledgeable in the general field of
25 veterans affairs, to serve on the commission."

26 23. Page 182, by inserting after line 2 the
27 following:

28 "Sec. _____. Section 35D.13, subsection 2, Code
29 2003, is amended by striking the subsection and
30 inserting in lieu thereof the following:

31 2. The commandant shall be a licensed nursing home
32 administrator."

33 24. Page 182, by inserting after line 12 the
34 following:

35 "Sec. _____. Section 135C.31A, Code Supplement 2003,
36 is amended to read as follows:

37 135C.31A ASSESSMENT OF RESIDENTS – PROGRAM
38 ELIGIBILITY.

39 Beginning July 1, 2003, a health care facility
40 receiving reimbursement through the medical assistance
41 program under chapter 249A shall assist the Iowa
42 commission of veterans affairs in identifying, upon
43 admission of a resident, the resident's eligibility
44 for benefits through the federal department of
45 veterans affairs. The health care facility shall also
46 assist the Iowa commission of veterans affairs in
47 determining such eligibility for residents residing in
48 the facility on July 1, 2003. The department of
49 inspections and appeals, in cooperation with the
50 department of human services, shall adopt rules to

Page 5

1 administer this section, including a provision that
2 ensures that if a resident is eligible for benefits
3 through the federal department of veterans affairs or
4 other third-party payor, the payor of last resort for
5 reimbursement to the health care facility is the
6 medical assistance program. This section shall not
7 apply to the admission of an individual to a state
8 mental health institute for acute psychiatric care or
9 to the admission of an individual to the Iowa veterans
10 home."

11 25. Page 186, by striking lines 5 through 8 and
12 inserting the following: "meets at least one of the
13 criteria in paragraphs "a" through "c" and all of the
14 criteria in paragraphs "d" through "g":"

15 26. Page 186, lines 9 and 10, by striking the
16 words "a through" and inserting the following: "b
17 and".

- 18 27. Page 186, by striking lines 12 through 15.
19 28. Page 186, line 16, by striking the word
20 "Annually" and inserting the following: "Is
21 accredited by the north central association of
22 colleges and secondary schools accrediting agency
23 based on their requirements, are exempt from taxation
24 under section 501(c)(3) of the Internal Revenue Code,
25 and annually".
26 29. By striking page 186, line 35 through page
27 187, line 1 and inserting the following:
28 "NEW SUBSECTION. 23. Submit annually to the
29 department of education data regarding the salaries
30 and benefits of administrators and from the most
31 recent".
32 30. Page 187, by striking lines 21 and 22 and
33 inserting the following: "board shall submit annually
34 to the department of education data regarding the
35 salaries and benefits of administrators and from the
36 most recent contract".
37 31. Page 194, line 2, by inserting after the word
38 "materials," the following: "and after consultation
39 with the public water supply and consideration of all
40 applicable rules relating to remediation,".
41 32. Page 194, lines 9 and 10, by striking the
42 words "are made available" and inserting the
43 following: "do not impose a financial obligation on
44 the part of the public water supply. Funds available
45 to or provided by the public water supply may be used
46 for system improvements made in conjunction with
47 replacement of the source".
48 33. Page 194, by striking lines 15 through 17 and
49 inserting the following: "standards. Nothing in this
50 paragraph shall affect the public water supply's right

Page 6

- 1 to pursue recovery from a responsible party."
2 34. Page 199, by inserting after line 27 the
3 following:
4 "Sec. _____. 2003 Iowa Acts, chapter 178, section
5 28, unnumbered paragraph 3, is amended to read as
6 follows:
7 Notwithstanding section 8.64, subsection 4, as
8 enacted by this division of this Act, the local
9 government innovation fund committee may provide ~~up to~~
10 ~~20 percent of the~~ any amount appropriated in this
11 section in the form of forgivable loans or as grants
12 for those projects that propose a new and innovative
13 sharing initiative that would serve as an important
14 model for cities and counties.
15 Sec. _____. Notwithstanding section 8.33, moneys
16 appropriated in 2003 Iowa Acts, chapter 178, section

17 62, and 2003 Iowa Acts, chapter 181, section 11,
18 subsection 3, which remain unencumbered or unobligated
19 at the close of the fiscal year beginning July 1,
20 2003, shall not revert but shall remain available for
21 expenditure for the purposes for which they were
22 appropriated for the fiscal year beginning July 1,
23 2004."

24 35. Page 199, by inserting after line 34 the
25 following:

26 "Sec. _____. 2003 Iowa Acts, First Extraordinary
27 Session, chapter 2, section 4, unnumbered paragraph 3,
28 is amended to read as follows:

29 Notwithstanding section 8.64, subsection 4, if
30 enacted by 2003 Iowa Acts, Senate File 453, section
31 27, the local government innovation fund committee may
32 provide ~~up to 20 percent of the any~~ amount
33 appropriated in this section in the form of forgivable
34 loans or as grants for those projects that propose a
35 new and innovative sharing initiative that would serve
36 as an important model for cities and counties."

37 36. Page 204, by inserting after line 16 the
38 following:

39 "Sec. _____. APPOINTMENTS. The new appointees to
40 the commission of veterans affairs, pursuant to the
41 increase in the membership of the commission as
42 provided in this division of this Act, shall be
43 appointed by the governor, with one member being
44 appointed for an initial term of two years and one
45 member being appointed for an initial term of four
46 years."

47 37. Page 204, by inserting after line 34 the
48 following:

49 "_____. The section of this division of this Act
50 relating to the nonreversion of moneys appropriated

Page 7

1 pursuant to 2003 Iowa Acts, chapter 178, section 62,
2 and 2003 Iowa Acts, chapter 181, section 11, being
3 deemed of immediate importance, takes effect upon
4 enactment.

5 _____. The sections of this division of this Act
6 relating to the increase in membership of the
7 commission of veterans affairs, being deemed of
8 immediate importance, take effect upon enactment."

9 38. By renumbering, relettering, or redesignating
10 and correcting internal references as necessary.

Dolecheck of Ringgold offered the following amendment H-8487, to
amendment H-8418, filed by Dolecheck, Dix of Butler and Schickel of

Cerro Gordo from the floor and moved its adoption:

H-8487

1 Amend the amendment, H-8418, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by inserting after line 28 the
5 following:

6 "____. Page 64, line 32, by inserting after the
7 word "grants," the following: "From the funds
8 appropriated in this subsection, not more than three
9 million four hundred thousand dollars may be
10 distributed to private institutions whose income is
11 not exempt from taxation under section 501(c) of the
12 Internal Revenue Code and whose students were eligible
13 to receive Iowa tuition grant moneys in the fiscal
14 year beginning July 1, 2003."

15 2. Page 5, by striking lines 11 through 14 and
16 inserting the following:

17 "____. Page 186, by striking lines 3 and 4 and
18 inserting the following: "subdivision of the state,
19 ~~except for county hospitals as provided in paragraph~~
20 ~~"c" of this subsection,~~ and which".

21 _____. Page 186, by striking lines 7 and 8 and
22 inserting the following: "g", except that
23 institutions defined in paragraph "c" of this
24 subsection are exempt from the requirements of
25 paragraphs "a" and "b"."

26 3. Page 5, by inserting after line 25 the
27 following:

28 "____. Page 186, line 27, by inserting after the
29 word "chapter." the following: "An institution whose
30 income is not exempt from taxation under section
31 501(c) of the Internal Revenue Code and whose students
32 were eligible to receive Iowa tuition grant money in
33 the fiscal year beginning July 1, 2003, shall meet the
34 match requirements of this paragraph no later than
35 June 30, 2005."

36 4. Page 6, by inserting after line 36 the
37 following:

38 "____. By striking page 204, line 35 through page
39 205, line 21."

40 5. By renumbering as necessary.

Amendment H-8487 was adopted.

Dolecheck of Ringgold offered the following amendment H-8454, to
amendment H-8418, filed by him and moved its adoption:

H-8454

- 1 Amend the amendment, H-8418, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking line 50 and inserting the
5 following: "~~four~~ three million ~~two~~ five hundred
6 thousand dollars for first-".

Amendment H-8454 was adopted.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-8465 to amendment H-8418 filed by him from the floor.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-8446 to amendment H-8418 filed by him on April 7, 2004.

Dix of Butler asked and received unanimous consent that amendment H-8418, as amended, be deferred.

Eichhorn of Hamilton offered the following amendment H-8380 filed by him and moved its adoption:

H-8380

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 27, by striking the words "For
4 start-up", and inserting the following:
5 "a. If 2004 Iowa Acts, House File 2482 is not
6 enacted, then for start-up".
7 2. Page 2, line 31, by striking the word
8 "Notwithstanding", and inserting the following: "For
9 purposes of this lettered paragraph and
10 notwithstanding".
11 3. Page 2, by inserting after line 35 the
12 following:
13 "b. If 2004 Iowa Acts, House File 2482 is enacted,
14 then for start-up funding for revolving funds under
15 the control of the department of administrative
16 services and for salaries, support, maintenance, and
17 miscellaneous purposes:
18 \$ 1,889,610
19 For purposes of this lettered paragraph and
20 notwithstanding any provision of this section to the
21 contrary, the department of administrative services

22 shall deposit \$1,889,610 in the general fund of the
23 state from moneys in departmental revolving funds and
24 internal service funds at the end of the fiscal year."
25 4. By renumbering as necessary.

Amendment H-8380 was adopted.

Dix of Butler offered the following amendment H-8478 filed by him from the floor and moved its adoption:

H-8478

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 7, by inserting after line 11, the
4 following:
5 "Sec.____. ALCOHOLIC BEVERAGES DIVISION – STATE
6 LIQUOR WAREHOUSE FUNCTIONS. Notwithstanding sections
7 7J.1 and 123.20, subsection 4, and any other
8 applicable provision of law, the alcoholic beverages
9 division of the department of commerce shall not add
10 full-time equivalent positions for purposes of the
11 state assuming the state liquor warehouse functions
12 performed by a private contractor as of April 1, 2004.
13 The division shall issue a request for proposals or
14 otherwise utilize a competitive process to select a
15 successor private contractor to perform the state
16 liquor warehouse functions."
17 2. Page 20, by inserting after line 34 the
18 following:
19 "Sec.____. EFFECTIVE DATE. The section of this
20 division of this Act relating to the state liquor
21 warehouse functions, being deemed of immediate
22 importance, takes effect upon enactment."
23 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 52, nays 19.

Amendment H-8478 was adopted.

Reasoner of Union offered the following amendment H-8414 filed by Reasoner, et al., and requested division as follows:

H-8414

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

H-8414 A

3 1. Page 16, by inserting after line 16 the
 4 following:
 5 "3. HELP AMERICA VOTE ACT FUNDING
 6 For the purpose of drawing down Iowa's share of
 7 federal funds appropriated under the federal Help
 8 America Vote Act (HAVA):
 9 \$ 764,492"

H-8414 B

10 2. Page 193, by inserting before line 31 the
 11 following:
 12 "Sec. _____. HOMESTEAD AND AGRICULTURAL LAND AND
 13 FAMILY FARM TAX CREDITS. There is appropriated from
 14 the general fund of the state for the fiscal year
 15 beginning July 1, 2004, and ending June 30, 2005, the
 16 following amounts in addition to any other
 17 appropriations made in this division of this Act to be
 18 used for the purposes designated:
 19 1. For reimbursement for the homestead property
 20 tax credit under section 425.1:
 21 \$ 17,454,621
 22 2. For reimbursement for the agricultural land and
 23 family farm tax credits under sections 425A.1 and
 24 426.1:
 25 \$ 4,489,817"

H-8414 C

26 3. Page 205, by inserting after line 21 the
 27 following:
 28 "DIVISION
 29 GROW IOWA VALUES FUND FUNDING
 30 Sec. _____. GENERAL FUND APPROPRIATION. From the
 31 proceeds received from the sale of bonds issued
 32 pursuant to section 12.91, there is appropriated from
 33 the grow Iowa values fund to the general fund of the
 34 state for the fiscal period beginning July 1, 2004,
 35 and ending June 30, 2006, the following amount for
 36 deposit in the general fund:
 37 FY 2004-2005 \$ 39,900,000
 38 FY 2005-2006 \$ 39,900,000
 39 Sec. _____. GENERAL FUND TRANSFER. There is
 40 transferred from the grow Iowa values fund created in
 41 section 15G.108 to the general fund of the state for
 42 the fiscal year beginning July 1, 2004, and ending
 43 June 30, 2005, the following amount:
 44 From moneys anticipated to be received from the
 45 federal government for state and local government
 46 fiscal relief under the federal Jobs and Growth Tax

47 Relief Reconciliation Act of 2003:

48 \$ 41,000,000

49 One hundred percent of the amount transferred
50 pursuant to this section shall be added to the state

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1 general fund expenditure limitation for fiscal year
2 2004-2005 under section 8.54.

3 Sec. _____. Section 8.57, subsection 5, paragraph e,
4 Code Supplement 2003, is amended to read as follows:

5 e. Notwithstanding provisions to the contrary in
6 sections 99D.17 and 99F.11, for the fiscal year
7 beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year~~
8 ~~thereafter ending June 30, 2004~~, not more than a total
9 of sixty million dollars shall be deposited in the
10 general fund of the state in ~~any~~ the fiscal year
11 pursuant to sections 99D.17 and 99F.11; for the fiscal
12 period beginning July 1, 2004, and ending June 30,
13 2030, not more than a total of thirty-nine million
14 nine hundred thousand dollars of the moneys directed
15 to be deposited in the general fund of the state in a
16 fiscal year pursuant to sections 99D.17 and 99F.11
17 shall be deposited in the grow Iowa values fund
18 created in section 15G.108 in any fiscal year, and not
19 more than a total of twenty million one hundred
20 thousand dollars shall be deposited in the general
21 fund in any fiscal year; and for the fiscal year
22 beginning July 1, 2030, and for each fiscal year
23 thereafter, not more than a total of sixty million
24 dollars shall be deposited in the general fund of the
25 state in any fiscal year pursuant to sections 99D.17
26 and 99F.11. The next fifteen million dollars of the
27 moneys directed to be deposited in the general fund of
28 the state in a fiscal year pursuant to sections 99D.17
29 and 99F.11 shall be deposited in the vision Iowa fund
30 created in section 12.72 for the fiscal year beginning
31 July 1, 2000, and for each fiscal year through the
32 fiscal year beginning July 1, 2019. The next five
33 million dollars of the moneys directed to be deposited
34 in the general fund of the state in a fiscal year
35 pursuant to sections 99D.17 and 99F.11 shall be
36 deposited in the school infrastructure fund created in
37 section 12.82 for the fiscal year beginning July 1,
38 2000, and for each fiscal year thereafter until the
39 principal and interest on all bonds issued by the
40 treasurer of state pursuant to section 12.81 are paid,
41 as determined by the treasurer of state. The total
42 moneys in excess of the moneys deposited in the
43 general fund of the state, the grow Iowa values fund,
44 the vision Iowa fund, and the school infrastructure
45 fund in a fiscal year shall be deposited in the

46 rebuild Iowa infrastructure fund and shall be used as
47 provided in this section, notwithstanding section
48 8.60.

49 If the total amount of moneys directed to be
50 deposited in the general fund of the state under

Page 3

1 sections 99D.17 and 99F.11 in a fiscal year is less
2 than the total amount of moneys directed to be
3 deposited in the grow Iowa values fund, the vision
4 Iowa fund, and the school infrastructure fund in the
5 fiscal year pursuant to this paragraph "e", the
6 difference shall be paid from lottery revenues in the
7 manner provided in section 99G.39, subsection 3.
8 Sec. ____ NEW SECTION. 12.91 GENERAL AND
9 SPECIFIC BONDING POWERS.

10 1. The treasurer of state may issue bonds for the
11 purpose of funding the grow Iowa values fund created
12 in section 15G.108. The treasurer of state shall have
13 all of the powers which are necessary to issue and
14 secure bonds and carry out the purposes of the fund.
15 The treasurer of state may issue bonds in principal
16 amounts which are necessary to provide sufficient
17 funds for the grow Iowa values fund, the payment of
18 interest on the bonds, the establishment of reserves
19 to secure the bonds, the costs of issuance of the
20 bonds, other expenditures of the treasurer of state
21 incident to and necessary or convenient to carry out
22 the bond issue for the fund, and all other
23 expenditures of the board necessary or convenient to
24 administer the fund. The bonds are investment
25 securities and negotiable instruments within the
26 meaning of and for purposes of the uniform commercial
27 code.

28 2. Bonds issued under this section are payable
29 solely and only out of the moneys, assets, or revenues
30 of the grow Iowa values fund and any bond reserve
31 funds established pursuant to section 12.92, all of
32 which may be deposited with trustees or depositories
33 in accordance with bond or security documents and
34 pledged to the payment thereof. Bonds issued under
35 this section shall contain on their face a statement
36 that the bonds do not constitute an indebtedness of
37 the state. The treasurer of state shall not pledge
38 the credit or taxing power of this state or any
39 political subdivision of the state or make bonds
40 issued pursuant to this section payable out of any
41 moneys except those in the grow Iowa values fund.

42 3. The proceeds of bonds issued by the treasurer
43 of state and not required for immediate disbursement
44 may be deposited with a trustee or depository as

45 provided in the bond documents and invested or
46 reinvested in any investment as directed by the
47 treasurer of state and specified in the trust
48 indenture, resolution, or other instrument pursuant to
49 which the bonds are issued without regard to any
50 limitation otherwise provided by law.

Page 4

1 4. The bonds shall be:

2 a. In a form, issued in denominations, executed in
3 a manner, and payable over terms and with rights of
4 redemption, and be subject to the terms, conditions,
5 and covenants providing for the payment of the
6 principal of, redemption premiums, if any, interest
7 which may be fixed or variable during any period the
8 bonds are outstanding, and such other terms and
9 conditions as prescribed in the trust indenture,
10 resolution, or other instrument authorizing their
11 issuance.

12 b. Negotiable instruments under the laws of the
13 state and may be sold at prices, at public or private
14 sale, and in a manner, as prescribed by the treasurer
15 of state. Chapters 73A, 74, 74A, and 75 do not apply
16 to the sale or issuance of the bonds.

17 c. Subject to the terms, conditions, and covenants
18 providing for the payment of the principal, redemption
19 premiums, if any, interest, and other terms,
20 conditions, covenants, and protective provisions
21 safeguarding payment, not inconsistent with this
22 section and as determined by the trust indenture,
23 resolution, or other instrument authorizing their
24 issuance.

25 5. The bonds are securities in which public
26 officers and bodies of this state, political
27 subdivisions of this state, insurance companies and
28 associations and other persons carrying on an
29 insurance business, banks, trust companies, savings
30 associations, savings and loan associations, and
31 investment companies; administrators, guardians,
32 executors, trustees, and other fiduciaries; and other
33 persons authorized to invest in bonds or other
34 obligations of the state may properly and legally
35 invest funds, including capital, in their control or
36 belonging to them.

37 6. Bonds must be authorized by a trust indenture,
38 resolution, or other instrument of the treasurer of
39 state.

40 7. Neither the resolution, trust indenture, nor
41 any other instrument by which a pledge is created
42 needs to be recorded or filed under the Iowa uniform
43 commercial code to be valid, binding, or effective.

44 8. Bonds issued under the provisions of this
45 section are declared to be issued for a general public
46 and governmental purpose and all bonds issued under
47 this section shall be exempt from taxation by the
48 state of Iowa and the interest on the bonds shall be
49 exempt from the state income tax and the state
50 inheritance and estate tax.

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1 9. Subject to the terms of any bond documents,
2 moneys in the grow Iowa values fund may be expended
3 for administration expenses.

4 10. The treasurer of state may issue bonds for the
5 purpose of refunding any bonds issued pursuant to this
6 section then outstanding, including the payment of any
7 redemption premiums thereon and any interest accrued
8 or to accrue to the date of redemption of the
9 outstanding bonds. Until the proceeds of bonds issued
10 for the purpose of refunding outstanding bonds are
11 applied to the purchase or retirement of outstanding
12 bonds or the redemption of outstanding bonds, the
13 proceeds may be placed in escrow and be invested and
14 reinvested in accordance with the provisions of this
15 section. The interest, income, and profits earned or
16 realized on an investment may also be applied to the
17 payment of the outstanding bonds to be refunded by
18 purchase, retirement, or redemption. After the terms
19 of the escrow have been fully satisfied and carried
20 out, any balance of proceeds and interest earned or
21 realized on the investments may be returned to the
22 treasurer of state for deposit in the grow Iowa values
23 fund established in section 15G.108. All refunding
24 bonds shall be issued and secured and subject to the
25 provisions of this chapter in the same manner and to
26 the same extent as other bonds issued pursuant to this
27 section.

28 11. The treasurer of state shall have all of the
29 powers which are necessary to issue and secure bonds,
30 including but not limited to the power to procure
31 insurance, other credit enhancements, and other
32 financing arrangements, and to execute instruments and
33 contracts and to enter into agreements convenient or
34 necessary to facilitate financing arrangements with
35 respect to the bonds and to carry out the purposes of
36 the fund, including but not limited to such
37 arrangements, instruments, contracts, and agreements
38 as municipal bond insurance, self-insurance or
39 liquidity trusts, accounts, pools or other
40 arrangements, liquidity facilities or covenants,
41 letters of credit, and interest rate agreements.

42 12. For purposes of this section and sections

43 12.92 through 12.95, the term "bonds" means bonds,
44 notes, and other obligations and financing
45 arrangements issued or entered into by the treasurer
46 of state and the term "interest rate agreement" means
47 an interest rate swap or exchange agreement, an
48 agreement establishing an interest rate floor or
49 ceiling or both, or any similar agreement. Any such
50 agreement may include the option to enter into or

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1 cancel the agreement or to reverse or extend the
2 agreement.
3 Sec.____. NEW SECTION. 12.92 GROW IOWA VALUES
4 FUND ACCOUNTS AND RESERVE FUNDS.
5 1. The treasurer of state shall establish such
6 accounts within the grow Iowa values fund created in
7 section 15G.108 as may be appropriate, including debt
8 service accounts for the purpose of paying the
9 principal of, redemption premium, if any, and interest
10 on bonds payable therefrom. Moneys in the debt
11 service accounts shall not be subject to appropriation
12 for any other purpose by the general assembly, but
13 shall be used only for the purposes of paying the
14 principal of, redemption premium, if any, and interest
15 on the bonds payable therefrom.
16 2. Revenue for the grow Iowa values fund shall
17 include, but is not limited to, the following, which
18 shall be deposited with the treasurer of state or its
19 designee as provided by any bond or security documents
20 and credited to the debt service account:
21 a. The proceeds of bonds issued to capitalize and
22 pay the costs of the fund and investment earnings on
23 the proceeds.
24 b. Interest attributable to investment of moneys
25 in the fund or an account of the fund.
26 c. Moneys in the form of a devise, gift, bequest,
27 donation, federal or other grant, reimbursement,
28 repayment, judgment, transfer, payment, or
29 appropriation from any source intended to be used for
30 the purposes of the fund or account.
31 3. a. The treasurer of state may create and
32 establish one or more special funds, to be known as
33 "bond reserve funds", to secure one or more issues of
34 bonds issued pursuant to section 12.91. The treasurer
35 of state shall pay into each bond reserve fund any
36 moneys appropriated and made available by the state or
37 treasurer of state for the purpose of the fund, any
38 proceeds of sale of bonds to the extent provided in
39 the resolutions or trust indentures authorizing their
40 issuance, and any other moneys which may be available
41 to the treasurer of state for the purpose of the fund

42 from any other sources. All moneys held in a bond
43 reserve fund, except as otherwise provided in this
44 chapter, shall be used as required solely for the
45 payment of the principal of bonds secured in whole or
46 in part by the fund or of the sinking fund payments
47 with respect to the bonds, the purchase or redemption
48 of the bonds, the payment of interest on the bonds, or
49 the payments of any redemption premium required to be
50 paid when the bonds are redeemed prior to maturity.

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1 b. Moneys in a bond reserve fund shall not be
2 withdrawn from it at any time in an amount that will
3 reduce the amount of the fund to less than the bond
4 reserve fund requirement established for the fund, as
5 provided in this subsection, except for the purpose of
6 making, with respect to bonds secured in whole or in
7 part by the fund, payment when due of principal,
8 interest, redemption premiums, and the sinking fund
9 payments with respect to the bonds for the payment of
10 which other moneys of the treasurer of state are not
11 available.

12 Any income or interest earned by, or incremental
13 to, a bond reserve fund due to the investment of it
14 may be transferred by the treasurer of state to other
15 funds or accounts to the extent the transfer does not
16 reduce the amount of that bond reserve fund below the
17 bond reserve fund requirement for it.

18 c. The treasurer of state shall not at any time
19 issue bonds, secured in whole or in part by a bond
20 reserve fund, if, upon the issuance of the bonds, the
21 amount in the bond reserve fund will be less than the
22 bond reserve fund requirement for the fund, unless the
23 treasurer of state at the time of issuance of the
24 bonds deposits in the fund from the proceeds of the
25 bonds issued or from other sources an amount which,
26 together with the amount then in the fund, will not be
27 less than the bond reserve fund requirement for the
28 fund. For the purposes of this subsection, the term
29 "bond reserve fund requirement" means, as of any
30 particular date of computation, an amount of money, as
31 provided in the resolutions or trust indentures
32 authorizing the bonds with respect to which the fund
33 is established.

34 d. To assure the continued solvency of any bonds
35 secured by the bond reserve fund, provision is made in
36 paragraph "a" for the accumulation in each bond
37 reserve fund of an amount equal to the bond reserve
38 requirement for the fund. In order to further assure
39 maintenance of the bond reserve funds, the treasurer
40 of state shall, on or before January 1 of each

41 calendar year, make and deliver to the governor the
42 treasurer of state's certificate stating the sum, if
43 any, required to restore each bond reserve fund to the
44 bond reserve fund requirement for that fund. Within
45 thirty days after the beginning of the session of the
46 general assembly next following the delivery of the
47 certificate, the governor shall submit to both houses
48 printed copies of a budget including the sum, if any,
49 required to restore each bond reserve fund to the bond
50 reserve fund requirement for that fund. Any sums

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1 appropriated by the general assembly and paid to the
2 treasurer of state pursuant to this subsection shall
3 be deposited by the treasurer of state in the
4 applicable bond reserve fund.

5 Sec. ____ NEW SECTION. 12.93 PLEDGES.

6 1. It is the intention of the general assembly
7 that a pledge made in respect of bonds shall be valid
8 and binding from the time the pledge is made, that the
9 moneys or property so pledged and received after the
10 pledge by the treasurer of state shall immediately be
11 subject to the lien of the pledge without physical
12 delivery or further act, and that the lien of the
13 pledge shall be valid and binding as against all
14 parties having claims of any kind in tort, contract,
15 or otherwise against the treasurer of state whether or
16 not the parties have notice of the lien.

17 2. The moneys set aside in a fund or funds pledged
18 for any series or issue of bonds shall be held for the
19 sole benefit of the series or issue separate and apart
20 from moneys pledged for another series or issue of
21 bonds of the treasurer of state. Bonds may be issued
22 in series under one or more resolutions or trust
23 indentures and may be fully open-ended, thus providing
24 for the unlimited issuance of additional series, or
25 partially open-ended, limited as to additional series.

26 Sec. ____ NEW SECTION. 12.94 LIMITATIONS.

27 Bonds issued pursuant to section 12.91 are not
28 debts of the state, or of any political subdivision of
29 the state, and do not constitute a pledge of the faith
30 and credit of the state or a charge against the
31 general credit or general fund of the state. The
32 issuance of any bonds pursuant to section 12.91 by the
33 treasurer of state does not directly, indirectly, or
34 contingently obligate the state or a political
35 subdivision of the state to apply moneys, or to levy
36 or pledge any form of taxation whatever, to the
37 payment of the bonds. Bonds issued under section
38 12.91 are payable solely and only from the sources and
39 special fund and accounts provided in section 12.92.

40 Sec. _____. NEW SECTION. 12.95 CONSTRUCTION.
41 Sections 12.91 through 12.94, being necessary for
42 the welfare of this state and its inhabitants, shall
43 be liberally construed to effect its purposes.
44 Sec. _____. Section 15G.108, Code Supplement 2003,
45 is amended to read as follows:
46 15G.108 GROW IOWA VALUES FUND.
47 A grow Iowa values fund is created and established
48 as a separate and distinct fund in the state treasury
49 under the control of the grow Iowa values board
50 consisting of moneys appropriated to the grow Iowa

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1 values board. Moneys in the fund are not subject to
2 section 8.33. Notwithstanding section 12C.7, interest
3 or earnings on moneys in the fund shall be credited to
4 the fund. Moneys in the fund shall not be subject to
5 appropriation for any other purposes by the general
6 assembly other than as provided in this Act and 2003
7 Iowa Acts, First Extraordinary Session, chapter 2, but
8 shall be used only for the purposes of the grow Iowa
9 values fund. The treasurer of state shall act as
10 custodian of the fund and disburse moneys contained in
11 the fund as directed by the grow Iowa values board,
12 including automatic disbursements of moneys received
13 pursuant to the terms of bond indentures and documents
14 and security provisions to trustees. The fund shall
15 be administered by the grow Iowa values board, which
16 shall make expenditures from the fund consistent with
17 this chapter and pertinent Acts of the general
18 assembly. Any financial assistance provided using
19 moneys from the fund may be provided over a period of
20 time of more than one year. Payments of interest,
21 repayments of moneys loaned pursuant to this chapter,
22 and recaptures of grants or loans shall be deposited
23 in the fund.
24 Sec. _____. Section 15G.110, Code Supplement 2003,
25 is amended to read as follows:
26 15G.110 FUTURE CONSIDERATION.
27 Not later than February 1, 2007, the legislative
28 services agency shall prepare and deliver to the
29 secretary of the senate and the chief clerk of the
30 house of representatives identical bills that repeal
31 the provisions of this chapter, with the exception of
32 sections 15G.101, 15G.102, 15G.103, and 15G.108. It
33 is the intent of this section that the general
34 assembly shall bring the bill to a vote in either the
35 senate or the house of representatives expeditiously.
36 It is further the intent of this chapter that if the
37 bill is approved by the first house in which it is
38 considered, it shall expeditiously be brought to a

39 vote in the second house.

40 Sec.____. Section 99G.39, subsection 3, paragraph
41 a, Code Supplement 2003, is amended to read as
42 follows:

43 a. Notwithstanding subsection 1, if gaming
44 revenues under sections 99D.17 and 99F.11 are
45 insufficient in a fiscal year to meet the total amount
46 of such revenues directed to be deposited in the grow
47 Iowa values fund, the vision Iowa fund, and the school
48 infrastructure fund during the fiscal year pursuant to
49 section 8.57, subsection 5, paragraph "e", the
50 difference shall be paid from lottery revenues prior

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1 to deposit of the lottery revenues in the general
2 fund. If lottery revenues are insufficient during the
3 fiscal year to pay the difference, the remaining
4 difference shall be paid from lottery revenues in
5 subsequent fiscal years as such revenues become
6 available.

7 Sec.____. 2003 Iowa Acts, First Extraordinary
8 Session, chapter 1, section 114, is amended to read as
9 follows:

10 SEC. 114. The divisions of this Act designated the
11 grow Iowa values board and fund, with the exception of
12 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
13 Supplement 2003, the value-added agricultural products
14 and processes financial assistance program, the endow
15 Iowa grants, the technology transfer advisors, the
16 Iowa economic development loan and credit guarantee
17 fund, the economic development assistance and data
18 collection, the cultural and entertainment districts,
19 the workforce issues, and the university-based
20 research utilization program, are repealed effective
21 June 30, 2010.

22 Sec.____. 2003 Iowa Acts, First Extraordinary
23 Session, chapter 2, section 75, subsection 1, is
24 amended to read as follows:

25 1. There is appropriated from the general fund of
26 the state from moneys credited to the general fund of
27 the state as a result of entering into the streamlined
28 sales and use tax agreement, for the fiscal ~~period~~
29 year beginning July 1, 2003, and ending June 30, ~~2010~~
30 ~~2004~~, the following ~~amounts~~ amount to be used for the
31 purpose designated:

32 For deposit in the grow Iowa values fund created in
33 section ~~15G.107, if enacted by 2003 Iowa Acts, House~~
34 ~~File 692 or another Act~~ 15G.108:

35 FY 2003-2004	\$ 5,000,000
36 FY 2004-2005	\$ 23,000,000
37 FY 2005-2006	\$ 75,000,000

38	FY 2006-2007	\$ 75,000,000
39	FY 2007-2008	\$ 75,000,000
40	FY 2008-2009	\$ 75,000,000
41	FY 2009-2010	\$ 75,000,000"
42	4. By renumbering as necessary.	

SPECIAL PRESENTATION

Murphy of Dubuque introduced to the House the Honorable Lowell Norland, former Majority Leader of the House.

The House rose and expressed its welcome.

Reasoner of Union moved the adoption of amendment H-8414A.

Roll call was requested by Reasoner of Union and Mascher of Johnson.

On the question "Shall amendment H-8414A be adopted?" (S.F. 2298)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boguess	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen

Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdike	Carroll,		
	Presiding		

Absent or not voting, none.

Amendment H-8414A lost.

Wise of Lee offered the amendment H-8447 filed by Wise, et al., as follows:

H-8447

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 29, line 10, by inserting after the word
 4 "infrastructure" the following: "and through the use
 5 of community cluster rural development".
 6 2. Page 37, by inserting after line 4 the
 7 following:
 8 "Sec.____. Section 28E.35, Code 2003, is amended
 9 to read as follows:
 10 28E.35 DEFINITIONS.
 11 As used in this division unless the context
 12 otherwise requires:
 13 1. "Community cluster" means a cooperative
 14 community unit established pursuant to this chapter
 15 for the joint exercise of powers by two or more
 16 governmental units and for sharing one or more
 17 governmental functions between two or more
 18 governmental units participating in a community
 19 cluster.
 20 2. "Governing board" means the governing board of
 21 a community cluster appointed pursuant to section
 22 28E.37.
 23 ~~2.~~ 3. "Governmental unit" means a city, county,
 24 township, school district, merged area as defined in
 25 section 260C.2, or special taxing district.
 26 4. "Shared governmental function" includes, but is
 27 not limited to, joint delivery of services, joint
 28 operation of facilities, joint development of
 29 infrastructure, or joint fostering of economic
 30 development.
 31 Sec.____. Section 28E.36, Code 2003, is amended to
 32 read as follows:
 33 28E.36 ESTABLISHMENT OF COMMUNITY CLUSTER.
 34 Two or more governmental units located in the state
 35 may, by resolution of each governmental unit,
 36 establish a community cluster ~~by entering into an~~

37 ~~agreement~~ for the joint exercise of powers pursuant to
38 this chapter to make more efficient use of their
39 resources by providing for ~~joint functions, services,~~
40 ~~facilities, development of infrastructure and for~~
41 ~~revenue sharing, and to foster economic development~~
42 shared governmental functions between two or more of
43 the governmental units participating in the community
44 cluster.

45 A community cluster and its governing board shall
46 have all the rights, powers, duties, privileges, and
47 immunities of a governmental unit and governmental
48 unit governing body to the extent that such rights,
49 powers, duties, privileges, and immunities relate to
50 shared governmental functions of the governmental

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1 units participating in the community cluster.

2 Sec. ____ Section 28E.37, Code 2003, is amended by
3 striking the section and inserting in lieu thereof the
4 following:

5 28E.37 COMMUNITY CLUSTER GOVERNING BOARD.

6 The governing body of each governmental unit
7 participating in a community cluster shall appoint two
8 of its members to a community cluster governing board.
9 However, an alternative board composition may be
10 agreed upon by the participating governmental units.
11 A member of the governing board shall serve for two
12 years or until the member's term on the governing body
13 of the governmental unit expires, whichever is
14 earlier. A vacancy on the governing board shall be
15 filled in the same manner as the original appointment.
16 A member of the governing board shall not receive
17 compensation for service on the governing board.

18 Sec. ____ Section 28E.38, Code 2003, is amended by
19 striking the section and inserting in lieu thereof the
20 following:

21 28E.38 POWERS AND DUTIES OF GOVERNING BOARD –
22 EXISTING BONDED INDEBTEDNESS – TAXING AUTHORITY.

23 1. The governing board shall identify governmental
24 functions, services, facilities, development of
25 infrastructure, or economic development efforts that
26 will be shared or jointly provided or operated within
27 the community cluster.

28 2. The governing board shall establish an official
29 name for the community cluster.

30 3. The governing board may provide for the
31 transfer or other disposition of property and other
32 rights, claims, assets, and franchises as they relate
33 to a shared governmental function within the community
34 cluster. A governmental unit participating in a
35 community cluster may make donations of property, real

36 or personal, including gratuitous leases, to the
37 community cluster and the governing board as deemed
38 proper and appropriate in aiding the community cluster
39 and the governing board effectuate their purposes.

40 4. The governing board may provide for the
41 transfer, reorganization, abolition, adjustment, and
42 absorption or merger of existing boards, existing
43 subordinate service districts, local improvement
44 districts, and agencies of the participating
45 governmental units to the extent they relate to a
46 shared governmental function within the community
47 cluster.

48 5. The governing board may determine the
49 boundaries of the service areas within the community
50 cluster and shall provide for administration of the

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1 provision of services in each of the designated
2 service areas.

3 6. The governing board may employ and fix the
4 compensation of administrative, technical,
5 professional, and clerical assistance as necessary to
6 administer a shared governmental function.

7 7. a. The governing board may adopt budgets for
8 shared governmental functions within the community
9 cluster and may levy property taxes to the extent the
10 taxing authority of a participating governmental unit
11 is transferred to the community cluster to fund a
12 shared governmental function. The governing board in
13 its budget shall allocate the revenue responsibilities
14 of each governmental unit participating in the
15 community cluster. The governing board shall follow
16 the same procedures for adoption of a budget as if the
17 community cluster were a city and the governing board
18 a city council.

19 b. The governing board shall devise formulas for
20 the transfer of taxing authority from governmental
21 units that are participating in the community cluster
22 to the governing board of the community cluster to
23 fund a shared governmental function. The maximum
24 rates of taxes authorized to be levied by a
25 governmental unit participating in a community cluster
26 shall be reduced by an amount equal to that portion of
27 the levy rates transferred to the authority of the
28 governing board.

29 c. In lieu of transferring property taxing
30 authority to a governing board, a governmental unit
31 participating in a community cluster may meet its
32 shared revenue obligations by transferring other
33 sources of revenue authorized to be collected by the
34 governmental unit.

35 8. The governing board may accept donations,
36 contributions, grants, or gifts from individuals,
37 associations, municipal and private corporations, and
38 the United States, or any agency or instrumentality of
39 the United States, and may enter into agreements in
40 connection therewith.

41 9. The governing board may issue bonded
42 indebtedness to the extent authorized in section
43 28E.39.

44 10. By December 1 of each year, the governing
45 board shall provide a report relating to shared
46 governmental functions and administration of the
47 community cluster to the governing body of each
48 governmental unit participating in the community
49 cluster.

50 Sec.__. Section 28E.39, Code 2003, is amended by

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1 striking the section and inserting in lieu thereof the
2 following:

3 28E.39 ISSUANCE OF BONDS – APPROVAL BY
4 ELECTORATE.

5 1. The governing board may propose the expenditure
6 of funds, the issuance of revenue bonds, entering into
7 a lease-purchase agreement, or the issuance of general
8 obligation bonds for the following:

9 a. Acquisition of a construction site and
10 construction of a building or facility for common
11 public use by two or more governmental units
12 participating in the community cluster.

13 b. Purchase of an existing building or facility
14 for public use, or conversion of a building or
15 facility previously owned and maintained by a
16 governmental unit for public use by two or more
17 governmental units participating in the community
18 cluster.

19 c. Equipping or furnishing a new or existing
20 building or facility for public use by two or more
21 governmental units participating in the community
22 cluster.

23 d. Operation, maintenance, or improvement of a
24 building or facility for public use by two or more
25 governmental units participating in the community
26 cluster.

27 e. Any other aspect of construction, acquisition,
28 furnishing, operation, or maintenance of a building or
29 facility for public use by two or more governmental
30 units participating in the community cluster, such
31 other aspect having been proposed by the governing
32 board and not otherwise prohibited by law.

33 2. The proposal shall be forwarded to the

34 governing body of each governmental unit participating
35 in the community cluster that is listed in the
36 proposal as being allocated a portion of the cost for
37 any of the purposes in subsection 1, paragraphs "a"
38 through "e". The proposal shall specify the purposes
39 for which the building or facility shall be used, the
40 estimated cost of the building or facility, the
41 estimated amount of the cost to be allocated to each
42 of the participating governmental units, the
43 proportion and method of allocating the expenses of
44 the operation and maintenance of the building or
45 facility or improvement, and the disposition to be
46 made of any revenues to be derived from operation of
47 the building or facility.

48 3. If a proposal for expenditure of funds, for
49 issuance of revenue bonds, or for issuance of general
50 obligation bonds described in the proposal as

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1 essential county purpose bonds or essential corporate
2 purpose bonds is approved by the governing body of
3 each governmental unit named in the proposal, the
4 governing board may include such expenditures in its
5 budget for the following fiscal year. If a proposal
6 for issuance of general obligation bonds described in
7 the proposal as general county purpose bonds or
8 general corporate purpose bonds or for entering into a
9 lease-purchase agreement is approved by the governing
10 body of each governmental unit named in the proposal,
11 the governing board shall direct the county
12 commissioner of elections to submit the proposition at
13 a special election. The special election may be held
14 on the same day as the general election if the county
15 commissioner determines that the elections will not
16 conflict. Only those registered voters living within
17 the governmental units named in the proposal may vote
18 on the proposition. The proposition shall be adopted
19 if the vote in favor of the proposition is equal to at
20 least sixty percent of the vote cast for and against
21 the proposition in each governmental unit named in the
22 proposal.

23 4. The governing board when issuing indebtedness
24 pursuant to this section shall follow the procedures
25 for issuance of debt as if the governing board were a
26 city council or a county board of supervisors and the
27 applicable bonding provisions of chapters 74, 75, 331,
28 and 384 shall apply.

29 5. Indebtedness issued pursuant to this section
30 shall constitute a debt of the governmental units
31 named in the proposal in the same proportion that the
32 cost of the project is allocated to the governmental

33 units and such indebtedness is subject to any
34 statutory or constitutional limitation on issuance of
35 debt if the debt would be subject to such limitation
36 if it were issued by a governmental unit acting alone.

37 Sec.____. Section 28E.40, Code 2003, is amended by
38 striking the section and inserting in lieu thereof the
39 following:

40 28E.40 JOINING COMMUNITY CLUSTER OR TERMINATING
41 PARTICIPATION.

42 1. A governmental unit, by resolution, may request
43 to join an existing community cluster. The governing
44 body of the governmental unit shall forward the
45 resolution to the governing bodies of each
46 governmental unit participating in the community
47 cluster. If each of the governing bodies approves the
48 resolution, the governmental unit is included in the
49 community cluster and shall appoint two of the members
50 of its governing body to the governing board of the

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1 community cluster.

2 2. A governmental unit, by resolution, may
3 terminate its participation in a community cluster.
4 Immediately upon its adoption by the governing body of
5 the governmental unit seeking termination of its
6 participation in the community cluster, the resolution
7 shall be forwarded to the governing board. The
8 governing board is not empowered to deny termination
9 but it may set a timetable, not to exceed eighteen
10 months after adoption of the resolution, for
11 termination to be fully effective.

12 Sec.____. Section 331.461, subsection 2, Code
13 2003, is amended by adding the following new
14 paragraph:

15 NEW PARAGRAPH. h. Port facilities or port
16 facilities systems, including without limitation, real
17 and personal property, water, buildings, improvements,
18 and equipment useful and suitable for taking care of
19 the needs of commerce and shipping, and also including
20 without limitation, wharves, docks, basins, piers,
21 quay walls, warehouses, tunnels, belt railway
22 facilities, cranes, dock apparatus, and other
23 machinery necessary for the convenient and economical
24 accommodation and handling of watercraft of all kinds
25 and of freight and passengers."

26 3. By renumbering as necessary.

Wise of Lee offered the following amendment H-8483, to amendment H-8447, filed by him, Schickel of Cerro Gordo and Hoffman of Crawford from the floor and moved its adoption:

H-8483

1 Amend the amendment, H-8447, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 1, by inserting after the word
5 "cluster," the following: "A community cluster and
6 its governing board shall not levv a tax unless
7 specifically authorized by the governing body of each
8 participating governmental unit."

9 2. Page 3, line 11, by inserting after the word
10 "cluster" the following: "by the governing body of
11 that participating governmental unit".

12 3. Page 3, line 15, by inserting after the word
13 "cluster" the following: ", subject to the approval
14 of the governing body of each participating
15 governmental unit".

16 4. Page 3, line 23, by inserting after the word
17 "function" the following: ", subject to the approval
18 of the governing body of each participating
19 governmental unit".

Amendment H-8483 was adopted.

Wise of Lee offered the following amendment H-8491, to amendment H-8447, filed by him from the floor and moved its adoption:

H-8491

1 Amend the amendment, H-8447, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, line 47, by inserting after the word
5 "cluster." the following: "The authority provided in
6 this subsection does not include the authority to
7 merge or consolidate local governments as an
8 alternative form of county government or an
9 alternative form of city government."

Amendment H-8491 was adopted.

Dix of Butler rose on a point of order that amendment H-8447, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-8447, as amended, not germane.

Wise of Lee moved to suspend the rules to consider amendment H-8447, as amended.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 54, nays 45.

The motion prevailed and the rules were suspended.

Wise of Lee moved the adoption of amendment H-8447, as amended.

Amendment H-8447, as amended, was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8470 filed by him, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Huser of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Peterson of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury and Winckler of Scott from the floor.

Kuhn of Floyd offered the following amendment H-8472, filed from the floor by him and Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of

Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott and Wise of Lee and requested division as follows:

H-8472

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-8472 A

- 3 1. Page 31, line 23, by striking the figure
- 4 "2,363,557" and inserting the following: "2,998,502".
- 5 2. Page 31, line 26, by striking the figure
- 6 "550,000" and inserting the following: "1,184,945".
- 7 3. Page 31, line 32, by inserting after the word
- 8 "subsection." the following: "Of the amount allocated
- 9 in this subsection, up to \$25,000 shall be used to
- 10 establish a program to provide technical assistance to
- 11 businesses that have lost employees who were called to
- 12 military service."
- 13 4. Page 48, by striking line 32 and inserting the
- 14 following:
- 15 " \$ 47,363,894
- 16 _____. JOBS FOR AMERICA'S GRADUATES
- 17 For school districts to provide direct services to
- 18 the most at-risk senior high school students enrolled
- 19 in school districts through direct intervention by a
- 20 "jobs for America's graduates" specialist:
- 21 \$ 400,000
- 22 _____. EARLY CHILDHOOD PROGRAMS
- 23 For purposes of early childhood programs, including
- 24 but not limited to the early childhood programs grants
- 25 and the school ready children grant program
- 26 established pursuant to chapter 28, and the shared
- 27 vision program administered by the child development
- 28 coordinating council in accordance with chapter 256A:
- 29 \$ 1,500,000
- 30 _____. PROFESSIONAL DEVELOPMENT
- 31 For professional development of teachers and
- 32 improvement of student achievement:
- 33 \$ 10,000,000
- 34 Funds appropriated in this subsection shall be
- 35 distributed as follows:
- 36 a. The amount of \$555,000 shall be used to
- 37 implement the highest priority recommendations of the
- 38 achievement gap task force. Priority shall be given

39 to the recommendations that are research-based and
40 have the highest probability of improving student
41 achievement.
42 b. Funds remaining after distribution as provided
43 in paragraph "a" shall be distributed for professional
44 development purposes in accordance with the formula
45 specified in section 284.13, subsection 1, paragraph
46 "f", to each school district that applies to the
47 department and provides a total general fund budget
48 demonstrating that the district intends to increase
49 the proportion of its total expenditures for
50 instruction compared to the proportion expended in the

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1 prior year. Increased proportionate expenditures, not
2 including funds received under this lettered
3 paragraph, must be achieved through proportionate
4 decreases in administration and administrative
5 services as defined by the department.
6 c. A school district shall expend the funds
7 received as provided in paragraph "b" for the
8 following purposes:
9 (1) Compensating staff for professional
10 development time that occurs outside of the regular
11 contract.
12 (2) Substitute teacher costs that provide training
13 or development time for teachers.
14 (3) Costs for trainers or providers of
15 professional development.
16 (4) Professional development supplies and
17 materials, including software or courseware. However,
18 not more than ten percent of the funds received by a
19 school district under paragraph "b" may be used for
20 professional development supplies and materials."
21 5. Page 185, by striking lines 10 through 31.
22 6. Page 204, line 18, by striking the word
23 "sections" and inserting the following: "section".
24 7. Page 204, line 19, by striking the word
25 "sections" and inserting the following: "section".
26 8. Page 204, line 19, by striking the words and
27 figure "and 257.35 are" and inserting the following:
28 "is".

H-8472 B

29 9. Page 205, by inserting after line 21 the
30 following:
31 "DIVISION
32 GROW IOWA VALUES FUND FUNDING
33 Sec. ____ GENERAL FUND APPROPRIATION. From the
34 proceeds received from the sale of bonds issued

35 pursuant to section 12.91, there is appropriated from
 36 the grow Iowa values fund to the general fund of the
 37 state for the fiscal period beginning July 1, 2004,
 38 and ending June 30, 2006, the following amount for
 39 deposit in the general fund:
 40 FY 2004-2005 \$ 39,900,000
 41 FY 2005-2006. \$ 39,900,000
 42 Sec. _____. GENERAL FUND TRANSFER. There is
 43 transferred from the grow Iowa values fund created in
 44 section 15G.108 to the general fund of the state for
 45 the fiscal year beginning July 1, 2004, and ending
 46 June 30, 2005, the following amount:
 47 From moneys anticipated to be received from the
 48 federal government for state and local government
 49 fiscal relief under the federal Jobs and Growth Tax
 50 Relief Reconciliation Act of 2003:

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1 \$ 41,000,000
 2 One hundred percent of the amount transferred
 3 pursuant to this section shall be added to the state
 4 general fund expenditure limitation for fiscal year
 5 2004-2005 under section 8.54.
 6 Sec. _____. Section 8.57, subsection 5, paragraph e,
 7 Code Supplement 2003, is amended to read as follows:
 8 e. Notwithstanding provisions to the contrary in
 9 sections 99D.17 and 99F.11, for the fiscal year
 10 beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year~~
 11 ~~thereafter ending June 30, 2004~~, not more than a total
 12 of sixty million dollars shall be deposited in the
 13 general fund of the state in ~~any~~ the fiscal year
 14 pursuant to sections 99D.17 and 99F.11; for the fiscal
 15 period beginning July 1, 2004, and ending June 30,
 16 2030, not more than a total of thirty-nine million
 17 nine hundred thousand dollars of the moneys directed
 18 to be deposited in the general fund of the state in a
 19 fiscal year pursuant to sections 99D.17 and 99F.11
 20 shall be deposited in the grow Iowa values fund
 21 created in section 15G.108 in any fiscal year, and not
 22 more than a total of twenty million one hundred
 23 thousand dollars shall be deposited in the general
 24 fund in any fiscal year; and for the fiscal year
 25 beginning July 1, 2030, and for each fiscal year
 26 thereafter, not more than a total of sixty million
 27 dollars shall be deposited in the general fund of the
 28 state in any fiscal year pursuant to sections 99D.17
 29 and 99F.11. The next fifteen million dollars of the
 30 moneys directed to be deposited in the general fund of
 31 the state in a fiscal year pursuant to sections 99D.17
 32 and 99F.11 shall be deposited in the vision Iowa fund
 33 created in section 12.72 for the fiscal year beginning

34 July 1, 2000, and for each fiscal year through the
35 fiscal year beginning July 1, 2019. The next five
36 million dollars of the moneys directed to be deposited
37 in the general fund of the state in a fiscal year
38 pursuant to sections 99D.17 and 99F.11 shall be
39 deposited in the school infrastructure fund created in
40 section 12.82 for the fiscal year beginning July 1,
41 2000, and for each fiscal year thereafter until the
42 principal and interest on all bonds issued by the
43 treasurer of state pursuant to section 12.81 are paid,
44 as determined by the treasurer of state. The total
45 moneys in excess of the moneys deposited in the
46 general fund of the state, the grow Iowa values fund,
47 the vision Iowa fund, and the school infrastructure
48 fund in a fiscal year shall be deposited in the
49 rebuild Iowa infrastructure fund and shall be used as
50 provided in this section, notwithstanding section

Page 4

1 8.60.

2 If the total amount of moneys directed to be
3 deposited in the general fund of the state under
4 sections 99D.17 and 99F.11 in a fiscal year is less
5 than the total amount of moneys directed to be
6 deposited in the grow Iowa values fund, the vision
7 Iowa fund, and the school infrastructure fund in the
8 fiscal year pursuant to this paragraph "e", the
9 difference shall be paid from lottery revenues in the
10 manner provided in section 99G.39, subsection 3.

11 Sec. ____ NEW SECTION. 12.91 GENERAL AND
12 SPECIFIC BONDING POWERS.

13 1. The treasurer of state may issue bonds for the
14 purpose of funding the grow Iowa values fund created
15 in section 15G.108. The treasurer of state shall have
16 all of the powers which are necessary to issue and
17 secure bonds and carry out the purposes of the fund.
18 The treasurer of state may issue bonds in principal
19 amounts which are necessary to provide sufficient
20 funds for the grow Iowa values fund, the payment of
21 interest on the bonds, the establishment of reserves
22 to secure the bonds, the costs of issuance of the
23 bonds, other expenditures of the treasurer of state
24 incident to and necessary or convenient to carry out
25 the bond issue for the fund, and all other
26 expenditures of the board necessary or convenient to
27 administer the fund. The bonds are investment
28 securities and negotiable instruments within the
29 meaning of and for purposes of the uniform commercial
30 code.

31 2. Bonds issued under this section are payable
32 solely and only out of the moneys, assets, or revenues

33 of the grow Iowa values fund and any bond reserve
34 funds established pursuant to section 12.92, all of
35 which may be deposited with trustees or depositories
36 in accordance with bond or security documents and
37 pledged to the payment thereof. Bonds issued under
38 this section shall contain on their face a statement
39 that the bonds do not constitute an indebtedness of
40 the state. The treasurer of state shall not pledge
41 the credit or taxing power of this state or any
42 political subdivision of the state or make bonds
43 issued pursuant to this section payable out of any
44 moneys except those in the grow Iowa values fund.
45 3. The proceeds of bonds issued by the treasurer
46 of state and not required for immediate disbursement
47 may be deposited with a trustee or depository as
48 provided in the bond documents and invested or
49 reinvested in any investment as directed by the
50 treasurer of state and specified in the trust

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1 indenture, resolution, or other instrument pursuant to
2 which the bonds are issued without regard to any
3 limitation otherwise provided by law.
4 4. The bonds shall be:
5 a. In a form, issued in denominations, executed in
6 a manner, and payable over terms and with rights of
7 redemption, and be subject to the terms, conditions,
8 and covenants providing for the payment of the
9 principal of, redemption premiums, if any, interest
10 which may be fixed or variable during any period the
11 bonds are outstanding, and such other terms and
12 conditions as prescribed in the trust indenture,
13 resolution, or other instrument authorizing their
14 issuance.
15 b. Negotiable instruments under the laws of the
16 state and may be sold at prices, at public or private
17 sale, and in a manner, as prescribed by the treasurer
18 of state. Chapters 73A, 74, 74A, and 75 do not apply
19 to the sale or issuance of the bonds.
20 c. Subject to the terms, conditions, and covenants
21 providing for the payment of the principal, redemption
22 premiums, if any, interest, and other terms,
23 conditions, covenants, and protective provisions
24 safeguarding payment, not inconsistent with this
25 section and as determined by the trust indenture,
26 resolution, or other instrument authorizing their
27 issuance.
28 5. The bonds are securities in which public
29 officers and bodies of this state, political
30 subdivisions of this state, insurance companies and
31 associations and other persons carrying on an

32 insurance business, banks, trust companies, savings
33 associations, savings and loan associations, and
34 investment companies; administrators, guardians,
35 executors, trustees, and other fiduciaries; and other
36 persons authorized to invest in bonds or other
37 obligations of the state may properly and legally
38 invest funds, including capital, in their control or
39 belonging to them.

40 6. Bonds must be authorized by a trust indenture,
41 resolution, or other instrument of the treasurer of
42 state.

43 7. Neither the resolution, trust indenture, nor
44 any other instrument by which a pledge is created
45 needs to be recorded or filed under the Iowa uniform
46 commercial code to be valid, binding, or effective.

47 8. Bonds issued under the provisions of this
48 section are declared to be issued for a general public
49 and governmental purpose and all bonds issued under
50 this section shall be exempt from taxation by the

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1 state of Iowa and the interest on the bonds shall be
2 exempt from the state income tax and the state
3 inheritance and estate tax.

4 9. Subject to the terms of any bond documents,
5 moneys in the grow Iowa values fund may be expended
6 for administration expenses.

7 10. The treasurer of state may issue bonds for the
8 purpose of refunding any bonds issued pursuant to this
9 section then outstanding, including the payment of any
10 redemption premiums thereon and any interest accrued
11 or to accrue to the date of redemption of the
12 outstanding bonds. Until the proceeds of bonds issued
13 for the purpose of refunding outstanding bonds are
14 applied to the purchase or retirement of outstanding
15 bonds or the redemption of outstanding bonds, the
16 proceeds may be placed in escrow and be invested and
17 reinvested in accordance with the provisions of this
18 section. The interest, income, and profits earned or
19 realized on an investment may also be applied to the
20 payment of the outstanding bonds to be refunded by
21 purchase, retirement, or redemption. After the terms
22 of the escrow have been fully satisfied and carried
23 out, any balance of proceeds and interest earned or
24 realized on the investments may be returned to the
25 treasurer of state for deposit in the grow Iowa values
26 fund established in section 15G.108. All refunding
27 bonds shall be issued and secured and subject to the
28 provisions of this chapter in the same manner and to
29 the same extent as other bonds issued pursuant to this
30 section.

31 11. The treasurer of state shall have all of the
32 powers which are necessary to issue and secure bonds,
33 including but not limited to the power to procure
34 insurance, other credit enhancements, and other
35 financing arrangements, and to execute instruments and
36 contracts and to enter into agreements convenient or
37 necessary to facilitate financing arrangements with
38 respect to the bonds and to carry out the purposes of
39 the fund, including but not limited to such
40 arrangements, instruments, contracts, and agreements
41 as municipal bond insurance, self-insurance or
42 liquidity trusts, accounts, pools or other
43 arrangements, liquidity facilities or covenants,
44 letters of credit, and interest rate agreements.
45 12. For purposes of this section and sections
46 12.92 through 12.95, the term "bonds" means bonds,
47 notes, and other obligations and financing
48 arrangements issued or entered into by the treasurer
49 of state and the term "interest rate agreement" means
50 an interest rate swap or exchange agreement, an

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1 agreement establishing an interest rate floor or
2 ceiling or both, or any similar agreement. Any such
3 agreement may include the option to enter into or
4 cancel the agreement or to reverse or extend the
5 agreement.
6 Sec. ____. NEW SECTION. 12.92 GROW IOWA VALUES
7 FUND ACCOUNTS AND RESERVE FUNDS.
8 1. The treasurer of state shall establish such
9 accounts within the grow Iowa values fund created in
10 section 15G.108 as may be appropriate, including debt
11 service accounts for the purpose of paying the
12 principal of, redemption premium, if any, and interest
13 on bonds payable therefrom. Moneys in the debt
14 service accounts shall not be subject to appropriation
15 for any other purpose by the general assembly, but
16 shall be used only for the purposes of paying the
17 principal of, redemption premium, if any, and interest
18 on the bonds payable therefrom.
19 2. Revenue for the grow Iowa values fund shall
20 include, but is not limited to, the following, which
21 shall be deposited with the treasurer of state or its
22 designee as provided by any bond or security documents
23 and credited to the debt service account:
24 a. The proceeds of bonds issued to capitalize and
25 pay the costs of the fund and investment earnings on
26 the proceeds.
27 b. Interest attributable to investment of moneys
28 in the fund or an account of the fund.
29 c. Moneys in the form of a devise, gift, bequest,

30 donation, federal or other grant, reimbursement,
31 repayment, judgment, transfer, payment, or
32 appropriation from any source intended to be used for
33 the purposes of the fund or account.

34 3. a. The treasurer of state may create and
35 establish one or more special funds, to be known as
36 "bond reserve funds", to secure one or more issues of
37 bonds issued pursuant to section 12.91. The treasurer
38 of state shall pay into each bond reserve fund any
39 moneys appropriated and made available by the state or
40 treasurer of state for the purpose of the fund, any
41 proceeds of sale of bonds to the extent provided in
42 the resolutions or trust indentures authorizing their
43 issuance, and any other moneys which may be available
44 to the treasurer of state for the purpose of the fund
45 from any other sources. All moneys held in a bond
46 reserve fund, except as otherwise provided in this
47 chapter, shall be used as required solely for the
48 payment of the principal of bonds secured in whole or
49 in part by the fund or of the sinking fund payments
50 with respect to the bonds, the purchase or redemption

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1 of the bonds, the payment of interest on the bonds, or
2 the payments of any redemption premium required to be
3 paid when the bonds are redeemed prior to maturity.

4 b. Moneys in a bond reserve fund shall not be
5 withdrawn from it at any time in an amount that will
6 reduce the amount of the fund to less than the bond
7 reserve fund requirement established for the fund, as
8 provided in this subsection, except for the purpose of
9 making, with respect to bonds secured in whole or in
10 part by the fund, payment when due of principal,
11 interest, redemption premiums, and the sinking fund
12 payments with respect to the bonds for the payment of
13 which other moneys of the treasurer of state are not
14 available.

15 Any income or interest earned by, or incremental
16 to, a bond reserve fund due to the investment of it
17 may be transferred by the treasurer of state to other
18 funds or accounts to the extent the transfer does not
19 reduce the amount of that bond reserve fund below the
20 bond reserve fund requirement for it.

21 c. The treasurer of state shall not at any time
22 issue bonds, secured in whole or in part by a bond
23 reserve fund, if, upon the issuance of the bonds, the
24 amount in the bond reserve fund will be less than the
25 bond reserve fund requirement for the fund, unless the
26 treasurer of state at the time of issuance of the
27 bonds deposits in the fund from the proceeds of the
28 bonds issued or from other sources an amount which,

29 together with the amount then in the fund, will not be
30 less than the bond reserve fund requirement for the
31 fund. For the purposes of this subsection, the term
32 "bond reserve fund requirement" means, as of any
33 particular date of computation, an amount of money, as
34 provided in the resolutions or trust indentures
35 authorizing the bonds with respect to which the fund
36 is established.

37 d. To assure the continued solvency of any bonds
38 secured by the bond reserve fund, provision is made in
39 paragraph "a" for the accumulation in each bond
40 reserve fund of an amount equal to the bond reserve
41 requirement for the fund. In order to further assure
42 maintenance of the bond reserve funds, the treasurer
43 of state shall, on or before January 1 of each
44 calendar year, make and deliver to the governor the
45 treasurer of state's certificate stating the sum, if
46 any, required to restore each bond reserve fund to the
47 bond reserve fund requirement for that fund. Within
48 thirty days after the beginning of the session of the
49 general assembly next following the delivery of the
50 certificate, the governor shall submit to both houses

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1 printed copies of a budget including the sum, if any,
2 required to restore each bond reserve fund to the bond
3 reserve fund requirement for that fund. Any sums
4 appropriated by the general assembly and paid to the
5 treasurer of state pursuant to this subsection shall
6 be deposited by the treasurer of state in the
7 applicable bond reserve fund.

8 Sec. ____ NEW SECTION. 12.93 PLEDGES.

9 1. It is the intention of the general assembly
10 that a pledge made in respect of bonds shall be valid
11 and binding from the time the pledge is made, that the
12 moneys or property so pledged and received after the
13 pledge by the treasurer of state shall immediately be
14 subject to the lien of the pledge without physical
15 delivery or further act, and that the lien of the
16 pledge shall be valid and binding as against all
17 parties having claims of any kind in tort, contract,
18 or otherwise against the treasurer of state whether or
19 not the parties have notice of the lien.

20 2. The moneys set aside in a fund or funds pledged
21 for any series or issue of bonds shall be held for the
22 sole benefit of the series or issue separate and apart
23 from moneys pledged for another series or issue of
24 bonds of the treasurer of state. Bonds may be issued
25 in series under one or more resolutions or trust
26 indentures and may be fully open-ended, thus providing
27 for the unlimited issuance of additional series, or

28 partially open-ended, limited as to additional series.
29 Sec.____. NEW SECTION. 12.94 LIMITATIONS.
30 Bonds issued pursuant to section 12.91 are not
31 debts of the state, or of any political subdivision of
32 the state, and do not constitute a pledge of the faith
33 and credit of the state or a charge against the
34 general credit or general fund of the state. The
35 issuance of any bonds pursuant to section 12.91 by the
36 treasurer of state does not directly, indirectly, or
37 contingently obligate the state or a political
38 subdivision of the state to apply moneys, or to levy
39 or pledge any form of taxation whatever, to the
40 payment of the bonds. Bonds issued under section
41 12.91 are payable solely and only from the sources and
42 special fund and accounts provided in section 12.92.
43 Sec.____. NEW SECTION. 12.95 CONSTRUCTION.
44 Sections 12.91 through 12.94, being necessary for
45 the welfare of this state and its inhabitants, shall
46 be liberally construed to effect its purposes.
47 Sec.____. Section 15G.108, Code Supplement 2003,
48 is amended to read as follows:
49 15G.108 GROW IOWA VALUES FUND.
50 A grow Iowa values fund is created and established

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1 as a separate and distinct fund in the state treasury
2 under the control of the grow Iowa values board
3 consisting of moneys appropriated to the grow Iowa
4 values board. Moneys in the fund are not subject to
5 section 8.33. Notwithstanding section 12C.7, interest
6 or earnings on moneys in the fund shall be credited to
7 the fund. Moneys in the fund shall not be subject to
8 appropriation for any other purposes by the general
9 assembly other than as provided in this Act and 2003
10 Iowa Acts, First Extraordinary Session, chapter 2, but
11 shall be used only for the purposes of the grow Iowa
12 values fund. The treasurer of state shall act as
13 custodian of the fund and disburse moneys contained in
14 the fund as directed by the grow Iowa values board,
15 including automatic disbursements of moneys received
16 pursuant to the terms of bond indentures and documents
17 and security provisions to trustees. The fund shall
18 be administered by the grow Iowa values board, which
19 shall make expenditures from the fund consistent with
20 this chapter and pertinent Acts of the general
21 assembly. Any financial assistance provided using
22 moneys from the fund may be provided over a period of
23 time of more than one year. Payments of interest,
24 repayments of moneys loaned pursuant to this chapter,
25 and recaptures of grants or loans shall be deposited
26 in the fund.

27 Sec.____. Section 15G.110, Code Supplement 2003,
28 is amended to read as follows:

29 15G.110 FUTURE CONSIDERATION.

30 Not later than February 1, 2007, the legislative
31 services agency shall prepare and deliver to the
32 secretary of the senate and the chief clerk of the
33 house of representatives identical bills that repeal
34 the provisions of this chapter, with the exception of
35 sections 15G.101, 15G.102, 15G.103, and 15G.108. It
36 is the intent of this section that the general
37 assembly shall bring the bill to a vote in either the
38 senate or the house of representatives expeditiously.
39 It is further the intent of this chapter that if the
40 bill is approved by the first house in which it is
41 considered, it shall expeditiously be brought to a
42 vote in the second house.

43 Sec.____. Section 99G.39, subsection 3, paragraph
44 a, Code Supplement 2003, is amended to read as
45 follows:

46 a. Notwithstanding subsection 1, if gaming
47 revenues under sections 99D.17 and 99F.11 are
48 insufficient in a fiscal year to meet the total amount
49 of such revenues directed to be deposited in the grow
50 Iowa values fund, the vision Iowa fund, and the school

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1 infrastructure fund during the fiscal year pursuant to
2 section 8.57, subsection 5, paragraph "e", the
3 difference shall be paid from lottery revenues prior
4 to deposit of the lottery revenues in the general
5 fund. If lottery revenues are insufficient during the
6 fiscal year to pay the difference, the remaining
7 difference shall be paid from lottery revenues in
8 subsequent fiscal years as such revenues become
9 available.

10 Sec.____. 2003 Iowa Acts, First Extraordinary
11 Session, chapter 1, section 114, is amended to read as
12 follows:

13 SEC. 114. The divisions of this Act designated the
14 grow Iowa values board and fund, with the exception of
15 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
16 Supplement 2003, the value-added agricultural products
17 and processes financial assistance program, the endow
18 Iowa grants, the technology transfer advisors, the
19 Iowa economic development loan and credit guarantee
20 fund, the economic development assistance and data
21 collection, the cultural and entertainment districts,
22 the workforce issues, and the university-based
23 research utilization program, are repealed effective
24 June 30, 2010.

25 Sec.____. 2003 Iowa Acts, First Extraordinary

26 Session, chapter 2, section 75, subsection 1, is

27 amended to read as follows:

28 1. There is appropriated from the general fund of
 29 the state from moneys credited to the general fund of
 30 the state as a result of entering into the streamlined
 31 sales and use tax agreement, for the fiscal ~~period~~
 32 ~~year~~ beginning July 1, 2003, and ending June 30, ~~2010~~
 33 ~~2004~~, the following ~~amounts~~ amount to be used for the
 34 purpose designated:

35 For deposit in the grow Iowa values fund created in
 36 section ~~15G.107, if enacted by 2003 Iowa Acts, House~~
 37 ~~File 692 or another Act~~ 15G.108:

38 FY 2003-2004	\$ 5,000,000
39 FY 2004-2005	\$ 23,000,000
40 FY 2005-2006	\$ 75,000,000
41 FY 2006-2007	\$ 75,000,000
42 FY 2007-2008	\$ 75,000,000
43 FY 2008-2009	\$ 75,000,000
44 FY 2009-2010	\$ 75,000,000"

45 10. By renumbering as necessary.

Roberts of Carroll in the chair at 4:50 p.m.

Kuhn of Floyd moved the adoption of amendment H-8472A.

Roll call was requested by Kuhn of Floyd and Mascher of Johnson.

On the question "Shall amendment H-8472A be adopted?" (S.F. 2298)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman

Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdike	Roberts, Presiding		

Absent or not voting, none.

Amendment H-8472A lost.

Bogges of Page asked and received unanimous consent to withdraw amendment H-8417 filed by her and Jenkins of Black Hawk on April 6, 2004.

Bogges of Page offered the following amendment H-8439 filed by her and Jenkins of Black Hawk and moved its adoption:

H-8439

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 37, by inserting after line 4 the
 4 following:
 5 "Sec. _____. Section 96.7, subsection 2, paragraph
 6 d, subparagraph (1), Code Supplement 2003, is amended
 7 to read as follows:
 8 (1) The current reserve fund ratio is computed by
 9 dividing the total funds available for payment of
 10 benefits, on the computation date, by the total wages
 11 paid in covered employment excluding reimbursable
 12 employment wages during the first four calendar
 13 quarters of the five calendar quarters immediately
 14 preceding the computation date. However, in computing
 15 the current reserve fund ratio the following amounts
 16 shall be added to the total funds available for
 17 payment of benefits on the following computation
 18 dates:
 19 (a) Twenty million dollars on July 1, 2004,
 20 (b) Seventy million dollars on July 1, 2005,
 21 (c) One hundred twenty million dollars on July 1,
 22 2006,
 23 (d) One hundred fifty million dollars on July 1,
 24 2007, and on each subsequent computation date,
 25 Sec. _____. Section 96.19, subsection 18, paragraph

26 a, subparagraph (7), subparagraph subdivision (a),
27 Code 2003, is amended to read as follows:
28 (a) A person in agricultural labor when such labor
29 is performed for an employing unit which during any
30 calendar quarter in the calendar year or the preceding
31 calendar year paid remuneration in cash of twenty
32 thousand dollars or more to individuals employed in
33 agricultural labor excluding labor performed before
34 January 1, 1980, by an alien referred to in this
35 subparagraph; or on each of some twenty days during
36 the calendar year or the preceding calendar year, each
37 day being in a different calendar week, employed in
38 agricultural labor for some portion of the day ten or
39 more individuals, excluding labor performed before
40 January 1, 1980, by an alien referred to in this
41 subparagraph; and such labor is not agricultural labor
42 performed before January 1, 1980, by an individual who
43 is an alien admitted to the United States to perform
44 agricultural labor pursuant to sections 214(c) and
45 101(a)(15)(H) of the Immigration and Nationality Act,
46 8 U.S.C. § 1184(c), 1101(a)(15)(H) (1976). For
47 purposes of this subparagraph subdivision, "employed"
48 shall not include services performed by agricultural
49 workers who are aliens admitted to the United States
50 to perform labor pursuant to section

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1 101(a)(15)(H)(ii)(a) of the Immigration and
2 Nationality Act and who are not covered under the
3 Federal Unemployment Tax Act."
4 2. By renumbering as necessary.

Amendment H-8439 was adopted.

Petersen of Polk offered the following amendment H-8473 filed by her, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren,

Whitead of Woodbury, Winckler of Scott and Wise of Lee, from the floor and moved its adoption:

H-8473

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 37, by inserting after line 4 the
4 following:

5 "Sec. _____. ECONOMIC DEVELOPMENT REGION FINANCIAL
6 ASSISTANCE APPROPRIATION.

7 1. There is appropriated from the grow Iowa values
8 fund created in section 15G.108 to the department of
9 economic development for the fiscal year beginning
10 July 1, 2004, and ending June 30, 2005, the following
11 amount, or so much thereof as is necessary, to be used
12 for the purpose designated:

13 For providing financial assistance under section
14 15E.232, subsections 3, 4, 5, and 6, and under section
15 15E.233:

16 \$ 20,000,000

17 2. Notwithstanding section 8.33, moneys that
18 remain unexpended at the end of a fiscal year shall
19 not revert to any fund but shall remain available for
20 expenditure for the designated purposes during the
21 succeeding fiscal year.

22 Sec. _____. REHABILITATION PROJECT TAX CREDITS
23 APPROPRIATION.

24 1. There is appropriated from the grow Iowa values
25 fund to the general fund of the state for each fiscal
26 year of the fiscal period beginning July 1, 2004, and
27 ending June 30, 2006, the following amounts, or so
28 much thereof as is necessary, to be used for the
29 purpose designated:

30 For payment of tax credits approved pursuant to
31 section 404A.4 for projects located in certified
32 cultural and entertainment districts:

33 FY 2004-2005 \$ 1,500,000

34 FY 2005-2006 \$ 1,500,000

35 2. Notwithstanding section 8.33, moneys that
36 remain unexpended at the end of a fiscal year shall
37 not revert to any fund but shall remain available for
38 expenditure for the designated purposes during the
39 succeeding fiscal year.

40 Sec. _____. COMMUNITY ATTRACTION AND TOURISM
41 PROGRAM.

42 1. There is appropriated from the grow Iowa values
43 fund to the office of the treasurer of state for each
44 fiscal year of the fiscal period beginning July 1,
45 2004, and ending June 30, 2007, the following amounts,
46 or so much thereof as is necessary, to be used for the

47 purpose designated:

48 For deposit in the community attraction and tourism

49 fund:

50 FY 2004-2005 \$ 15,000,000

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1 FY 2005-2006 \$ 15,000,000

2 FY 2006-2007 \$ 15,000,000

3 2. Notwithstanding section 8.33, moneys that
4 remain unexpended at the end of a fiscal year shall
5 not revert to any fund but shall remain available for
6 expenditure for the designated purposes during the
7 succeeding fiscal year.

8 Sec.____. STATE PARKS.

9 1. There is appropriated from the grow Iowa values
10 fund to the grow Iowa values board for each fiscal
11 year of the fiscal period beginning July 1, 2004, and
12 ending June 30, 2006, the following amounts, or so
13 much thereof as is necessary, to be used for the
14 purpose designated:

15 For the purpose of providing financial assistance
16 for projects in targeted state parks and destination
17 parks:

18 FY 2004-2005 \$ 3,000,000

19 FY 2005-2006 \$ 3,000,000

20 2. Notwithstanding section 8.33, moneys that
21 remain unexpended at the end of a fiscal year shall
22 not revert to any fund but shall remain available for
23 expenditure for the designated purposes during the
24 succeeding fiscal year.

25 Sec.____. IOWA CULTURAL TRUST FUND.

26 1. There is appropriated from the grow Iowa values
27 fund to the office of the treasurer of state for each
28 fiscal year of the fiscal period beginning July 1,
29 2004, and ending June 30, 2006, the following amounts,
30 or so much thereof as is necessary, to be used for the
31 purpose designated:

32 For deposit in the Iowa cultural trust fund created
33 in section 303A.4:

34 FY 2004-2005 \$ 2,000,000

35 FY 2005-2006 \$ 2,000,000

36 2. Notwithstanding section 8.33, moneys that
37 remain unexpended at the end of a fiscal year shall
38 not revert to any fund but shall remain available for
39 expenditure for the designated purposes during the
40 succeeding fiscal year.

41 Sec.____. GENERAL FUND APPROPRIATION. From the
42 proceeds received from the sale of bonds issued
43 pursuant to section 12.91, there is appropriated from
44 the grow Iowa values fund to the general fund of the
45 state for the fiscal period beginning July 1, 2004,

46 and ending June 30, 2006, the following amounts for
 47 deposit in the general fund:
 48 FY 2004-2005 \$ 43,600,000
 49 FY 2005-2006 \$ 43,600,000
 50 Sec.____. VALUE-ADDED AGRICULTURAL PRODUCTS AND

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1 PROCESSES FINANCIAL ASSISTANCE FUND APPROPRIATION. In
 2 addition to any moneys allocated from moneys
 3 appropriated pursuant to 2003 Iowa Acts, First
 4 Extraordinary Session, chapter 2, section 66, there is
 5 appropriated from the grow Iowa values fund to the
 6 department of economic development for the fiscal year
 7 beginning July 1, 2004, and ending June 30, 2005, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purpose designated:
 10 For deposit in the value-added agricultural
 11 products and processes financial assistance fund:
 12 \$ 2,000,000
 13 Sec.____. COMMUNITY ECONOMIC BETTERMENT PROGRAM
 14 ACCOUNT APPROPRIATION. In addition to any moneys
 15 allocated from moneys appropriated pursuant to 2003
 16 Iowa Acts, First Extraordinary Session, chapter 2,
 17 section 66, there is appropriated from the grow Iowa
 18 values fund to the department of economic development
 19 for the fiscal year beginning July 1, 2004, and ending
 20 June 30, 2005, the following amount, or so much
 21 thereof as is necessary, to be used for the purpose
 22 designated:
 23 For deposit in the community economic betterment
 24 program account:
 25 \$ 2,000,000
 26 Sec.____. Section 8.57, subsection 5, paragraph e,
 27 Code Supplement 2003, is amended to read as follows:
 28 e. Notwithstanding provisions to the contrary in
 29 sections 99D.17 and 99F.11, for the fiscal year
 30 beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year~~
 31 ~~thereafter ending June 30, 2004,~~ not more than a total
 32 of sixty million dollars shall be deposited in the
 33 general fund of the state in ~~any~~ the fiscal year
 34 pursuant to sections 99D.17 and 99F.11; ~~for the fiscal~~
 35 ~~period beginning July 1, 2004, and ending June 30,~~
 36 2030, not more than a total of forty-three million six
 37 hundred thousand dollars of the moneys directed to be
 38 deposited in the general fund of the state in a fiscal
 39 year pursuant to sections 99D.17 and 99F.11 shall be
 40 deposited in the grow Iowa values fund created in
 41 section 15G.108 in any fiscal year, and not more than
 42 a total of sixteen million four hundred thousand
 43 dollars shall be deposited in the general fund in any
 44 fiscal year; and for the fiscal year beginning July 1,

45 2030, and for each fiscal year thereafter, not more
46 than a total of sixty million dollars shall be
47 deposited in the general fund of the state in any
48 fiscal year pursuant to sections 99D.17 and 99F.11.
49 The next fifteen million dollars of the moneys
50 directed to be deposited in the general fund of the

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1 state in a fiscal year pursuant to sections 99D.17 and
2 99F.11 shall be deposited in the vision Iowa fund
3 created in section 12.72 for the fiscal year beginning
4 July 1, 2000, and for each fiscal year through the
5 fiscal year beginning July 1, 2019. The next five
6 million dollars of the moneys directed to be deposited
7 in the general fund of the state in a fiscal year
8 pursuant to sections 99D.17 and 99F.11 shall be
9 deposited in the school infrastructure fund created in
10 section 12.82 for the fiscal year beginning July 1,
11 2000, and for each fiscal year thereafter until the
12 principal and interest on all bonds issued by the
13 treasurer of state pursuant to section 12.81 are paid,
14 as determined by the treasurer of state. The total
15 moneys in excess of the moneys deposited in the
16 general fund of the state, the grow Iowa values fund,
17 the vision Iowa fund, and the school infrastructure
18 fund in a fiscal year shall be deposited in the
19 rebuild Iowa infrastructure fund and shall be used as
20 provided in this section, notwithstanding section
21 8.60.

22 If the total amount of moneys directed to be
23 deposited in the general fund of the state under
24 sections 99D.17 and 99F.11 in a fiscal year is less
25 than the total amount of moneys directed to be
26 deposited in the grow Iowa values fund, the vision
27 Iowa fund, and the school infrastructure fund in the
28 fiscal year pursuant to this paragraph "e", the
29 difference shall be paid from lottery revenues in the
30 manner provided in section 99G.39, subsection 3.
31 Sec. ____ NEW SECTION. 12.91 GENERAL AND
32 SPECIFIC BONDING POWERS.

33 1. The treasurer of state may issue bonds for the
34 purpose of funding the grow Iowa values fund created
35 in section 15G.108. The treasurer of state shall have
36 all of the powers which are necessary to issue and
37 secure bonds and carry out the purposes of the fund.
38 The treasurer of state may issue bonds in principal
39 amounts which are necessary to provide sufficient
40 funds for the grow Iowa values fund, the payment of
41 interest on the bonds, the establishment of reserves
42 to secure the bonds, the costs of issuance of the
43 bonds, other expenditures of the treasurer of state

44 incident to and necessary or convenient to carry out
45 the bond issue for the fund, and all other
46 expenditures of the board necessary or convenient to
47 administer the fund. The bonds are investment
48 securities and negotiable instruments within the
49 meaning of and for purposes of the uniform commercial
50 code.

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1 2. Bonds issued under this section are payable
2 solely and only out of the moneys, assets, or revenues
3 of the grow Iowa values fund and any bond reserve
4 funds established pursuant to section 12.92, all of
5 which may be deposited with trustees or depositories
6 in accordance with bond or security documents and
7 pledged to the payment thereof. Bonds issued under
8 this section shall contain on their face a statement
9 that the bonds do not constitute an indebtedness of
10 the state. The treasurer of state shall not pledge
11 the credit or taxing power of this state or any
12 political subdivision of the state or make bonds
13 issued pursuant to this section payable out of any
14 moneys except those in the grow Iowa values fund.

15 3. The proceeds of bonds issued by the treasurer
16 of state and not required for immediate disbursement
17 may be deposited with a trustee or depository as
18 provided in the bond documents and invested or
19 reinvested in any investment as directed by the
20 treasurer of state and specified in the trust
21 indenture, resolution, or other instrument pursuant to
22 which the bonds are issued without regard to any
23 limitation otherwise provided by law.

24 4. The bonds shall be:

25 a. In a form, issued in denominations, executed in
26 a manner, and payable over terms and with rights of
27 redemption, and be subject to the terms, conditions,
28 and covenants providing for the payment of the
29 principal of, redemption premiums, if any, interest
30 which may be fixed or variable during any period the
31 bonds are outstanding, and such other terms and
32 conditions as prescribed in the trust indenture,
33 resolution, or other instrument authorizing their
34 issuance.

35 b. Negotiable instruments under the laws of the
36 state and may be sold at prices, at public or private
37 sale, and in a manner, as prescribed by the treasurer
38 of state. Chapters 73A, 74, 74A, and 75 do not apply
39 to the sale or issuance of the bonds.

40 c. Subject to the terms, conditions, and covenants
41 providing for the payment of the principal, redemption
42 premiums, if any, interest, and other terms,

43 conditions, covenants, and protective provisions
44 safeguarding payment, not inconsistent with this
45 section and as determined by the trust indenture,
46 resolution, or other instrument authorizing their
47 issuance.
48 5. The bonds are securities in which public
49 officers and bodies of this state, political
50 subdivisions of this state, insurance companies and

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1 associations and other persons carrying on an
2 insurance business, banks, trust companies, savings
3 associations, savings and loan associations, and
4 investment companies; administrators, guardians,
5 executors, trustees, and other fiduciaries; and other
6 persons authorized to invest in bonds or other
7 obligations of the state may properly and legally
8 invest funds, including capital, in their control or
9 belonging to them.
10 6. Bonds must be authorized by a trust indenture,
11 resolution, or other instrument of the treasurer of
12 state.
13 7. Neither the resolution, trust indenture, nor
14 any other instrument by which a pledge is created
15 needs to be recorded or filed under the Iowa uniform
16 commercial code to be valid, binding, or effective.
17 8. Bonds issued under the provisions of this
18 section are declared to be issued for a general public
19 and governmental purpose and all bonds issued under
20 this section shall be exempt from taxation by the
21 state of Iowa and the interest on the bonds shall be
22 exempt from the state income tax and the state
23 inheritance and estate tax.
24 9. Subject to the terms of any bond documents,
25 moneys in the grow Iowa values fund may be expended
26 for administration expenses.
27 10. The treasurer of state may issue bonds for the
28 purpose of refunding any bonds issued pursuant to this
29 section then outstanding, including the payment of any
30 redemption premiums thereon and any interest accrued
31 or to accrue to the date of redemption of the
32 outstanding bonds. Until the proceeds of bonds issued
33 for the purpose of refunding outstanding bonds are
34 applied to the purchase or retirement of outstanding
35 bonds or the redemption of outstanding bonds, the
36 proceeds may be placed in escrow and be invested and
37 reinvested in accordance with the provisions of this
38 section. The interest, income, and profits earned or
39 realized on an investment may also be applied to the
40 payment of the outstanding bonds to be refunded by
41 purchase, retirement, or redemption. After the terms

42 of the escrow have been fully satisfied and carried
43 out, any balance of proceeds and interest earned or
44 realized on the investments may be returned to the
45 treasurer of state for deposit in the grow Iowa values
46 fund established in section 15G.108. All refunding
47 bonds shall be issued and secured and subject to the
48 provisions of this chapter in the same manner and to
49 the same extent as other bonds issued pursuant to this
50 section.

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1 11. The treasurer of state shall have all of the
2 powers which are necessary to issue and secure bonds,
3 including but not limited to the power to procure
4 insurance, other credit enhancements, and other
5 financing arrangements, and to execute instruments and
6 contracts and to enter into agreements convenient or
7 necessary to facilitate financing arrangements with
8 respect to the bonds and to carry out the purposes of
9 the fund, including but not limited to such

10 arrangements, instruments, contracts, and agreements
11 as municipal bond insurance, self-insurance or
12 liquidity trusts, accounts, pools or other
13 arrangements, liquidity facilities or covenants,
14 letters of credit, and interest rate agreements.

15 12. For purposes of this section and sections
16 12.92 through 12.95, the term "bonds" means bonds,
17 notes, and other obligations and financing
18 arrangements issued or entered into by the treasurer
19 of state and the term "interest rate agreement" means
20 an interest rate swap or exchange agreement, an
21 agreement establishing an interest rate floor or
22 ceiling or both, or any similar agreement. Any such
23 agreement may include the option to enter into or
24 cancel the agreement or to reverse or extend the
25 agreement.

26 Sec. ____. NEW SECTION. 12.92 GROW IOWA VALUES
27 FUND ACCOUNTS AND RESERVE FUNDS.

28 1. The treasurer of state shall establish such
29 accounts within the grow Iowa values fund created in
30 section 15G.108 as may be appropriate, including debt
31 service accounts for the purpose of paying the
32 principal of, redemption premium, if any, and interest
33 on bonds payable therefrom. Moneys in the debt
34 service accounts shall not be subject to appropriation
35 for any other purpose by the general assembly, but
36 shall be used only for the purposes of paying the
37 principal of, redemption premium, if any, and interest
38 on the bonds payable therefrom.

39 2. Revenue for the grow Iowa values fund shall
40 include, but is not limited to, the following, which

41 shall be deposited with the treasurer of state or its
42 designee as provided by any bond or security documents
43 and credited to the debt service account:
44 a. The proceeds of bonds issued to capitalize and
45 pay the costs of the fund and investment earnings on
46 the proceeds.
47 b. Interest attributable to investment of moneys
48 in the fund or an account of the fund.
49 c. Moneys in the form of a devise, gift, bequest,
50 donation, federal or other grant, reimbursement,

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1 repayment, judgment, transfer, payment, or
2 appropriation from any source intended to be used for
3 the purposes of the fund or account.
4 3. a. The treasurer of state may create and
5 establish one or more special funds, to be known as
6 "bond reserve funds", to secure one or more issues of
7 bonds issued pursuant to section 12.91. The treasurer
8 of state shall pay into each bond reserve fund any
9 moneys appropriated and made available by the state or
10 treasurer of state for the purpose of the fund, any
11 proceeds of sale of bonds to the extent provided in
12 the resolutions or trust indentures authorizing their
13 issuance, and any other moneys which may be available
14 to the treasurer of state for the purpose of the fund
15 from any other sources. All moneys held in a bond
16 reserve fund, except as otherwise provided in this
17 chapter, shall be used as required solely for the
18 payment of the principal of bonds secured in whole or
19 in part by the fund or of the sinking fund payments
20 with respect to the bonds, the purchase or redemption
21 of the bonds, the payment of interest on the bonds, or
22 the payments of any redemption premium required to be
23 paid when the bonds are redeemed prior to maturity.
24 b. Moneys in a bond reserve fund shall not be
25 withdrawn from it at any time in an amount that will
26 reduce the amount of the fund to less than the bond
27 reserve fund requirement established for the fund, as
28 provided in this subsection, except for the purpose of
29 making, with respect to bonds secured in whole or in
30 part by the fund, payment when due of principal,
31 interest, redemption premiums, and the sinking fund
32 payments with respect to the bonds for the payment of
33 which other moneys of the treasurer of state are not
34 available.
35 Any income or interest earned by, or incremental
36 to, a bond reserve fund due to the investment of it
37 may be transferred by the treasurer of state to other
38 funds or accounts to the extent the transfer does not
39 reduce the amount of that bond reserve fund below the

40 bond reserve fund requirement for it.
41 c. The treasurer of state shall not at any time
42 issue bonds, secured in whole or in part by a bond
43 reserve fund, if, upon the issuance of the bonds, the
44 amount in the bond reserve fund will be less than the
45 bond reserve fund requirement for the fund, unless the
46 treasurer of state at the time of issuance of the
47 bonds deposits in the fund from the proceeds of the
48 bonds issued or from other sources an amount which,
49 together with the amount then in the fund, will not be
50 less than the bond reserve fund requirement for the

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1 fund. For the purposes of this subsection, the term
2 "bond reserve fund requirement" means, as of any
3 particular date of computation, an amount of money, as
4 provided in the resolutions or trust indentures
5 authorizing the bonds with respect to which the fund
6 is established.

7 d. To assure the continued solvency of any bonds
8 secured by the bond reserve fund, provision is made in
9 paragraph "a" for the accumulation in each bond
10 reserve fund of an amount equal to the bond reserve
11 requirement for the fund. In order to further assure
12 maintenance of the bond reserve funds, the treasurer
13 of state shall, on or before January 1 of each
14 calendar year, make and deliver to the governor the
15 treasurer of state's certificate stating the sum, if
16 any, required to restore each bond reserve fund to the
17 bond reserve fund requirement for that fund. Within
18 thirty days after the beginning of the session of the
19 general assembly next following the delivery of the
20 certificate, the governor shall submit to both houses
21 printed copies of a budget including the sum, if any,
22 required to restore each bond reserve fund to the bond
23 reserve fund requirement for that fund. Any sums
24 appropriated by the general assembly and paid to the
25 treasurer of state pursuant to this subsection shall
26 be deposited by the treasurer of state in the
27 applicable bond reserve fund.

28 Sec.____. NEW SECTION. 12.93 PLEDGES.

29 1. It is the intention of the general assembly
30 that a pledge made in respect of bonds shall be valid
31 and binding from the time the pledge is made, that the
32 moneys or property so pledged and received after the
33 pledge by the treasurer of state shall immediately be
34 subject to the lien of the pledge without physical
35 delivery or further act, and that the lien of the
36 pledge shall be valid and binding as against all
37 parties having claims of any kind in tort, contract,
38 or otherwise against the treasurer of state whether or

39 not the parties have notice of the lien.
40 2. The moneys set aside in a fund or funds pledged
41 for any series or issue of bonds shall be held for the
42 sole benefit of the series or issue separate and apart
43 from moneys pledged for another series or issue of
44 bonds of the treasurer of state. Bonds may be issued
45 in series under one or more resolutions or trust
46 indentures and may be fully open-ended, thus providing
47 for the unlimited issuance of additional series, or
48 partially open-ended, limited as to additional series.
49 Sec.____. NEW SECTION. 12.94 LIMITATIONS.
50 Bonds issued pursuant to section 12.91 are not

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1 debts of the state, or of any political subdivision of
2 the state, and do not constitute a pledge of the faith
3 and credit of the state or a charge against the
4 general credit or general fund of the state. The
5 issuance of any bonds pursuant to section 12.91 by the
6 treasurer of state does not directly, indirectly, or
7 contingently obligate the state or a political
8 subdivision of the state to apply moneys, or to levy
9 or pledge any form of taxation whatever, to the
10 payment of the bonds. Bonds issued under section
11 12.91 are payable solely and only from the sources and
12 special fund and accounts provided in section 12.92.
13 Sec.____. NEW SECTION. 12.95 CONSTRUCTION.
14 Sections 12.91 through 12.94, being necessary for
15 the welfare of this state and its inhabitants, shall
16 be liberally construed to effect its purposes.
17 Sec.____. NEW SECTION. 15E.231 ECONOMIC
18 DEVELOPMENT REGIONS.
19 1. In order for an economic development region to
20 receive moneys from the grow Iowa values fund created
21 in section 15G.108, the organization of an economic
22 development region must be approved by the grow Iowa
23 values board established in section 15G.102. The
24 board shall approve an economic development region
25 that meets the following criteria:
26 a. The region consists of not less than three
27 contiguous counties. Upon the recommendation of the
28 director of the department of economic development,
29 this paragraph may be waived by the board.
30 b. The region establishes a single, focused
31 economic development effort, approved by the board,
32 that shall include the development of a regional
33 development plan and regional marketing strategies.
34 Regional marketing strategies must be focused on
35 marketing the region collectively.
36 2. An approved economic development region may
37 create an economic development region revolving fund

38 as provided in section 15E.232.

39 Sec.____. NEW SECTION. 15E.232 ECONOMIC
40 DEVELOPMENT REGION REVOLVING FUNDS – TAX CREDITS.

41 1. An economic development region approved
42 pursuant to section 15E.231 may create an economic
43 development region revolving fund.

44 2. An approved economic development region may
45 apply for financial assistance from the Iowa values
46 fund to assist with physical infrastructure needs
47 related to a specific business partner. In order to
48 receive financial assistance pursuant to this
49 subsection, the economic development region must
50 demonstrate all of the following:

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1 a. The ability to provide matching moneys on a one
2 to one basis.

3 b. The commitment of the specific business
4 partner.

5 c. That all other funding alternatives have been
6 exhausted.

7 3. An approved economic development region may
8 apply for financial assistance from the Iowa values
9 fund to assist an existing business located in the
10 economic development region impacted by business
11 consolidation actions. Business consolidation actions
12 include a substantial or total closure of an existing
13 business due to consolidating the existing business
14 out of state. In order to receive financial
15 assistance pursuant to this subsection, the economic
16 development region must demonstrate the ability to
17 provide matching moneys on a one-to-one basis.

18 4. An approved economic development region may
19 apply for financial assistance to implement economic
20 development initiatives unique to the region. In
21 order to receive financial assistance pursuant to this
22 subsection, the economic development region must
23 demonstrate the ability to provide matching moneys on
24 a one-to-one basis.

25 5. An approved economic development region may
26 apply for financial assistance to implement innovative
27 initiatives that do not qualify for assistance under
28 subsection 4.

29 5. The board may establish and administer a
30 regional economic development revenue sharing pilot
31 project for one or more regions. Not more than three
32 pilot projects shall be established. The department
33 of economic development shall provide technical
34 assistance to the regions participating in a pilot
35 project.

36 7. Financial assistance under subsections 2, 3, 4,

37 and 5 and section 15E.233 shall be limited to a total
38 of twenty million dollars.

39 Sec.____. NEW SECTION. 15E.233 ECONOMICALLY
40 ISOLATED AREAS.

41 1. An approved economic development region may
42 apply to the Iowa values board for approval to be
43 designated as an economically isolated area. In order
44 to be considered an economically isolated area, the
45 region must have at least one county that meets all of
46 the following criteria:

47 a. A majority of the land area of the county is
48 located at least forty miles away from a major
49 commercial area, as determined by the board. Major
50 commercial areas include all of the following:

Page 12

- 1 (1) Burlington.
- 2 (2) Carroll.
- 3 (3) Cedar Rapids.
- 4 (4) Clinton.
- 5 (5) Council Bluffs.
- 6 (6) Davenport.
- 7 (7) Des Moines.
- 8 (8) Dubuque.
- 9 (9) Fort Dodge.
- 10 (10) Iowa City.
- 11 (11) Marshalltown.
- 12 (12) Mason City.
- 13 (13) Ottumwa.
- 14 (14) Sioux City.
- 15 (15) Spencer.
- 16 (16) Storm Lake.
- 17 (17) Waterloo.

18 b. The county has at least one of the following:

- 19 (1) Per capita income that ranks in the lowest
20 twenty-five counties in the state based on the 2000
21 census.
- 22 (2) An annualized average weekly wage for
23 employees in private business that ranks in the lowest
24 twenty-five counties in the state in calendar year
25 2000.

26 2. An approved economically isolated area may
27 apply to the department of economic development for up
28 to seven hundred fifty thousand dollars over a five-
29 year period for purposes of economic-development-
30 related marketing assistance for the area. In order
31 to receive financial assistance pursuant to this
32 subsection, the economic development region must
33 demonstrate the ability to provide matching moneys on
34 a one-to-one basis.

35 Sec.____. Section 15G.108, Code Supplement 2003,

36 is amended to read as follows:

37 15G.108 GROW IOWA VALUES FUND.

38 A grow Iowa values fund is created and established
39 as a separate and distinct fund in the state treasury
40 under the control of the grow Iowa values board
41 consisting of moneys appropriated to the grow Iowa
42 values board. Moneys in the fund are not subject to
43 section 8.33. Notwithstanding section 12C.7, interest
44 or earnings on moneys in the fund shall be credited to
45 the fund. Moneys in the fund shall not be subject to
46 appropriation for any other purposes by the general
47 assembly other than as provided in this Act and 2003
48 Iowa Acts, First Extraordinary Session, chapter 2, but
49 shall be used only for the purposes of the grow Iowa
50 values fund. The treasurer of state shall act as

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1 custodian of the fund and disburse moneys contained in
2 the fund as directed by the grow Iowa values board,
3 including automatic disbursements of moneys received
4 pursuant to the terms of bond indentures and documents
5 and security provisions to trustees. The fund shall
6 be administered by the grow Iowa values board, which
7 shall make expenditures from the fund consistent with
8 this chapter and pertinent Acts of the general
9 assembly. Any financial assistance provided using
10 moneys from the fund may be provided over a period of
11 time of more than one year. Payments of interest,
12 repayments of moneys loaned pursuant to this chapter,
13 and recaptures of grants or loans shall be deposited
14 in the fund.

15 Sec.____. Section 15G.110, Code Supplement 2003,
16 is amended to read as follows:

17 15G.110 FUTURE CONSIDERATION.

18 Not later than February 1, 2007, the legislative
19 services agency shall prepare and deliver to the
20 secretary of the senate and the chief clerk of the
21 house of representatives identical bills that repeal
22 the provisions of this chapter, with the exception of
23 sections 15G.101, 15G.102, 15G.103, and 15G.108. It
24 is the intent of this section that the general
25 assembly shall bring the bill to a vote in either the
26 senate or the house of representatives expeditiously.
27 It is further the intent of this chapter that if the
28 bill is approved by the first house in which it is
29 considered, it shall expeditiously be brought to a
30 vote in the second house.

31 Sec.____. Section 99G.39, subsection 3, paragraph
32 a, Code Supplement 2003, is amended to read as
33 follows:

34 a. Notwithstanding subsection 1, if gaming

35 revenues under sections 99D.17 and 99F.11 are
36 insufficient in a fiscal year to meet the total amount
37 of such revenues directed to be deposited in the grow
38 Iowa values fund, the vision Iowa fund, and the school
39 infrastructure fund during the fiscal year pursuant to
40 section 8.57, subsection 5, paragraph "e", the
41 difference shall be paid from lottery revenues prior
42 to deposit of the lottery revenues in the general
43 fund. If lottery revenues are insufficient during the
44 fiscal year to pay the difference, the remaining
45 difference shall be paid from lottery revenues in
46 subsequent fiscal years as such revenues become
47 available.
48 Sec. _____. Section 404A.4, subsection 4, Code
49 Supplement 2003, is amended to read as follows:
50 4. The total amount of tax credits that may be

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1 approved for a fiscal year under this chapter shall
2 not exceed two million four hundred thousand dollars.
3 For the fiscal ~~years beginning July 1, 2005, and year~~
4 beginning July 1, 2004, an additional one million five
5 hundred thousand dollars of tax credits may be
6 approved for purposes of projects located in cultural
7 and entertainment districts certified pursuant to
8 section 303.3B. For the fiscal year beginning July 1,
9 2005, an additional two million dollars of tax credits
10 may be approved for purposes of projects located in
11 cultural and entertainment districts certified
12 pursuant to section 303.3B. For the fiscal year
13 beginning July 1, 2006, an additional five hundred
14 thousand dollars of tax credits may be approved ~~each~~
15 ~~fiscal year~~ for purposes of projects located in
16 cultural and entertainment districts certified
17 pursuant to section 303.3B. Any of the additional tax
18 credits allocated for projects located in certified
19 cultural and entertainment districts that are not
20 approved during a fiscal year may be carried over to
21 the succeeding fiscal year. Tax credit certificates
22 shall be issued on the basis of the earliest awarding
23 of certifications of completion as provided in
24 subsection 1. The departments of economic development
25 and revenue shall each adopt rules to jointly
26 administer this subsection and shall provide by rule
27 for the method to be used to determine for which
28 fiscal year the tax credits are approved.
29 Sec. _____. 2003 Iowa Acts, First Extraordinary
30 Session, chapter 1, section 114, is amended to read as
31 follows:
32 SEC. 114. The divisions of this Act designated the
33 grow Iowa values board and fund, with the exception of

34 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
35 Supplement 2003, the value-added agricultural products
36 and processes financial assistance program, the endow
37 Iowa grants, the technology transfer advisors, the
38 Iowa economic development loan and credit guarantee
39 fund, the economic development assistance and data
40 collection, the cultural and entertainment districts,
41 the workforce issues, and the university-based
42 research utilization program, are repealed effective
43 June 30, 2010.
44 Sec.____. 2003 Iowa Acts, First Extraordinary
45 Session, chapter 2, section 75, subsection 1, is
46 amended to read as follows:
47 1. There is appropriated from the general fund of
48 the state from moneys credited to the general fund of
49 the state as a result of entering into the streamlined
50 sales and use tax agreement, for the fiscal ~~period~~

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1 year beginning July 1, 2003, and ending June 30, 2010
2 2004, the following ~~amounts~~ amount to be used for the
3 purpose designated:
4 For deposit in the grow Iowa values fund created in
5 section 15G.107, if enacted by 2003 Iowa Acts, House
6 File 692 or another Act 15G.108:
7 FY 2003-2004 \$ 5,000,000
8 ~~FY 2004-2005 \$ 23,000,000~~
9 ~~FY 2005-2006 \$ 75,000,000~~
10 ~~FY 2006-2007 \$ 75,000,000~~
11 ~~FY 2007-2008 \$ 75,000,000~~
12 ~~FY 2008-2009 \$ 75,000,000~~
13 ~~FY 2009-2010 \$ 75,000,000"~~
14 2. Page 39, by inserting after line 7 the
15 following:
16 "Sec.____. REGULATORY EFFICIENCY COMMISSION.
17 1. A regulatory efficiency commission is
18 established for purposes of identifying unneeded
19 regulations, fines, and fees that hinder business
20 development. The commission shall also identify
21 methods for streamlining access to regulatory
22 information.
23 2. The commission shall consist of seven voting
24 members appointed by the governor and four ex officio
25 members.
26 a. The seven voting members appointed by the
27 governor are subject to the requirements of sections
28 69.16, 69.16A, and 69.19. The seven members shall
29 consist of the following:
30 (1) Two members shall be economic development
31 representatives from two different chambers of
32 commerce. One shall be from a metropolitan area with

33 more than fifty thousand people and one shall be from
34 a metropolitan area with fifty thousand people or
35 less.

36 (2) Two members representing agricultural
37 interests.

38 (3) One member representing the Iowa association
39 of business and industry.

40 (4) Two members representing commercial-based and
41 manufacturing-based businesses.

42 b. The four ex officio members shall be members of
43 the general assembly. Two members shall be from the
44 senate and two members shall be from the house of
45 representatives, with not more than one member from
46 each chamber being from the same political party. The
47 two senators shall be designated by the president of
48 the senate after consultation with the majority and
49 minority leaders of the senate. The two
50 representatives shall be designated by the speaker of

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1 the house of representatives after consultation with
2 the majority and minority leaders of the house of
3 representatives. Legislative members shall serve in
4 an ex officio, nonvoting capacity.

5 3. Meetings of the commission are subject to the
6 provisions of chapter 21.

7 4. By January 10, 2005, the commission shall
8 submit a written report to the governor and the
9 general assembly. The report shall include the
10 findings and legislative recommendations of the
11 commission. The report shall be distributed by the
12 secretary of the senate and the chief clerk of the
13 house of representatives to the chairpersons and
14 members of the administrative rules review committee
15 and the economic growth committees in the senate and
16 the house of representatives.

17 Sec.____. PARTNERSHIP COMMISSION.

18 1. A partnership commission is established for
19 purposes of identifying unnecessary public mandates
20 for elimination and providing recommendations designed
21 to encourage city and county governments to share
22 services.

23 2. The commission shall consist of seven voting
24 members appointed by the governor and four ex officio
25 members.

26 a. The seven voting members appointed by the
27 governor are subject to the requirements of sections
28 69.16, 69.16A, and 69.19. The seven members shall
29 consist of representatives from various sized cities
30 and counties.

31 b. The four ex officio members shall be members of

32 the general assembly. Two members shall be from the
 33 senate and two members shall be from the house of
 34 representatives, with not more than one member from
 35 each chamber being from the same political party. The
 36 two senators shall be designated by the president of
 37 the senate after consultation with the majority and
 38 minority leaders of the senate. The two
 39 representatives shall be designated by the speaker of
 40 the house of representatives after consultation with
 41 the majority and minority leaders of the house of
 42 representatives. Legislative members shall serve in
 43 an ex officio, nonvoting capacity.

44 3. Meetings of the commission are subject to the
 45 provisions of chapter 21.

46 4. By January 10, 2005, the commission shall
 47 submit a written report to the governor and the
 48 general assembly. The report shall include the
 49 findings and legislative recommendations of the
 50 commission. The report shall be distributed by the

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1 secretary of the senate and the chief clerk of the
 2 house of representatives to the chairpersons and
 3 members of the administrative rules review committee
 4 and the state government committees in the senate and
 5 the house of representatives."

Roll call was requested by Petersen of Polk and Dandekar of Linn.

On the question "Shall amendment H-8473 be adopted?" (S.F.
 2298)

The ayes were, 44:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Foege
Ford	Frevrt	Gaskill	Greimann
Heddens	Hogg	Hunter	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shomshor
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

The nays were, 55:

Alons	Arnold	Baudler	Boal
Boddicker	Bogess	Carroll	Chambers

De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Sands
Schickel	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Roberts,	
		Presiding	

Absent or not voting, 1:

Huser

Amendment H-8473 lost.

Wendt of Woodbury offered the following amendment H-8467 filed by him, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Huser of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott and Wise of Lee, filed from the floor and moved its adoption:

H-8467

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 51, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ STUDENT ACHIEVEMENT AND TEACHER QUALITY
- 6 PROGRAM. Notwithstanding section 257.8, subsection 1,
- 7 it is the intent of the general assembly that the
- 8 appropriation for the student achievement and teacher
- 9 quality program established in section 284.1 for the

10 fiscal year beginning July 1, 2005, shall be increased
 11 by at least \$44 million over the amount appropriated
 12 for the program for the fiscal year beginning July 1,
 13 2004."

14 2. By striking page 183, line 32, through page
 15 184, line 9, and inserting the following:

16 "Sec. ___. Section 257.8, subsection 1, Code
 17 Supplement 2003, is amended to read as follows:

18 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
 19 ~~growth for the budget year beginning July 1, 2003, is~~
 20 ~~two percent.~~ The state percent of growth for the
 21 budget year beginning July 1, 2004, is two percent.
 22 The state percent of growth for the budget year
 23 beginning July 1, 2005, is four percent. The state
 24 percent of growth for each subsequent budget year
 25 shall be established by statute which shall be enacted
 26 within thirty days of the submission in the year
 27 preceding the base year of the governor's budget under
 28 section 8.21. The establishment of the state percent
 29 of growth for a budget year shall be the only subject
 30 matter of the bill which enacts the state percent of
 31 growth for a budget year."

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8467 be adopted?" (S.F. 2298)

The ayes were, 45:

Bell	Berry	Bukta	Cphoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman

Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Roberts, Presiding		

Absent or not voting, 1:

Huser

Amendment H-8467 lost.

Hogg of Linn offered the following amendment H-8469 filed by him, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, Mertz of Kossuth, Miller of Webster, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott and Wise of Lee, from the floor and moved its adoption:

H-8469

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 51, by inserting after line 28 the
- 4 following:
- 5 "Sec. ____ EDUCATION FUNDING – APPROPRIATION.
- 6 There is appropriated from the general fund of the
- 7 state to the department of education for the fiscal
- 8 year beginning July 1, 2004, and ending June 30, 2005,
- 9 the following amount, or so much thereof as is
- 10 necessary, to be used for the purpose designated:
- 11 To supplement amounts appropriated pursuant to
- 12 section 257.16 from the general fund of the state to
- 13 pay the foundation aid and supplementary aid under

14 section 257.4, subsection 2:

15 \$ 41,000,000

16 The amount appropriated pursuant to this section
 17 shall be in addition to, and shall not replace, funds
 18 otherwise appropriated pursuant to section 257.16 for
 19 the fiscal year beginning July 1, 2004, and ending
 20 June 30, 2005, and shall be distributed on a per pupil
 21 basis to school districts based upon the district's
 22 budget enrollment."

23 2. Page 205, by inserting after line 21 the
 24 following:

25 "DIVISION ____

26 GROW IOWA VALUES FUND FUNDING

27 Sec. ____ GENERAL FUND APPROPRIATION. From the
 28 proceeds received from the sale of bonds issued
 29 pursuant to section 12.91, there is appropriated from
 30 the grow Iowa values fund to the general fund of the
 31 state for the fiscal period beginning July 1, 2004,
 32 and ending June 30, 2006, the following amount for
 33 deposit in the general fund:

34 FY 2004-2005 \$ 39,900,000

35 FY 2005-2006 \$ 39,900,000

36 Sec. ____ GENERAL FUND TRANSFER. There is
 37 transferred from the grow Iowa values fund created in
 38 section 15G.108 to the general fund of the state for
 39 the fiscal year beginning July 1, 2004, and ending
 40 June 30, 2005, the following amount:

41 From moneys anticipated to be received from the
 42 federal government for state and local government
 43 fiscal relief under the federal Jobs and Growth Tax
 44 Relief Reconciliation Act of 2003:

45 \$ 41,000,000

46 One hundred percent of the amount transferred
 47 pursuant to this section shall be added to the state
 48 general fund expenditure limitation for fiscal year
 49 2004-2005 under section 8.54.

50 Sec. ____ Section 8.57, subsection 5, paragraph e,

Page 2

1 Code Supplement 2003, is amended to read as follows:

2 e. Notwithstanding provisions to the contrary in
 3 sections 99D.17 and 99F.11, for the fiscal year
 4 beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year~~
 5 ~~thereafter ending June 30, 2004~~, not more than a total
 6 of sixty million dollars shall be deposited in the
 7 general fund of the state in ~~any~~ the fiscal year
 8 pursuant to sections 99D.17 and 99F.11; for the fiscal
 9 period beginning July 1, 2004, and ending June 30,
 10 2030, not more than a total of thirty-nine million
 11 nine hundred thousand dollars of the moneys directed
 12 to be deposited in the general fund of the state in a

13 fiscal year pursuant to sections 99D.17 and 99F.11
14 shall be deposited in the grow Iowa values fund
15 created in section 15G.108 in any fiscal year, and not
16 more than a total of twenty million one hundred
17 thousand dollars shall be deposited in the general
18 fund in any fiscal year; and for the fiscal year
19 beginning July 1, 2030, and for each fiscal year
20 thereafter, not more than a total of sixty million
21 dollars shall be deposited in the general fund of the
22 state in any fiscal year pursuant to sections 99D.17
23 and 99F.11. The next fifteen million dollars of the
24 moneys directed to be deposited in the general fund of
25 the state in a fiscal year pursuant to sections 99D.17
26 and 99F.11 shall be deposited in the vision Iowa fund
27 created in section 12.72 for the fiscal year beginning
28 July 1, 2000, and for each fiscal year through the
29 fiscal year beginning July 1, 2019. The next five
30 million dollars of the moneys directed to be deposited
31 in the general fund of the state in a fiscal year
32 pursuant to sections 99D.17 and 99F.11 shall be
33 deposited in the school infrastructure fund created in
34 section 12.82 for the fiscal year beginning July 1,
35 2000, and for each fiscal year thereafter until the
36 principal and interest on all bonds issued by the
37 treasurer of state pursuant to section 12.81 are paid,
38 as determined by the treasurer of state. The total
39 moneys in excess of the moneys deposited in the
40 general fund of the state, the grow Iowa values fund,
41 the vision Iowa fund, and the school infrastructure
42 fund in a fiscal year shall be deposited in the
43 rebuild Iowa infrastructure fund and shall be used as
44 provided in this section, notwithstanding section
45 8.60.
46 If the total amount of moneys directed to be
47 deposited in the general fund of the state under
48 sections 99D.17 and 99F.11 in a fiscal year is less
49 than the total amount of moneys directed to be
50 deposited in the grow Iowa values fund, the vision

Page 3

1 Iowa fund, and the school infrastructure fund in the
2 fiscal year pursuant to this paragraph "e", the
3 difference shall be paid from lottery revenues in the
4 manner provided in section 99G.39, subsection 3.
5 Sec. ____ NEW SECTION. 12.91 GENERAL AND
6 SPECIFIC BONDING POWERS.
7 1. The treasurer of state may issue bonds for the
8 purpose of funding the grow Iowa values fund created
9 in section 15G.108. The treasurer of state shall have
10 all of the powers which are necessary to issue and
11 secure bonds and carry out the purposes of the fund.

12 The treasurer of state may issue bonds in principal
13 amounts which are necessary to provide sufficient
14 funds for the grow Iowa values fund, the payment of
15 interest on the bonds, the establishment of reserves
16 to secure the bonds, the costs of issuance of the
17 bonds, other expenditures of the treasurer of state
18 incident to and necessary or convenient to carry out
19 the bond issue for the fund, and all other
20 expenditures of the board necessary or convenient to
21 administer the fund. The bonds are investment
22 securities and negotiable instruments within the
23 meaning of and for purposes of the uniform commercial
24 code.

25 2. Bonds issued under this section are payable
26 solely and only out of the moneys, assets, or revenues
27 of the grow Iowa values fund and any bond reserve
28 funds established pursuant to section 12.92, all of
29 which may be deposited with trustees or depositories
30 in accordance with bond or security documents and
31 pledged to the payment thereof. Bonds issued under
32 this section shall contain on their face a statement
33 that the bonds do not constitute an indebtedness of
34 the state. The treasurer of state shall not pledge
35 the credit or taxing power of this state or any
36 political subdivision of the state or make bonds
37 issued pursuant to this section payable out of any
38 moneys except those in the grow Iowa values fund.

39 3. The proceeds of bonds issued by the treasurer
40 of state and not required for immediate disbursement
41 may be deposited with a trustee or depository as
42 provided in the bond documents and invested or
43 reinvested in any investment as directed by the
44 treasurer of state and specified in the trust
45 indenture, resolution, or other instrument pursuant to
46 which the bonds are issued without regard to any
47 limitation otherwise provided by law.

48 4. The bonds shall be:

49 a. In a form, issued in denominations, executed in
50 a manner, and payable over terms and with rights of

Page 4

1 redemption, and be subject to the terms, conditions,
2 and covenants providing for the payment of the
3 principal of, redemption premiums, if any, interest
4 which may be fixed or variable during any period the
5 bonds are outstanding, and such other terms and
6 conditions as prescribed in the trust indenture,
7 resolution, or other instrument authorizing their
8 issuance.

9 b. Negotiable instruments under the laws of the
10 state and may be sold at prices, at public or private

11 sale, and in a manner, as prescribed by the treasurer
12 of state. Chapters 73A, 74, 74A, and 75 do not apply
13 to the sale or issuance of the bonds.

14 c. Subject to the terms, conditions, and covenants
15 providing for the payment of the principal, redemption
16 premiums, if any, interest, and other terms,
17 conditions, covenants, and protective provisions
18 safeguarding payment, not inconsistent with this
19 section and as determined by the trust indenture,
20 resolution, or other instrument authorizing their
21 issuance.

22 5. The bonds are securities in which public
23 officers and bodies of this state, political
24 subdivisions of this state, insurance companies and
25 associations and other persons carrying on an
26 insurance business, banks, trust companies, savings
27 associations, savings and loan associations, and
28 investment companies; administrators, guardians,
29 executors, trustees, and other fiduciaries; and other
30 persons authorized to invest in bonds or other
31 obligations of the state may properly and legally
32 invest funds, including capital, in their control or
33 belonging to them.

34 6. Bonds must be authorized by a trust indenture,
35 resolution, or other instrument of the treasurer of
36 state.

37 7. Neither the resolution, trust indenture, nor
38 any other instrument by which a pledge is created
39 needs to be recorded or filed under the Iowa uniform
40 commercial code to be valid, binding, or effective.

41 8. Bonds issued under the provisions of this
42 section are declared to be issued for a general public
43 and governmental purpose and all bonds issued under
44 this section shall be exempt from taxation by the
45 state of Iowa and the interest on the bonds shall be
46 exempt from the state income tax and the state
47 inheritance and estate tax.

48 9. Subject to the terms of any bond documents,
49 moneys in the grow Iowa values fund may be expended
50 for administration expenses.

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1 10. The treasurer of state may issue bonds for the
2 purpose of refunding any bonds issued pursuant to this
3 section then outstanding, including the payment of any
4 redemption premiums thereon and any interest accrued
5 or to accrue to the date of redemption of the
6 outstanding bonds. Until the proceeds of bonds issued
7 for the purpose of refunding outstanding bonds are
8 applied to the purchase or retirement of outstanding
9 bonds or the redemption of outstanding bonds, the

10 proceeds may be placed in escrow and be invested and
11 reinvested in accordance with the provisions of this
12 section. The interest, income, and profits earned or
13 realized on an investment may also be applied to the
14 payment of the outstanding bonds to be refunded by
15 purchase, retirement, or redemption. After the terms
16 of the escrow have been fully satisfied and carried
17 out, any balance of proceeds and interest earned or
18 realized on the investments may be returned to the
19 treasurer of state for deposit in the grow Iowa values
20 fund established in section 15G.108. All refunding
21 bonds shall be issued and secured and subject to the
22 provisions of this chapter in the same manner and to
23 the same extent as other bonds issued pursuant to this
24 section.

25 11. The treasurer of state shall have all of the
26 powers which are necessary to issue and secure bonds,
27 including but not limited to the power to procure
28 insurance, other credit enhancements, and other
29 financing arrangements, and to execute instruments and
30 contracts and to enter into agreements convenient or
31 necessary to facilitate financing arrangements with
32 respect to the bonds and to carry out the purposes of
33 the fund, including but not limited to such
34 arrangements, instruments, contracts, and agreements
35 as municipal bond insurance, self-insurance or
36 liquidity trusts, accounts, pools or other
37 arrangements, liquidity facilities or covenants,
38 letters of credit, and interest rate agreements.

39 12. For purposes of this section and sections
40 12.92 through 12.95, the term "bonds" means bonds,
41 notes, and other obligations and financing
42 arrangements issued or entered into by the treasurer
43 of state and the term "interest rate agreement" means
44 an interest rate swap or exchange agreement, an
45 agreement establishing an interest rate floor or
46 ceiling or both, or any similar agreement. Any such
47 agreement may include the option to enter into or
48 cancel the agreement or to reverse or extend the
49 agreement.

50 Sec.____. NEW SECTION. 12.92 GROW IOWA VALUES

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1 FUND ACCOUNTS AND RESERVE FUNDS.

2 1. The treasurer of state shall establish such
3 accounts within the grow Iowa values fund created in
4 section 15G.108 as may be appropriate, including debt
5 service accounts for the purpose of paying the
6 principal of, redemption premium, if any, and interest
7 on bonds payable therefrom. Moneys in the debt
8 service accounts shall not be subject to appropriation

9 for any other purpose by the general assembly, but
10 shall be used only for the purposes of paying the
11 principal of, redemption premium, if any, and interest
12 on the bonds payable therefrom.

13 2. Revenue for the grow Iowa values fund shall
14 include, but is not limited to, the following, which
15 shall be deposited with the treasurer of state or its
16 designee as provided by any bond or security documents
17 and credited to the debt service account:

18 a. The proceeds of bonds issued to capitalize and
19 pay the costs of the fund and investment earnings on
20 the proceeds.

21 b. Interest attributable to investment of moneys
22 in the fund or an account of the fund.

23 c. Moneys in the form of a devise, gift, bequest,
24 donation, federal or other grant, reimbursement,
25 repayment, judgment, transfer, payment, or
26 appropriation from any source intended to be used for
27 the purposes of the fund or account.

28 3. a. The treasurer of state may create and
29 establish one or more special funds, to be known as
30 "bond reserve funds", to secure one or more issues of
31 bonds issued pursuant to section 12.91. The treasurer
32 of state shall pay into each bond reserve fund any
33 moneys appropriated and made available by the state or
34 treasurer of state for the purpose of the fund, any
35 proceeds of sale of bonds to the extent provided in
36 the resolutions or trust indentures authorizing their
37 issuance, and any other moneys which may be available
38 to the treasurer of state for the purpose of the fund
39 from any other sources. All moneys held in a bond
40 reserve fund, except as otherwise provided in this
41 chapter, shall be used as required solely for the
42 payment of the principal of bonds secured in whole or
43 in part by the fund or of the sinking fund payments
44 with respect to the bonds, the purchase or redemption
45 of the bonds, the payment of interest on the bonds, or
46 the payments of any redemption premium required to be
47 paid when the bonds are redeemed prior to maturity.

48 b. Moneys in a bond reserve fund shall not be
49 withdrawn from it at any time in an amount that will
50 reduce the amount of the fund to less than the bond

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1 reserve fund requirement established for the fund, as
2 provided in this subsection, except for the purpose of
3 making, with respect to bonds secured in whole or in
4 part by the fund, payment when due of principal,
5 interest, redemption premiums, and the sinking fund
6 payments with respect to the bonds for the payment of
7 which other moneys of the treasurer of state are not

8 available.

9 Any income or interest earned by, or incremental
10 to, a bond reserve fund due to the investment of it
11 may be transferred by the treasurer of state to other
12 funds or accounts to the extent the transfer does not
13 reduce the amount of that bond reserve fund below the
14 bond reserve fund requirement for it.

15 c. The treasurer of state shall not at any time
16 issue bonds, secured in whole or in part by a bond
17 reserve fund, if, upon the issuance of the bonds, the
18 amount in the bond reserve fund will be less than the
19 bond reserve fund requirement for the fund, unless the
20 treasurer of state at the time of issuance of the
21 bonds deposits in the fund from the proceeds of the
22 bonds issued or from other sources an amount which,
23 together with the amount then in the fund, will not be
24 less than the bond reserve fund requirement for the
25 fund. For the purposes of this subsection, the term
26 "bond reserve fund requirement" means, as of any
27 particular date of computation, an amount of money, as
28 provided in the resolutions or trust indentures
29 authorizing the bonds with respect to which the fund
30 is established.

31 d. To assure the continued solvency of any bonds
32 secured by the bond reserve fund, provision is made in
33 paragraph "a" for the accumulation in each bond
34 reserve fund of an amount equal to the bond reserve
35 requirement for the fund. In order to further assure
36 maintenance of the bond reserve funds, the treasurer
37 of state shall, on or before January 1 of each
38 calendar year, make and deliver to the governor the
39 treasurer of state's certificate stating the sum, if
40 any, required to restore each bond reserve fund to the
41 bond reserve fund requirement for that fund. Within
42 thirty days after the beginning of the session of the
43 general assembly next following the delivery of the
44 certificate, the governor shall submit to both houses
45 printed copies of a budget including the sum, if any,
46 required to restore each bond reserve fund to the bond
47 reserve fund requirement for that fund. Any sums
48 appropriated by the general assembly and paid to the
49 treasurer of state pursuant to this subsection shall
50 be deposited by the treasurer of state in the

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1 applicable bond reserve fund.

2 Sec. ____ NEW SECTION. 12.93 PLEDGES.

3 1. It is the intention of the general assembly
4 that a pledge made in respect of bonds shall be valid
5 and binding from the time the pledge is made, that the
6 moneys or property so pledged and received after the

pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2. The moneys set aside in a fund or funds pledged for any series or issue of bonds shall be held for the sole benefit of the series or issue separate and apart from moneys pledged for another series or issue of bonds of the treasurer of state. Bonds may be issued in series under one or more resolutions or trust indentures and may be fully open-ended, thus providing for the unlimited issuance of additional series, or partially open-ended, limited as to additional series.

Sec. ____ NEW SECTION. 12.94 LIMITATIONS.

Bonds issued pursuant to section 12.91 are not debts of the state, or of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance of any bonds pursuant to section 12.91 by the treasurer of state does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys, or to levy or pledge any form of taxation whatever, to the payment of the bonds. Bonds issued under section 12.91 are payable solely and only from the sources and special fund and accounts provided in section 12.92.

Sec. ____ NEW SECTION. 12.95 CONSTRUCTION.

Sections 12.91 through 12.94, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

Sec. ____ Section 15G.108, Code Supplement 2003, is amended to read as follows:

15G.108 GROW IOWA VALUES FUND.

A grow Iowa values fund is created and established as a separate and distinct fund in the state treasury under the control of the grow Iowa values board consisting of moneys appropriated to the grow Iowa values board. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to

the fund. Moneys in the fund shall not be subject to appropriation for any other purposes by the general assembly other than as provided in this Act and 2003 Iowa Acts, First Extraordinary Session, chapter 2, but shall be used only for the purposes of the grow Iowa

6 values fund. The treasurer of state shall act as
7 custodian of the fund and disburse moneys contained in
8 the fund as directed by the grow Iowa values board,
9 including automatic disbursements of moneys received
10 pursuant to the terms of bond indentures and documents
11 and security provisions to trustees. The fund shall
12 be administered by the grow Iowa values board, which
13 shall make expenditures from the fund consistent with
14 this chapter and pertinent Acts of the general
15 assembly. Any financial assistance provided using
16 moneys from the fund may be provided over a period of
17 time of more than one year. Payments of interest,
18 repayments of moneys loaned pursuant to this chapter,
19 and recaptures of grants or loans shall be deposited
20 in the fund.

21 Sec.____. Section 15G.110, Code Supplement 2003,
22 is amended to read as follows:

23 15G.110 FUTURE CONSIDERATION.

24 Not later than February 1, 2007, the legislative
25 services agency shall prepare and deliver to the
26 secretary of the senate and the chief clerk of the
27 house of representatives identical bills that repeal
28 the provisions of this chapter, with the exception of
29 sections 15G.101, 15G.102, 15G.103, and 15G.108. It
30 is the intent of this section that the general
31 assembly shall bring the bill to a vote in either the
32 senate or the house of representatives expeditiously.
33 It is further the intent of this chapter that if the
34 bill is approved by the first house in which it is
35 considered, it shall expeditiously be brought to a
36 vote in the second house.

37 Sec.____. Section 99G.39, subsection 3, paragraph
38 a, Code Supplement 2003, is amended to read as
39 follows:

40 a. Notwithstanding subsection 1, if gaming
41 revenues under sections 99D.17 and 99F.11 are
42 insufficient in a fiscal year to meet the total amount
43 of such revenues directed to be deposited in the grow
44 Iowa values fund, the vision Iowa fund, and the school
45 infrastructure fund during the fiscal year pursuant to
46 section 8.57, subsection 5, paragraph "e", the
47 difference shall be paid from lottery revenues prior
48 to deposit of the lottery revenues in the general
49 fund. If lottery revenues are insufficient during the
50 fiscal year to pay the difference, the remaining

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1 difference shall be paid from lottery revenues in
2 subsequent fiscal years as such revenues become
3 available.

4 Sec.____. 2003 Iowa Acts, First Extraordinary

5 Session, chapter 1, section 114, is amended to read as
6 follows:

7 SEC. 114. The divisions of this Act designated the
8 grow Iowa values board and fund, with the exception of
9 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
10 Supplement 2003, the value-added agricultural products
11 and processes financial assistance program, the endow
12 Iowa grants, the technology transfer advisors, the
13 Iowa economic development loan and credit guarantee
14 fund, the economic development assistance and data
15 collection, the cultural and entertainment districts,
16 the workforce issues, and the university-based
17 research utilization program, are repealed effective
18 June 30, 2010.

19 Sec. ____ 2003 Iowa Acts, First Extraordinary
20 Session, chapter 2, section 75, subsection 1, is
21 amended to read as follows:

22 1. There is appropriated from the general fund of
23 the state from moneys credited to the general fund of
24 the state as a result of entering into the streamlined
25 sales and use tax agreement, for the fiscal ~~period~~
26 year beginning July 1, 2003, and ending June 30, ~~2010~~
27 2004, the following ~~amounts~~ amount to be used for the
28 purpose designated:

29 For deposit in the grow Iowa values fund created in
30 section ~~15G.107, if enacted by 2003 Iowa Acts, House~~
31 ~~File 692 or another Act~~ 15G.108:

32 FY 2003-2004	\$ 5,000,000
33 FY 2004-2005	\$ 23,000,000
34 FY 2005-2006	\$ 75,000,000
35 FY 2006-2007	\$ 75,000,000
36 FY 2007-2008	\$ 75,000,000
37 FY 2008-2009	\$ 75,000,000
38 FY 2009-2010	\$ 75,000,000"

39 3. By renumbering as necessary.

Speaker Rants in the chair at 6:09 p.m.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8469 be adopted?" (S.F. 2298)

The ayes were, 44:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Jacoby

Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Raecker	Reasoner
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

The nays were, 54:

Alons	Arnold	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Rasmussen	Rayhons
Roberts	Sands	Schickel	Shomshor
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

Absent or not voting, 2:

Baudler	Huser
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Amendment H-8469 lost.

The House stood at ease at 6:20 p.m., until the fall of the gavel.

The House resumed session at 7:11 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

Mascher of Johnson offered amendment H-8471 filed by her, Greimann of Story, Berry of Black Hawk, Lensing of Johnson, Heddens of Story, Foege of Linn and Jacoby of Johnson from the floor and requested division as follows:

H-8471

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

H-8471 A

3 1. Page 53, by striking line 9 and inserting the
4 following:
5 "..... \$233,585,069"
6 2. Page 58, by striking line 10 and inserting the
7 following:
8 "..... \$183,936,657"
9 3. Page 59, by striking line 11 and inserting the
10 following:
11 "..... \$ 82,632,493"

H-8471 B

12 4. Page 205, by inserting after line 21 the
13 following:
14 "DIVISION
15 GROW IOWA VALUES FUND FUNDING
16 Sec. _____. GENERAL FUND APPROPRIATION. From the
17 proceeds received from the sale of bonds issued
18 pursuant to section 12.91, there is appropriated from
19 the grow Iowa values fund to the general fund of the
20 state for the fiscal period beginning July 1, 2004,
21 and ending June 30, 2006, the following amount for
22 deposit in the general fund:
23 FY 2004-2005 \$ 39,900,000
24 FY 2005-2006 \$ 39,900,000
25 Sec. _____. GENERAL FUND TRANSFER. There is
26 transferred from the grow Iowa values fund created in
27 section 15G.108 to the general fund of the state for
28 the fiscal year beginning July 1, 2004, and ending
29 June 30, 2005, the following amount:
30 From moneys anticipated to be received from the
31 federal government for state and local government
32 fiscal relief under the federal Jobs and Growth Tax
33 Relief Reconciliation Act of 2003:
34 \$ 41,000,000
35 One hundred percent of the amount transferred
36 pursuant to this section shall be added to the state
37 general fund expenditure limitation for fiscal year
38 2004-2005 under section 8.54.
39 Sec. _____. Section 8.57, subsection 5, paragraph e,
40 Code Supplement 2003, is amended to read as follows:
41 e. Notwithstanding provisions to the contrary in
42 sections 99D.17 and 99F.11, for the fiscal year
43 beginning July 1, ~~2000 2003~~, and ~~for each fiscal year~~
44 ~~thereafter~~ ending June 30, 2004, not more than a total

45 of sixty million dollars shall be deposited in the
46 general fund of the state in ~~any~~ the fiscal year
47 pursuant to sections 99D.17 and 99F.11; for the fiscal
48 period beginning July 1, 2004, and ending June 30,
49 2030, not more than a total of thirty-nine million
50 nine hundred thousand dollars of the moneys directed

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1 to be deposited in the general fund of the state in a
2 fiscal year pursuant to sections 99D.17 and 99F.11
3 shall be deposited in the grow Iowa values fund
4 created in section 15G.108 in any fiscal year, and not
5 more than a total of twenty million one hundred
6 thousand dollars shall be deposited in the general
7 fund in any fiscal year; and for the fiscal year
8 beginning July 1, 2030, and for each fiscal year
9 thereafter, not more than a total of sixty million
10 dollars shall be deposited in the general fund of the
11 state in any fiscal year pursuant to sections 99D.17
12 and 99F.11. The next fifteen million dollars of the
13 moneys directed to be deposited in the general fund of
14 the state in a fiscal year pursuant to sections 99D.17
15 and 99F.11 shall be deposited in the vision Iowa fund
16 created in section 12.72 for the fiscal year beginning
17 July 1, 2000, and for each fiscal year through the
18 fiscal year beginning July 1, 2019. The next five
19 million dollars of the moneys directed to be deposited
20 in the general fund of the state in a fiscal year
21 pursuant to sections 99D.17 and 99F.11 shall be
22 deposited in the school infrastructure fund created in
23 section 12.82 for the fiscal year beginning July 1,
24 2000, and for each fiscal year thereafter until the
25 principal and interest on all bonds issued by the
26 treasurer of state pursuant to section 12.81 are paid,
27 as determined by the treasurer of state. The total
28 moneys in excess of the moneys deposited in the
29 general fund of the state, the grow Iowa values fund,
30 the vision Iowa fund, and the school infrastructure
31 fund in a fiscal year shall be deposited in the
32 rebuild Iowa infrastructure fund and shall be used as
33 provided in this section, notwithstanding section
34 8.60.
35 If the total amount of moneys directed to be
36 deposited in the general fund of the state under
37 sections 99D.17 and 99F.11 in a fiscal year is less
38 than the total amount of moneys directed to be
39 deposited in the grow Iowa values fund, the vision
40 Iowa fund, and the school infrastructure fund in the
41 fiscal year pursuant to this paragraph "e", the
42 difference shall be paid from lottery revenues in the
43 manner provided in section 99G.39, subsection 3.

44 Sec. ____ NEW SECTION. 12.91 GENERAL AND
45 SPECIFIC BONDING POWERS.

46 1. The treasurer of state may issue bonds for the
47 purpose of funding the grow Iowa values fund created
48 in section 15G.108. The treasurer of state shall have
49 all of the powers which are necessary to issue and
50 secure bonds and carry out the purposes of the fund.

Page 3

1 The treasurer of state may issue bonds in principal
2 amounts which are necessary to provide sufficient
3 funds for the grow Iowa values fund, the payment of
4 interest on the bonds, the establishment of reserves
5 to secure the bonds, the costs of issuance of the
6 bonds, other expenditures of the treasurer of state
7 incident to and necessary or convenient to carry out
8 the bond issue for the fund, and all other
9 expenditures of the board necessary or convenient to
10 administer the fund. The bonds are investment
11 securities and negotiable instruments within the
12 meaning of and for purposes of the uniform commercial
13 code.

14 2. Bonds issued under this section are payable
15 solely and only out of the moneys, assets, or revenues
16 of the grow Iowa values fund and any bond reserve
17 funds established pursuant to section 12.92, all of
18 which may be deposited with trustees or depositories
19 in accordance with bond or security documents and
20 pledged to the payment thereof. Bonds issued under
21 this section shall contain on their face a statement
22 that the bonds do not constitute an indebtedness of
23 the state. The treasurer of state shall not pledge
24 the credit or taxing power of this state or any
25 political subdivision of the state or make bonds
26 issued pursuant to this section payable out of any
27 moneys except those in the grow Iowa values fund.

28 3. The proceeds of bonds issued by the treasurer
29 of state and not required for immediate disbursement
30 may be deposited with a trustee or depository as
31 provided in the bond documents and invested or
32 reinvested in any investment as directed by the
33 treasurer of state and specified in the trust
34 indenture, resolution, or other instrument pursuant to
35 which the bonds are issued without regard to any
36 limitation otherwise provided by law.

37 4. The bonds shall be:

38 a. In a form, issued in denominations, executed in
39 a manner, and payable over terms and with rights of
40 redemption, and be subject to the terms, conditions,
41 and covenants providing for the payment of the
42 principal of, redemption premiums, if any, interest

43 which may be fixed or variable during any period the
44 bonds are outstanding, and such other terms and
45 conditions as prescribed in the trust indenture,
46 resolution, or other instrument authorizing their
47 issuance.

48 b. Negotiable instruments under the laws of the
49 state and may be sold at prices, at public or private
50 sale, and in a manner, as prescribed by the treasurer

Page 4

1 of state. Chapters 73A, 74, 74A, and 75 do not apply
2 to the sale or issuance of the bonds.
3 c. Subject to the terms, conditions, and covenants
4 providing for the payment of the principal, redemption
5 premiums, if any, interest, and other terms,
6 conditions, covenants, and protective provisions
7 safeguarding payment, not inconsistent with this
8 section and as determined by the trust indenture,
9 resolution, or other instrument authorizing their
10 issuance.

11 5. The bonds are securities in which public
12 officers and bodies of this state, political
13 subdivisions of this state, insurance companies and
14 associations and other persons carrying on an
15 insurance business, banks, trust companies, savings
16 associations, savings and loan associations, and
17 investment companies; administrators, guardians,
18 executors, trustees, and other fiduciaries; and other
19 persons authorized to invest in bonds or other
20 obligations of the state may properly and legally
21 invest funds, including capital, in their control or
22 belonging to them.

23 6. Bonds must be authorized by a trust indenture,
24 resolution, or other instrument of the treasurer of
25 state.

26 7. Neither the resolution, trust indenture, nor
27 any other instrument by which a pledge is created
28 needs to be recorded or filed under the Iowa uniform
29 commercial code to be valid, binding, or effective.

30 8. Bonds issued under the provisions of this
31 section are declared to be issued for a general public
32 and governmental purpose and all bonds issued under
33 this section shall be exempt from taxation by the
34 state of Iowa and the interest on the bonds shall be
35 exempt from the state income tax and the state
36 inheritance and estate tax.

37 9. Subject to the terms of any bond documents,
38 moneys in the grow Iowa values fund may be expended
39 for administration expenses.

40 10. The treasurer of state may issue bonds for the
41 purpose of refunding any bonds issued pursuant to this

42 section then outstanding, including the payment of any
43 redemption premiums thereon and any interest accrued
44 or to accrue to the date of redemption of the
45 outstanding bonds. Until the proceeds of bonds issued
46 for the purpose of refunding outstanding bonds are
47 applied to the purchase or retirement of outstanding
48 bonds or the redemption of outstanding bonds, the
49 proceeds may be placed in escrow and be invested and
50 reinvested in accordance with the provisions of this

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1 section. The interest, income, and profits earned or
2 realized on an investment may also be applied to the
3 payment of the outstanding bonds to be refunded by
4 purchase, retirement, or redemption. After the terms
5 of the escrow have been fully satisfied and carried
6 out, any balance of proceeds and interest earned or
7 realized on the investments may be returned to the
8 treasurer of state for deposit in the grow Iowa values
9 fund established in section 15G.108. All refunding
10 bonds shall be issued and secured and subject to the
11 provisions of this chapter in the same manner and to
12 the same extent as other bonds issued pursuant to this
13 section.

14 11. The treasurer of state shall have all of the
15 powers which are necessary to issue and secure bonds,
16 including but not limited to the power to procure
17 insurance, other credit enhancements, and other
18 financing arrangements, and to execute instruments and
19 contracts and to enter into agreements convenient or
20 necessary to facilitate financing arrangements with
21 respect to the bonds and to carry out the purposes of
22 the fund, including but not limited to such
23 arrangements, instruments, contracts, and agreements
24 as municipal bond insurance, self-insurance or
25 liquidity trusts, accounts, pools or other
26 arrangements, liquidity facilities or covenants,
27 letters of credit, and interest rate agreements.

28 12. For purposes of this section and sections
29 12.92 through 12.95, the term "bonds" means bonds,
30 notes, and other obligations and financing
31 arrangements issued or entered into by the treasurer
32 of state and the term "interest rate agreement" means
33 an interest rate swap or exchange agreement, an
34 agreement establishing an interest rate floor or
35 ceiling or both, or any similar agreement. Any such
36 agreement may include the option to enter into or
37 cancel the agreement or to reverse or extend the
38 agreement.

39 Sec. ____ NEW SECTION. 12.92 GROW IOWA VALUES
40 FUND ACCOUNTS AND RESERVE FUNDS.

41 1. The treasurer of state shall establish such
42 accounts within the grow Iowa values fund created in
43 section 15G.108 as may be appropriate, including debt
44 service accounts for the purpose of paying the
45 principal of, redemption premium, if any, and interest
46 on bonds payable therefrom. Moneys in the debt
47 service accounts shall not be subject to appropriation
48 for any other purpose by the general assembly, but
49 shall be used only for the purposes of paying the
50 principal of, redemption premium, if any, and interest

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1 on the bonds payable therefrom.
2 2. Revenue for the grow Iowa values fund shall
3 include, but is not limited to, the following, which
4 shall be deposited with the treasurer of state or its
5 designee as provided by any bond or security documents
6 and credited to the debt service account:
7 a. The proceeds of bonds issued to capitalize and
8 pay the costs of the fund and investment earnings on
9 the proceeds.
10 b. Interest attributable to investment of moneys
11 in the fund or an account of the fund.
12 c. Moneys in the form of a devise, gift, bequest,
13 donation, federal or other grant, reimbursement,
14 repayment, judgment, transfer, payment, or
15 appropriation from any source intended to be used for
16 the purposes of the fund or account.
17 3. a. The treasurer of state may create and
18 establish one or more special funds, to be known as
19 "bond reserve funds", to secure one or more issues of
20 bonds issued pursuant to section 12.91. The treasurer
21 of state shall pay into each bond reserve fund any
22 moneys appropriated and made available by the state or
23 treasurer of state for the purpose of the fund, any
24 proceeds of sale of bonds to the extent provided in
25 the resolutions or trust indentures authorizing their
26 issuance, and any other moneys which may be available
27 to the treasurer of state for the purpose of the fund
28 from any other sources. All moneys held in a bond
29 reserve fund, except as otherwise provided in this
30 chapter, shall be used as required solely for the
31 payment of the principal of bonds secured in whole or
32 in part by the fund or of the sinking fund payments
33 with respect to the bonds, the purchase or redemption
34 of the bonds, the payment of interest on the bonds, or
35 the payments of any redemption premium required to be
36 paid when the bonds are redeemed prior to maturity.
37 b. Moneys in a bond reserve fund shall not be
38 withdrawn from it at any time in an amount that will
39 reduce the amount of the fund to less than the bond

40 reserve fund requirement established for the fund, as
41 provided in this subsection, except for the purpose of
42 making, with respect to bonds secured in whole or in
43 part by the fund, payment when due of principal,
44 interest, redemption premiums, and the sinking fund
45 payments with respect to the bonds for the payment of
46 which other moneys of the treasurer of state are not
47 available.

48 Any income or interest earned by, or incremental
49 to, a bond reserve fund due to the investment of it
50 may be transferred by the treasurer of state to other

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1 funds or accounts to the extent the transfer does not
2 reduce the amount of that bond reserve fund below the
3 bond reserve fund requirement for it.

4 c. The treasurer of state shall not at any time
5 issue bonds, secured in whole or in part by a bond
6 reserve fund, if, upon the issuance of the bonds, the
7 amount in the bond reserve fund will be less than the
8 bond reserve fund requirement for the fund, unless the
9 treasurer of state at the time of issuance of the
10 bonds deposits in the fund from the proceeds of the
11 bonds issued or from other sources an amount which,
12 together with the amount then in the fund, will not be
13 less than the bond reserve fund requirement for the
14 fund. For the purposes of this subsection, the term
15 "bond reserve fund requirement" means, as of any
16 particular date of computation, an amount of money, as
17 provided in the resolutions or trust indentures
18 authorizing the bonds with respect to which the fund
19 is established.

20 d. To assure the continued solvency of any bonds
21 secured by the bond reserve fund, provision is made in
22 paragraph "a" for the accumulation in each bond
23 reserve fund of an amount equal to the bond reserve
24 requirement for the fund. In order to further assure
25 maintenance of the bond reserve funds, the treasurer
26 of state shall, on or before January 1 of each
27 calendar year, make and deliver to the governor the
28 treasurer of state's certificate stating the sum, if
29 any, required to restore each bond reserve fund to the
30 bond reserve fund requirement for that fund. Within
31 thirty days after the beginning of the session of the
32 general assembly next following the delivery of the
33 certificate, the governor shall submit to both houses
34 printed copies of a budget including the sum, if any,
35 required to restore each bond reserve fund to the bond
36 reserve fund requirement for that fund. Any sums
37 appropriated by the general assembly and paid to the
38 treasurer of state pursuant to this subsection shall

39 be deposited by the treasurer of state in the
40 applicable bond reserve fund.
41 Sec.____. NEW SECTION. 12.93 PLEDGES.
42 1. It is the intention of the general assembly
43 that a pledge made in respect of bonds shall be valid
44 and binding from the time the pledge is made, that the
45 moneys or property so pledged and received after the
46 pledge by the treasurer of state shall immediately be
47 subject to the lien of the pledge without physical
48 delivery or further act, and that the lien of the
49 pledge shall be valid and binding as against all
50 parties having claims of any kind in tort, contract,

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1 or otherwise against the treasurer of state whether or
2 not the parties have notice of the lien.
3 2. The moneys set aside in a fund or funds pledged
4 for any series or issue of bonds shall be held for the
5 sole benefit of the series or issue separate and apart
6 from moneys pledged for another series or issue of
7 bonds of the treasurer of state. Bonds may be issued
8 in series under one or more resolutions or trust
9 indentures and may be fully open-ended, thus providing
10 for the unlimited issuance of additional series, or
11 partially open-ended, limited as to additional series.
12 Sec.____. NEW SECTION. 12.94 LIMITATIONS.
13 Bonds issued pursuant to section 12.91 are not
14 debts of the state, or of any political subdivision of
15 the state, and do not constitute a pledge of the faith
16 and credit of the state or a charge against the
17 general credit or general fund of the state. The
18 issuance of any bonds pursuant to section 12.91 by the
19 treasurer of state does not directly, indirectly, or
20 contingently obligate the state or a political
21 subdivision of the state to apply moneys, or to levy
22 or pledge any form of taxation whatever, to the
23 payment of the bonds. Bonds issued under section
24 12.91 are payable solely and only from the sources and
25 special fund and accounts provided in section 12.92.
26 Sec.____. NEW SECTION. 12.95 CONSTRUCTION.
27 Sections 12.91 through 12.94, being necessary for
28 the welfare of this state and its inhabitants, shall
29 be liberally construed to effect its purposes.
30 Sec.____. Section 15G.108, Code Supplement 2003,
31 is amended to read as follows:
32 15G.108 GROW IOWA VALUES FUND.
33 A grow Iowa values fund is created and established
34 as a separate and distinct fund in the state treasury
35 under the control of the grow Iowa values board
36 consisting of moneys appropriated to the grow Iowa
37 values board. Moneys in the fund are not subject to

38 section 8.33. Notwithstanding section 12C.7, interest
39 or earnings on moneys in the fund shall be credited to
40 the fund. Moneys in the fund shall not be subject to
41 appropriation for any other purposes by the general
42 assembly other than as provided in this Act and 2003
43 Iowa Acts, First Extraordinary Session, chapter 2, but
44 shall be used only for the purposes of the grow Iowa
45 values fund. The treasurer of state shall act as
46 custodian of the fund and disburse moneys contained in
47 the fund as directed by the grow Iowa values board,
48 including automatic disbursements of moneys received
49 pursuant to the terms of bond indentures and documents
50 and security provisions to trustees. The fund shall

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1 be administered by the grow Iowa values board, which
2 shall make expenditures from the fund consistent with
3 this chapter and pertinent Acts of the general
4 assembly. Any financial assistance provided using
5 moneys from the fund may be provided over a period of
6 time of more than one year. Payments of interest,
7 repayments of moneys loaned pursuant to this chapter,
8 and recaptures of grants or loans shall be deposited
9 in the fund.

10 Sec.____. Section 15G.110, Code Supplement 2003,
11 is amended to read as follows:

12 15G.110 FUTURE CONSIDERATION.

13 Not later than February 1, 2007, the legislative
14 services agency shall prepare and deliver to the
15 secretary of the senate and the chief clerk of the
16 house of representatives identical bills that repeal
17 the provisions of this chapter, with the exception of
18 sections 15G.101, 15G.102, 15G.103, and 15G.108. It
19 is the intent of this section that the general
20 assembly shall bring the bill to a vote in either the
21 senate or the house of representatives expeditiously.
22 It is further the intent of this chapter that if the
23 bill is approved by the first house in which it is
24 considered, it shall expeditiously be brought to a
25 vote in the second house.

26 Sec.____. Section 99G.39, subsection 3, paragraph
27 a, Code Supplement 2003, is amended to read as
28 follows:

29 a. Notwithstanding subsection 1, if gaming
30 revenues under sections 99D.17 and 99F.11 are
31 insufficient in a fiscal year to meet the total amount
32 of such revenues directed to be deposited in the grow
33 Iowa values fund, the vision Iowa fund, and the school
34 infrastructure fund during the fiscal year pursuant to
35 section 8.57, subsection 5, paragraph "e", the
36 difference shall be paid from lottery revenues prior

37 to deposit of the lottery revenues in the general
38 fund. If lottery revenues are insufficient during the
39 fiscal year to pay the difference, the remaining
40 difference shall be paid from lottery revenues in
41 subsequent fiscal years as such revenues become
42 available.

43 Sec.____. 2003 Iowa Acts, First Extraordinary
44 Session, chapter 1, section 114, is amended to read as
45 follows:

46 SEC. 114. The divisions of this Act designated the
47 grow Iowa values board and fund, with the exception of
48 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
49 Supplement 2003, the value-added agricultural products
50 and processes financial assistance program, the endow

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1 Iowa grants, the technology transfer advisors, the
2 Iowa economic development loan and credit guarantee
3 fund, the economic development assistance and data
4 collection, the cultural and entertainment districts,
5 the workforce issues, and the university-based
6 research utilization program, are repealed effective
7 June 30, 2010.

8 Sec.____. 2003 Iowa Acts, First Extraordinary
9 Session, chapter 2, section 75, subsection 1, is
10 amended to read as follows:

11 1. There is appropriated from the general fund of
12 the state from moneys credited to the general fund of
13 the state as a result of entering into the streamlined
14 sales and use tax agreement, for the fiscal ~~period~~
15 year beginning July 1, 2003, and ending June 30, ~~2010~~
16 2004, the following ~~amounts~~ amount to be used for the
17 purpose designated:

18 For deposit in the grow Iowa values fund created in
19 section ~~15G.107, if enacted by 2003 Iowa Acts, House~~
20 ~~File 692 or another Act~~ 15G.108:

21 FY 2003-2004\$	5,000,000
22 FY 2004-2005	\$ 23,000,000
23 FY 2005-2006	\$ 75,000,000
24 FY 2006-2007	\$ 75,000,000
25 FY 2007-2008	\$ 75,000,000
26 FY 2008-2009	\$ 75,000,000
27 FY 2009-2010	\$ 75,000,000"

28 5. By renumbering as necessary.

Struyk of Pottawattamie in the chair at 7:18 p.m.

Mascher of Johnson moved the adoption of amendment H-8471A.

Amendment H-8471A lost.

Alons of Sioux offered the following amendment H-8485 filed by him from the floor and moved its adoption:

H-8485

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 55, line 7, by striking the words
4 "physically deformed, mentally deficient," and
5 inserting the following: "mentally deficient".

A non-record roll call was requested.

The ayes were 49, nays 27.

Amendment H-8485 was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8373 filed by Alons, et al., on April 5, 2004.

Dolecheck of Ringgold offered the following amendment H-8427 filed by Dolecheck, et al., and moved its adoption:

H-8427

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 59, by striking line 29 and inserting the
4 following:
5 " \$ 8,468,249"
6 2. Page 59, by striking line 35 and inserting the
7 following:
8 " \$ 4,737,675"

Amendment H-8427 was adopted.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-8458 filed by him and De Boef of Keokuk from the floor.

Osterhaus of Jackson offered the following amendment H-8393 filed by him and Heaton of Henry and moved its adoption:

H-8393

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

- 3 1. Page 71, line 34, by striking the figure
4 "152.05" and inserting the following: "158.05".
- 5 2. Page 74, by inserting after line 15 the
6 following:
7 "i. For the fiscal year beginning July 1, 2004,
8 and ending June 30, 2005, the board of pharmacy
9 examiners may retain and expend 90 percent of the
10 revenues generated from any increase after July 1,
11 2004, in licensing fees pursuant to sections 124.301
12 and 147.80, and chapter 155A, for purposes related to
13 the state board's duties, including but not limited to
14 the addition of full-time equivalent positions. Fees
15 retained by the board pursuant to this lettered
16 paragraph are appropriated to the board of pharmacy
17 examiners for the purposes described in this lettered
18 paragraph."
- 19 3. By renumbering as necessary.

Amendment H-8393 was adopted.

Heaton of Henry offered the following amendment H-8374 filed by him and moved its adoption:

H-8374

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 72, by striking lines 4 and 5 and
4 inserting the following: "committee expense. Before
5 the department expends or".

Amendment H-8374 was adopted.

Heaton of Henry asked and received unanimous consent that amendment H-8455 be deferred.

Kurtenbach of Story offered the following amendment H-8390 filed by Kurtenbach, et al., and moved its adoption:

H-8390

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 96, line 26, by striking the word "The"
4 and inserting the following: "a. The".

- 5 2. Page 96, by inserting after line 35, the
6 following:
7 "b. Of the funds appropriated in this section,
8 \$100,000 shall be used for participation in one or
9 more pilot projects operated by a private provider to
10 allow the individual or individuals to receive service
11 in the community in accordance with principles
12 established in the *Olmstead v. L.C.* 527 U.S. 581
13 (1999) for the purpose of providing medical assistance
14 or other assistance to individuals with special needs
15 who become ineligible to continue receiving services
16 under the early and periodic screening, diagnosis, and
17 treatment program under the medical assistance program
18 due to becoming twenty-one years of age, who have been
19 approved for additional assistance through the
20 department's exception to policy provisions, but who
21 have health care needs in excess of the funding
22 available through the exception to the policy
23 provisions."
24 3. By renumbering as necessary.

Amendment H-8390 was adopted.

Heaton of Henry offered the following amendment H-8456 filed by him and Huseman of Cherokee from the floor and moved its adoption:

H-8456

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 121, by striking lines 11 and 12 and
4 inserting the following: "support, maintenance, and
5 miscellaneous purposes:"
6 2. Page 121, by striking line 14.

Amendment H-8456 was adopted.

Heaton of Henry offered the following amendment H-8460 filed by him from the floor and moved its adoption:

H-8460

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 127, line 20, by inserting after the word
4 "rate." the following: "Notwithstanding section
5 232.141, subsection 8, for the fiscal year beginning
6 July 1, 2004, the amount of the statewide average of
7 the actual and allowable rates for reimbursement of

8 juvenile shelter care homes that is utilized for the
9 limitation on recovery of unpaid costs shall remain at
10 the same amount in effect for this purpose in the
11 preceding fiscal year."

Amendment H-8460 was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8387 filed by her and Kurtenbach of Story.

Huser of Polk offered the following amendment H-8488 filed by her, Kurtenbach of Story and Heaton of Henry from the floor and moved its adoption:

H-8488

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 128, by inserting after line 4, the
4 following:
5 "Sec. _____. ADOPTION SUBSIDY PROGRAM.
6 1. a. It is the intent of the general assembly
7 that the department of human services maximize receipt
8 of the federal funding available for the adoption
9 subsidy program. The department may renegotiate
10 existing adoption agreements solely for the purpose of
11 maximizing federal funding. However, any revision of
12 the existing adoption monthly maintenance payment
13 agreement shall not result in the reduction of
14 benefits to these adoptive families.
15 b. The limitation on attorney fees under the
16 program shall be \$500 per recipient.
17 c. The department of human services shall attempt
18 to develop a method to obtain federal matching funds
19 for adoption subsidy program recipients' out-of-pocket
20 payments to attorneys for the portion of attorney fees
21 that exceed the limitation on attorney fees under the
22 program.
23 d. The department of human services shall attempt
24 to obtain federal matching funds for adoption subsidy
25 program recipients' out-of-pocket payments for child
26 care fees that exceed the applicable reimbursement
27 rate established under the child care assistance
28 program.
29 e. If cost-effective and in compliance with
30 federal law and regulation, the department of human
31 services may implement a sliding benefit scale based
32 upon income, for all or a portion of the adoption

33 presubsidy or preadoptive subsidy agreements entered
34 into on or after July 1, 2004.

35 2. It is the intent of the general assembly that
36 beginning July 1, 2004, adoption subsidy agreements
37 entered into on or after that date shall be
38 administered uniformly throughout the state.

39 3. a. Beginning July 1, 2004, the child care
40 subsidy payments for individuals who enter into
41 presubsidy or preadoptive subsidy agreements shall be
42 governed by the provisions of the department of human
43 services' child care assistance programs.

44 b. (1) Individuals who entered into presubsidy or
45 preadoptive subsidy agreements on or before June 30,
46 2004, shall continue to receive a child care subsidy,
47 notwithstanding any income guidelines specified under
48 the child care assistance program, and shall not be
49 required to meet the specifications of a specialized
50 program as specified in the administrative rules, but

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1 beginning July 1, 2004, the child care subsidy rate
2 shall be governed by the rate ceilings under the
3 department of human services' child care assistance
4 program.

5 (2) The department shall notify these individuals
6 within thirty days of the effective date of this
7 section of this Act of the potential change in the
8 determination of the child care subsidy rate described
9 under this subsection, and the process for requesting
10 an exception to policy.

11 (3) If an individual requests an exception to
12 policy and the exception is approved, the individual
13 shall continue to receive the child care subsidy rate
14 in effect for the individual prior to July 1, 2004,
15 and shall be reimbursed the difference between the
16 prior rate and the new rate for the period of time
17 that the new rate was applied.

18 4. It is the intent of the general assembly that
19 any rules relating to the adoption subsidy program for
20 which the effective date of the rules is delayed
21 pursuant to section 17A.8, subsection 9, shall take
22 effect unless legislation enacted by the general
23 assembly conflicts with such rules.

24 5. The legislative council is requested to
25 establish an interim study committee to review the
26 adoption subsidy program, which includes a review of
27 current practices regarding the determination of
28 subsidy levels, disparities in subsidy levels among
29 regions of the state, program cost and benefits, the
30 fiscal and programmatic impact of projected future
31 program growth, a thorough analysis of the demographic

32 factors of the adoptive families as well as the
33 adoptive children's special needs, and quantification
34 of savings in other programs and services resulting
35 from the utilization of the adoption subsidy program.
36 The interim study committee shall seek input from the
37 department of human services, adoptive parents, and
38 others with experience or expertise relating to the
39 adoption subsidy program and related services and
40 supports. The interim study committee shall submit a
41 report of findings and recommendations to the general
42 assembly not later than December 1, 2004."
43 2. Page 138, by inserting after line 15 the
44 following:
45 "____. The section of this division of this Act
46 relating to the adoption subsidy program."
47 3. By renumbering as necessary.

Horbach of Tama in the chair at 8:13 p.m.

Amendment H-8488 was adopted.

Shoultz of Black Hawk offered the following amendment H-8486
filed by him from the floor and moved its adoption:

H-8486

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. By striking page 132, line 8, through page
4 133, line 5.
5 2. By renumbering as necessary.

Amendment H-8486 lost.

Heaton of Henry offered the following amendment H-8501 filed by
him from the floor and moved its adoption:

H-8501

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 133, by inserting after line 5 the
4 following:
5 "Sec. ____ Section 232.141, subsection 1, Code
6 2003, is amended to read as follows:
7 1. Except as otherwise provided by law, the court
8 shall inquire into the ability of the child or the
9 child's parent to pay expenses incurred pursuant to
10 ~~subsection subsections 2, and subsection 4, and, after~~

11 8. After giving the parent a reasonable opportunity
12 to be heard, the court may order the parent to pay all
13 or part of the costs of the child's care, examination,
14 treatment, legal expenses, or other expenses. An
15 order entered under this section does not obligate a
16 parent paying child support under a custody decree,
17 except that part of the monthly support payment may be
18 used to satisfy the obligations imposed by the order
19 entered pursuant to this section. If a parent fails
20 to pay as ordered, without good reason, the court may
21 proceed against the parent for contempt and may inform
22 the county attorney who shall proceed against the
23 parent to collect the unpaid amount. Any payment
24 ordered by the court shall be a judgment against each
25 of the child's parents and a lien as provided in
26 section 624.23. If all or part of the amount that the
27 parents are ordered to pay is subsequently paid by the
28 county or state, the judgment and lien shall
29 thereafter be against each of the parents in favor of
30 the county to the extent of the county's payments and
31 in favor of the state to the extent of the state's
32 payments.
33 Sec. ____ Section 234.39, Code 2003, is amended by
34 adding the following new subsection:
35 NEW SUBSECTION. 6. A support obligation for a
36 shelter care placement shall be determined under
37 section 232.141."
38 2. By renumbering as necessary.

Amendment H-8501 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8457 filed by him from the floor.

Heaton of Henry offered the following amendment H-8498 filed by him from the floor and moved its adoption:

H-8498

1 Amend Senate File 2298 as amended, passed and
2 reprinted by the Senate, as follows:
3 1. Page 133, by striking lines 9 through 13, and
4 inserting the following: "mental health quality of
5 care improvement committee. The committee membership
6 shall include".
7 2. Page 133, line 24, by inserting after the
8 figure "249A.24," the following: "the contractor for
9 the medical assistance program managed care mental
10 health contract,".
11 3. Page 133, line 33, by inserting after the word

12 "preferences." the following: "This paragraph shall
13 not apply to any prior authorization provision in
14 force on June 30, 2004, imposed under the existing
15 managed care mental health care contract or any
16 extension of that contract."
17 4. Page 134, line 3, by inserting after the word
18 "and" the following: "after a cost-benefit analysis
19 may".

Speaker Rants in the chair at 8:38 p.m.

Amendment H-8498 was adopted.

Carroll of Poweshiek offered amendment H-8476 filed by him from the floor as follows:

H-8476

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 134, by inserting after line 12, the
4 following:
5 "Sec. ____ NEW SECTION. 249A.35 MEDICAL
6 ASSISTANCE CRISIS INTERVENTION TEAM.
7 1. A medical assistance crisis intervention team
8 is created. The team shall consist of the following
9 members:
10 a. The president of the university of Iowa.
11 b. A representative of the Iowa hospital
12 association.
13 c. A representative of the Iowa medical society.
14 d. A representative of the Iowa health care
15 association.
16 e. A representative of the federation of Iowa
17 insurers.
18 f. A representative of the Iowa association of
19 community providers.
20 g. Two members selected by the president of the
21 university of Iowa.
22 2. The president of the university of Iowa shall
23 act as the chairperson of the team. Members of the
24 team are entitled to receive reimbursement of actual
25 expenses incurred in the discharge of their duties.
26 3. The department of human services shall provide
27 staff to the team as determined by the division
28 administrator of the division of medical services.
29 4. The team shall do all of the following:
30 a. Provide a projection of medical assistance
31 program and administrative costs through June 30,
32 2008, based on services provided as of June 30, 2004.

33 b. Hold at least four monthly public meetings,
34 beginning in July 2004, in at least four
35 geographically balanced venues around the state. The
36 team shall submit a report of its findings from these
37 meetings to the general assembly on or before December
38 1, 2004.

39 5. The team may provide any additional
40 recommendations to the general assembly at any time
41 regarding the medical assistance program including but
42 not limited to recommendations regarding services,
43 eligibility, rates, care management, and program
44 administration.

45 6. The department of human services shall assist
46 the team as follows:

47 a. On or before July 1, 2004, the department shall
48 submit to the team and make available to the public an
49 initial analysis which includes all of the following
50 data:

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1 (1) The number of medical assistance program
2 enrolled eligibles by cohort grouped on the basis of
3 factors such as age, income, disability, and optional
4 eligibility, for the period beginning July 1, 1999,
5 and ending June 30, 2004.

6 (2) A projection of the number of medical
7 assistance program enrolled eligibles in each of the
8 cohorts identified in subparagraph (1), for the period
9 beginning July 1, 2005, and ending June 30, 2008. The
10 projection shall be accompanied by a statement of the
11 underlying assumptions.

12 (3) The actual cost of all services and of each
13 service for each cohort described in subparagraph (1),
14 for the period beginning July 1, 1999, and ending June
15 30, 2004. The analysis of the data shall identify the
16 total cost for each cohort, the cost per member per
17 month for each cohort, and the twenty most utilized
18 medical procedures or services and the ten most
19 prevalent diagnoses associated within each cohort.
20 The analysis of the data shall identify, to the
21 greatest extent possible, the reason for changes in
22 total costs and the costs per member, per month during
23 the period, including but not limited to rate
24 adjustments, service utilization, and eligibility
25 growth.

26 (4) To the extent practical, a comparison of the
27 rates paid by commercial insurers to their Iowa
28 provider network and the rates paid by Medicare, with
29 the rates paid by the medical assistance program for
30 the same services, for the fiscal year beginning July
31 1, 2003, and ending June 30, 2004.

32 (5) An estimate of the program costs for the
33 medical assistance program for the period beginning
34 July 1, 2005, and ending June 30, 2008, based on all
35 of the following assumptions:

36 (a) The enrollment projections described in
37 subparagraph (2) and assuming reasonable change in
38 service utilization patterns, but no change in
39 provider rates in effect on June 30, 2004. The
40 projection shall include total and total program costs
41 per member, per month for each cohort and total cost
42 and the program cost per member per month for each
43 cohort for the period beginning July 1, 2005, and
44 ending June 30, 2008. The assumptions used in
45 developing the projections shall be clearly stated.

46 (b) The enrollment projections described in
47 subparagraph (2) and assuming reasonable change in
48 service utilization patterns, and additionally
49 assuming that all medical assistance program fee for
50 service rates are equal to ninety-eight percent of the

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1 usual and customary charges for such service in the
2 fiscal year beginning July 1, 2003, and ending June
3 30, 2004, and grow at an annual rate of two percent
4 annually through June 30, 2008, and assuming that
5 commensurate changes are made in rates paid to medical
6 assistance program managed care organizations.

7 (6) If the projections for later years exceed the
8 spending standard established in subparagraph (5),
9 subparagraph subdivision (b), a base rate and the
10 annual inflation adjustments that would result in
11 spending being limited to the spending standard
12 established in that paragraph.

13 (7) A description of the cost, member, provider,
14 and service quality impact of all of the following:

15 (a) Application of medical assistance program
16 allowable limits on optional services.

17 (b) Service utilization control strategies
18 including managed care and prior authorization in the
19 pharmacy, medical and behavioral, and long-term care
20 areas that have been utilized in other states or
21 jurisdictions that could potentially be utilized in
22 Iowa. The department shall identify the
23 administrative costs associated with each strategy.

24 (c) Accessible disease management and enhanced
25 primary care case management strategies with
26 particular attention to the timing of costs and
27 benefits.

28 (d) Accessible health promotion strategies and
29 disease prevention activities with particular
30 attention to the timing of costs and benefits.

31 (e) Enhanced surveillance and utilization review,
32 revenue collection, estate recovery, and cost
33 avoidance activities in future years.
34 (f) The federal Prescription Drug and Medicare
35 Improvement Act of 2003.
36 (g) The program options and cost savings
37 potentially associated with reducing the populations
38 of intermediate care facilities for the mentally
39 retarded and nursing facilities due to the
40 availability of home and community-based services,
41 including consumer-directed home care.
42 b. The department shall present the analysis
43 described in paragraph "a" at the initial meeting of
44 the team in July 2004. The department shall adjust,
45 expand, or otherwise modify its analysis based on the
46 requests of the team at its subsequent monthly
47 meetings and shall assist the team in compiling the
48 team's final report to the general assembly.
49 Sec.____. REPORT – MEDICAID PROGRAM FINANCING.
50 On or before August 1, 2004, the department of human

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1 services shall submit a report to the chairpersons and
2 ranking members of the joint appropriations
3 subcommittee on health and human services, the
4 legislative services agency, the legislative caucus
5 staffs, and the medical assistance crisis intervention
6 team created in section 249A.35, providing
7 recommendations to reduce costs or provide revenue
8 enhancements to reduce the projected program and
9 administrative costs of the medical assistance program
10 by \$130,000,000 for the fiscal year beginning July 1,
11 2005, and ending June 30, 2006."
12 2. Page 138, by inserting after line 11, the
13 following:
14 "____. The section of this division of this Act
15 creating section 249A.35, relating to the medical
16 assistance crisis intervention team, takes effect upon
17 enactment."
18 3. By renumbering as necessary.

Carroll of Poweshiek offered the following amendment H-8495, to amendment H-8476, filed by him from the floor and moved its adoption:

H-8495

1 Amend the amendment, H-8476, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

- 4 1. Page 1, by inserting after line 13, the
- 5 following:
- 6 "____. A representative of the Iowa pharmacy
- 7 association."
- 8 2. By relettering as necessary.

Amendment H-8495 was adopted.

Carroll of Poweshiek offered the following amendment H-8499, to amendment H-8476, filed by him from the floor and moved its adoption:

H-8499

- 1 Amend the amendment, H-8476, to Senate File 2298,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 19, the
- 5 following:
- 6 "____. A representative of the medical assistance
- 7 advisory council established pursuant to section
- 8 249A.4, subsection 8."
- 9 2. By renumbering as necessary.

Amendment H-8499 was adopted.

On motion by Carroll of Poweshiek amendment H-8476, as amended, was adopted.

Heaton of Henry offered the following amendment H-8461 filed by him, Foege of Linn and Upmeyer of Hancock from the floor and moved its adoption:

H-8461

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 141, by striking lines 1 through 8 and
- 4 inserting the following:
- 5 "____. Five million dollars of the moneys
- 6 appropriated in this subsection shall be transferred
- 7 to the senior living revolving loan program fund
- 8 created in section 16.182 for the purposes of that
- 9 section.
- 10 _____. Two million dollars of the moneys
- 11 appropriated in this subsection shall be transferred
- 12 to the home and community-based services revolving
- 13 loan program fund created in section 16.183 for the

14 purposes of that section."

15 2. Page 144, by inserting after line 3 the
16 following:

17 "Sec.____. NEW SECTION. 16.182 SENIOR LIVING
18 REVOLVING LOAN PROGRAM FUND.

19 1. A senior living revolving loan program fund is
20 created within the authority to further the goal of
21 the senior living program as specified in section
22 249H.2. The moneys in the senior living revolving
23 loan program fund shall be used by the authority for
24 the development and operation of a revolving loan
25 program to provide financing to construct affordable
26 assisted living and service-enriched affordable
27 housing for seniors and persons with disabilities,
28 including through new construction or acquisition and
29 rehabilitation.

30 2. Moneys received by the authority from the
31 senior living trust fund, transferred by the authority
32 for deposit in the senior living revolving loan
33 program fund, moneys appropriated to the senior living
34 revolving loan program, and any other moneys available
35 to and obtained or accepted by the authority for
36 placement in the senior living revolving loan program
37 fund shall be deposited in the fund. Additionally,
38 payment of interest, recaptures of awards, and other
39 repayments to the senior living revolving loan program
40 fund shall be deposited in the fund. Notwithstanding
41 section 12C.7, subsection 2, interest or earnings on
42 moneys in the senior living revolving loan program
43 fund shall be credited to the fund. Notwithstanding
44 section 8.33, moneys that remain unencumbered or
45 unobligated at the end of the fiscal year shall not
46 revert but shall remain available for the same purpose
47 in the succeeding fiscal year.

48 3. The authority shall annually allocate moneys
49 available in the senior living revolving loan program
50 fund for the development of affordable assisted living

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1 and service-enriched affordable housing for seniors
2 and persons with disabilities. The authority shall
3 develop a joint application process for the allocation
4 of federal low-income housing tax credits and funds
5 available under this section. Moneys allocated to
6 such developments may be in the form of loans, grants,
7 or a combination of loans and grants.

8 4. The authority shall adopt rules pursuant to
9 chapter 17A to administer this section.

10 Sec.____. NEW SECTION. 16.183 HOME AND
11 COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM FUND.

12 1. A home and community-based services revolving

13 loan program fund is created within the authority to
14 further the goals specified in section 231.3, adult
15 day services, respite services, and congregate meals.
16 The moneys in the home and community-based services
17 revolving loan program fund shall be used by the
18 authority for the development and operation of a
19 revolving loan program to develop and expand
20 facilities and infrastructure that provide adult day
21 services, respite services, and congregate meals that
22 address the needs of persons with low incomes.
23 2. Moneys received by the authority from the
24 senior living trust fund, transferred by the authority
25 for deposit in the home and community-based services
26 revolving loan program fund, moneys appropriated to
27 the home and community-based services revolving loan
28 program, and any other moneys available to and
29 obtained or accepted by the authority for placement in
30 the home and community-based services revolving loan
31 program fund shall be deposited in the fund.
32 Additionally, payment of interest, recaptures of
33 awards, and other repayments to the senior living
34 revolving loan program fund shall be deposited in the
35 fund. Notwithstanding section 12C.7, subsection 2,
36 interest or earnings on moneys in the home and
37 community-based services revolving loan program fund
38 shall be credited to the fund. Notwithstanding
39 section 8.33, moneys that remain unencumbered or
40 unobligated at the end of the fiscal year shall not
41 revert but shall remain available for the same purpose
42 in the succeeding fiscal year.
43 3. The authority, in cooperation with the
44 department of elder affairs, shall annually allocate
45 moneys available in the home and community-based
46 services revolving loan program fund to develop and
47 expand facilities and infrastructure that provide
48 adult day services, respite services, and congregate
49 meals that address the needs of persons with low
50 incomes.

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1 4. The authority shall adopt rules pursuant to
2 chapter 17A to administer this section."
3 3. By renumbering as necessary.

Amendment H-8461 was adopted.

Heaton of Henry offered the following amendment H-8497 filed by him from the floor and moved its adoption:

H-8497

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 145, by inserting after line 11 the
4 following:

5 "Sec. ____ Section 331.438, subsection 4,
6 paragraph b, Code 2003, is amended by adding the
7 following new subparagraph:

8 NEW SUBPARAGRAPH. (16) Develop a procedure for
9 each county to disclose to the department of human
10 services information approved by the commission
11 concerning the mental health, mental retardation,
12 developmental disabilities, and brain injury services
13 provided to the individuals served through the county
14 central point of coordination process. The procedure
15 shall incorporate protections to ensure that if
16 individually identified information is disclosed, it
17 is disclosed and maintained in compliance with
18 applicable Iowa and federal confidentiality laws,
19 including but not limited to federal Health Insurance
20 Portability and Accountability Act requirements."

21 2. By renumbering as necessary.

Amendment H-8497 was adopted.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-8459 filed by him from the floor.

Hutter of Scott asked and received unanimous consent to withdraw amendment H-8392 filed by him on April 6, 2004.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8490 filed by him from the floor.

Heaton of Henry offered the following amendment H-8506 filed by him from the floor and moved its adoption:

H-8506

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 147, by inserting after line 5 the
4 following:

5 "NEW SUBSECTION. 6. Each county shall submit a
6 report to the Iowa state association of counties to be
7 shared with the legislative services agency on or

8 before January 31, 2005, regarding the unaudited
9 expenditures from the county's mental health, mental
10 retardation, and developmental disabilities services
11 fund."

A non-record roll call was requested.

The ayes were 52, nays 30.

Amendment H-8506 was adopted.

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-8441 filed by him on April 6, 2004.

Hoffman of Crawford asked and received unanimous consent to withdraw amendment H-8474 filed by him from the floor.

Raecker of Polk offered the following amendment H-8475 filed by him, Gipp of Winneshiek and Horbach of Tama from the floor and moved its adoption:

H-8475

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 167, by inserting after line 31 the
4 following:
5 "In addition to the amount appropriated in this
6 subsection, there is transferred from the moneys
7 credited during the fiscal year beginning July 1,
8 2004, to the depreciation fund maintained by the
9 department of administrative services pursuant to
10 section 8A.365, for purposes of the motor pool, to the
11 vehicle depreciation account maintained by the
12 department of public safety for vehicles utilized by
13 the division of the Iowa state patrol. During the
14 fiscal year the department of administrative services
15 shall credit to the depreciation fund at least
16 \$475,000 for purposes of the motor pool. The moneys
17 shall be transferred to the department of public
18 safety on a monthly basis. Moneys transferred
19 pursuant to this paragraph are appropriated to the
20 department of public safety for purposes of vehicle
21 replacement for the division of the Iowa state patrol.
22 Notwithstanding section 8.33, moneys transferred in
23 this paragraph that remain unencumbered or unobligated
24 at the close of the fiscal year shall not revert but
25 shall remain available for expenditure from the

26 department of public safety's vehicle depreciation
27 account for the purposes designated until the close of
28 the fiscal year that begins July 1, 2005."

Amendment H-8475 was adopted.

Eichhorn of Hamilton offered the following amendment H-8502 filed by him, Tjepkes of Webster and Freeman of Buena Vista from the floor and moved its adoption:

H-8502

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 169, by inserting after line 2 the
4 following:
5 "Sec. ____ Section 8D.9, Code Supplement 2003, is
6 amended by adding the following new subsection:
7 NEW SUBSECTION. 4. A community college receiving
8 federal funding to conduct first responder training
9 and testing regarding homeland security first
10 responder communication and technology-related
11 research and development projects shall be authorized
12 to utilize the network for testing purposes."

Chambers of O'Brien in the chair at 9:25 p.m.

Amendment H-8502 was adopted.

Heaton of Henry offered the following amendment H-8450 filed by him and moved its adoption:

H-8450

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 182, by inserting after line 12 the
4 following:
5 "Sec. ____ NEW SECTION. 153.40 MOBILE DENTAL
6 DELIVERY SYSTEM.
7 The Iowa department of public health shall
8 establish and implement a mobile dental delivery
9 system to make available dental supplies, portable
10 dental equipment, and vans to be used in transporting
11 the equipment to provide oral health services to and
12 improve the oral health of low-income persons who live
13 in federal or state-designated health professional
14 shortage areas and have the least access to oral
15 health services. The department shall coordinate the

16 program. Funds available for improving oral health
17 may also be used for loan forgiveness for dental
18 providers or to develop oral health training modules
19 for nursing home staff or other suitable staff who
20 provide oral health services to persons described in
21 this section."

22 2. Page 204, by inserting after line 17 the
23 following:

24 "____. The section of this division of this Act
25 enacting section 153.40 takes effect upon receipt of
26 the Iowa department of public health of federal
27 funding to establish a mobile dental delivery system.
28 The director of public health shall notify the Iowa
29 code editor that the funding has been received."

30 3. By renumbering as necessary.

Amendment H-8450 was adopted.

Tymeson of Madison offered the following amendment H-8413
filed by her and moved its adoption:

H-8413

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 183, by inserting before line 1 the
4 following:

5 "Sec.____. Section 256D.3, subsection 3, Code
6 2003, is amended to read as follows:

7 3. Beginning January 15, ~~2004~~ 2005, the department
8 shall submit an annual report to the chairpersons and
9 ranking members of the senate and house education
10 committees that includes the statewide average school
11 district class size in basic skills instruction in
12 kindergarten through grade three, by grade level and
13 by district size, and describes school district
14 progress toward achieving early intervention block
15 grant program goals and the ways in which school
16 districts are using moneys received pursuant to
17 ~~section 256D.4~~ this chapter and expended as provided
18 in section 256D.2."

19 2. By renumbering as necessary.

Amendment H-8413 was adopted.

Boal of Polk offered amendment H-8384 filed by her as follows:

H-8384

1 Amend Senate File 2298, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 184, by inserting after line 9 the
4 following:

5 "Sec. _____. Section 257.13, Code 2003, is amended
6 by striking the section and inserting in lieu thereof
7 the following:

8 257.13 ON-TIME FUNDING BUDGET ADJUSTMENT.

9 1. For the school budget year beginning July 1,
10 2003, and succeeding budget years, if a district's
11 actual enrollment for the budget year, determined
12 under section 257.6, is greater than its budget
13 enrollment for the budget year, the district shall
14 receive an on-time funding budget adjustment. The
15 adjustment shall be in an amount equal to the
16 difference between the actual enrollment for the
17 budget year and the budget enrollment for the budget
18 year, multiplied by the district cost per pupil. The
19 additional funding received under this section is
20 miscellaneous income to the school district.

21 2. A school district that is receiving a budget
22 adjustment for a budget year pursuant to section
23 257.14 shall receive on-time funding for increased
24 enrollment, reduced by the amount of the budget
25 adjustment for that budget year. The resulting amount
26 shall not be less than zero.

27 3. If a district receives additional funding under
28 this section for a budget year, the department of
29 management shall determine the amount of the
30 additional funding which would have been generated by
31 local property tax revenues, in proportion to the
32 amount of funding actually received pursuant to this
33 section, if the actual enrollment for the budget year
34 had been used in determining district cost for that
35 budget year. The department of management shall
36 reduce, but not by more than the amount of the
37 additional funding, the district's total state school
38 aid otherwise available under this chapter for the
39 next budget year by the amount so determined, and
40 shall increase the district's additional property tax
41 levy for the next budget year by the amount necessary
42 to compensate for the reduction in state aid, so that
43 the local property tax for the next following year
44 will be increased only by the amount which it would
45 have been increased in the budget year if the
46 enrollment calculated in this section could have been
47 used to establish the levy.

48 4. There is appropriated each fiscal year from the
49 general fund of the state to the department of
50 education the amount required to pay additional

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1 funding authorized under this section, which shall be
2 paid to school districts in the same manner as other
3 state aid payable under section 257.16."
4 2. Page 204, line 19, by inserting after the
5 figure "257.8," the following: "257.13,".

Boal of Polk offered amendment H-8434, to amendment H-8384, filed by her and moved its adoption:

H-8434

1 Amend the House amendment, H-8384, to Senate File
2 2298, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 10, by striking the figure "2003"
5 and inserting the following: "2004".

Amendment H-8434 was adopted.

On motion by Boal of Polk, amendment H-8384, as amended, and filed on April 5, 2004, was withdrawn.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-8436 filed by him on April 6, 2004.

Boal of Polk offered the following amendment H-8500 filed by her, Mascher of Johnson, Roberts of Carroll and Winckler of Scott from the floor and moved its adoption:

H-8500

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 188, by inserting after line 13 the
4 following:
5 "Sec. ____ NEW SECTION. 280A.1 IOWA LEARNING
6 TECHNOLOGY INITIATIVE.
7 1. INITIATIVE. The Iowa learning technology
8 initiative is created to provide training and learning
9 opportunities to public and accredited nonpublic
10 school students in grade seven and their teachers
11 located in school districts and accredited nonpublic
12 schools participating in the initiative.
13 2. PILOT PROGRAM. The Iowa learning technology
14 commission created in section 280A.2 shall develop and
15 administer the Iowa learning technology initiative,

16 which shall include a pilot program. A school
17 district or accredited nonpublic school may submit an
18 application to participate in the pilot program to the
19 commission no later than sixty days following receipt
20 or pledge of moneys into the Iowa learning technology
21 fund created in section 280A.4. The application shall
22 include a written statement that indicates a dedicated
23 willingness to participate. School districts or
24 accredited nonpublic schools chosen to participate in
25 the pilot program shall have demonstrated to the
26 commission administrative leadership, teacher
27 willingness to participate, and community support, and
28 shall represent geographically distinct rural, urban,
29 and suburban areas of the state. The commission shall
30 notify applicants of approval or disapproval of
31 applications no later than seventy-five days after the
32 application deadline.

33 3. PUBLIC-PRIVATE PARTNERSHIP.

34 a. The Iowa learning technology commission shall
35 develop and issue no later than forty-five days after
36 the receipt or pledge of moneys into the Iowa learning
37 technology fund, a request for proposals for a private
38 provider who shall partner with the state to implement
39 the pilot program phase of the initiative. No later
40 than forty-five days after the issuance of the request
41 for proposals, the commission shall select finalists
42 from among the proposals submitted. No later than
43 forty-five days after the selection of finalists, the
44 commission shall select the private provider.

45 b. The private provider shall be selected by the
46 commission through a request for proposals process for
47 a total solutions learning technology package that
48 includes, but is not limited to, hardware, software,
49 professional development, and service and support,
50 which shall be managed by a single point of contact

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1 responsible for the overall implementation. The
2 proposal selected by the commission shall achieve
3 significant efficiencies and economies of scale, be
4 interoperable with existing technologies, and be
5 consistent with the state's economic development and
6 education policies. The private provider selected
7 shall possess all of the following:

8 (1) Experience in the development and successful
9 implementation of large-scale, school-based wireless
10 technology projects, and proven technical ability to
11 deliver a total solutions package of learning
12 technology for elementary and secondary students and
13 teachers.

14 (2) Demonstrated financial capability and long-

15 term stability to partner with the state over the term
16 of the private provider contract.

17 (3) Proven result-based education solutions to
18 increase student achievement and advance professional
19 development for teachers.

20 (4) Nationally recognized expertise, experience,
21 and capabilities in education practice and evaluation
22 methods.

23 c. The commission shall conduct, in cooperation
24 with the attorney general, contract negotiations to
25 establish a public-private partnership on behalf of
26 the commission and enter into a contract negotiated
27 with a private provider to establish a four-year
28 learning technology pilot program project to provide a
29 wireless laptop computer to each student, teacher, and
30 relevant administrator in a participating school and
31 implement the use of software, on-line courses, and
32 other appropriate learning technologies that have been
33 shown to improve academic achievement and specified
34 progress measures. The term of the contract shall
35 include the deployment of computers to students and
36 teachers in participating school districts and
37 accredited nonpublic schools in accordance with
38 subsection 2.

39 4. EVALUATION. To measure the effectiveness of
40 the pilot program established pursuant to this
41 subsection 2, the Iowa learning technology commission
42 shall, at a minimum, establish standards and methods
43 of measuring progress in the areas of increased
44 student engagement, decreased disciplinary problems,
45 increased use of computers for writing, analysis, and
46 research, movement toward student-centered classrooms,
47 increased parental involvement, and increases in
48 standardized test scores. The commission shall work
49 cooperatively with the department of education and the
50 state board of regents in establishing an evaluation

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1 process pursuant to this subsection.

2 Sec.____. NEW SECTION. 280A.2 COMMISSION –
3 MEMBERS.

4 1. COMMISSION CREATED. An Iowa learning
5 technology commission is created to establish the
6 policies and determine the necessary budget for
7 implementation of the Iowa learning technology
8 initiative.

9 2. MEMBERS. The commission shall initially be
10 appointed no later than July 1, 2004, and shall
11 consist of sixteen members appointed as follows:

12 a. Seven voting members who shall be members of
13 the general public and shall be appointed as follows:

14 (1) One member shall be appointed by the governor.

15 (2) Two members shall be appointed by the
16 president of the senate.

17 (3) One member shall be appointed by the minority
18 leader of the senate.

19 (4) Two members shall be appointed by the speaker
20 of the house of representatives.

21 (5) One member shall be appointed by the minority
22 leader of the house of representatives.

23 b. Nine ex officio, nonvoting members who shall be
24 appointed as follows:

25 (1) One member who is a member of the state board
26 of education shall be appointed by the chairperson of
27 the state board.

28 (2) One member representing public postsecondary
29 education institutions who is employed by a public
30 postsecondary education institution shall be appointed
31 by the governor.

32 (3) Three members representing three different
33 school districts shall be appointed by the governor as
34 follows:

35 (a) One member shall be a teacher employed by a
36 school district or area education agency who is
37 appointed from a list of three names submitted by a
38 certified employee organization representing teachers
39 licensed under chapter 272.

40 (b) One member shall be an administrator employed
41 by a school district who is appointed from a list of
42 three names submitted by a statewide organization
43 representing administrators licensed under chapter
44 272.

45 (c) One member shall be a member of a board of
46 directors of a school district who is appointed by a
47 statewide organization representing school boards.

48 (4) One member who is a member of the senate shall
49 be appointed by the president of the senate.

50 (5) One member who is a member of the senate shall

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1 be appointed by the minority leader of the senate.

2 (6) One member who is a member of the house of
3 representatives shall be appointed by the speaker of
4 the house of representatives.

5 (7) One member who is a member of the house of
6 representatives shall be appointed by the minority
7 leader of the house.

8 3. EXPERIENCE AND SPECIAL KNOWLEDGE. In
9 appointing members to the commission, proper
10 consideration shall be given to persons with
11 experience or special knowledge in one or more of the
12 following areas: education, business, economic

13 development, technology, and finance.

14 4. BALANCE. Commission members shall be appointed
15 in compliance with sections 69.16 and 69.16A.

16 Appointments of public members shall be made to
17 provide broad representation of the various
18 geographical areas of the state insofar as possible.

19 5. CHAIRPERSONS. The commission shall elect a
20 chairperson and a vice chairperson annually from among
21 the voting members of the commission. A member shall
22 not serve as a chairperson or vice chairperson for
23 more than three consecutive years.

24 6. MEETINGS. The commission shall meet at least
25 three times each year.

26 7. QUORUM. A majority of the voting members
27 constitutes a quorum for the transaction of any
28 official business.

29 8. TERMS OF MEMBERS. The members shall be
30 appointed to three-year staggered terms and the terms
31 shall commence and end as provided by section 69.19.
32 If a vacancy occurs, a successor shall be appointed to
33 serve the unexpired term. A successor shall be
34 appointed in the same manner and subject to the same
35 qualifications as the original appointment to serve
36 the unexpired term.

37 9. EXPENSES. Members of the commission are
38 entitled to receive reimbursement for actual expenses
39 incurred while engaged in the performance of official
40 duties from the Iowa learning technology fund created
41 in section 280A.4, except that legislators' expenses
42 shall be paid from funds appropriated by section 2.12.

43 Sec.____. NEW SECTION. 280A.3 COMMISSION PLAN –
44 GUIDING PRINCIPLES.

45 1. The Iowa learning technology commission created
46 in section 280A.2 shall develop a learning technology
47 plan to achieve the goal of preparing students for an
48 economy that is increasingly dependent on technology
49 and innovation. The commission shall examine the use
50 of technology in Iowa's and the nation's elementary

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1 and secondary classrooms.

2 2. The plan developed by the commission shall
3 include, but not be limited to, the following:

4 a. The costs and benefits of each component of the
5 plan.

6 b. The professional development needed to
7 integrate learning technology into classroom
8 technology.

9 c. Strategies for implementation of the plan,
10 including, at a minimum, phasing in the plan over a
11 term of years.

- 12 d. Strategies that coordinate the learning
13 technology in kindergarten through grade twelve with
14 the initiatives and resources of the department of
15 education, Iowa communications network, area education
16 agencies, higher education institutions providing
17 approved practitioner preparation programs, and other
18 accredited postsecondary institutions in the state.
- 19 e. Procedures for data tracking and assessment of
20 the progress in implementing the goals of the
21 initiative and the plan.
- 22 f. Strategies to establish a public-private
23 partnership between state government and a private
24 sector business having relevant knowledge and
25 experience.
- 26 3. The plan shall be consistent with the following
27 guiding principles:
- 28 a. The plan shall promote equal opportunity for
29 and provide meaningful access to wireless and other
30 learning technology resources for all Iowa students
31 regardless of geographic location or economic means.
- 32 b. The plan shall support student achievement
33 through the integration of learning technologies that
34 are content-focused and that add value to existing
35 instructional methods.
- 36 c. The plan shall provide for the future
37 sustainability of learning technology resources by
38 adapting to future educational needs and technological
39 changes.
- 40 d. The plan shall provide professional development
41 and training programs for administrators, teachers and
42 other educators in the use and integration of learning
43 technology tools in curriculum development,
44 instructional methods, and student assessment systems.
- 45 e. The plan shall foster economic development
46 across all regions of the state and the preparation of
47 students for an economy that embraces technology and
48 innovation.
- 49 Sec. ____ NEW SECTION. 280A.4 FUND.
- 50 1. An Iowa learning technology fund is created in

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- 1 the state treasury. The fund shall consist of moneys
2 including, but not limited to, moneys in the form of a
3 devise, gift, bequest, donation, federal or other
4 grant, reimbursement, repayment, judgment, transfer,
5 payment, or appropriation from any source intended to
6 be used for the purposes of the fund.
- 7 2. Moneys in the fund are appropriated to the Iowa
8 learning technology commission created in section
9 280A.2 for purposes of an Iowa learning technology
10 initiative created pursuant to section 280A.1. Moneys

11 in the fund shall not be subject to appropriation for
12 any other purpose by the general assembly. However,
13 moneys in the fund may be used for necessary audit
14 services, legal expenses, investment management fees
15 and services, and general administrative expenses
16 related to the management and administration of the
17 Iowa learning technology initiative.

18 3. Moneys in the fund are not subject to section
19 8.33. Notwithstanding section 12C.7, subsection 2,
20 interest or earnings on moneys deposited in the fund
21 shall be credited to the fund.

22 4. The fund shall be administered by the
23 commission, which shall make expenditures from the
24 fund consistent with the purposes of the initiative
25 without further appropriation. The fund shall be
26 administered in a manner that provides for the
27 financially sustainable support, use, and integration
28 of learning technology in Iowa schools through a
29 public-private partnership. Expenditures from the
30 fund shall be made consistent with the purposes of the
31 Iowa learning technology initiative to ensure one-to-
32 one access to and ubiquitous use of fully configured
33 laptop computers in grade seven in public and
34 accredited nonpublic school classrooms located
35 initially in a number of school districts and
36 accredited nonpublic schools in Iowa as determined by
37 the Iowa learning technology commission.

38 Sec.____. NEW SECTION. 280A.5 REPEAL.

39 This section is repealed effective July 1, 2009."

40 2. By renumbering as necessary.

Amendment H-8500 was adopted.

Hoffman of Crawford offered the following amendment H-8397
filed by him and moved its adoption:

H-8397

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 190, line 14, by inserting after the word
4 "proposition" the following: "unless the period is
5 extended as provided in section 422E.2, subsection 5".

6 2. Page 190, line 16, by striking the word "The".

7 3. Page 190, by striking lines 17 through 20.

8 4. Page 191, by inserting before line 11 the
9 following:

10 "Sec.____. Section 422E.2, subsection 5,
11 paragraphs a and b, Code Supplement 2003, are amended
12 to read as follows:

13 a. The tax may be repealed, the period of

14 imposition of the tax may be extended for additional
15 periods up to ten years each, or the rate increased,
16 but not above one percent, or decreased, or the use of
17 the revenues changed after an election at which a
18 majority of those voting on the question of repeal,
19 extension, rate change, or change in use favored the
20 repeal, extension, rate change, or change in use. The
21 election at which the question of repeal, extension,
22 rate change, or change in use is offered shall be
23 called and held in the same manner and under the same
24 conditions as provided in this section for the
25 election on the imposition of the tax. However, an
26 election on the change in use shall only be held in
27 the school district where the change in use is
28 proposed to occur. The election may be held at any
29 time but not sooner than sixty days following
30 publication of the ballot proposition. However, the
31 tax shall not be repealed before it has been in effect
32 for one year.

33 b. Within ten days of the election at which a
34 majority of those voting on the question favors the
35 imposition, repeal, extension, or change in the rate
36 of the tax, the county auditor shall give written
37 notice of the result of the election by sending a copy
38 of the abstract of the votes from the favorable
39 election to the director of revenue. Election costs
40 shall be apportioned among school districts within the
41 county on a pro rata basis in proportion to the number
42 of registered voters in each school district who
43 reside within the county and the total number of
44 registered voters within the county.

45 Sec.____. Section 422E.3, subsection 1, Code
46 Supplement 2003, is amended to read as follows:
47 1. If a majority of those voting on the question
48 of imposition of a local sales and services tax for
49 school infrastructure purposes favors imposition of
50 the tax, the tax shall be imposed by the county board

Page 2

1 of supervisors within the county pursuant to section
2 422E.2, at the rate specified for ~~a ten-year duration~~
3 the period provided in section 422E.1, subsection 2 on
4 the gross receipts taxed by the state under chapter
5 422, division IV.

6 Sec.____. Section 422E.3A, subsection 2, paragraph
7 a, Code Supplement 2003, is amended to read as
8 follows:

9 a. A school district that is located in whole or
10 in part in a county that voted on and approved prior
11 to April 1, 2003, the local sales and services tax for
12 school infrastructure purposes and that has a sales

13 tax capacity per student above the guaranteed school
14 infrastructure amount shall receive for the remainder
15 of the unextended term of the tax an amount equal to
16 its pro rata share of the local sales and services tax
17 receipts as provided in section 422E.3, subsection 5,
18 paragraph "d", unless the school board passes a
19 resolution by October 1, 2003, agreeing to receive a
20 distribution pursuant to paragraph "b", subparagraph
21 (1).

22 Sec. ____ Section 422E.3A, subsection 2, paragraph
23 b, subparagraphs (1) and (3), Code Supplement 2003,
24 are amended to read as follows:

25 (1) A school district that is located in whole or
26 in part in a county that voted on and approved prior
27 to April 1, 2003, the local sales and services tax for
28 school infrastructure purposes and that has a sales
29 tax capacity per student below its guaranteed school
30 infrastructure amount shall receive for the remainder
31 of the unextended term of the tax an amount equal to
32 its pro rata share of the local sales and services tax
33 receipts as provided in section 422E.3, subsection 5,
34 paragraph "d", plus an amount equal to its
35 supplemental school infrastructure amount, unless the
36 school district passes a resolution by October 1,
37 2003, agreeing to receive only an amount equal to its
38 pro rata share as provided in section 422E.3,
39 subsection 5, paragraph "d", in all subsequent years.

40 (3) A school district that is located in whole or
41 in part in a county that voted on and approved the
42 ~~continuation~~ extension of the tax pursuant to section
43 422E.2, subsection 5, on or after April 1, 2003, the
44 local sales and services tax for school infrastructure
45 purposes shall receive for any extended period an
46 amount equal to its pro rata share of the local sales
47 and services tax receipts as provided in section
48 422E.3, subsection 5, paragraph "d", not to exceed its
49 guaranteed school infrastructure amount. However, if
50 the school district's pro rata share is less than its

Page 3

1 guaranteed school infrastructure amount, the district
2 shall receive an additional amount equal to its
3 supplemental school infrastructure amount."
4 5. Page 204, line 23, by striking the figure
5 "422E.1,".

Amendment H-8397 was adopted.

Wise of Lee offered the following amendment H-8494 filed by him
from the floor and moved its adoption:

H-8494

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 192, by striking lines 32 and 33 and
- 4 inserting the following: "sections, there is
- 5 appropriated".

Roll call was requested by Wise of Lee and Murphy of Dubuque.

On the question "Shall amendment H-8494 be adopted?" (S.F. 2298)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Chambers,			
Presiding			

Absent or not voting, 1:

Rayhons

Amendment H-8494 lost.

Reasoner of Union moved the adoption of amendment H-8414B.

Roll call was requested by Reasoner of Union and Wise of Lee.

On the question "Shall amendment H-8414B be adopted?" (S.F. 2298)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevort	Gaskill	Greimann
Heddens	Hogg	Hunter	Jacoby
Jochum	Kuhn	Lensing	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdye	Chambers, Presiding		

Absent or not voting, 1:

Connors

Amendment H-8414B lost.

Eichhorn of Hamilton offered amendment H-8379 filed by him as follows:

H-8379

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 195, by inserting after line 25 the
4 following:

5 "Sec.____. STATE COURTS – JUSTICES, JUDGES, AND
6 MAGISTRATES.

7 1. The salary rates specified in subsection 2 are
8 for the fiscal year beginning July 1, 2004, effective
9 for the pay period beginning March 25, 2005, and for
10 subsequent fiscal years until otherwise provided by
11 the general assembly. The salaries provided for in
12 this section shall be paid from funds appropriated to
13 the judicial branch pursuant to any Act of the general
14 assembly.

15 2. The following annual salary rates shall be paid
16 to the persons holding the judicial positions
17 indicated during the fiscal year beginning July 1,
18 2004, effective with the pay period beginning March
19 25, 2005, and for subsequent pay periods.

20 a. Chief justice of the supreme court:

21 \$ 129,580

22 b. Each justice of the supreme court:

23 \$ 124,950

24 c. Chief judge of the court of appeals:

25 \$ 124,830

26 d. Each associate judge of the court of appeals:

27 \$ 120,210

28 e. Each chief judge of a judicial district:

29 \$ 119,100

30 f. Each district judge except the chief judge of a
31 judicial district:

32 \$ 114,250

33 g. Each district associate judge:

34 \$ 99,560

35 h. Each associate juvenile judge:

36 \$ 99,560

37 i. Each associate probate judge:

38 \$ 99,560

39 j. Each judicial magistrate:

40 \$ 29,680

41 k. Each senior judge:

42 \$ 6,630

43 3. Persons receiving the salary rates established
44 under subsection 2 shall not receive any additional
45 salary adjustments provided by this division of this
46 Act."

Eichhorn of Hamilton offered the following amendment H-8481, to amendment H-8379, filed by him from the floor and moved its adoption:

H-8481

- 1 Amend the amendment, H-8379, to Senate File 2298,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 8, by striking the figure "2004"
- 5 and inserting the following: "2005".
- 6 2. Page 1, line 9, by striking the word and
- 7 figure "March 25" and inserting the following: "July
- 8 1".
- 9 3. Page 1, line 18, by striking the figure "2004"
- 10 and inserting the following: "2005".
- 11 4. Page 1, lines 18 and 19, by striking the word
- 12 and figure "March 25" and inserting the following:
- 13 "July 1".

Amendment H-8481 was adopted.

On motion by Eichhorn of Hamilton amendment H-8379, as amended lost.

Jacobs of Polk offered the following amendment H-8477 filed by her from the floor and moved its adoption:

H-8477

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 199, by inserting before line 28 the
- 4 following:
- 5 "Sec. ____ 2004 Iowa Acts, House File 2490,
- 6 section 8, if enacted, is repealed."
- 7 2. Page 204, by inserting after line 34 the
- 8 following:
- 9 " ____ The section of this division of this Act
- 10 repealing 2004 Iowa Acts, House File 2490, section 8,
- 11 if enacted, being deemed of immediate importance,
- 12 takes effect upon enactment."
- 13 3. By renumbering as necessary.

Amendment H-8477 was adopted.

Tymeson of Madison offered the following amendment H-8462 filed by her, Alons of Sioux and D. Taylor of Linn from the floor and moved its adoption:

H-8462

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 199, line 34, by inserting after the
- 4 figure "2004." the following: "Funds appropriated in
- 5 this section remaining unencumbered or unobligated at
- 6 the end of the fiscal year beginning July 1, 2004,
- 7 shall not revert but shall remain available to be used
- 8 for the purposes designated and for a home ownership
- 9 assistance program for eligible members of the
- 10 national guard and reserves of the armed forces of the
- 11 United States and the members' immediate families."
- 12 2. Page 204, by inserting after line 34 the
- 13 following:
- 14 " _____. The section of the division of this Act
- 15 amending 2003 Iowa Acts, chapter 179, section 21,
- 16 being deemed of immediate importance, takes effect
- 17 upon enactment."
- 18 3. By renumbering as necessary.

Amendment H-8462 was adopted.

Reasoner of Union asked and received unanimous consent to withdraw amendment H-8414C.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-8472B.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8471B.

Jenkins of Black Hawk offered the following amendment H-8492 filed by him from the floor and moved its adoption:

H-8492

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 11 the
- 4 following:
- 5 "Sec. _____. IOWA HEALTH INSURANCE VALUE INITIATIVE.
- 6 If 2004 Iowa Acts, House File 2521, is enacted, there

7 is appropriated from the general fund of the state to
 8 the department of commerce for the fiscal year
 9 beginning July 1, 2004, and ending June 30, 2005, the
 10 following amount, or so much thereof as is necessary,
 11 to be used for the purpose designated:
 12 For the insurance division to conduct a study
 13 regarding the costs of health insurance premiums for
 14 businesses and individual customers in this state, in
 15 accordance with 2004 Iowa Acts, House File 2521:
 16 \$ 150,000"
 17 2. By renumbering as necessary.

Amendment H-8492 was adopted.

Boggess of Page offered the following amendment H-8496 filed by her and Jenkins of Black Hawk from the floor and moved its adoption:

H-8496

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 29, by striking line 4 and inserting the
 4 following:
 5 " \$ 5,505,725"
 6 2. Page 35, line 9, by inserting after the word
 7 "circumstances." the following: "Of the moneys
 8 generated by the filing fee allowed under this
 9 subsection, the first \$225,000 is appropriated to the
 10 department of workforce development to be used for
 11 purposes of administering the division of workers'
 12 compensation."

Amendment H-8496 was adopted.

Alons of Sioux offered the following amendment H-8504 filed by him from the floor and moved its adoption:

H-8504

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 93, line 18, by striking the words
 4 "physically deformed, mentally deficient," and
 5 inserting the following: "mentally deficient".

Amendment H-8504 was adopted.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8507 filed by him from the floor.

Speaker Rants in the chair at 10:58 p.m.

The House resumed consideration of amendment H-8418, as amended.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8508 to amendment H-8418 filed by him from the floor.

Jenkins of Black Hawk offered the following amendment H-8493 to amendment H-8418 filed by him and Struyk of Pottawattamie from the floor and moved its adoption:

H-8493

- 1 Amend the amendment, H-8418, to Senate File 2298,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, by striking lines 38 through 46 and
- 5 inserting the following:
- 6 "NEW SUBSECTION. 4. Notwithstanding any provision
- 7 of this section and sections 8.33 and 8.39 to the
- 8 contrary, if a full-time equivalent position budgeted
- 9 for within an appropriation from the general fund of
- 10 the state to a department or establishment other than
- 11 the state board of regents is vacant for all or a
- 12 portion of the fiscal year, an amount equal to the
- 13 salary and benefits associated with the time of
- 14 vacancy of the position shall be considered to be
- 15 encumbered for the period of the vacancy, shall not be
- 16 used for any other purpose, and the encumbered amount
- 17 shall revert to the general fund of the state at the
- 18 close of the fiscal year."
- 19 2. Page 6, by inserting after line 36 the
- 20 following:
- 21 "____. Page 199, by inserting after line 34 the
- 22 following:
- 23 "Sec. ____ UNFILLED VACANCIES – STATE BOARD OF
- 24 REGENTS. The state board of regents shall report on
- 25 the policies of the institutions under the authority
- 26 of the state board for addressing the budget
- 27 ramifications associated with unfilled vacant
- 28 positions. If a policy does not exist, the state
- 29 board shall provide for implementation of such a
- 30 policy and report concerning the policy to the

31 government oversight committees of the senate and
32 house of representatives. The report shall be
33 submitted on or before December 15, 2004.""
34 3. By renumbering as necessary.

Amendment H-8493 was adopted, placing out of order amendment H-8489 filed by Jenkins of Black Hawk and Struyk of Pottawattamie from the floor.

On motion by Dix of Butler amendment H-8418, as amended, was adopted.

Heaton of Henry offered amendment H-8455, previously deferred, filed by him, Eichhorn of Hamilton and Upmeyer of Hancock from the floor as follows:

H-8455

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 77, by inserting after line 20, the
4 following:
5 "Sec. ____ TOBACCO USE PREVENTION AND CONTROL –
6 ADMINISTRATOR. The director of the Iowa department of
7 public health shall employ a division administrator
8 for the division of tobacco use prevention and control
9 as a full-time equivalent position with a salary
10 commensurate with the full-time position.
11 Sec. ____ LEGISLATIVE INTENT – THE STATE OF IOWA,
12 A HEALTHY COMMUNITY.
13 1. It is the intent of the general assembly that
14 state agencies, local communities, and individuals
15 begin exploring strategies and partnerships to create
16 a statewide community network that supports health
17 promotion, prevention, and chronic disease management.
18 2. It is the expectation of the general assembly
19 that such strategies and partnerships will energize
20 local communities to transform their cultures into
21 those which promote healthy lifestyles and which,
22 collectively, transform the state of Iowa into one
23 healthy community."
24 2. Page 90, by inserting after line 35, the
25 following:
26 "Sec. ____ FOOD STAMP HEALTHY CHOICES. The
27 department of human services, in cooperation with the
28 Iowa department of public health, shall identify means
29 by which the food stamp program may be utilized to
30 promote good nutrition and healthy choices among
31 recipients of food stamps. The departments shall

32 submit a report of their findings to the general
33 assembly by December 15, 2004."
34 3. Page 100, by inserting after line 10, the
35 following:
36 "____. Determine or enter a contract to identify
37 the incidence of chronic disease within the Iowa
38 medical assistance program population in order to most
39 effectively utilize disease management programs under
40 the medical assistance program. The department may
41 procure a sole source contract to implement this
42 subsection."
43 4. Page 130, line 2, by inserting after the word
44 "fund." the following: "To the extent allowed under
45 Title XIX of the federal Social Security Act, any
46 hospital qualifying for disproportionate share
47 hospital reimbursement shall provide evidence to the
48 department that the hospital provides or participates
49 in a disease management program for persons whose
50 costs are part of the hospital's uncompensated care

Page 2

1 costs."
2 5. By renumbering as necessary.

Heaton of Henry offered the following amendment H-8505, to amendment H-8455, filed by him from the floor and moved its adoption:

H-8505

1 Amend the amendment, H-8455, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 49, through page 2,
5 line 1, and inserting the following: "in a disease
6 management program."
7 2. By renumbering as necessary.

Amendment H-8505 was adopted.

On motion by Heaton of Henry amendment H-8455, as amended, was adopted.

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

On the question "Shall the bill pass?" (S.F. 2298)

The ayes were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdike	Mr. Speaker		
	Rants		

The nays were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevort	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, 1:

Connors

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 2004, insisted on its amendment to House File 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system. (Formerly HSB 681), and the members of the Conference Committee on the part of the Senate are: The Senator from Tama, Senator Putney, Chair; the Senator from Webster,

Senator Beall; the Senator from Warren, Senator Shull; the Senator from Lee, Senator Fraise; the Senator from Woodbury, Senator Wieck.

MICHAEL E. MARSHALL, Secretary

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2395

1. Page 1, line 1 – Extra space between 714.26 and INTELLECTUAL.
2. Page 3, line 3 – (1) should be a.
3. Page 3, line 4 – subparagraph should be paragraph
4. Page 3, line 5 – (2) should be “b”
5. Page 3, line 6 – (2) should be b.

MARGARET A. THOMSON
Chief Clerk of the House

MOTION TO RECONSIDER (Senate File 2298)

I move to reconsider the vote by which Senate File 2298 passed the House on April 12, 2004.

GIPP of Winneshiek

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 9th day of April, 2004: House Files 2146, 2201, 2404, 2441, 2490, 2496 and 2523.

Also: That on 12th day of April, 2004, the following House Files were found correctly enrolled signed by the Speaker of the House and the President of the Senate and presented to the Governor: House Files 2145, 2225, 2340, 2397 and 2517.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2170, an Act relating to product liability actions.

House File 2315, an Act relating to agricultural conservation practices.

House File 2450, an Act relating to real property, including acknowledgements of real property conveyances and limitations on causes of action concerning real property.

House File 2493, an Act relating to regulation of sales at unused property markets and providing penalties.

House File 2516, an Act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

House File 2522, an Act relating to evidence in a sexual abuse case.

Senate File 2174, an Act relating to the appointment of the ninth member of the State Board of Regents.

Senate File 2244, an Act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

Senate File 2274, an Act relating to the revised Iowa Nonprofit Corporation Act and providing penalties and effective and applicability dates.

Also: That on April 9, 2004, he approved and transmitted to the Secretary of State the following bill:

Senate File 2249, an Act regulating contest events involving animals and providing a penalty and effective date.

Also: That on April 12, 2004, he approved and transmitted to the Secretary of State the following bill:

House File 2441, an Act relating to the statutory duties of the Commission of Latino Affairs regarding Spanish language interpreter qualifications.

Senate File 2101, an Act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Senate File 2149, an Act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

Senate File 2177, an Act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

Senate File 2193, an Act relating to the civil commitment of sexually violent predators.

Senate File 2234, an Act relating to child custody and visitation provisions.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2004\1401	Short and Dorothy Thompson, Hamburg – For celebrating their 60 th wedding anniversary.
2004\1402	Irene Kohlmeier Krause, Clarinda – For celebrating her 100 th birthday.
2004\1403	Howard Rogers, Cedar Falls – For celebrating his 80 th birthday.
2004\1404	Carl and Helen Danner, Cedar Falls – For celebrating their 65 th wedding anniversary.
2004\1405	Oscar and Gladys Hurd, Cedar Falls – For celebrating their 65 th wedding anniversary.
2004\1406	Florence Nelsen, Council Bluffs – For celebrating her 90 th birthday.
2004\1407	Frankie Ashlock, Shellsburg – For celebrating her 100 th birthday.
2004\1408	Earl and Yvonne Erger, Vinton – For celebrating their 50 th wedding anniversary.

- 2004\1409 Geraldine Schutt, Calamus – For celebrating her 80th birthday.
- 2004\1410 Willard Anderson, Mason City – For celebrating his 80th birthday.
- 2004\1411 Clayton and Gertrude Knoll, Mason City – For celebrating their 71st wedding anniversary.
- 2004\1412 Wilma Schug, Mason City – For celebrating her 90th birthday.
- 2004\1413 Faith Boyd, Mason City – For celebrating her 80th birthday.
- 2004\1414 Bob and Jean Paulson, Mason City – For celebrating their 60th wedding anniversary.
- 2004\1415 Eric Neverman, Jesup – For being named a Wartburg College Regents Scholar.
- 2004\1416 Sara Schares, Dunkerton – For being named a Wartburg College Regents Scholar.
- 2004\1417 Brian Brungard, Dunkerton – For being named a Wartburg College Regents Scholar.
- 2004\1418 Willard Jones, Mineola – For celebrating his 80th birthday on May 24th, 2004.
- 2004\1419 Edith Busch, Nevada – For celebrating her 90th birthday.
- 2004\1420 Maxine Viers, Maxwell – For celebrating her 80th birthday.
- 2004\1421 Kathryn Burrows, LaPorte City – For celebrating her 90th birthday.
- 2004\1422 Evelyn Brockway, Brandon – For celebrating her 90th birthday.
- 2004\1423 Betty Gaffney, Winthrop – For celebrating her 80th birthday.
- 2004\1424 Daryl and Norma Daubenberger, Winthrop – For celebrating their 50th wedding anniversary.
- 2004\1425 Glenn and Kathleen Sanders, Independence – For celebrating their 60th wedding anniversary.
- 2004\1426 James Peyton, Winthrop – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1427 Luke Miller, Jesup – For winning the State Proficiency Award.
- 2004\1428 Colin Raaz, Iowa City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1429 Ben Borgstahl, Iowa City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2004\1430 Philip Sadler, Jesup – For being named a Wartburg College Regents Scholar.
- 2004\1431 Karl Vogel, Jesup – For being named a Wartburg College Regents Scholar.
- 2004\1432 Mark and Twila Keller, Fairfield – For celebrating their 50th wedding anniversary.
- 2004\1433 Forest Ulin, Fairfield – For celebrating his 90th birthday.
- 2004\1434 Merle and Arlene Nelson, Fairfield – For celebrating their 60th wedding anniversary.
- 2004\1435 Edna Albers, Clear Lake – For celebrating her 90th birthday.
- 2004\1436 Carroll “Bud” Boehlje, Sheffield – For celebrating his 85th birthday.
- 2004\1437 Elsie McHugh, Sheffield – For celebrating her 94th birthday.
- 2004\1438 Elkader Cinema Renovation Committee, Elkader – For receiving the Main Street Iowa “Best Community Initiated Development” Award and the “Outstanding Volunteer” Award.
- 2004\1439 Fire Farm, Elkader – For receiving the Main Street Iowa “Best Adaptive Re-Use of a Building” Award.
- 2004\1440 Community of Elkader – For receiving the Main Street Iowa “Spirit of Main Street” Award.
- 2005\1441 Bob and Rosella Boleyn, Elgin – For celebrating their 55th wedding anniversary.
- 2004\1442 Elsie Raub, Dysart – For celebrating her 90th birthday.
- 2004\1443 Phyllis and Art Schrader, Dysart – For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 730 Appropriations

Relating to and making appropriations to state departments and agencies form the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, and primary road fund, and making related and corrective changes and providing effective dates.

RESOLUTIONS FILED

HCR 126, by Tymeson, a concurrent resolution requesting the Legislative Council to create a learning technology commission to examine options for integrating technology into the classroom to prepare students for an economy that is increasingly dependent on technology and innovation.

Laid over under **Rule 25**.

HR 167, by Ford, a resolution encouraging the state board of regents to establish a task force to develop a model athlete recruitment policy and to review college student-athlete graduation rates at the universities under its control.

Laid over under **Rule 25**.

SCR 113, by Lundby and Connolly, a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8463	H.F.	2548	Alons of Sioux
H—8464	S.F.	2179	Senate Amendment
H—8466	H.F.	2574	Kurtenbach of Story
H—8479	S.F.	2209	Boddicker of Cedar
			Upmeyer of Hancock
H—8480	H.F.	2574	Osterhaus of Jackson
H—8503	H.F.	2573	De Boef of Keokuk

On motion by Gipp of Winneshiek the House adjourned at 11:15 p.m., until 8:45 a.m., Tuesday, April 13, 2004.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 13, 2004

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Robert Wallace, pastor of the Nazareth Lutheran Church, Cedar Falls. He was the guest of Representative Ervin Dennis from Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 12, 2004 was approved.

The House stood at ease at 8:52 a.m., until the fall of the gavel.

The House resumed session at 11:04 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wilderdyke of Harrison, until his return, on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2572, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2572)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

Appropriations Calendar

House File 2573, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable, was taken up for consideration.

De Boef of Keokuk offered amendment H-8503 filed by her as follows:

H-8503

- 1 Amend House File 2573 as follows:
- 2 1. Page 14, by inserting after line 25, the
- 3 following:
- 4 "Sec.____. Section 170.3, Code Supplement 2003, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 3. The department of agriculture
- 7 and land stewardship shall provide for the inspection,
- 8 slaughter, and processing of farm deer and meat food
- 9 products derived from farm deer under chapter 189A.
- 10 Sec.____. NEW SECTION. 170.4A CHRONIC WASTING
- 11 DISEASE – MONITORING PROGRAM.
- 12 The department may administer a voluntary chronic
- 13 wasting disease program. As part of the program, the
- 14 department may provide for the testing and monitoring
- 15 of farm deer pursuant to rules adopted by the
- 16 department. The department may also adopt rules
- 17 establishing fees imposed upon persons participating
- 18 in the program. The fees shall be treated as
- 19 repayment receipts as defined in section 8.2 and shall
- 20 be used exclusively by the department for the
- 21 administration of this chapter."
- 22 2. Page 14, by inserting after line 30 the
- 23 following:
- 24 "Sec.____. Section 189A.7, Code 2003, is amended
- 25 by adding the following new subsection:
- 26 NEW SUBSECTION. 13. Adopt rules providing a fee
- 27 schedule for the inspection, slaughter, and processing
- 28 of farm deer and meat food products derived from farm
- 29 deer under chapter 170. The fees shall be treated as
- 30 repayment receipts as defined in section 8.2 and shall
- 31 be used exclusively by the department for the
- 32 administration of chapter 170."
- 33 3. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment H-8503 was not germane.

The Speaker ruled the point well taken and amendment H-8503 not germane.

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

On the question "Shall the bill pass?" (H.F. 2573)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

Ways and Means Calendar

Senate File 2026, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program, with report of committee recommending amendment and passage, was taken up for consideration.

J.K. Van Fossen of Scott offered the following amendment H-8442 filed by the committee on ways and means and moved its adoption:

H-8442

1 Amend Senate File 2026, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, lines 4 and 5, by striking the words
4 "a partial exception on".
5 2. Page 1, line 10, by striking the word
6 "partial".
7 3. Page 1, line 21, by inserting after the figure
8 "2005," the following: "through December 31, 2005,".
9 4. Page 1, line 24, by inserting after the figure
10 "2005," the following: "through December 31, 2005,".
11 5. Page 1, by inserting after line 25 the
12 following:
13 "(3) If the date of the utility billing or meter
14 reading cycle of the residential customer for the sale
15 or furnishing of metered gas and electricity is on or
16 after January 1, 2006, or if the sale, furnishing, or
17 service of fuel for purposes of residential energy and
18 the delivery of the fuel occurs on or after January 1,
19 2006, the rate of tax is zero percent of the sales
20 price."
21 6. Page 1, line 26, by striking the word
22 "partial".
23 7. By striking page 1, line 29 through page 2,
24 line 22.
25 8. Title page, line 1, by striking the word
26 "reduction" and inserting the following: "phaseout".
27 9. Title page, by striking lines 3 and 4 and
28 inserting the following: "residential customers."

The committee amendment H-8442 was adopted.

J.K. Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2026)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	Dennis
Dix	Dolecheck	Drake	Eichhorn

Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2572** and **Senate File 2026**.

Appropriations Calendar

Senate File 2153, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster, with report of committee recommending passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-8509 filed by him from the floor and moved its adoption:

H-8509

1 Amend Senate File 2153, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 11 through 16 and
 4 inserting the following: "encumbered funds, the
 5 governor may request that the executive council,
 6 pursuant to the authority of section 7D.29, commit
 7 sufficient funds, up to one million dollars, that are
 8 not otherwise encumbered from the general fund, as
 9 needed and available, for the disaster or the
 10 emergency. If additional financial assistance is
 11 required in excess of one million dollars, approval by
 12 the legislative council is also required."

Amendment H-8509 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2153)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Huseman

Wilderdyke

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

Unfinished Business Calendar

Senate File 2209, a bill for an act relating to the content of immunizations, and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-8451 filed by him on April 8, 2004.

Boddicker of Cedar offered the following amendment H-8479 filed by him and Upmeyer of Hancock and moved its adoption:

H-8479

- 1 Amend Senate File 2209, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the figure "2005"
- 4 and inserting the following: "2006".
- 5 2. Page 1, by striking lines 5 and 6, and
- 6 inserting the following: "more than trace amounts of
- 7 mercury."
- 8 3. Page 1, by striking lines 13 through 17.
- 9 4. Page 1, line 20, by striking the words "and
- 10 declared".
- 11 5. Page 1, line 21, by inserting after the word
- 12 "health." the following: "If an emergency or epidemic
- 13 is determined to exist by the director of public
- 14 health under this subsection, the director of public
- 15 health shall notify the state board of health, the
- 16 governor, and the legislative council, and shall
- 17 notify the public upon request."
- 18 6. Page 1, line 23, by striking the words "OR
- 19 OTHER PRESERVATIVES".
- 20 7. Page 1, line 26, by striking the figure "2005"
- 21 and inserting the following: "2006".
- 22 8. Page 1, by striking lines 29 through 34, and
- 23 inserting the following: "at the acquisition cost
- 24 rate for immunizations containing no more than trace
- 25 amounts of mercury. For the purposes of this section,

- 26 "trace amounts" means trace amounts as defined by the
 27 United States food and drug administration."
 28 9. By renumbering as necessary.

Amendment H-8479 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2209)

The ayes were, 91:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 8:

Heaton	Jenkins	Miller	Osterhaus
Shomshor	Shoultz	Watts	Wendt

Absent or not voting, 1:

Wilderdyke

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

Ways and Means Calendar

Senate File 2270, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder, with report of committee recommending passage, was taken up for consideration.

Tjepkes of Webster offered the following amendment H-8357 filed by him and moved its adoption:

H-8357

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "Sec. 101. Section 331.605C, subsections 2, 3, and
6 4, Code Supplement 2003, are amended to read as
7 follows:

8 2. Beginning July 1, 2004, the recorder shall
9 collect a fee of one dollar for each recorded
10 transaction, regardless of the number of pages, for
11 which a fee is paid pursuant to section 331.604 to be
12 used for the purpose ~~of paying the county's ongoing~~
13 ~~costs of maintaining the systems developed and~~
14 ~~implemented under set forth in~~ subsection 4 4.

15 3. The county treasurer, on behalf of the
16 recorder, shall establish and maintain ~~an interest-~~
17 ~~bearing account~~ a county recorder's electronic
18 transaction fund into which all moneys collected
19 pursuant to subsections 1 and 2 shall be deposited.
20 Interest earned on moneys deposited in this fund shall
21 be computed based on the average monthly balance in
22 the fund and shall be credited to the county
23 recorder's electronic transaction fund.

24 4. The local ~~electronic~~ government electronic
25 transaction fund is established in the office of the
26 treasurer of state under the control of the treasurer
27 of state. Moneys deposited into the fund are not
28 subject to section 8.33. Notwithstanding section
29 12C.7, interest or earnings on moneys in the local
30 ~~electronic~~ government electronic transaction fund
31 shall be credited to the fund. Moneys in the local
32 ~~electronic~~ government electronic transaction fund are

33 not subject to transfer, appropriation, or reversion
34 to any other fund, or any other use except as provided
35 in this subsection. ~~The treasurer of state shall~~
36 ~~enter into a contract with the Iowa state association~~
37 ~~of counties affiliate representing county recorders to~~
38 ~~hold the fund for the development, implementation, and~~
39 ~~maintenance of a statewide internet website for~~
40 ~~purposes of providing electronic access to records and~~
41 ~~information recorded or filed by county recorders. On~~
42 a monthly basis, the county treasurer shall pay ~~one~~
43 ~~dollar of~~ each fee collected pursuant to subsection ~~1~~
44 ~~2~~ to the treasurer of state for deposit into the local
45 ~~electronic government~~ electronic transaction fund.
46 Moneys credited to the local ~~electronic~~ government
47 electronic transaction fund are appropriated to the
48 treasurer of state to be used for ~~contract costs~~ the
49 purpose of paying the ongoing costs of maintaining the
50 statewide internet website developed and implemented

Page 2

1 under subsection 1. This subsection is repealed June
2 30, 2004.
3 Sec. 102. Section 331.605C, subsection 5, Code
4 Supplement 2003, is amended by striking the
5 subsection."
6 2. Page 1, by inserting after line 31 the
7 following:
8 "Sec. _____. EFFECTIVE DATE. Sections 101 and 102
9 of this Act, being deemed of immediate importance,
10 take effect upon enactment."
11 3. Title page, line 2, by inserting after the
12 word "recorded" the following: "and electronic".
13 4. Title page, line 3, by inserting after the
14 word "recorder" the following: "and providing an
15 effective date".
16 5. By renumbering as necessary.

Amendment H-8357 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2270)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2573**, and **Senate Files 2153, 2209 and 2270**.

On motion by Gipp of Winneshiek, the House was recessed at 12:07 p.m., until completion of the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 4:25 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2481, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2505, a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

Also: That the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2560, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

Also: That the Senate has on April 13, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 108, a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

Also: That the Senate has on April 13, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 123, a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

Also: That the Senate has on April 13, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 443, a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date.

Also: That the Senate has on April 13, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight absent.

CONFERENCE COMMITTEE APPOINTED (House File 2434)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2434: Baudler of Adair, Chair; Heddens of Story, Klemme of Plymouth, Quirk of Chickasaw and Tjepkes of Webster.

HOUSE FILES WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw the following House Files from further consideration by the House:

House File 2055	House File 2483
House File 2271	House File 2488
House File 2435	House File 2494
House File 2443	House File 2502
House File 2444	House File 2540
House File 2457	

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration **House File 2489**, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate

insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-8435:

H-8435

- 1 Amend House File 2489, as passed by the House, as
- 2 follows:
- 3 1. Page 20, by inserting after line 25, the
- 4 following:
- 5 "Sec. ____ NEW SECTION. 514A.3A REFUND OF
- 6 UNEARNED PREMIUM UPON DEATH OF INSURED.
- 7 In the event of the death of the insured of any
- 8 policy covered by this chapter, the insurer, upon
- 9 receipt of notice of the insured's death supported by
- 10 a certified copy of a valid death certificate and a
- 11 request for a pro rata refund by a party entitled to
- 12 claim such a refund, shall refund the unearned premium
- 13 prorated to the month of the insured's death. Refund
- 14 of the premium and termination of the coverage shall
- 15 be without prejudice to any claim originating prior to
- 16 the date of the insured's death. The commissioner of
- 17 insurance shall adopt by rule the minimum amount
- 18 required for issuance of a refund."
- 19 2. Title page, line 7, by inserting after the
- 20 word "association;" the following: "refunds of
- 21 unearned premium;"

The motion prevailed and the House concurred in the Senate amendment H-8435.

Hoffman of Crawford moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2489)

The ayes were, 97:

Alons

Arnold

Baudler

Bell

Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 1:

Eichhorn

Absent or not voting,:

Connors

Wilderdyke

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

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration **House File 2484**, a bill for an act relating to the reorganization of the division of banking of the department of commerce and its regulation of banking, amended by the Senate, and moved that the House concur in the following Senate amendment H-8448:

H-8448

- 1 Amend House File 2484, as amended, passed, and
- 2 reprinted by the House, as follows:

1. Page 39, line 25, by striking the word "to" and inserting the following: "shall apply to and may be collected by".

2. Page 39, by inserting after line 27 the following:

"Nothing in this section shall be construed to change the prohibition against the sale of title insurance or sale of insurance against loss or damage by reason of defective title or encumbrances as provided in section 515.48, subsection 10."

3. Page 39, by inserting after line 27 the following:

"DIVISION

REAL PROPERTY FINANCIAL LIABILITY

Sec.____. NEW SECTION. 455B.751 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Acquired" means purchased, leased, obtained by inheritance or descent and distribution, or obtained by foreclosure sale under chapter 654, nonjudicial voluntary foreclosure under section 654.18, deed in lieu of foreclosure under section 654.19, foreclosure without redemption under section 654.20, or nonjudicial foreclosure of nonagriculture mortgages under chapter 655A.

2. "Hazardous substance" means the same as defined in section 455B.381 or 455B.411.

3. "Hazardous waste" means the same as defined in section 455B.411.

4. "Potentially responsible party" means a person whose acts or omissions were a proximate cause of the contamination of the acquired property, or a person whose negligent acts or omissions are a proximate cause of injury or damages resulting from exposure to such contamination. Injury or damages to persons or property arising by reason of contamination that migrates from the acquired property shall not be deemed to be caused by an act or omission of the person that acquired the property, except to the extent that the act or omission of such person exacerbated the release of such contamination.

5. "Regulated substance" means the same as defined in section 455B.471.

6. "Response action" means any action taken to reduce, minimize, eliminate, clean up, control, assess, or monitor a release of hazardous substances, hazardous waste, or regulated substances to protect the public health, safety, or the environment.

Page 2

7. "Third party" means any person other than a

person that holds indicia of title to property as identified in section 455B.752, subsection 1, or that has acquired property as identified in section 455B.752, subsection 2.

8. "Third-party liability" means any liability or obligation, other than contractual obligations that specifically waive all or part of the immunity provided by section 455B.752, arising out of or resulting from contamination of property by a hazardous substance, hazardous waste, or a regulated substance, including without limitation, claims for illness, personal injury, death, consequential damages, exemplary damages, lost profits, trespass, loss of use of property, loss of rental value, reduction in property value, property damages, or statutory or common law nuisance.

Sec.____. NEW SECTION. 455B.752 IMMUNITY FROM THIRD-PARTY LIABILITY.

A person that holds indicia of ownership of property contaminated by a hazardous substance, hazardous waste, or regulated substance, and that satisfies all of the conditions provided in section 455B.381, subsection 7, paragraphs "a", "b", and "c", or section 455B.471, subsection 6, paragraph "b", subparagraphs (1), (2), and (3), or a person that has acquired property contaminated by a hazardous substance, hazardous waste, or regulated substance, shall not be liable to any third party for any third-party liability arising from such contamination provided that all of the following apply:

1. The person does not knowingly cause or permit a new or additional hazardous substance, hazardous waste, or regulated substance to arise on or from the acquired property that injures a third party or contaminates property owned or leased by a third party.

2. The person is not a potentially responsible party or affiliated with any potentially responsible party by reason of any of the following:

a. Any direct or indirect familial relationship.

b. Any contractual, corporate, or financial relationship, other than a contractual, corporate, or financial relationship that is created by the instruments by which title to the property is conveyed or financed or by a contract for the sale of goods or services.

c. A reorganization of a business entity that is or was a potentially responsible party.

Sec.____. NEW SECTION. 455B.753 ACCESS TO

Page 3

1 PROPERTY.

2 A person that holds indicia of title to property or
3 a person that has acquired property as identified in
4 section 455B.752, shall provide reasonable access to
5 the acquired property to any potentially responsible
6 party or to any authorized regulatory authority for
7 the purpose of investigating or evaluating any
8 contamination, planning, or preparing a remedial plan
9 for any abatement of the contamination, and for any
10 required remediation.

11 Sec.____. NEW SECTION. 455B.754 LEGAL
12 RESPONSIBILITY.

13 This division shall not be interpreted to affect
14 the legal responsibility to the state to conduct
15 response actions under any applicable state law. This
16 division shall not be interpreted to affect or provide
17 immunity from any criminal liability.

18 Sec.____. EFFECTIVE DATE. This division of this
19 Act, being deemed of immediate importance, takes
20 effect upon enactment."

21 4. Title page, line 1, by striking the word
22 "institutions" and inserting the following: "and real
23 property institutions and assets".

24 5. Title page, by striking lines 2 and 3 and
25 inserting the following: "including banks, credit
26 unions, real property loan lenders, and real property
27 financial liability."

28 6. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8448.

Sands of Louisa moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2484)

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Elgin	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn

Hanson	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoutlz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 5:

Boddicker	Eichhorn	Fallon	Frevert
Hogg			

Absent or not voting, 2:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2554, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2567, a bill for an act regulating the transportation of animal carcasses, and providing for fees and penalties, and providing for an effective date.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2568, a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration **House File 2462**, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, amended by the Senate, and moved that the House concur in the following Senate amendment H-8395:

H-8395

1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "Sec. ___. CHILD IN NEED OF ASSISTANCE FAMILY CASE
6 STAFFING PILOT PROJECT. The department of human
7 services shall implement a child in need of assistance
8 family case staffing pilot project in at least two
9 counties. Under the pilot project, unless the
10 department determines that the pilot project approach
11 would not be in the child's best interest, prior to a
12 child in need of assistance petition being filed, the
13 department shall conduct a full case staffing for the
14 child's case. The staffing participants shall include
15 but are not limited to relevant treatment providers,
16 the child's parents or guardians, and other persons
17 involved with the child. The purposes of the pilot
18 project are to divert selected child abuse and neglect
19 cases that may otherwise result in a child in need of

- 20 assistance adjudication, improve permanency for
 21 children, promote family unification, and reduce state
 22 expenditures associated with adjudication of child in
 23 need of assistance cases."
 24 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8395.

Boddicker of Cedar moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2462)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were none.

Absent or not voting, 2:

Connors

Wilderdyke

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

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration **Senate File 2179**, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8464 to the House amendment:

H-8464

- 1 Amend the House amendment, S.F.-5239, to Senate File
- 2 2179, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, line 13, by inserting after the word
- 5 "~~body~~" the following: "shall be recorded on the
- 6 legislative internet website or copies of the personal
- 7 financial disclosure statements".

The motion prevailed and the House concurred in the Senate amendment H-8464, to the House amendment.

Raecker of Polk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2179)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox

Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Connors Wilderdyke

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2462, 2484, 2489** and **Senate File 2179**.

CONSIDERATION OF BILLS Ways and Means Calendar

Senate File 2289, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2289)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Connors Wilderdyke

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

SENATE MESSAGE CONSIDERED

Senate File 2305, by committee on ways and means, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

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

Appropriations Calendar

Senate File 2288, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending amendment and passage, was taken up for consideration.

Heaton of Henry offered the following amendment H-8511 filed by him, Hoffman of Crawford, Hutter of Scott, Jacobs of Polk, Granzow of Hardin, Upmeyer of Hancock, Freeman of Buena Vista, Tymeson of Madison, Chambers of O'Brien, Schickel of Cerro Gordo, Arnold of Lucas, Horbach of Tama, Boggess of Page, Roberts of Carroll, Hahn of Muscatine, S. Olson of Clinton, Sands of Louisa, Baudler of Adair, Rasmussen of Buchanan, Rayhons of Hancock, Lalk of Fayette, Greiner of Washington, Jenkins of Black Hawk, Elgin of Linn, Dolecheck of Ringgold, Drake of Pottawattamie, Manternach of Jones, Huseman of Cherokee, Jones of Mills and Gipp of Winneshiek, from the floor and moved its adoption:

H-8511

- 1 Amend Senate File 2288, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by inserting after line 19, the
- 4 following:
- 5 "If the amount of the child care and development
- 6 block grant to be received exceeds the amount
- 7 appropriated in this section and the excess amount is
- 8 sufficient to fund both the purposes identified by the
- 9 department for the excess amount and the purpose
- 10 described in this sentence, notwithstanding contrary
- 11 provisions of 2004 Iowa Acts, Senate File 2298, if
- 12 enacted, the department shall, to the extent
- 13 sufficient funds are available, set child care
- 14 provider reimbursement rates based on the most
- 15 recently completed rate reimbursement survey. Moneys
- 16 appropriated in this section that remain unencumbered
- 17 or unobligated at the close of the fiscal year shall
- 18 revert to be available for appropriation for purposes
- 19 of the child care and development block grant in the
- 20 succeeding fiscal year."
- 21 2. By renumbering as necessary.

Amendment H-8511 was adopted.

Upmeyer of Hancock offered the following amendment H-8453 filed by her and Kuhn of Floyd and moved its adoption:

H-8453

- 1 Amend Senate File 2288, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, line 12, by inserting after the word
- 4 "Chairpersons" the following: "and ranking members".

Amendment H-8453 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2288)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2288 and 2289.**

Unfinished Business Calendar

Senate File 2278, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2278)

The ayes were, none.

The nays were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam

Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Wildurdyke

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2278** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 5:30 p.m., until 6:15 p.m.

EVENING SESSION

The House reconvened at 6:25 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 593, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for

destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

Also: That the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2562, A bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

Also: That the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2304, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-seven members present, thirty-three absent.

INTRODUCTION OF BILL

House File 2575, by committee on ways and means, a bill for an act relating to moneys and tax credits for economic development.

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

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 2574.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 2574, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties

applicable and including effective date and retroactive applicability date provisions, was taken up for consideration.

The House stood at ease at 6:38 p.m., until the fall of the gavel.

The House resumed session at 7:35 p.m., Speaker Rants in the chair.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-8512 filed by him from the floor.

Kurtenbach of Story offered the following amendment H-8466 filed by him and moved its adoption:

H-8466

1 Amend House File 2574 as follows:
2 1. Page 2, by inserting after line 29 the
3 following:
4 "Sec. ____ Section 423.3, as enacted by 2003 Iowa
5 Acts, First Extraordinary Session, chapter 2, section
6 96, is amended by adding the following new subsection:
7 NEW SUBSECTION. 84. The sales price from the sale
8 of building materials, supplies, goods, wares, or
9 merchandise sold to a nonprofit Iowa affiliate of a
10 nonprofit international organization whose primary
11 activity is the promotion of the construction,
12 remodeling, or rehabilitation of one or two-family
13 dwellings for use by low-income families and where the
14 building materials, supplies, goods, wares, or
15 merchandise are used in the construction, remodeling,
16 or rehabilitation of such dwellings.
17 Sec. ____ Section 423.4, subsection 1, as enacted
18 by 2003 Iowa Acts, First Extraordinary Session,
19 chapter 2, section 97, is amended to read as follows:
20 1. A private nonprofit educational institution in
21 this state, nonprofit Iowa affiliate of a nonprofit
22 international organization whose primary activity is
23 the promotion of the construction, remodeling, or
24 rehabilitation of one or two-family dwellings for low-
25 income families, nonprofit private museum in this
26 state, tax-certifying or tax-levying body or
27 governmental subdivision of the state, including the
28 state board of regents, state department of human
29 services, state department of transportation, a
30 municipally owned solid waste facility which sells all
31 or part of its processed waste as fuel to a

32 municipally owned public utility, and all divisions,
33 boards, commissions, agencies, or instrumentalities of
34 state, federal, county, or municipal government which
35 do not have earnings going to the benefit of an equity
36 investor or stockholder, may make application to the
37 department for the refund of the sales or use tax upon
38 the sales price of all sales of goods, wares, or
39 merchandise, or from services furnished to a
40 contractor, used in the fulfillment of a written
41 contract with the state of Iowa, any political
42 subdivision of the state, or a division, board,
43 commission, agency, or instrumentality of the state or
44 a political subdivision, a private nonprofit
45 educational institution in this state, such nonprofit
46 Iowa affiliate, or a nonprofit private museum in this
47 state if the property becomes an integral part of the
48 project under contract and at the completion of the
49 project becomes public property, is devoted to
50 educational uses, becomes part of a low-income one or

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1 two-family dwelling in the state, or becomes a
2 nonprofit private museum; except goods, wares, or
3 merchandise, or services furnished which are used in
4 the performance of any contract in connection with the
5 operation of any municipal utility engaged in selling
6 gas, electricity, or heat to the general public or in
7 connection with the operation of a municipal pay
8 television system; and except goods, wares, and
9 merchandise used in the performance of a contract for
10 a "project" under chapter 419 as defined in that
11 chapter other than goods, wares, or merchandise used
12 in the performance of a contract for a "project" under
13 chapter 419 for which a bond issue was approved by a
14 municipality prior to July 1, 1968, or for which the
15 goods, wares, or merchandise becomes an integral part
16 of the project under contract and at the completion of
17 the project becomes public property or is devoted to
18 educational uses.
19 a. Such contractor shall state under oath, on
20 forms provided by the department, the amount of such
21 sales of goods, wares, or merchandise, or services
22 furnished and used in the performance of such
23 contract, and upon which sales or use tax has been
24 paid, and shall file such forms with the governmental
25 unit, private nonprofit educational institution, such
26 nonprofit Iowa affiliate, or nonprofit private museum
27 which has made any written contract for performance by
28 the contractor. The forms shall be filed by the
29 contractor with the governmental unit, educational
30 institution, such nonprofit Iowa affiliate, or

31 nonprofit private museum before final settlement is
32 made.
33 b. Such governmental unit, educational
34 institution, nonprofit Iowa affiliate, or nonprofit
35 private museum shall, not more than one year after the
36 final settlement has been made, make application to
37 the department for any refund of the amount of the
38 sales or use tax which shall have been paid upon any
39 goods, wares, or merchandise, or services furnished,
40 the application to be made in the manner and upon
41 forms to be provided by the department, and the
42 department shall forthwith audit the claim and, if
43 approved, issue a warrant to the governmental unit,
44 educational institution, or nonprofit private museum
45 in the amount of the sales or use tax which has been
46 paid to the state of Iowa under the contract.
47 Refunds authorized under this subsection shall
48 accrue interest at the rate in effect under section
49 421.7 from the first day of the second calendar month
50 following the date the refund claim is received by the

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1 department.
2 c. Any contractor who willfully makes a false
3 report of tax paid under the provisions of this
4 subsection is guilty of a simple misdemeanor and in
5 addition shall be liable for the payment of the tax
6 and any applicable penalty and interest."

Amendment H-8466 was adopted.

Kramer of Polk offered the following amendment H-8513 filed by him, J.K. Van Fossen of Scott, Gipp of Winneshiek, Murphy of Dubuque and Huser of Polk, from the floor and moved its adoption:

H-8513

1 Amend House File 2574 as follows:
2 1. Page 2, by inserting after line 29 the
3 following:
4 "Sec. _____. Section 423.3, subsections 2 and 37, as
5 enacted by 2003 Iowa Acts, First Extraordinary
6 Session, chapter 2, section 96, are amended to read as
7 follows:
8 2. The sales price of sales for resale of tangible
9 personal property or taxable services, or for resale
10 of tangible personal property in connection with the
11 furnishing of taxable services except for sales, other
12 than leases or rentals, which are sales, of machinery,

13 equipment, attachments, and replacement parts
14 specifically enumerated in subsection 37 and used in
15 the manner described in subsection 37.
16 37. The sales price of services on or connected
17 with new construction, reconstruction, alteration,
18 expansion, remodeling, or the services of a general
19 building contractor, architect, or engineer. The
20 exemption in this subsection also applies to the sales
21 price on the lease or rental of self-propelled
22 building equipment, self-constructed cranes, pile
23 drivers, structural concrete forms, regular and
24 motorized scaffolding, generators, or attachments
25 customarily drawn or attached to self-propelled
26 building equipment, self-constructed cranes, pile
27 drivers, structural concrete forms, regular and
28 motorized scaffolding, and generators, including
29 auxiliary attachments which improve the performance,
30 safety, operation, or efficiency of the equipment and
31 replacement parts and are directly and primarily used
32 by contractors, subcontractors, and builders for new
33 construction, reconstruction, alterations, expansion,
34 or remodeling of real property or structures."

Amendment H-8513 was adopted.

Osterhaus of Jackson asked and received unanimous consent that amendment H-8480 be deferred.

Kramer of Polk offered amendment H-8517 filed by him from the floor as follows:

H-8517

1 Amend House File 2574 as follows:
2 1. Page 7, by striking line 31 and inserting the
3 following:
4 "Notwithstanding section 441.40, where the court".
5 2. Page 7, line 34, by striking the word
6 "taxpayer's" and inserting the following:
7 "appellant's".

Hogg of Linn asked and received unanimous consent that amendment H-8520 be deferred.

Hogg of Linn offered the following amendment H-8521, to amendment H-8517, filed by him from the floor and moved its adoption:

H-8521

- 1 Amend the amendment, H-8517, to House File 2574, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 7, and
- 4 inserting the following:
- 5 "____. By striking page 7, line 31, through page
- 6 8, line 3, and inserting the following:
- 7 "Notwithstanding section 441.40, where the court
- 8 finds that the assessor's position in regard to
- 9 assessment of the property was not substantially
- 10 justified, the assessor shall pay all reasonable
- 11 attorney fees and costs of the appellant's appeal.""
- 12 2. By renumbering as necessary.

Amendment H-8521 lost.

Hogg of Linn offered the following amendment H-8520, previously deferred, to amendment H-8517, filed by him from the floor and moved its adoption:

H-8520

- 1 Amend the amendment, H-8517, to House File 2574 as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 7, and
- 4 inserting the following:
- 5 "____. By striking page 7, line 34 through page 8,
- 6 line 3, and inserting the following: "value, the
- 7 assessor shall pay all reasonable attorney fees and
- 8 costs of the appellant's appeal.""

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-8520 lost.

Kramer of Polk moved the adoption of amendment H-8517.

A non-record roll call was requested.

The ayes were 47, nays 21.

Amendment H-8517 was adopted.

Shoultz of Black Hawk offered the amendment H-8510 filed by him from the floor as follows:

H-8510

- 1 Amend House File 2574 as follows:
- 2 1. By striking page 7, line 29 through page 8,
- 3 line 3.
- 4 2. By renumbering as necessary.

The House stood at ease at 8:24 p.m., until the fall of the gavel.

The House resumed session at 9:17 p.m., Speaker Rants in the chair.

Shoultz of Black Hawk moved the adoption of amendment H-8510.

Roll call was requested by Speaker Rants and J.K. Van Fossen of Scott.

On the question "Shall amendment H-8510 be adopted?" (H.F. 2574)

The ayes were, 43:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Whitaker	Winckler	Wise	

The nays were, 56:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach

Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Shomshor	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Mr. Speaker
			Rants

Absent or not voting, 1:

Wilderdyke

Amendment H-8510 lost.

Osterhaus of Jackson offered the following amendment H-8480, previously deferred, filed by him and moved its adoption:

H-8480

- 1 Amend House File 2574 as follows:
- 2 1. Page 7, line 34, by striking the word "all"
- 3 and inserting the following: "fifty percent of the".

Amendment H-8480 lost.

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

On the question "Shall the bill pass?" (H.F. 2574)

The ayes were, 65:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	McCarthy	Murphy	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Stevens	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Wendt	Whitead
Mr. Speaker			
Rants			

The nays were, 34:

Bell	Berry	Bukta	Cphoon
Connors	Fallon	Foege	Frevert
Gaskill	Greimann	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	Mertz	Miller
Oldson	Olson, D.	Osterhaus	Petersen
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Watts	Whitaker
Winckler	Wise		

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2574** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2306, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Kramer of Polk called up for consideration **House File 2562**, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision, amended by the Senate, and moved that the House concur in the following Senate amendment H-8525:

H-8525

1 Amend House File 2562, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 34, by inserting after the word
4 "license" the following: "or class "B" or class "C"
5 beer permit".

6 2. Page 1, line 35, by striking the words "for
7 on-premises consumption".

8 3. Page 2, line 7, by inserting after the word
9 "license" the following: "or class "B" or class "C"
10 beer permit".

11 4. Page 2, line 8, by striking the words "for
12 on-premises consumption".

13 5. Page 2, line 26, by inserting after the word
14 "Act." the following: "In addition, the department
15 shall not initially register an electrical and
16 mechanical amusement device that is required to be
17 registered as provided in this subsection to an owner
18 for a location for which only a class "B" or class "C"
19 beer permit has been issued pursuant to chapter 123 on
20 or after the effective date of this Act."

21 6. Page 2, line 35, by inserting after the word
22 "department." the following: "In addition, an owner
23 at a location for which only a class "B" or class "C"
24 beer permit has been issued pursuant to chapter 123
25 shall not relocate an amusement device registered as
26 provided in this subsection to a location other than
27 the location of the device on the effective date of
28 this Act, and shall not transfer, assign, sell, or
29 lease an amusement device registered as provided in
30 this subsection to another person for which only a
31 class "B" or class "C" beer permit has been issued
32 pursuant to chapter 123 after the effective date of
33 this Act."

34 7. Page 3, line 12, by inserting after the word
35 "section" the following: "at a location for which
36 only a class "B" or class "C" beer permit has been
37 issued pursuant to chapter 123".

38 8. Page 5, line 4, by inserting after the words
39 "paragraph "a."" the following: "In addition, a
40 person whose registration is revoked under this
41 subsection who is a person for which only a class "B"
42 or class "C" beer permit has been issued pursuant to
43 chapter 123 shall have the person's class "B" or class
44 "C" beer permit suspended and that person's sales tax
45 permit suspended for a period of fourteen days in the
46 same manner as provided in section 123.50, subsection
47 3, paragraph "a.""

48 9. Page 7, line 5, by inserting after the word
49 "license" the following: "or class "B" or class "C"
50 beer permit".

Page 2

- 1 10. Page 7, line 15, by inserting after the word
- 2 "Act" the following: "for which a class "A", class
- 3 "B", class "C", or class "D" liquor control license or
- 4 class "B" or class "C" beer permit has been issued
- 5 pursuant to chapter 123".

The motion prevailed and the House concurred in the Senate amendment H-8525.

Kramer of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2562)

The ayes were, 96:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 3:

Fallon	Greimann	Taylor, D.
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Absent or not voting, 1:

Wilderdyke

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

INTRODUCTION OF BILL

House File 2576, by committee on ways and means, a bill for an act to establish an audio news and information services program within the department for the blind, to establish an equipment distribution program, to rename the dual party relay service, and providing a contingent effective date.

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

SENATE MESSAGE CONSIDERED

Senate File 2304, by committee on ways and means, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness and retroactive applicability.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2562** be immediately messaged to the Senate.

Ways and Means Calendar

Senate File 2295, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque offered the following amendment H-8444 filed by the committee on ways and means and moved its adoption:

H-8444

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 29, by inserting after the word
- 4 "school." the following: "A school tuition
- 5 organization shall only award educational scholarships
- 6 and tuition grants to children who reside in Iowa."
- 7 2. Page 3, line 15, by inserting after the word
- 8 "students" the following: ", who reside in the
- 9 state,".

Manternach of Jones in the chair at 9:56 p.m.

The committee amendment H-8444 was adopted.

Jochum of Dubuque offered amendment H-8519 filed by her, Osterhaus of Jackson and Frevert of Palo Alto from the floor and requested division as follows:

H-8519

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-8519 A

- 3 1. Page 1, line 5, by striking the words "the
- 4 amount" and inserting the following: "fifty percent".

H-8519 B

- 5 2. Page 2, line 14, by inserting before the word
- 6 "nonpublic" the following: "public or".

H-8519 A

- 7 3. Page 2, line 35, by striking the word "three"
- 8 and inserting the following: "two".
- 9 4. Page 3, by inserting after line 2 the
- 10 following:
- 11 "e. "Tuition" means any charges or fees for the
- 12 expenses of personnel, buildings, equipment and
- 13 materials, and other expenses of elementary or
- 14 secondary schools which relate to the teaching of
- 15 those subjects legally and commonly taught in public
- 16 or nonpublic elementary and secondary schools in this
- 17 state."
- 18 5. Page 3, line 16, by striking the word "three"
- 19 and inserting the following: "two".

20 6. Page 3, line 35, by inserting after the figure
21 "2005" the following: ", but before January 1, 2010".

Jochum of Dubuque asked and received unanimous consent that amendment H-8519A be deferred.

Mascher of Johnson offered the following amendment H-8524 filed by her from the floor and moved its adoption:

H-8524

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by striking the words "the
4 amount" and inserting the following: "twenty-five
5 percent".

Amendment H-8524 lost.

Lukan of Dubuque offered the following amendment H-8534 filed by him, Wise of Lee, McCarthy of Polk, Quirk of Chickasaw and Reasoner of Union from the floor and moved its adoption:

H-8534

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by inserting after the words
4 "equal to" the following: "seventy-five percent of".
5 2. Page 1, line 9, by striking the word "Five"
6 and inserting the following: "Seven".
7 3. Page 1, line 10, by striking the words "Six
8 hundred twenty-five" and inserting the following:
9 "Eight hundred".
10 4. Page 1, by inserting after line 10 the
11 following:
12 " _____. The taxpayer shall not be entitled to the
13 credit for tax years beginning in the 2005 and 2006
14 calendar years unless the credit is preapproved by the
15 department as provided in subsection 2A."
16 5. Page 1, by inserting after line 18 the
17 following:
18 "2A. To receive the tax credit for tax years
19 beginning in the 2005 and 2006 calendar years, the
20 taxpayer shall apply for the credit to the department
21 by January 31 following the end of the calendar year
22 in which the contribution was made. If the taxpayer
23 and school tuition organization qualify, the
24 department shall approve the application for credit

25 and so notify the taxpayer by April 1 following
26 receipt of the application. However, the department
27 of revenue shall only grant approval under this
28 section for a total of five million dollars in credits
29 in the fiscal year beginning July 1, 2005, and for a
30 total of ten million dollars in credits in the fiscal
31 year beginning July 1, 2006. If the qualified
32 applications total more than five million dollars or
33 ten million dollars, as applicable, in credits, the
34 department shall reduce the amount of credit approved
35 for each taxpayer on a pro rata basis and shall so
36 notify the taxpayer of the percentage of the credit
37 approved. The department shall prepare application
38 forms which may be made available to charitable
39 organizations that may qualify as school tuition
40 organizations."
41 6. Page 2, line 35, by striking the word "three"
42 and inserting the following: "two".
43 7. Page 3, line 16, by striking the word "three"
44 and inserting the following: "two".
45 8. Page 3, line 35, by inserting after the figure
46 "2005" the following: ", but before January 1, 2013".

Amendment H-8534 was adopted.

Jochum of Dubuque offered the following amendment H-8532 filed by her from the floor and moved its adoption:

H-8532

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 18, by inserting after the word
4 "taxpayer" the following: "or any other student
5 designated by the taxpayer".

A non-record roll call was requested.

The ayes were 62, nays 14.

Amendment H-8532 was adopted.

Hogg of Linn offered the following amendment H-8529 filed by him and Petersen of Polk from the floor and moved its adoption:

H-8529

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 3 through 9.
- 4 2. Page 2, lines 13 and 14, by striking the words
- 5 "for disabled students" and inserting the following:
- 6 ", as defined in section 237A.1, located".

Roll call was requested by Hogg of Linn and Petersen of Polk.

On the question "Shall amendment H-8529 be adopted?" (S.F. 2295)

The ayes were, 44:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevort	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shomshor
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Mertz
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Roberts	Sands
Schickel	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Manternach,		
	Presiding		

Absent or not voting, 2:

Connors	Wilderdyke
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Amendment H-8529 lost.

Jochum of Dubuque requested further division on amendment H-8519 as follows:

Lines 3 and 4, Division A.

Lines 5 and 6, and Lines 9 through 17, Division B.

Lines 7 and 8, and Lines 18 and 19, Division C.

Lines 20 and 21, Division D.

With of adoption of amendment H-8534, amendments H-8519A, H-8519C and H-8519D were placed out of order.

Jochum of Dubuque moved the adoption of amendment H-8519B.

Roll call was requested by Jochum of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8519B be adopted?" (S.F. 2295)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Dennis	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Raecker	Reasoner	Shomshor	Shoultz
Smith	Stevens	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 49:

Alons	Arnold	Baudler	Boal
Boddicker	Bogess	Carroll	Chambers
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kurtenbach	Lalk	Lukan	Maddox
Olson, S.	Paulsen	Rants, Spkr.	Rasmussen

Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Manternach,			
Presiding			

Absent or not voting, 4:

Connors	Hoffman	Kramer	Wilderdyke
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Amendment H-8519B lost.

Smith of Marshall offered amendment H-8522 filed by him from the floor as follows:

H-8522

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 17, by inserting after the figure
- 4 "216." the following: "A qualified school shall not
- 5 discriminate on the basis of race, creed, color,
- 6 national origin, sex, age, or disability."

Smith of Marshall offered the following amendment H-8535, to amendment H-8522, filed by him from the floor and moved its adoption:

H-8535

- 1 Amend the amendment, H-8522, to Senate File 2295,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 6 and
- 5 inserting the following:
- 6 "____. Page 2, line 29, by inserting after the
- 7 word "school." the following: "A school tuition
- 8 organization shall not discriminate on the basis of
- 9 race, creed, color, national origin, sex, age, or
- 10 disability.""

Amendment H-8535 was adopted.

Smith of Marshall moved the adoption of amendment H-8522, as amended.

Roll call was requested by Mascher of Johnson and Jochum of Dubuque.

On the question "Shall amendment H-8522 be adopted?" (S.F. 2295)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Jacoby
Jenkins	Jochum	Kuhn	Lensing
Lykam	Maddox	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Mertz	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Manternach, Presiding			

Absent or not voting, 2:

Connors Wilderdyke

Amendment H-8522, as amended, lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8526 filed by her from the floor.

Speaker Rants in the chair at 11:24 p.m.

Mascher of Johnson offered the following amendment H-8530 filed by her from the floor and moved its adoption:

H-8530

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 17, by inserting after the figure
- 4 "216." the following: "In addition, a qualified
- 5 school must be under the same guidelines, standards,
- 6 restrictions, and requirements as public elementary
- 7 and secondary schools regarding the academic
- 8 achievement of its students."

Amendment H-8530 lost.

Shoultz of Black Hawk offered amendment H-8533 filed by him from the floor and requested division as follows:

H-8533

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H-8533 A

- 3 1. Page 2, line 24, by striking the word "one-
- 4 third" and inserting the following: "all".
- 5 2. Page 2, line 33, by striking the words
- 6 "prioritize the providing of" and inserting the
- 7 following: "provide all".

H-8533 B

- 8 3. Page 2, line 35, by striking the word "three"
- 9 and inserting the following: "two".

H-8533 A

- 10 4. Page 3, line 2, by inserting after the word
- 11 "services." the following: "Scholarships and grants
- 12 shall be awarded to applicants on a random basis."

H-8533B

- 13 5. Page 3, line 16, by striking the word "three"
- 14 and inserting the following: "two".

Amendment H-8533B was placed out of order with the previous adoption of amendment H-8534.

Shoultz of Black Hawk moved the adoption of amendment H-8533A.

Amendment H-8533A lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8523 filed by her from the floor.

Wendt of Woodbury offered the following amendment H-8527 filed by him from the floor and moved its adoption:

H-8527

- 1 Amend Senate File 2295, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 27 the
- 4 following:
- 5 "____. The director may impose a civil penalty
- 6 against any organization that fails to file the report
- 7 or fails to timely file the report or where the report
- 8 is not properly completed as required by subsection 6.
- 9 The penalty shall be five hundred dollars."
- 10 2. Title page, line 2, by inserting after the
- 11 word "organizations" the following: ", providing a
- 12 penalty,".

Amendment H-8527 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-8531 filed by her from the floor.

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

On the question "Shall the bill pass?" (S.F. 2295)

The ayes were, 63:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	De Boef	Dix	Drake
Eichhorn	Elgin	Freeman	Frevert
Gipp	Greiner	Hahn	Hanson
Heaton	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jenkins

Jochum	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	McCarthy	Mertz
Murphy	Olson, S.	Osterhaus	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Struyk	Taylor, D.	Thomas	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitead	Mr. Speaker	
		Rants	

The nays were, 35:

Bell	Berry	Bukta	Cohoon
Davitt	Dennis	Dolecheck	Fallon
Foege	Ford	Gaskill	Granzow
Greimann	Heddens	Hunter	Huser
Jacoby	Kuhn	Lensing	Mascher
Miller	Oldson	Olson, D.	Petersen
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, T.	Tjepkes	Wendt
Whitaker	Winckler	Wise	

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2295** be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of April, 2004: House Files 2134, 2208, 2399, 2419 and 2476.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA WORKFORCE DEVELOPMENT

Annual status report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|--|
| 2004\1444 | Marione Boller, Waterloo – For celebrating her 90 th birthday. |
| 2004\1445 | Alyson Beatty, Chariton High School – For being named a State of Iowa Scholar. |
| 2004\1446 | Quentin Kennedy, Chariton High School – For being named a State of Iowa Scholar. |
| 2004\1447 | Cassandra Morrow, Chariton High School – For being named a State of Iowa Scholar. |
| 2004\1448 | Kari Ohnemus, Chariton High School – For being named a State of Iowa Scholar. |
| 2004\1449 | Cammeo Medici, Chariton High School – For being named a State of Iowa Scholar. |
| 2004\1450 | Theodore Knust, Melcher-Dallas High School - Lacona – For being named a State of Iowa Scholar. |
| 2004\1451 | Kristyn Van Donselaar, North Mahaska Jr.-Sr. High School - New Sharon – For being named a State of Iowa Scholar. |
| 2004\1452 | Carmen DeJong, Oskaloosa High School – For being named a State of Iowa Scholar. |
| 2004\1453 | Edna Lee, Iowa Falls – For celebrating her 80 th birthday. |
| 2004\1454 | Bill Maisel, Hubbard – For celebrating his 90 th birthday. |
| 2004\1455 | Esther Haupt, Ackley – For celebrating her 80 th birthday. |

- 2004\1456 Norma McClanahan, Iowa Falls – For celebrating her 80th birthday.
- 2004\1457 William Kreitlow, Kanawha – For winning 1st place in the National Conservation Poster Contest.
- 2004\1458 Joseph Stonesifer, Merrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1459 John Hall, Merrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1460 Codie Kellen, Merrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1461 Members of the Elkader Opera House Players and Renovation Committee of Elkader – For receiving the Main Street Iowa “Best Special Event” Award.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 729), relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

Committee Bill (Formerly House Study Bill 730), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, and primary road fund, and making related and corrective changes and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 2425), relating to moneys and tax credits for economic development.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

Committee Bill (Formerly House File 2513), to establish a newslines for the blind program within the department for the blind and to establish telephone utility assessments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 2004.

Senate File 2215, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

Senate File 2291, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

RESOLUTION FILED

HR 168, by Wendt, Whitead and Rants, a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8514	H.F.	2481	Senate Amendment
H—8515	H.F.	2560	Senate Amendment
H—8516	S.F.	2282	Senate Amendment
H—8518	S.F.	443	Senate Amendment
H—8528	H.F.	593	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned Wednesday, April 14, 2004 at 12:22 a.m., until 8:45 a.m., Wednesday, April 14, 2004.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 14, 2004

The House met pursuant to adjournment at 9:06 a.m., Speaker Rants in the chair.

Prayer and song were offered by Reverend Robert E Connors, pastor of the Union Park Independent Christian Church, Des Moines. He was the guest and is the brother of Representative John Connors from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 13, 2004 was approved.

INTRODUCTION OF BILLS

House File 2577, by committee on appropriations, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

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

House File 2578, by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, road use tax fund, and primary road fund, and making related and corrective changes and providing effective dates.

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

House File 2579, by Gipp, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal

of the award to district court and the award of interest earned on the damages.

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

SENATE MESSAGE CONSIDERED

Senate File 2306, by Iverson and Gronstal, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

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

ADOPTION OF HOUSE RESOLUTION 164

J.K. Van Fossen of Scott called up for consideration **House Resolution 164**, a resolution requesting the United States Congress to expand the physical presence standard for the imposition of state and local business activity taxes, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:28 a.m., until the fall of the gavel.

On motion by Jacobs of Polk, the House was recessed at 11:20 a.m., until the conclusion of the committee on ways and means.

AFTERNOON SESSION

The House reconvened at 1:12 p.m., Speaker Rants in the chair.

SPECIAL PRESENTATION

S. Olson of Clinton introduced to the House the Honorable Bob Johnson, former state representative from Clinton County.

The House rose and expressed its welcome.

SENATE AMENDMENT CONSIDERED

Boggess of Page called up for consideration **Senate File 2282**, a bill for an act requiring a study of the archaeological and

paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8516 to the House amendment:

H-8516

- 1 Amend the House amendment, S-5236, to Senate File
- 2 2282, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 12 through 16 and
- 4 inserting the following:
- 5 "____. Page 1, line 7, by inserting after the word
- 6 "preserve" the following: "and of other various uses
- 7 of the loess hills".
- 8 2. Page 1, by striking lines 32 through 34 and
- 9 inserting the following:
- 10 "____. Title page, line 4, by inserting after the
- 11 word "hills" the following: "and of other various
- 12 uses of the loess hills".
- 13 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8516, to the House amendment.

Boggess of Page moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2282)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kuhn	Kurtenbach	Kramer	Lalk
Lensing	Lukan	Lykam	Maddox

Manternach	Mascher	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration **House File 2560**, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment H-8515:

H-8515

1 Amend House File 2560, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 16 the
4 following:
5 "c. This subsection does not apply to a chapter
6 28E agreement entered into by three or more townships
7 if such agreement provides for the creation of one
8 fire department to provide fire protection services
9 jointly to the townships that are parties to the
10 agreement."

The motion prevailed and the House concurred in the Senate amendment H-8515.

Boal of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2560)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

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

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **Senate File 443**, a bill for an act relating to criteria for community-based seed capital

funds and providing a retroactive applicability date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8518 to the House amendment:

H-8518

1 Amend the House amendment, S-5293, to Senate File
2 443, as passed by the Senate, as follows:

3 1. Page 2, by striking lines 27 and 28 and
4 inserting the following:

5 "Sec. 5. Section 15E.45, subsection 2, paragraphs
6 b and c, Code Supplement".

7 2. Page 2, by inserting before line 29 the
8 following:

9 "____. Page 1, line 5, by striking the words "five
10 hundred" and inserting the following: "~~five~~ one
11 hundred twenty-five".

12 _____. Page 1, by inserting after line 12 the
13 following:

14 "c. The fund has no fewer than ~~ten~~ five investors
15 who are not affiliates, with no single investor and
16 affiliates of that investor together owning a total of
17 more than twenty-five percent of the ownership
18 interests outstanding in the fund.

19 Sec. 501. Section 15E.45, subsection 6, Code
20 Supplement 2003, is amended to read as follows:

21 6. In the event that a community-based seed
22 capital fund fails to meet or maintain any requirement
23 set forth in this section, or in the event that the
24 community-based seed capital fund has not invested at
25 least thirty-three percent of its invested capital in
26 ~~no fewer than two~~ one or more separate qualifying
27 businesses, measured at the end of the thirty-sixth
28 month after commencing the fund's investing
29 activities, the board shall rescind any tax credit
30 certificates issued to limited partners or members and
31 shall notify the department of revenue that it has
32 done so, and the tax credit certificates shall be null
33 and void. However, a community-based seed capital
34 fund may apply to the board for a one-year waiver of
35 the requirements of this subsection.""

36 3. Page 2, line 35, by striking the words and
37 figure "Section 5 of this Act applies" and inserting
38 the following: "Sections 5 and 501 of this Act
39 apply".

40 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8518, to the House amendment.

Lukan of Dubuque moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 443)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Boal	Boggess	Bukla	Carroll
Chambers	Cohon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 1:

Fallon

Absent or not voting, 4:

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

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **House File 593**, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes, amended by the Senate, and moved that the House concur in the following Senate amendment H-8528:

H-8528

1 Amend House File 593, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 16, by inserting after the word
4 "Code" the following: "Supplement".
5 3. Page 3, by inserting after line 33, the
6 following:
7 "Sec. ____ Section 49.73, subsection 2, Code 2003,
8 is amended to read as follows:
9 2. The commissioner shall not shorten voting hours
10 for any election if there is filed in the
11 commissioner's office, at least twenty-five days
12 before the election, a petition signed by at least
13 fifty eligible electors of the school district or
14 city, as the case may be, requesting that the polls be
15 opened not later than seven o'clock a.m. All polling
16 places where the candidates of or any public question
17 submitted by any one political subdivision are being
18 voted upon shall be opened at the same hour, except
19 that this requirement shall not apply to merged areas
20 established under chapter 260C. The hours at which the
21 respective precinct polling places are to open shall
22 not be changed after publication of the notice
23 required by section 49.53. The polling places shall be
24 closed at ~~nine o'clock~~ eight p.m. for ~~state primary~~
25 ~~and general elections and other partisan elections,~~

26 ~~and for any other election held concurrently~~
 27 ~~therewith, and at eight o'clock p.m. for all other~~
 28 ~~elections."~~
 29 4. Page 5, by striking lines 13 and 14, and
 30 inserting the following: "information from the ballot
 31 identifying the voter before the ballot is recorded
 32 and counted."
 33 5. Title page, line 7, by inserting after the
 34 word "opening" the following: "and closing".
 35 6. By renumbering, relettering, or redesignating
 36 and correcting internal references as necessary.

A non-record roll call was requested.

The ayes were 49, nays 44.

The motion prevailed and the House concurred in the Senate amendment H-8528.

Jacobs of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Roberts of Carroll in the chair at 1:49 p.m.

On the question "Shall the bill pass?" (H.F. 593)

The ayes were, 53:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Roberts,			
Presiding			

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon

Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 593, 2560, and Senate Files 443 and 2282.**

SENATE AMENDMENT CONSIDERED

Mertz of Kossuth called up for consideration **House File 2515**, a bill for an act relating to the keeping of farm deer, amended by the Senate, and moved that the House concur in the following Senate amendment H-8359:

H-8359

1 Amend House File 2515, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 170.3, subsection 1, Code
6 Supplement 2003, is amended to read as follows:
7 1. Farm deer are livestock as provided in this
8 title and are principally subject to regulation by the
9 department of agriculture and land stewardship, and
10 also the department of natural resources as
11 specifically provided in this chapter. The
12 regulations adopted by the department of agriculture
13 and land stewardship may include but are not limited
14 to providing for the importation, transportation, and
15 disease control of farm deer. The department of

16 agriculture and land stewardship and the department of
 17 natural resources shall not require that the landowner
 18 be issued a license ~~or permit~~ for keeping farm deer
 19 ~~or~~. The department of natural resources shall not
 20 require that the landowner be issued a certificate for
 21 the construction of a fence for keeping farm deer."

22 2. Page 1, line 5, by inserting before the words
 23 "A landowner" the following: "1."

24 3. Page 1, by inserting after line 19 the
 25 following:

26 "2. Any person may take farm deer which are kept
 27 within a certified fence, subject to consent of the
 28 landowner. The department of agriculture and land
 29 stewardship shall not regulate the taking of farm deer
 30 unless regulation is to prevent the outbreak of a
 31 transmissible disease including but not limited to
 32 chronic wasting disease."

33 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8359.

Mertz of Kossuth moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2515)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen

Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitead	Winckler	Wise
Roberts,			
Presiding			

The nays were, 2:

Lukan Whitaker

Absent or not voting, 1:

Wilderdyke

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

SENATE AMENDMENT CONSIDERED

Hutter of Scott called up for consideration **House File 2481**, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, amended by the Senate amendment H-8514:

H-8514

- 1 Amend House File 2481, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 232.103, subsection 3, Code
- 6 Supplement 2003, is amended to read as follows:
- 7 3. A change in the level of care for a child who
- 8 is subject to a dispositional order for out-of-home
- 9 placement requires modification of the dispositional
- 10 order. A hearing shall be held on a motion to
- 11 terminate or modify a dispositional order except that
- 12 a hearing on a motion to terminate or modify an order
- 13 may be waived upon agreement by all parties.
- 14 Reasonable notice of the hearing shall be given to the
- 15 parties. The hearing shall be conducted in accordance
- 16 with the provisions of section 232.50."
- 17 2. By renumbering as necessary.

Heddens of Story offered the following amendment H-8539, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8539

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "____. Page 1, line 11, by inserting after the
- 6 word "accomplished" the following: "and the child is
- 7 no longer in need of supervision, care, or treatment".
- 8 _____. Page 1, line 14, by inserting after the word
- 9 "available" the following: ", and the child is no
- 10 longer in need of supervision, care, or treatment".
- 11 _____. Page 1, line 17, by inserting after the word
- 12 "unwarranted" the following: "because the child is no
- 13 longer in need of supervision, care, or treatment"."
- 14 2. By renumbering as necessary.

Amendment H-8539 lost.

Heddens of Story offered the following amendment H-8541, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8541

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "____. Page 1, by striking lines 10 through 17 and
- 6 inserting the following:
- 7 "b. The efforts made to effect the purposes of the
- 8 order have been unsuccessful and all reasonably
- 9 appropriate services for the child were provided over
- 10 the immediately preceding two-year period."
- 11 2. By renumbering as necessary.

Amendment H-8541 lost.

Heddens of Story offered the following amendment H-8542, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8542

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "____. Page 1, line 3, by striking the word "The"
- 6 and inserting the following: "~~The~~ Unless the child's
- 7 guardian ad litem objects, the"."
- 8 2. By renumbering as necessary.

Amendment H-8542 lost.

Heddens of Story offered the following amendment H-8540, to the Senate amendment H-8514, filed by her from the floor and moved its adoption:

H-8540

- 1 Amend the Senate amendment, H-8514, to House File
- 2 2481, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 16 the
- 4 following:
- 5 "____. Page 1, by inserting after line 17 the
- 6 following:
- 7 "If the purposes of a dispositional order have not
- 8 been accomplished due to the failure of the state to
- 9 fully fund necessary services for the child, the court
- 10 shall not terminate the order under this subsection."
- 11 2. By renumbering as necessary.

Amendment H-8540 lost.

On motion by Hutter of Scott the House concurred in the Senate amendment H-8514.

Hutter of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2481)

The ayes were, 58:

Alons	Arnold	Baudler	Bell
Boal	Boddicker	Boggess	Carroll
Chambers	De Boef	Dennis	Dix

Dolecheck	Drake	Eichhorn	Elgin
Fallon	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, D.
Olson, S.	Paulsen	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Sands	Schickel
Struyk	Taylor, D.	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Roberts,		
	Presiding		

The nays were, 41:

Berry	Bukta	Cphoon	Connors
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Greimann	Heddens
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2481** and **2515**.

The House stood at ease at 2:29 p.m., until the fall of the gavel.

The House resumed session at 4:17 p.m., Roberts of Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-four members present, twenty-six absent.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2390, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, providing for retroactive applicability.

Also: That the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2418, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2549, a bill for an act relating to expenditures from the waste tire management fund.

Also: That the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2026, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2153, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2209, a bill for an act relating to the content of immunizations, and making a penalty applicable.

Also: That the Senate has on April 14, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2270, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

Also: That the Senate has on April 14, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2288, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on April 14, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2295, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

MICHAEL E. MARSHALL, Secretary

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

House File 2579, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2004.

RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 2579.

CONSIDERATION OF BILLS

Regular Calendar

House File 2579, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2579)

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen

Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

Jacobs of Polk asked and received unanimous consent for the immediate consideration of House File 2577.

Appropriations Calendar

House File 2577, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, was taken up for consideration.

Heaton of Henry offered the following amendment H-8545 filed by him from the floor and moved its adoption:

H-8545

- 1 Amend House File 2577 as follows:
- 2 1. Page 3, by inserting after line 19 the
- 3 following:
- 4 "____. To the department of human services for
- 5 general administration of health-related programs:
- 6\$ 274,000"
- 7 2. Page 4, by striking lines 13 through 17.
- 8 3. Page 6, by inserting after line 9 the
- 9 following:
- 10 "____. For the center for congenital and inherited
- 11 disorders:
- 12 \$ 26,000"
- 13 4. Page 7, by striking lines 33 and 34 and
- 14 inserting the following: "correctional facility:"

- 15 5. Page 8, by striking line 1.
16 6. Page 8, line 5, by striking the figure
17 "6,500,000" and inserting the following: "6,316,077".
18 7. Page 8, by inserting after line 16, the
19 following:
20 "(1) The program described in this paragraph "b"
21 shall meet all of the following requirements:
22 (a) The program shall be a statewide mentoring
23 program that is an alternative to mentoring programs
24 that utilize the standards of effective practice.
25 (b) The program shall contract with a university
26 to assist in curriculum development and performance
27 evaluation.
28 (c) The program shall provide for some level of
29 public-private partnership.
30 (d) The program shall obtain the assistance of the
31 Iowa department of public health in the development of
32 the performance evaluation design.
33 (e) The program shall demonstrate improvement in
34 meeting the current standards.
35 (2) The Iowa department of public health may use
36 up to \$50,000 of the moneys appropriated under this
37 paragraph "b" to provide technical assistance to and
38 monitoring of the program."
39 8. Page 8, line 17, by striking the word
40 "Notwithstanding" and inserting the following: "(3)
41 Notwithstanding".
42 9 Page 8, line 18, by inserting after the word
43 "paragraph" the following: ""b"".
44 10. By renumbering as necessary.

Amendment H-8545 was adopted.

D. Olson of Boone offered amendment H-8555 filed by him from the floor and requested division as follows:

H-8555

1 Amend House File 2577 as follows:

H-8555 A

2 1. Page 4, by striking lines 13 through 17.

H-8555 B

3 2. Page 4, line 30, by striking the figure
4 "11,800,000" and inserting the following:
5 "12,200,000".

6 3. Page 8, by striking lines 12 through 15, and
7 inserting the following:
8 "b. For a grant to a program that utilizes high
9 school mentors to teach life skills, violence
10 prevention, and character education in an effort to
11 reduce the illegal use of alcohol, tobacco, and other
12 substances substance abuse prevention grants to local
13 programs:"

H-8555

14 4. By renumbering as necessary.

With the adoption of amendment H-8545, amendment H-8555A is placed out of order.

D. Olson of Boone moved the adoption of amendment H-8555B.

A non-record roll call was requested.

The ayes were 41, nays 47.

Amendment H-8555B lost.

Smith of Marshall offered amendment H-8556 filed by him from the floor as follows:

H-8556

1 Amend House File 2577 as follows:
2 1. Page 6, by inserting after line 9, the
3 following:
4 "Any funds appropriated to the Iowa department of
5 public health from the healthy Iowans tobacco trust
6 that are distributed as grants are subject to a
7 request for proposals process developed by the
8 department that includes specifications regarding
9 budget line items, project goals and objectives, and
10 outcome measurements."

Amendment H-8556 lost.

Heaton of Henry offered the following amendment H-8543 filed by him, Wise of Lee, Petersen of Polk and Dolecheck of Ringgold from the floor and moved its adoption:

H-8543

1 Amend House File 2577 as follows:
2 1. Page 6, by striking lines 29 through 32, and

3 inserting the following: "based treatment program.
4 Of the funds allocated in this paragraph, \$60,000
5 shall be used to operate a similar value-based
6 treatment program at the Iowa correctional institution
7 for women at Mitchellville. Moneys allocated for the
8 program at Mitchellville that remain unencumbered or
9 unobligated for that purpose at the close of the
10 fiscal year shall revert."

Amendment H-8543 was adopted.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8549 filed by him from the floor.

Carroll of Poweshiek offered the following amendment H-8550 filed by him from the floor and moved its adoption:

H-8550

1 Amend House File 2577 as follows:
2 1. Page 8, by inserting after line 9 the
3 following:
4 "Sec. _____. Section 216B.3, Code Supplement 2003,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 18. Plan, establish, administer,
7 and promote a statewide program to provide audio news
8 and information services to blind or visually impaired
9 persons residing in this state.
10 a. The commission may enter into necessary
11 contracts and arrangements with the national
12 federation for the blind to provide for the delivery
13 of newspapers over the telephone, furnished by the
14 national federation for the blind.
15 b. The commission may enter into necessary
16 contracts and arrangements with the Iowa radio reading
17 information service for the blind and print
18 handicapped to provide for the delivery of newspapers,
19 magazines, and other printed materials over the radio,
20 furnished by the Iowa radio reading information
21 service for the blind and print handicapped.
22 Sec. _____. Section 216B.4, unnumbered paragraph 1,
23 Code 2003, is amended to read as follows:
24 The director may accept financial aid from the
25 government of the United States for carrying out
26 rehabilitation and physical restoration of the blind
27 and for providing library, news, and information
28 services to persons who are blind and persons with
29 physical disabilities."

Amendment H-8550 was adopted.

Smith of Marshall offered the following amendment H-8558 filed by him, D. Olson of Boone, Lensing of Johnson, Foege of Linn, Wendt of Woodbury and Berry of Black Hawk from the floor and moved its adoption:

H-8558

- 1 Amend House File 2577 as follows:
- 2 1. Page 4, by inserting after line 12, the
- 3 following:
- 4 " _____. For the just eliminate lies program under
- 5 the tobacco use prevention and control initiative, in
- 6 addition to any other funds appropriated for that
- 7 purpose:
- 8 \$ 60,000"
- 9 2. Page 6, line 11, by striking the figure
- 10 "980,000" and inserting the following: "920,000".
- 11 3. Page 6, line 27, by striking the figure
- 12 "370,000" and inserting the following: "310,000".
- 13 4. By renumbering, redesignating, and correcting
- 14 internal references as necessary.

Amendment H-8558 lost.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8560 filed by him, D. Olson of Boone, Lensing of Johnson and Foege of Linn from the floor.

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

On the question "Shall the bill pass?" (H.F. 2577)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cphoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens

Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Winckler
Wise	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Kramer Wilderdyke

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2514, a bill for an act relating to a pilot project for dementia-specific care alternatives.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2561, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2569, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2577 and 2579.**

SENATE AMENDMENT CONSIDERED

Jacobs of Polk called up for consideration **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to voting machines, making changes related to absentee voting, providing penalties, and providing effective and applicability dates, amended by the Senate, and moved that the House concur in the following Senate amendment H-8552:

H-8552

1 Amend the House amendment, S-5292, to Senate File
2 2269, as passed by the Senate, as follows:
3 1. Page 1, by inserting before line 9, the
4 following:
5 "____. Page 1, by inserting after line 14 the
6 following:
7 "Sec. ____ Section 46.21, unnumbered paragraph 1,
8 Code 2003, is amended to read as follows:
9 At least sixty-nine days before each judicial
10 election, the state commissioner of elections shall
11 certify to the county commissioner of elections of
12 each county a list of the judges of the supreme court,
13 court of appeals, and district court including
14 district associate judges, full-time associate
15 juvenile judges, and full-time associate probate
16 judges, and clerks of the district court to be voted
17 on in each county at that election. The county
18 commissioner of elections shall place the names upon
19 the ballot in the order in which they appear in the
20 certificate, ~~unless only one county is voting thereon.~~
21 The state commissioner of elections shall rotate the
22 names in the certificate by county, ~~or the county~~
23 ~~commissioner of elections shall rotate them upon the~~
24 ~~ballot by precinct if only one county is voting~~

25 ~~thereon~~. The names of all judges and clerks to be
26 voted on shall be placed upon one ballot, which shall
27 be in substantially the following form: ""
28 2. Page 2, by inserting after line 17, the
29 following:
30 " _____. Page 13, line 26, by striking the words
31 "commissioner, or" and inserting the following:
32 "commissioner, or, A registered voter may."
33 _____. Page 13, line 28, by inserting after the
34 word "ballot." the following: "A written application
35 for an absentee ballot must be received by the
36 commissioner no later than five p.m. on the Friday
37 before the election."
38 _____. Page 14, line 17, by inserting after the
39 word "applicant" the following: "or no later than
40 five p.m. on the Friday before the election, whichever
41 is earlier".
42 _____. Page 15, line 4, by inserting after the word
43 "applicant" the following: "or no later than five
44 p.m. on the Friday before the election, whichever is
45 earlier". "
46 3. Page 2, by striking lines 22 and 23, and
47 inserting the following: "the office of the
48 commissioner within seventy-two hours of retrieving
49 the completed ballot or before the closing of the
50 polls on election day, whichever is earlier.""

Page 2

1 4. Page 3, line 30, by striking the word
2 "register" and inserting the following: "be
3 registered".
4 5. Page 3, lines 34 and 35, by striking the words
5 "allowed to register" and inserting the following:
6 "registered".
7 6. Page 3, line 36, by striking the word "The"
8 and inserting the following: "Absentee ballot
9 couriers shall be registered with the commissioner by
10 the person providing the training required in
11 paragraph "c". The".
12 7. Page 3, line 40, by striking the word
13 "register" and inserting the following: "be
14 registered".
15 8. Page 3, line 43, by inserting after the word
16 "commissioner," the following: "However, if a person
17 has completed training as an absentee ballot courier
18 and the trainer is unable to register the person
19 because the commissioner's office is closed, the
20 person may retrieve completed absentee ballots if the
21 trainer registers the courier with the commissioner by
22 facsimile transmission within twenty-four hours of
23 completion of training or by personally delivering the

24 registration information to the commissioner's office
25 by the close of the next business day following
26 completion of training or by mailing the registration
27 information to the commissioner, in which case the
28 mailing must be postmarked no later than the next
29 business day following completion of training."

30 9. Page 3, line 45, by inserting after the word
31 "have" the following: "been".

32 10. Page 3, line 46, by striking the word
33 "register" and inserting the following: "be
34 registered".

35 11. Page 4, by striking line 2, and inserting the
36 following: "the respective state or county central
37 committees, or a member of the paid staff of such
38 committees, or by the county party or the state party,
39 or a member of the paid staff of such parties. The".

40 12. Page 4, line 22, by striking the words "by
41 five p.m." and inserting the following: "before the
42 closing of the polls".

43 13. Page 4, line 23, by striking the word
44 "sooner" and inserting the following: "earlier".

45 14. Page 4, by inserting after line 23, the
46 following:

47 "(6) A statement informing the voter that the
48 voter may verify that the person retrieving the
49 completed ballot is a registered absentee ballot
50 courier by contacting the county auditor's office."

Page 3

1 15. Page 4, line 27, by inserting after the word
2 "office," the following: "A completed ballot and
3 cover sheet shall only be delivered to the
4 commissioner's office by the absentee ballot courier
5 who retrieved the ballot or by one other absentee
6 ballot courier designated by the political party,
7 candidate, or committee for which the absentee ballot
8 couriers are acting as actual or implied agents. The
9 cover sheet shall include space for the name and
10 signature of the absentee ballot courier who retrieved
11 the ballot and the name and signature of any second
12 absentee ballot courier designated to deliver the
13 ballot and cover sheet to the commissioner's office."

14 16. Page 4, by inserting after line 35, the
15 following:

16 "___. Page 18, line 6, by inserting after the
17 word "enactment" the following: "and applies to
18 elections held on or after September 15, 2004"."

19 17. Page 4, by inserting after line 38 the
20 following:

21 "___. Title page, lines 4 and 5, by striking the
22 words "an effective date" and inserting the following:

- 23 "effective and applicability dates".
24 18. By renumbering, relettering, or redesignating
25 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8552.

Jacobs of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2269)

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Roberts,	
		Presiding	

The nays were, 2:

Fallon McCarthy

Absent or not voting, 3:

Dix Kramer Wilderdyke

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

The House stood at ease at 5:54 p.m., until the fall of the gavel.

The House resumed session at 6:04 p.m., Manternach of Jones in the chair.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2269** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 6:04 p.m., until 6:45 p.m.

EVENING SESSION

The House reconvened at 6:58 p.m., Roberts of Carroll in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

MESSAGES FROM THE SENATE

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2572, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Also: That the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2574, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 14, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2307, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Lukan of Dubuque called up for consideration **Senate File 2295**, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8553 to the House amendment:

H-8553

1 Amend the House amendment, S-5366, to Senate File
2 2295, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by striking lines 10 through 15.
5 2. Page 1, by striking lines 19 through 43.
6 3. Page 1, by inserting before line 44 the
7 following:
8 "____. Page 2, by striking lines 3 through 9 and
9 inserting the following:
10 "a. "Disabled student" means a child requiring
11 special education, as defined in section 256B.2,
12 subsection 1."

The House stood at ease at 7:33 p.m., until the fall of the gavel.

The House resumed session at 8:36 p.m., Roberts of Carroll in the chair.

On motion by Lukan of Dubuque, the House concurred in the Senate amendment H-8553, to the House amendment.

Lukan of Dubuque moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2295)

The ayes were, 59:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
Dandekar	De Boef	Dix	Drake
Eichhorn	Elgin	Freeman	Gipp
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Hutter	Jacobs	Jochum	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Lykam	Maddox	Manternach
McCarthy	Mertz	Murphy	Olson, S.
Osterhaus	Paulsen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Struyk	Taylor, D.
Thomas	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Roberts,	
		Presiding	

The nays were, 39:

Bell	Berry	Bukta	Cphoon
Connors	Davitt	Dennis	Dolecheck
Fallon	Foege	Ford	Frevert
Gaskill	Granzow	Heddens	Hunter
Huser	Jacoby	Jenkins	Kuhn
Lensing	Mascher	Miller	Oldson
Olson, D.	Petersen	Shomshor	Shoultz
Smith	Stevens	Swaim	Taylor, T.
Tjepkes	Upmeyer	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 2:

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2302, A bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2295** be immediately messaged to the Senate.

SENATE MESSAGE CONSIDERED

Senate File 2307, by committee on ways and means, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2530

1. Page 1, line 22 – Should read “as follows”. Add “s” to make it the word “as”.

MARGARET A. THOMSON
Chief Clerk of the House

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House

and the President of the Senate, and presented to the Governor for his approval on this 14th day of April, 2004: House File 2553.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 13, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2146, an Act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

House File 2201, an Act providing for exemptions from massage therapy licensure requirements.

House File 2404, an Act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

House File 2490, an Act relating to the Uniform Electronic Transactions Act.

House File 2496, an Act relating to the use of title pertaining to physical therapy and providing a penalty.

Senate File 2044, an Act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Also: that on April 14, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2145, an Act relating to membership on certain city planning and zoning commissions.

House File 2225, an Act relating to the establishment of drainage and levee districts, and providing an effective date.

House File 2340, an Act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date.

House File 2397, an Act relating to the act or property of a public utility with respect to the definition of nuisance.

House File 2517, an Act relating to environmental regulations administered by the Department of Natural Resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

Senate File 371, an Act relating to formatting standards for recording documents of instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

Senate File 2213, an Act regarding the cancellation of fishing and hunting licenses by the Department of Natural Resources for nonpayment of the license fee.

Senate File 2266, an Act relating to landlord disclosure requirements regarding the environmental status of rental property.

Senate File 2284, an Act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

Senate File 2296, an Act relating to the policy administration of the tax and related laws by the Department of Revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 13, 2004

The Honorable Christopher Rants
Speaker of the House
State Capitol Building
L O C A L

Dear Speaker Rants:

I hereby transmit House File 2523, an Act providing for the regulation of air quality, and making penalties applicable.

Although House File 2523 was touted as the “air quality bill” by legislators, the fact is that the Minimal Risk Levels established in this bill fail to adequately protect the health of Iowans. The levels established in the bill misrepresent the Center for Disease Control’s recommendations by allowing exposures for longer time periods than recommended and by failing to require immediate responses to exceedences of those standards.

The health levels in this bill for hydrogen sulfide and ammonia are many times less protective of health than those imposed in surrounding states where livestock agriculture continues to thrive. Missouri, Minnesota, and Nebraska all have standards that allow violations at most for two days out of any five, and generally not more than twice a year. This bill would require fourteen consecutive days of violations under one provision before exceeding the standard. Setting such a lenient standard, as designated in this bill, does not address the problem and threatens to undermine the credibility of the livestock industry in Iowa.

This bill would also relinquish authority for establishing and amending ambient air quality standards to the federal government. This approach is problematic because it prevents the Environmental Protection Commission from developing an ambient standard to address issues that may be unique to Iowa and may not compel the Environmental Protection Agency (EPA) to take action. It is appropriate for states to maintain this authority given the unique circumstances states face and given the problems with a one-size-fits-all approach that is often pursued by the EPA. Without ambient standards, it is impossible to appropriately balance the need to protect public health with the practical and financial burdens of requiring emissions controls.

Just two years ago, the legislature worked with my administration on a balanced policy regulating livestock confinements, including air quality. I am disappointed in the legislature’s unwillingness to continue that consensus work this year by refusing my offer to develop a regulatory standard that protects human health. At a time when Iowans should be coming together to solve difficult problems, majority legislators have chosen to drive a political wedge in this already divisive issue.

For the above reasons, I hereby respectfully disapprove House File 2523. I remain confident that we can develop air quality standards that maintain a strong livestock industry and protect the health of all Iowans, including those most susceptible to respiratory problems. I commit my administration to striking that balance.

I direct the Department of Natural Resources to move forward with establishing an administrative standard, monitoring, and developing best management practices. I believe the Department of Public Health has developed a balanced recommendation for hydrogen sulfide at 30 ppb over a 60-minute average, allowing for seven exceedences on an annual basis. An air quality standard at this level will protect the health of Iowans and maintain a healthy livestock industry, and I urge the Environmental Protection Commission to give serious consideration to this recommendation.

Sincerely,
Thomas J. Vilsack
Governor

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Perkins Elementary School, Des Moines, Iowa, accompanied by Sandi Dubbs. By Petersen of Polk.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2004\1462	Gene, Todd and Shawn Flynn, Nevada – For receiving the “Iowa Good Neighbor Award.”
2004\1463	Ella Abbas, Hampton – For celebrating her 85 th birthday.
2004\1464	Howard J. Cooley, Adair – For celebrating his 102 nd birthday.
2004\1465	Lois Stone, Newton – For celebrating her 80 th birthday.
2004\1466	Margaret Van Baale, Newton – For celebrating her 90 th birthday.
2004\1467	Al and Ginny Roberts, Newton – For celebrating their 50 th wedding anniversary.
2004\1468	Charles and Lorene Gile, Albia – For celebrating their 65 th wedding anniversary.
2004\1469	Bernice Bettis, Albia – For celebrating her 90 th birthday.
2004\1470	Adaline Hushak, Clutier – For celebrating her 90 th birthday.
2004\1471	Genevieve Redlinger, Keota – For celebrating her 90 th birthday.
2004\1472	Bessie Ruggles, Keswick – For celebrating her 90 th birthday.
2004\1473	Nellie Meacham, Richland – For celebrating her 95 th birthday.
2004\1474	Mary Duesler, Brooklyn – For celebrating her 100 th birthday.
2004\1475	Martin Rehborg, Sibley – For celebrating his 100 th birthday.

2004\1476 Donald P.J. Andersen Jr., Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON WAYS AND MEANS

Senate File 2303, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

Senate File 2305, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-8570** April 14, 2004.

Senate File 2306, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2004.

AMENDMENTS FILED

H—8536	H.F.	2578	Watts of Dallas
			Tymeson of Madison
			Jenkins of Black Hawk
H—8537	H.F.	2578	Hoffman of Crawford
H—8538	H.F.	2578	Raecker of Polk
H—8544	H.F.	2578	Freeman of Buena Vista
			Rayhons of Hancock
			Upmeyer of Hancock
			Dolecheck of Ringgold

H—8546	H.F.	2578	Hoffman of Crawford
H—8547	H.F.	2455	Smith of Marshall
			Upmeyer of Hancock
H—8548	H.F.	2578	Raecker of Polk
			Freeman of Buena Vista
H—8551	H.F.	2578	Eichhorn of Hamilton
H—8554	H.F.	2390	Senate Amendment
H—8557	H.F.	2455	Smith of Marshall
			Upmeyer of Hancock
H—8559	H.F.	2578	Rayhons of Hancock
			Huseman of Cherokee
			Freeman of Buena Vista
			Watts of Dallas
			Jacoby of Johnson
H—8561	H.F.	2555	Senate Amendment
H—8562	H.F.	2418	Senate Amendment
H—8563	H.F.	2578	Eichhorn of Hamilton
H—8564	H.F.	2578	Dix of Butler
			Cohoon of Des Moines
			Huseman of Cherokee
			Quirk of Chickasaw.
H—8565	S.F.	449	Kurtenbach of Story
H—8566	H.F.	2574	Senate Amendment
H—8568	H.F.	2302	Senate Amendment
H—8569	H.F.	2578	Thomas of Clayton
			Kuhn of Floyd
			Fallon of Polk
			Whitead of Woodbury
			Foege of Linn
			Cohoon of Des Moines
			Jacoby of Johnson
			D. Taylor of Linn
			Jochum of Dubuque
			Berry of Black Hawk
			Gaskill of Wapello
			Shoultz of Black Hawk
			Lensing of Johnson
			D. Olson of Boone
			Stevens of Dickinson
			T. Taylor of Linn
			Connors of Polk
			Davitt of Warren
			Mertz of Kossuth
			Whitaker of Van Buren
			Greimann of Story
			Hunter of Polk
			Wendt of Woodbury
			Bell of Jasper
			Lykam of Scott
			Mascher of Johnson
			Murphy of Dubuque
			Bukta of Clinton
			Frevert of Palo Alto
			Osterhaus of Jackson
			Winckler of Scott
			Smith of Marshall
			Shomshor of Pottawattamie
			Petersen of Polk
			Ford of Polk

Oldson of Polk			Quirk of Chickasaw
H—8570	S.F.	2305	Committee on Ways and Means

On motion by Gipp of Winneshiek the House adjourned at 8:49 p.m., until 8:45 a.m., Thursday, April 15, 2004.

JOURNAL OF THE HOUSE

Ninety- Fifth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 15, 2004

The House met pursuant to adjournment at 8:53 a.m., Roberts of Carroll in the chair.

Prayer was offered by Reverend Ron Burcham, pastor of Gloria Dei Lutheran Church, Urbandale. “The Lords Prayer” was sung by Godz Guys, a men’s quartet from Gloria Dei Lutheran Church. They were the guests of Representative Scott Raecker from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Wednesday, April 14, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Gipp of Winneshiek; Petersen of Polk, until her arrival, on request of Dandekar of Linn.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 105

Jacobs of Polk called up for consideration **House Concurrent Resolution 105**, a concurrent resolution concerning the Midwestern Legislature Conference of the Council of State Governments, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration **House File 2200**, a bill for an act relating to fire safety issues, including the promulgation of

administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-8396:

H-8396

1 Amend House File 2200, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 100.1, Code Supplement 2003,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 7. To administer the fire
8 extinguishing system contractor certification program
9 established in chapter 100C.

10 Sec. ____ NEW SECTION. 100C.1 DEFINITIONS.

11 As used in this chapter, unless the context
12 otherwise requires:

13 1. "Automatic dry-chemical extinguishing system"
14 means a system supplying a powder composed of small
15 particles, usually of sodium bicarbonate, potassium
16 bicarbonate, urea-potassium-based bicarbonate,
17 potassium chloride, or monoammonium phosphate, with
18 added particulate material supplemented by special
19 treatment to provide resistance to packing, resistance
20 to moisture absorption, and the proper flow
21 capabilities.

22 2. "Automatic fire extinguishing system" means a
23 system of devices and equipment that automatically
24 detects a fire and discharges an approved fire
25 extinguishing agent onto or in the area of a fire and
26 includes automatic sprinkler systems, carbon dioxide
27 extinguishing systems, deluge systems, automatic dry-
28 chemical extinguishing systems, foam extinguishing
29 systems, halogenated extinguishing systems, or other
30 equivalent fire extinguishing technologies recognized
31 by the fire extinguishing system contractors advisory
32 board.

33 3. "Automatic sprinkler system" means an
34 integrated fire protection sprinkler system usually
35 activated by heat from a fire designed in accordance
36 with fire protection engineering standards and
37 includes a suitable water supply. The portion of the
38 system above the ground is a network of specially
39 sized or hydraulically designed piping installed in a
40 structure or area, generally overhead, and to which
41 automatic sprinklers are connected in a systematic
42 pattern.

43 4. "Carbon dioxide extinguishing system" means a
44 system supplying carbon dioxide from a pressurized

45 vessel through fixed pipes and nozzles and includes a
46 manual or automatic actuating mechanism.
47 5. "Deluge system" means a sprinkler system
48 employing open sprinklers attached to a piping system
49 connected to a water supply through a valve that is
50 opened by the operation of a detection system

Page 2

1 installed in the same area as the sprinklers.
2 6. "Fire extinguishing system contractor" means a
3 person engaging in or representing oneself to the
4 public as engaging in the activity or business of
5 layout, installation, repair, alteration, addition,
6 maintenance, or maintenance inspection of automatic
7 fire extinguishing systems in this state.
8 7. "Foam extinguishing system" means a special
9 system discharging foam made from concentrates, either
10 mechanically or chemically, over the area to be
11 protected.
12 8. "Halogenated extinguishing system" means a fire
13 extinguishing system using one or more atoms of an
14 element from the halogen chemical series of fluorine,
15 chlorine, bromine, and iodine.
16 9. "Maintenance inspection" means periodic
17 inspection and certification completed by a fire
18 extinguishing system contractor. For purposes of this
19 chapter, "maintenance inspection" does not include an
20 inspection completed by a local building official,
21 fire inspector, or insurance inspector, when acting in
22 an official capacity.
23 10. "Responsible managing employee" means an
24 owner, partner, officer, or manager employed full-time
25 by a fire extinguishing system contractor who has any
26 of the following qualifications:
27 a. Is certified by the national institute for
28 certification in engineering technologies at a level
29 III in fire protection technology, automatic sprinkler
30 system layout, or another recognized certification in
31 automatic sprinkler system layout recognized by rules
32 adopted by the fire marshal pursuant to section
33 100C.7.
34 b. Meets any other criteria established by rule
35 under this chapter.
36 Sec.____. NEW SECTION. 100C.2 CERTIFICATION –
37 EMPLOYEES.
38 1. A person shall not act as a fire extinguishing
39 system contractor without first obtaining a fire
40 extinguishing system contractor's certificate pursuant
41 to this chapter.
42 2. A responsible managing employee may act as a
43 responsible managing employee for only one fire

44 extinguishing system contractor at a time. The
45 responsible managing employee shall not be designated
46 as the responsible managing employee for more than two
47 fire extinguishing system contractors in any twelve-
48 month period.
49 3. An employee of a certified fire extinguishing
50 system contractor working under the direction of a

Page 3

1 responsible managing employee is not required to
2 obtain and maintain an individual fire extinguishing
3 system contractor's certificate.

4 Sec.____. NEW SECTION. 100C.3 APPLICATION –
5 INFORMATION TO BE PROVIDED.

6 1. A fire extinguishing system contractor shall
7 apply for a certificate on a form prescribed by the
8 state fire marshal. The application shall be
9 accompanied by a fee in an amount prescribed by rule
10 pursuant to section 100C.7 and shall include all of
11 the following information:

12 a. The name, address, and telephone number of the
13 contractor, including all legal and fictitious names.

14 b. Proof of insurance coverage required by section
15 100C.4.

16 c. The name and qualifications of the person
17 designated as the contractor's responsible managing
18 employee and of persons designated as alternate
19 responsible managing employees.

20 d. Any other information deemed necessary by the
21 state fire marshal.

22 2. Upon receipt of a completed application and
23 prescribed fees, if the contractor meets all
24 requirements established by this chapter, the state
25 fire marshal shall issue a certificate to the fire
26 extinguishing system contractor within thirty days.

27 3. Certificates shall expire and be renewed as
28 established by rule pursuant to section 100C.7.

29 4. Any change in the information provided in the
30 application shall be promptly reported to the state
31 fire marshal. When the employment of a responsible
32 managing employee is terminated, the fire
33 extinguishing system contractor shall notify the state
34 fire marshal within thirty days after termination.

35 Sec.____. NEW SECTION. 100C.4 INSURANCE.

36 A fire extinguishing system contractor shall
37 maintain general and complete operations liability
38 insurance for the layout, installation, repair,
39 alteration, addition, maintenance, and inspection of
40 automatic fire extinguishing systems in an amount
41 determined by the state fire marshal by rule.

42 Sec.____. NEW SECTION. 100C.5 SUSPENSION AND

43 REVOCATION.

44 1. The state fire marshal shall suspend or revoke
45 the certificate of any fire extinguishing system
46 contractor who fails to maintain compliance with the
47 conditions necessary to obtain a certificate. A
48 certificate may also be suspended or revoked if any of
49 the following occur:

50 a. The employment or relationship of a responsible

Page 4

1 managing employee with a fire extinguishing system
2 contractor is terminated, unless the fire
3 extinguishing system contractor has included a
4 qualified alternate on the application or an
5 application designating a new responsible managing
6 employee is filed with the state fire marshal within
7 six months after the termination.

8 b. The contractor fails to comply with any
9 provision of this chapter.

10 c. The contractor fails to comply with any other
11 applicable codes and ordinances.

12 2. If a certificate is suspended pursuant to this
13 section, the certificate shall not be reinstated until
14 the condition or conditions which led to the
15 suspension have been corrected.

16 3. The state fire marshal shall adopt rules
17 pursuant to section 100C.7 for the acceptance and
18 processing of complaints against certificate holders,
19 for procedures to suspend and revoke certificates, and
20 for appeals of decisions to suspend or revoke
21 certificates.

22 Sec. ____ NEW SECTION. 100C.6 APPLICABILITY.

23 This chapter shall not be construed to do any of
24 the following:

25 1. Relieve any person from payment of any local
26 permit or building fee.

27 2. Limit the power of the state or a political
28 subdivision of the state to regulate the quality and
29 character of work performed by fire extinguishing
30 system contractors through a system of fees, permits,
31 and inspections designed to ensure compliance with,
32 and aid in the administration of, state and local
33 building codes or to enforce other local laws for the
34 protection of the public health and safety.

35 Sec. ____ NEW SECTION. 100C.7 ADMINISTRATION –
36 RULES.

37 The state fire marshal shall administer this
38 chapter and, after consultation with the fire
39 extinguishing system contractors advisory board, shall
40 adopt rules pursuant to chapter 17A necessary for the
41 administration and enforcement of this chapter.

42 Sec. ____ NEW SECTION. 100C.8 PENALTIES.

43 1. A person who violates any provision of this
44 chapter is guilty of a simple misdemeanor.

45 2. The state fire marshal may impose a civil
46 penalty of up to five hundred dollars on any person
47 who violates any provision of this chapter for each
48 day a violation continues. The state fire marshal may
49 adopt rules necessary to enforce and collect any
50 penalties imposed pursuant to this chapter.

Page 5

1 Sec. ____ NEW SECTION. 100C.9 DEPOSIT AND USE OF
2 MONEYS COLLECTED.

3 1. All fees assessed pursuant to this chapter
4 shall be retained as repayment receipts by the
5 division of fire protection in the department of
6 public safety and such fees received shall be used
7 exclusively to offset the costs of administering this
8 chapter.

9 2. Notwithstanding section 8.33, fees collected by
10 the division of fire protection that remain
11 unencumbered or unobligated at the close of the fiscal
12 year shall not revert but shall remain available for
13 expenditure for the purposes designated until the
14 close of the succeeding fiscal year.

15 Sec. ____ NEW SECTION. 100C.10 FIRE
16 EXTINGUISHING SYSTEM CONTRACTORS ADVISORY BOARD.

17 1. A fire extinguishing system contractors
18 advisory board is established in the division of fire
19 protection of the department of public safety and
20 shall advise the state fire marshal on matters
21 pertaining to the application and certification of
22 fire extinguishing system contractors pursuant to this
23 chapter.

24 2. The board shall consist of seven voting members
25 appointed by the commissioner of public safety as
26 follows:

27 a. Two full-time fire officials of incorporated
28 municipalities or counties.

29 b. One full-time building official of an
30 incorporated municipality or county.

31 c. Two fire extinguishing system contractors,
32 certified pursuant to this chapter, of which at least
33 one shall be a water-based fire sprinkler contractor.
34 d. One professional engineer or architect licensed
35 in the state.

36 e. One representative of the general public.

37 3. The state fire marshal, or the state fire
38 marshal's designee, shall be a nonvoting ex officio
39 member of the board.

40 4. The commissioner shall initially appoint two

41 members for two-year terms, two members for four-year
 42 terms, and three members for six-year terms.
 43 Following the expiration of the terms of initially
 44 appointed members, each term thereafter shall be for a
 45 period of six years. No member shall serve more than
 46 two consecutive terms.
 47 5. Four voting members of the advisory board shall
 48 constitute a quorum. A majority vote of the board
 49 shall be required to conduct business."
 50 2. Page 3, by inserting after line 1 the

Page 6

1 following:
 2 "Sec. _____. APPLICABILITY DATE. The sections of
 3 this Act enacting sections 100C.1 through 100C.6,
 4 100C.8, and 100C.9 shall not be applicable until July
 5 1, 2005."
 6 3. Title page, line 1, by inserting after the
 7 word "including" the following: "the establishment of
 8 a fire extinguishing system contractor certification
 9 program in the office of the state fire marshal,".
 10 4. Title page, line 2, by striking the word
 11 "marshal" and inserting the following: "marshal,".
 12 5. Title page, by striking line 4 and inserting
 13 the following: "providing for fees and penalties and
 14 for the Act's applicability. "
 15 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-8396.

Alons of Sioux moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2200)

The ayes were, 96:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

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

SENATE AMENDMENT CONSIDERED

Tjepkes of Webster called up for consideration **House File 2418**, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control, amended by the Senate, and moved that the House concur in the following Senate amendment H-8562:

H-8562

- 1 Amend House File 2418, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 12 through 14 and
- 4 inserting the following: "at an institution for a
- 5 fiscal year shall be made ~~no later than the~~ at a
- 6 ~~regular meeting held in November of the preceding~~
- 7 ~~fiscal year~~ and shall be reflected in a final docket".
- 8 2. Page 1, by striking line 17 and inserting the
- 9 following: "control. The regular meeting ~~held in~~
- 10 ~~November~~ shall be".
- 11 3. Page 1, line 19, by striking the word "the"
- 12 and inserting the following: "~~the~~ a".

The motion prevailed and the House concurred in the Senate amendment H-8562.

Tjepkes of Webster moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2418)

The ayes were, 95:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Winckler	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baudler	Ford	Quirk	Wilderdyke
Wise			

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2200, 2418 and House Concurrent Resolution 105.**

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
(House File 2434)

Tjepkes of Webster called up for consideration the report of the conference committee on House File 2434 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON HOUSE FILE 2434

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 2434, a bill for an Act to update and modify the enhanced 911 emergency telephone communications system, respectfully make the following report:

1. That the Senate recedes from its amendment, H-8431.
2. That House File 2434, as passed by the House, is amended as follows:

1. Page 15, by inserting after line 14 the following: "b. The program manager shall allocate an amount up to two hundred thirty thousand dollars per calendar quarter to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carriers' eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph."

2. Page 15, line 15, by striking the word "b." and inserting the following: "c."

3. Page 15, by striking lines 19 through 27 and inserting the following: "wireless E911 phase 1 services."

4. Page 15, line 28, by striking the word "c." and inserting the following: "d."

5. Page 16, line 18, by striking the word "d." and inserting the following: "e."

6. Page 16, by striking lines 22 and 23 and inserting the following: "f. (1) The program manager shall allocate all remaining moneys in the fund per calendar quarter".

7. Page 16, by striking lines 27 through 31 and inserting the following: "by May 15 of each year. The amount allocated under this paragraph shall be allocated as follows:"

8. Page 17, line 3, by striking the word "service" and inserting the following: "safety".

9. Page 17, line 9, by inserting after the word "dollars " the following: "for each public safety answering point within the service area of the department of public safety or joint E911 service board".

10. Page 17, line 10, by striking the figure "(3)" inserting the following: "(2)".

11. Page 17, line 10, by striking the word "e" and inserting the following: "f".

12. Page 17, by striking lines 22 through 29.

13. Page 17, by striking lines 33 through 35 and inserting the following: "surplus. This surplus shall be allocated to wireless carriers to recover their costs to deliver E911 phase 1".

14. Page 21, by inserting after line 7 the following: "Sec. ____ APPLICABILITY DATE. Section 34A.7A, subsection 2, paragraph "b", as enacted by this Act, shall not be applicable until the outstanding wireless E911 phase 1 obligation incurred pursuant to chapter 34A prior to July 1, 2004, as referred to in section 34A.7A, subsection 2, paragraph "e", is retired. The fiscal services division of the legislative services agency shall notify the Code editor when the outstanding obligation has been retired."

15. Title page, line 2, by inserting after the word "system" the following: "and providing an applicability date".

16. By renumbering as necessary.

ON THE PART OF THE HOUSE:

DAVE TJEPKES, Chair
CLEL BAUDLER
LISA HEDDENS
RALPH KLEMME
BRIAN QUIRK

ON THE PART OF THE SENATE:

JOHN PUTNEY, Chair
DARYL BEALL
GENE FRAISE
DOUG SHULL
RON WIECK

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" (H.F. 2434)

The ayes were, 95:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baudler	Ford	Quirk	Van Fossen, J.K.
Wilderdike			

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

CONSIDERATION OF BILLS Regular Calendar

House File 2571, a bill for an act relating to agriculture by providing for reporting requirements, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2571)

The ayes were, 92:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.R.	Watts	Wendt
Whitead	Winckler	Wise	Roberts, Presiding

The nays were, 5:

Frevert	Kuhn	Shomshor	Swaim
Whitaker			

Absent or not voting, 3:

Baudler	Van Fossen, J.K.	Wilderdyke
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration **House File 2555**, a bill for an act providing for specified changes regarding

programs under the purview of the department of public health, providing a penalty, and making an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment H-8561:

H-8561

- 1 Amend House File 2555, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 2, line 9, through page 3,
- 4 line 2.
- 5 2. By renumbering as necessary.

Jacobs of Polk asked and received unanimous consent that House File 2555 be deferred and that the bill retain its place on the calendar. (Amendment H-8561 pending)

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House Files 2434** and **2571** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration **House File 2302**, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, amended by the Senate amendment H-8568 as follows:

H-8568

- 1 Amend House File 2302, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 15E.311 COUNTY
- 6 ENDOWMENT FUND.
- 7 1. The purpose of this section is to enhance the
- 8 quality of life for citizens of Iowa by providing
- 9 moneys to new or existing citizen groups of this state

10 organized to establish county affiliate funds or
11 community foundations that will address countywide
12 needs.

13 2. A county endowment fund is created in the state
14 treasury under the control of the department of
15 revenue. The fund consists of all moneys appropriated
16 to the fund. Moneys in the fund shall be distributed
17 by the department as provided in this section.

18 3. a. At the end of each fiscal year, moneys in
19 the fund shall be transferred into separate accounts
20 within the fund and designated for use by each county
21 in which no licensee authorized to conduct gambling
22 games under chapter 99F was located during that fiscal
23 year. Moneys transferred to county accounts shall be
24 divided equally among the counties. Moneys
25 transferred into an account for a county shall be
26 transferred by the department to an eligible county
27 recipient for that county. Of the moneys transferred,
28 an eligible county recipient shall distribute seventy-
29 five percent of the moneys as grants to charitable
30 organizations for educational, civic, public,
31 charitable, patriotic, or religious uses, as defined
32 in section 99B.7, subsection 3, paragraph "b", in that
33 county and shall retain twenty-five percent of the
34 moneys for use in establishing a permanent endowment
35 fund for the benefit of charitable organizations for
36 educational, civic, public, charitable, patriotic, or
37 religious uses, as defined in section 99B.7,
38 subsection 3, paragraph "b".

39 b. If a county does not have an eligible county
40 recipient, moneys in the account for that county shall
41 remain in that account until an eligible county
42 recipient for that county is established.

43 c. For purposes of this subsection, an "eligible
44 county recipient" means a qualified community
45 foundation or community affiliate organization, as
46 defined in section 15E.303, that is selected, in
47 accordance with the procedures described in section
48 15E.304, to receive moneys from an account created in
49 this section for a particular county. To be selected
50 as an eligible county recipient, a community affiliate

Page 2

1 organization shall establish a county affiliate fund
2 to receive moneys as provided by this section.

3 4. Notwithstanding section 12C.7, subsection 2,
4 interest or earnings on moneys deposited in the county
5 endowment fund shall be credited to the county
6 endowment fund. Notwithstanding section 8.33, moneys
7 credited to the county endowment fund shall not revert
8 at the close of a fiscal year.

9 Sec. 2. Section 99D.2, subsection 8, Code 2003, is
10 amended to read as follows:

11 8. "Racetrack enclosure" means all real property
12 utilized for the conduct of a race meeting, including
13 the racetrack, grandstand, clubhouse, turf club or
14 other areas of a licensed racetrack which a person may
15 enter only upon payment of an admission fee, or upon
16 payment by another, at any time, based upon the
17 person's admittance, or upon presentation of
18 authorized credentials. "Racetrack enclosure" also
19 means concession stands, offices, barns, kennels and
20 barn areas, employee housing facilities, parking lots,
21 and any additional areas designated by the commission.

22 Sec. 3. Section 99D.2, Code 2003, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 9. "Wagering area" means that
25 portion of a racetrack in which a licensee may receive
26 wagers of money from a person present in a licensed
27 racing enclosure on a horse or dog in a race selected
28 by the person making the wager as designated by the
29 commission.

30 Sec. 4. Section 99D.5, subsection 4, Code 2003, is
31 amended to read as follows:

32 4. Commission members are each entitled to receive
33 an annual salary of six thousand dollars. Members
34 shall also be reimbursed for actual expenses incurred
35 in the performance of their duties to a maximum of
36 thirty thousand dollars per year for the commission.
37 Each member shall ~~post a bond in the amount of ten~~
38 ~~thousand dollars, with sureties to be approved by the~~
39 ~~governor, to guarantee the proper handling and~~
40 ~~accounting of moneys and other properties required in~~
41 ~~the administration of this chapter. The premiums on~~
42 ~~the bonds shall be paid as other expenses of the~~
43 ~~commission be covered by the blanket surety bond of~~
44 the state purchased pursuant to section 8A.321,
45 subsection 12.

46 Sec. 5. Section 99D.6, Code 2003, is amended to
47 read as follows:

48 99D.6 CHAIRPERSON – ADMINISTRATOR – EMPLOYEES –
49 DUTIES – BOND.

50 The commission shall elect in July of each year one

Page 3

1 of its members as chairperson for the succeeding year.
2 The commission shall appoint an administrator of the
3 commission subject to confirmation by the senate. The
4 administrator shall serve a four-year term. The term
5 shall begin and end in the same manner as set forth in
6 section 69.19. A vacancy shall be filled for the
7 unexpired portion of the term in the same manner as a

8 full-term appointment is made. The administrator may
9 hire other assistants and employees as necessary to
10 carry out the commission's duties. Employees in the
11 positions of equine veterinarian, canine veterinarian,
12 and equine steward shall be exempt from the merit
13 system provisions of chapter 8A, subchapter IV, and
14 shall not be covered by a collective bargaining
15 agreement. Some or all of the information required of
16 applicants in section 99D.8A, subsections 1 and 2, may
17 also be required of employees of the commission if the
18 commission deems it necessary. The administrator
19 shall keep a record of the proceedings of the
20 commission, and preserve the books, records, and
21 documents entrusted to the administrator's care. The
22 ~~commission shall require the administrator to post a~~
23 ~~bond in a sum it may fix, conditioned upon the~~
24 ~~faithful performance of the administrator's duties~~
25 shall be covered by the blanket surety bond of the
26 state purchased pursuant to section 8A.321, subsection
27 12. Subject to the approval of the governor, the
28 commission shall fix the compensation of the
29 administrator within the salary range as set by the
30 general assembly. The commission shall have its
31 headquarters in the city of Des Moines, and shall meet
32 in July of each year and at other times and places as
33 it finds necessary for the discharge of its duties.

34 Sec. 6. Section 99D.7, subsection 8, Code 2003, is
35 amended to read as follows:

36 8. To investigate alleged violations of this
37 chapter or the commission rules, orders, or final
38 decisions and to take appropriate disciplinary action
39 against a licensee or a holder of an occupational
40 license for the violation, or institute appropriate
41 legal action for enforcement, or both. Information
42 gathered during an investigation is confidential
43 during the pendency of the investigation. Decisions
44 by the commission are final agency actions pursuant to
45 chapter 17A.

46 Sec. 7. Section 99D.7, subsection 19, Code 2003,
47 is amended to read as follows:

48 19. To require licensees to indicate in their
49 racing programs those horses which are treated with
50 the legal medication ~~lasix~~ furosemide or

Page 4

1 phenylbutazone. The program shall also indicate if it
2 is the first or subsequent time that a horse is racing
3 with ~~lasix~~ furosemide, or if the horse has previously
4 raced with ~~lasix~~ furosemide and the present race is
5 the first race for the horse without ~~lasix~~ furosemide
6 following its use.

7 Sec. 8. Section 99D.7, Code 2003, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 23. To require licensees to
10 establish a process to allow a person to be
11 voluntarily excluded for life from a racetrack
12 enclosure and all other licensed facilities under this
13 chapter and chapter 99F. The process established
14 shall require that a licensee disseminate information
15 regarding persons voluntarily excluded to all
16 licensees under this chapter and chapter 99F. The
17 state and any licensee under this chapter or chapter
18 99F shall not be liable to any person for any claim
19 which may arise from this process. In addition to any
20 other penalty provided by law, any money or thing of
21 value that has been obtained by, or is owed to, a
22 voluntarily excluded person by a licensee as a result
23 of wagers made by the person after the person has been
24 voluntarily excluded shall not be paid to the person
25 but shall be deposited into the gambling treatment
26 fund created in section 135.150.

27 Sec. 9. Section 99D.9, subsections 1 and 2, Code
28 2003, are amended to read as follows:
29 1. If the commission is satisfied that its rules
30 and sections 99D.8 through 99D.25 applicable to
31 licensees have been or will be complied with, it may
32 issue a license for a period of not more than three
33 years. The commission may decide which types of
34 racing it will permit. The commission may permit dog
35 racing, horse racing of various types, or both dog and
36 horse racing. The commission shall decide the number,
37 location, and type of all racetracks licensed under
38 this chapter. The license shall set forth the name of
39 the licensee, the type of license granted, the place
40 where the race meeting is to be held, and the time and
41 number of days during which racing may be conducted by
42 the licensee. ~~The commission shall not approve the~~
43 ~~licenses for racetracks in Dubuque county and Black~~
44 ~~Hawk county if the proposed racing schedules of the~~
45 ~~two tracks conflict.~~ The commission shall not approve
46 a license application if any part of the racetrack is
47 to be constructed on prime farmland outside the city
48 limits of an incorporated city. As used in this
49 subsection, "prime farmland" means as defined by the
50 United States department of agriculture in 7 C.F.R.

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1 ~~see, § 657.5(a).~~ A license is not transferable or
2 assignable. The commission may revoke any license
3 issued for good cause upon reasonable notice and
4 hearing. The commission shall conduct a neighborhood
5 impact study to determine the impact of granting a

license on the quality of life in neighborhoods adjacent to the proposed racetrack facility. The applicant for the license shall reimburse the commission for the costs incurred in making the study. A copy of the study shall be retained on file with the commission and shall be a public record. The study shall be completed before the commission may issue a license for the proposed facility.

2. A license shall only be granted to a nonprofit corporation or association upon the express condition that:

~~a. The~~ the nonprofit corporation or association shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of a race meeting licensed under this section or of the pari-mutuel system of wagering described in section 99D.11. This section does not prohibit a management contract approved by the commission.

~~b. The nonprofit corporation shall not in any manner permit a person other than the licensee to have a share, percentage, or proportion of the money received for admissions to the race or race meeting.~~

Sec. 10. Section 99D.9, subsection 6, Code 2003, is amended to read as follows:

6. (1) A licensee ~~may~~ shall not loan to any person money or any other thing of value for the purpose of permitting that person to wager on any race.

(2) A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2, that is located in the wagering area.

(3) When technologically feasible, a licensee shall ensure that a person may voluntarily bar the person's access to receive cash or credit from a financial institution, vendor, or other person through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2, that is located on the licensed premises.

Sec. 11. Section 99D.9, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The commission shall require

that a licensee utilize Iowa resources, goods, and services in the operation of a racetrack enclosure. The commission shall develop standards to assure that a substantial amount of all resources and goods used

in the operation of a racetrack enclosure emanate from and are made in Iowa and that a substantial amount of all services and entertainment are provided by Iowans.

Sec. 12. Section 99D.11, subsection 7, Code 2003, is amended to read as follows:

7. A person under the age of twenty-one years shall not make ~~or attempt to make~~ a pari-mutuel wager. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 4.

Sec. 13. Section 99D.14, subsection 2, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

2. A licensee shall pay a regulatory fee to be charged as provided in this section. In determining the regulatory fee to be charged as provided under this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than two special agents for each racetrack that has not been issued a table games license under chapter 99F or no more than three special agents for each racetrack that has been issued a table games license under chapter 99F, plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities, as the basis for determining the amount of revenue to be raised from the regulatory fee.

Sec. 14. Section 99D.14, subsection 7, Code 2003, is amended by striking the subsection.

Sec. 15. Section 99D.15, subsection 3, paragraph d, Code 2003, is amended by striking the paragraph.

Sec. 16. Section 99D.15, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An amount equal to one-half of one percent of the gross sum wagered by the pari-mutuel method shall be deposited into the gambling treatment fund created in section 135.150 from the tax revenue received by the commission pursuant to subsections 1 and 3.

Sec. 17. Section 99D.19, Code 2003, is amended to read as follows:

99D.19 HORSE OR DOG RACING – LICENSEES – RECORDS – REPORTS – SUPERVISION.

1. A licensee shall keep its books and records so as to clearly show the following:

~~1. a.~~ a. The total number of admissions ~~to races~~

~~conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets for each day of operation.~~

~~2. b. The amount received daily from admission fees.~~

~~3. The total amount of money wagered during the race meet for each day of operation.~~

2. The licensee shall furnish to the commission reports and information as the commission may require with respect to its activities. The commission may designate a representative to attend a licensed race meeting, who shall have full access to all places within the enclosure of the meeting and who shall supervise and check the admissions. The compensation of the representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 18. Section 99D.20, Code 2003, is amended to read as follows:

99D.20 AUDIT OF LICENSEE OPERATIONS.

Within ninety days after the end of each race meet, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's operations conducted under this chapter. Additionally, within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total racing and gaming operations, including an itemization of all expenses and subsidies. All audits shall be conducted by certified public accountants registered in the state of Iowa under chapter 542 who are selected by the board of supervisors of the county in which the licensee operates.

Sec. 19. Section 99D.23, subsection 1, Code 2003, is amended to read as follows:

1. The commission shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood, or other excretions or body fluids whether a substance or drug has been introduced which may affect the outcome of a race or whether an action has been taken or a substance or drug has been introduced which may interfere with the testing procedure. The commission shall adopt rules under chapter 17A concerning procedures and actions taken on positive drug reports. The commission may adopt by reference ~~the standards of the national association of state racing commissioners, the association of official racing chemists, and New York jockey club, or the United States trotting~~

~~association,~~ nationally recognized standards as determined by the commission or may adopt any other

procedure or standard. The commission has the authority to retain and preserve by freezing, test samples for future analysis.

Sec. 20. Section 99D.25, subsection 1, paragraph a, Code 2003, is amended to read as follows:

a. "Drugging" means administering to a horse or dog any substance foreign to the natural horse or dog prior to the start of a race. However, in counties with a population of two hundred fifty thousand or more, "drugging" does not include administering to a horse the drugs ~~lasix~~ furosemide and phenylbutazone in accordance with section 99D.25A and rules adopted by the commission.

Sec. 21. Section 99D.25, subsection 5, Code 2003, is amended to read as follows:

5. Every horse which suffers a breakdown on the racetrack, in training, or in competition, and is destroyed, and every other horse which expires while stabled on the racetrack under the jurisdiction of the commission, shall undergo a postmortem examination by a veterinarian or a veterinary pathologist at a time and place acceptable to the commission veterinarian to determine the injury or sickness which resulted in euthanasia or natural death. ~~The postmortem examination shall be conducted by a veterinarian employed by the owner or the owner's trainer in the presence of and in consultation with the commission veterinarian.~~ Test samples shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine test samples should be procured prior to euthanasia. The owner of the deceased horse is responsible for payment of any charges due ~~the veterinarian employed~~ to conduct the postmortem examination. ~~The services of the commission veterinarian and the laboratory testing of postmortem samples shall be made available by the commission without charge to the owner.~~ A record of every postmortem shall be filed with the commission by the owner's veterinarian or veterinary pathologist who performed the postmortem within seventy-two hours of the death ~~and shall be submitted on a form supplied by the commission.~~ Each owner and trainer accepts the responsibility for the postmortem examination provided herein as a requisite for maintaining the occupational license issued by the commission.

is amended to read as follows:

9. The commission shall conduct random tests of bodily substances of horses entered to race each day of a race meeting to aid in the detection of any unlawful drugging. The tests ~~shall~~ may be conducted both prior to and after a race. The commission shall also test any horse that breaks down during a race and shall perform an autopsy on any horse that is killed or subsequently destroyed as a result of an accident during a race.

Sec. 23. Section 99D.25A, subsections 3 through 7, Code 2003, are amended to read as follows:

3. If a horse is to race with phenylbutazone in its system, the trainer, or trainer's designee, shall be responsible for marking the information on the entry blank for each race in which the horse shall use phenylbutazone. Changes made after the time of entry must be submitted on the prescribed form to the commission veterinarian no later than scratch time.

4. If a test detects concentrations of phenylbutazone in the system of a horse in excess of the level permitted in this section, the commission shall assess a civil penalty against the trainer of at least two hundred dollars for the first offense and at least five hundred dollars for a second offense. The penalty for a third or subsequent offense shall be in the discretion of the commission. A penalty assessed under this subsection shall not affect the placing of the horse in the race.

5. ~~Lasix~~ Furosemide may be administered to certified bleeders. Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of ~~lasix~~ furosemide. Once a horse has raced with ~~lasix~~ furosemide, it must continue to race with ~~lasix~~ furosemide in all subsequent races unless a request is made to discontinue the use. If the use of ~~lasix~~ furosemide is discontinued, the horse shall be prohibited from again racing with ~~lasix~~ furosemide unless it is later observed to be bleeding. Requests for the use of or discontinuance of ~~lasix~~ furosemide must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made.

6. Once a horse has been permitted the use of ~~lasix~~ furosemide, the horse must be treated with ~~lasix~~ furosemide in the horse's stall, unless the commission provides that a horse must be brought to the detention barn for treatment. After the ~~lasix~~ furosemide

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1 treatment, the commission, by rule, may authorize the
2 release of the horse from the horse's stall or
3 detention barn before the scheduled post time. If a
4 horse is brought to the detention barn late, the
5 commission shall assess a civil penalty of one hundred
6 dollars against the trainer.

7 7. A horse entered to race with ~~lasix~~ furosemide
8 must be treated at least four hours prior to post
9 time. The ~~lasix~~ furosemide shall be administered
10 intravenously by a veterinarian employed by the owner
11 or trainer of the horse. The commission shall adopt
12 rules to ensure that ~~lasix~~ furosemide is administered
13 as provided in this section. The commission shall
14 require that the practicing veterinarian deliver an
15 affidavit signed by the veterinarian which certifies
16 information regarding the treatment of the horse. The
17 affidavit must be delivered to a commission
18 veterinarian within twenty minutes following the
19 treatment. The statement must at least include the
20 name of the practicing veterinarian, the tattoo number
21 of the horse, the location of the barn and stall where
22 the treatment occurred, the race number of the horse,
23 the name of the trainer, and the time that the ~~lasix~~
24 furosemide was administered. ~~Lasix~~ Furosemide shall
25 only be administered in a dose level of two hundred
26 fifty milligrams.

27 Sec. 24. Section 99F.1, Code Supplement 2003, is
28 amended by adding the following new subsection:
29 NEW SUBSECTION. 7A. "Excursion boat" means a
30 self-propelled, floating vessel that is or has been
31 previously certified by the United States coast guard
32 for operation as a vessel.

33 Sec. 25. Section 99F.1, subsection 8, Code
34 Supplement 2003, is amended to read as follows:
35 8. "Excursion gambling boat" means ~~a self-~~
36 ~~propelled an~~ excursion boat or moored barge on which
37 lawful gambling is authorized and licensed as provided
38 in this chapter.

39 Sec. 26. Section 99F.1, subsection 10, Code
40 Supplement 2003, is amended to read as follows:
41 10. "Gambling game" means any game of chance
42 authorized by the commission. However, for racetrack
43 enclosures, "gambling game" does not include table
44 games of chance or video machines which simulate table
45 games of chance, unless otherwise authorized by this
46 chapter. "Gambling game" does not include sports
47 betting.

48 Sec. 27. Section 99F.1, Code Supplement 2003, is
49 amended by adding the following new subsection:
50 NEW SUBSECTION. 10A. "Gaming floor" means that

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1 portion of an excursion gambling boat or racetrack
2 enclosure in which gambling games are conducted as
3 designated by the commission.

4 Sec. 28. Section 99F.1, subsection 12, Code
5 Supplement 2003, is amended to read as follows:

6 12. "Holder of occupational license" means a
7 person licensed by the commission to perform an
8 occupation which the commission has identified as
9 requiring a license to engage in the excursion
10 ~~gambling~~ boat ~~gambling industry~~ in Iowa.

11 Sec. 29. Section 99F.1, Code Supplement 2003, is
12 amended by adding the following new subsection:
13 NEW SUBSECTION. 14A. "Moored barge" means a barge
14 or vessel that is not self-propelled.

15 Sec. 30. Section 99F.1, subsection 16, Code
16 Supplement 2003, is amended to read as follows:

17 16. "Racetrack enclosure" means all real property
18 utilized for the conduct of a race meeting, including
19 the racetrack, grandstand, clubhouse, turf club, or
20 other areas of a licensed racetrack which an
21 individual may enter only upon payment of an admission
22 fee, or upon payment by another, at any time, based
23 upon the individual's admittance, or upon presentation
24 of authorized credentials. "Racetrack enclosure" also
25 means concession stands, offices, barns, kennels and
26 barn areas, employee housing facilities, parking lots,
27 and any additional areas designated by the commission.

28 Sec. 31. Section 99F.4, subsection 2, Code 2003,
29 is amended to read as follows:

30 2. To license qualified sponsoring organizations,
31 to license the operators of excursion gambling boats,
32 to identify occupations within the excursion gambling
33 boat operations which require licensing, and to adopt
34 standards for licensing the occupations including
35 establishing fees for the occupational licenses and
36 licenses for qualified sponsoring organizations. The
37 fees shall be paid to the commission and deposited in
38 the general fund of the state. All revenue received
39 by the commission under this chapter from license fees
40 and ~~admission regulatory~~ fees shall be deposited in
41 the general fund of the state and shall be subject to
42 the requirements of section 8.60.

43 Sec. 32. Section 99F.4, subsection 6, Code 2003,
44 is amended to read as follows:

45 6. To investigate alleged violations of this
46 chapter or the commission rules, orders, or final
47 decisions and to take appropriate disciplinary action
48 against a licensee or a holder of an occupational
49 license for a violation, or institute appropriate
50 legal action for enforcement, or both. Information

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1 gathered during an investigation is confidential
2 during the pendency of the investigation.

3 Sec. 33. Section 99F.4, subsection 18, Code 2003,
4 is amended to read as follows:

5 18. To provide for the continuous ~~videotaping~~
6 recording of all gambling activities on an excursion
7 gambling boat. The ~~videotaping recording~~ shall be
8 performed under guidelines set by rule of the division
9 of criminal investigation and the rules may require
10 that all or part of the original ~~tapes recordings~~ be
11 submitted to the division on a timely schedule.

12 Sec. 34. Section 99F.4, subsection 20, Code 2003,
13 is amended by striking the subsection.

14 Sec. 35. Section 99F.4, Code 2003, is amended by
15 adding the following new subsections:

16 NEW SUBSECTION. 23. To require licensees to
17 establish a process to allow a person to be
18 voluntarily excluded for life from an excursion
19 gambling boat and all other licensed facilities under
20 this chapter and chapter 99D. The process established
21 shall require that a licensee disseminate information
22 regarding persons voluntarily excluded to all
23 licensees under this chapter and chapter 99D. The
24 state and any licensee under this chapter or chapter
25 99D shall not be liable to any person for any claim
26 which may arise from this process. In addition to any
27 other penalty provided by law, any money or thing of
28 value that has been obtained by, or is owed to, a
29 voluntarily excluded person by a licensee as a result
30 of wagers made by the person after the person has been
31 voluntarily excluded shall not be paid to the person
32 but shall be deposited into the gambling treatment
33 fund created in section 135.150.

34 NEW SUBSECTION. 24. To approve a licensee's
35 application to operate as a moored barge, an excursion
36 boat that will cruise, or an excursion boat that will
37 not cruise, as submitted pursuant to section 99F.7.

38 NEW SUBSECTION. 25. To conduct a socioeconomic
39 study on the impact of gambling on Iowans, every eight
40 years beginning in calendar year 2008, and issue a
41 report on that study. The commission shall ensure
42 that the results of each study are readily accessible
43 to the public.

44 Sec. 36. Section 99F.4A, subsection 4, Code 2003,
45 is amended to read as follows:

46 4. The regulatory fee imposed in section 99D.14,
47 subsection 2, shall be collected ~~for admission to from~~
48 a licensee of a racetrack enclosure where gambling
49 games are licensed to operate in lieu of the admission
50 regulatory fee imposed in section 99F.10.

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Sec. 37. Section 99F.4A, subsection 8, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

8. The commission shall, upon the immediate payment of the applicable table games license fee and submission to the commission by June 1, 2005, of an application by a licensee of a pari-mutuel dog or horse racetrack licensed to conduct gambling games at a pari-mutuel racetrack enclosure, issue a license to the licensee to conduct table games of chance, including video machines that simulate table games of chance, at the pari-mutuel racetrack enclosure subject to the requirements of this subsection. However, a table games license may only be issued to a licensee required to pay a table games license fee of three million dollars under this subsection if the licensee, and all other licensees of an excursion gambling boat in that county, file an agreement with the commission authorizing the granting of a table games license under this subsection and permitting all licensees of an excursion gambling boat to operate a moored barge as of a specific date. The licensee shall be granted a table games license by the commission without conducting a separate referendum authorizing table games upon payment of the applicable license fee to the commission which table games license fee may be offset by the licensee against taxes imposed on the licensee by section 99F.11, to the extent of twenty percent of the table games license fee paid pursuant to this subsection for each of five consecutive fiscal years beginning with the fiscal year beginning July 1, 2008. Fees paid pursuant to this subsection are not refundable to the licensee. A licensee shall not be required to pay a fee to renew a table games license issued pursuant to this subsection. Moneys collected by the commission from a table games license fee paid under this subsection shall be deposited in the rebuild Iowa infrastructure fund created in section 8.57.

For purposes of this subsection, the applicable license fee for a licensee shall be three million dollars if the adjusted gross receipts from gambling games for the licensee in the previous fiscal year was less than one hundred million dollars, and shall be ten million dollars if the adjusted gross receipts from gambling games for the licensee in the previous fiscal year was one hundred million dollars or more.

Sec. 38. Section 99F.5, subsection 1, Code 2003, is amended to read as follows:

1. A qualified sponsoring organization may apply

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1 to the commission for a license to conduct gambling
2 games on an excursion gambling boat as provided in
3 this chapter. A person may apply to the commission
4 for a license to operate an excursion gambling boat.
5 An operating agreement entered into on or after the
6 effective date of this section of this Act between a
7 qualified sponsoring organization and an operator
8 shall provide for a minimum distribution by the
9 qualified sponsoring organization for educational,
10 civic, public, charitable, patriotic, or religious
11 uses as defined in section 99B.7, subsection 3,
12 paragraph "b", that averages at least three percent of
13 the adjusted gross receipts for each license year.

14 The application shall be filed with the administrator
15 of the commission at least ninety days before the
16 first day of the next excursion season as determined
17 by the commission, shall identify the excursion
18 gambling boat upon which gambling games will be
19 authorized, shall specify the exact location where the
20 excursion gambling boat will be docked, and shall be
21 in a form and contain information as the commission
22 prescribes. The minimum passenger capacity of an
23 excursion gambling boat is two hundred fifty persons.

24 Sec. 39. Section 99F.6, subsection 4, paragraph a,
25 Code Supplement 2003, is amended to read as follows:

26 a. Before a license is granted, the division of
27 criminal investigation of the department of public
28 safety shall conduct a thorough background
29 investigation of the applicant for a license to
30 operate a gambling game operation on an excursion
31 gambling boat. The applicant shall provide
32 information on a form as required by the division of
33 criminal investigation. A qualified sponsoring
34 organization licensed to operate gambling games under
35 this chapter shall distribute the receipts of all
36 gambling games, less reasonable expenses, charges,
37 taxes, fees, and deductions allowed under this
38 chapter, as winnings to players or participants or
39 shall distribute the receipts for educational, civic,
40 public, charitable, patriotic, or religious uses as
41 defined in section 99B.7, subsection 3, paragraph "b".
42 However, a licensee to conduct gambling games under
43 this chapter shall, unless an operating agreement for
44 an excursion gambling boat otherwise provides,
45 distribute at least three percent of the adjusted
46 gross receipts for each license year for educational,
47 civic, public, charitable, patriotic, or religious
48 uses as defined in section 99B.7, subsection 3,
49 paragraph "b". However, if a licensee who is also
50 licensed to conduct pari-mutuel wagering at a horse

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1 racetrack has unpaid debt from the pari-mutuel
2 racetrack operations, the first receipts of the
3 gambling games operated within the racetrack enclosure
4 less reasonable operating expenses, taxes, and fees
5 allowed under this chapter shall be first used to pay
6 the annual indebtedness. The commission shall
7 authorize, subject to the debt payments for horse
8 racetracks and the provisions of paragraph "b" for dog
9 racetracks, a licensee who is also licensed to conduct
10 pari-mutuel dog or horse racing to use receipts from
11 gambling games within the racetrack enclosure to
12 supplement purses for races particularly for Iowa-bred
13 horses pursuant to an agreement which shall be
14 negotiated between the licensee and representatives of
15 the dog or horse owners. For each agreement
16 concerning purses for horse racing beginning on or
17 after January 1, 2006, and ending before January 1,
18 2021, the agreement shall provide that total annual
19 purses for all horse racing shall be no less than
20 eleven percent of the first two hundred million
21 dollars of net receipts, and six percent of net
22 receipts above two hundred million dollars, subject to
23 commission approval. A qualified sponsoring
24 organization shall not make a contribution to a
25 candidate, political committee, candidate's committee,
26 state statutory political committee, county statutory
27 political committee, national political party, or
28 fund-raising event as these terms are defined in
29 section 68A.102. The membership of the board of
30 directors of a qualified sponsoring organization shall
31 represent a broad interest of the communities. For
32 purposes of this paragraph, "net receipts" means the
33 annual adjusted gross receipts from all gambling games
34 less the annual amount of money pledged by the owner
35 of the facility to fund a project approved to receive
36 vision Iowa funds as of July 1, 2004.

37 Sec. 40. Section 99F.7, subsection 1, Code 2003,
38 is amended to read as follows:

39 1. If the commission is satisfied that this
40 chapter and its rules adopted under this chapter
41 applicable to licensees have been or will be complied
42 with, the commission shall issue a license for a
43 period of not more than three years to an applicant to
44 own a gambling game operation and to an applicant to
45 operate an excursion gambling boat. The commission
46 shall decide which of the gambling games authorized
47 under this chapter ~~is~~ the commission will permit. The
48 commission shall decide the number, location, and type
49 of excursion gambling boats licensed under this
50 chapter for operation on the rivers, lakes, and

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reservoirs of this state. An excursion gambling boat may be located or operated on a natural or man-made lake or reservoir if the lake or reservoir is of sufficient size to accommodate recreational activity. An excursion gambling boat may also be located on a man-made basin or other body of water adjacent to a river, provided it is located no more than one thousand feet from the high water mark of the river, as established by the commission in consultation with the United States army corps of engineers, the department of natural resources, or other appropriate regulatory agency. The license shall set forth, as applicable, the name of the licensee, the type of license granted, the place where the excursion gambling boats will operate and dock, and the time and number of days during the excursion season and the off season when gambling may be conducted by the licensee.

The
1A. a. An applicant for a license to conduct gambling games on an excursion gambling boat, and each licensee by June 30 of each year thereafter, shall indicate and have noted on the license whether the applicant or licensee will operate a moored barge, an excursion boat that will cruise, or an excursion boat that will not cruise subject to the requirements of this subsection. If the applicant or licensee will operate a moored barge or an excursion boat that will not cruise, the requirements of this chapter concerning cruising shall not apply. If the applicant's or licensee's excursion boat will cruise, the applicant or licensee shall comply with the cruising requirements of this chapter and the commission shall not allow such a licensee to conduct gambling games on an excursion gambling boat while docked during the off season if the licensee does not operate gambling excursions for a minimum number of days during the excursion season. The commission may delay the commencement of the excursion season at the request of a licensee.

b. However, an applicant or licensee of an excursion gambling boat that is located in the same county as a racetrack enclosure conducting gambling games shall not be allowed to operate a moored barge unless either of the following applies:

(1) If the licensee is located in the same county as a racetrack enclosure conducting gambling games that had less than one hundred million dollars in adjusted gross receipts from gambling games for the fiscal year beginning July 1, 2003, the licensee of an excursion gambling boat is authorized to operate a

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moored barge if the licensee, the licensee of the racetrack enclosure, and all other licensees of an excursion gambling boat in that county file an agreement with the commission agreeing to the granting of a table games license under this chapter and permitting all licensees of an excursion gambling boat in the county to operate a moored barge as of a specific date.

(2) If the licensee is located in the same county as a racetrack enclosure conducting gambling games that had one hundred million dollars or more in adjusted gross receipts from gambling games for the fiscal year beginning July 1, 2003, the licensee of an excursion gambling boat is authorized to operate a moored barge the earlier of July 1, 2007, or the date any form of gambling games, as defined in this chapter, is authorized in any state that is contiguous to the county where the licensee is located.

Sec. 41. Section 99F.7, subsection 3, Code 2003, is amended to read as follows:

3. The commission shall require, as a condition of granting a license, that an applicant to operate an excursion gambling boat develop, and as nearly as practicable, recreate boats or moored barges that resemble Iowa's riverboat history.

Sec. 42. Section 99F.7, subsection 4, Code 2003, is amended to read as follows:

4. The commission shall require that an applicant utilize Iowa resources, goods and services in the operation of an excursion gambling boat. The commission shall develop standards to assure that a substantial amount of all resources and goods used in the operation of an excursion gambling boat ~~come~~ emanate from and are made in Iowa and that a substantial amount of all services and entertainment ~~be~~ are provided by Iowans.

Sec. 43. Section 99F.7, subsection 5, paragraph b, Code 2003, is amended by striking the paragraph.

Sec. 44. Section 99F.7, subsection 9, Code 2003, is amended to read as follows:

9. a. A licensee shall not loan to any person money or any other thing of value for the purpose of permitting that person to wager on any game of chance.

b. A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal, as defined in section 527.2, that is located on the gaming floor.

c. When technologically feasible, a licensee shall

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ensure that a person may voluntarily bar the person's access to receive cash or credit from a financial institution, vendor, or other person through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2 that is located on the licensed premises.

Sec. 45. Section 99F.7, subsection 10, paragraph e, Code 2003, is amended to read as follows:

e. After a referendum has been held which defeated a proposal to conduct gambling games on excursion gambling boats or which defeated a proposal to conduct gambling games at a licensed pari-mutuel racetrack enclosure as provided in this section, another referendum on a proposal to conduct gambling games on an excursion gambling boat or at a licensed pari-mutuel racetrack shall not be held for at least ~~two~~ eight years.

Sec. 46. Section 99F.7, subsection 13, Code 2003, is amended to read as follows:

13. An excursion gambling boat operated on inland waters of this state or an excursion boat that has been removed from navigation and is designated as a permanently moored vessel by the United States coast guard shall be subject to the exclusive jurisdiction of the department of natural resources and meet all of the requirements of chapter 462A and is further subject to an inspection of its sanitary facilities to protect the environment and water quality before a certificate of registration is issued by the department of natural resources or a license is issued or renewed under this chapter.

Sec. 47. Section 99F.9, subsection 5, Code 2003, is amended to read as follows:

5. A person under the age of twenty-one years shall not make or attempt to make a wager on an excursion gambling boat or in a racetrack enclosure and shall not be allowed in the area on the gaming floor of the an excursion gambling boat where gambling is being conducted or in the wagering area, as defined in section 99D.2, or on the gaming floor of a racetrack enclosure. However, a person eighteen years of age or older may be employed to work in a gambling area on the gaming floor of an excursion gambling boat or in the wagering area or on the gaming floor of a racetrack enclosure. A person who violates this subsection with respect to making or attempting to make a wager commits a scheduled violation under section 805.8C, subsection 4.

Sec. 48. Section 99F.10, Code 2003, is amended to read as follows:

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1 99F.10 ~~ADMISSION~~ REGULATORY FEE – TAX – LOCAL
2 FEES.

3 1. A qualified sponsoring organization conducting
4 gambling games on an excursion gambling boat licensed
5 under section 99F.7 shall pay the tax imposed by
6 section 99F.11.

7 2. An excursion gambling boat licensee shall pay
8 to the commission ~~an admission~~ a regulatory fee for
9 ~~each person embarking on an excursion gambling boat~~
10 ~~with a ticket of admission~~ to be charged as provided
11 in this section. ~~The admission fee shall be set by~~
12 ~~the commission.~~

13 a. ~~If tickets are issued which are good for more~~
14 ~~than one excursion, the admission fee shall be paid~~
15 ~~for each person using the ticket on each excursion~~
16 ~~that the ticket is used.~~

17 b. ~~If free passes or complimentary admission~~
18 ~~tickets are issued, the licensee shall pay the same~~
19 ~~fee upon these passes or complimentary tickets as if~~
20 ~~they were sold at the regular and usual admission~~
21 ~~rate.~~

22 c. ~~However, the excursion boat licensee may issue~~
23 ~~fee free passes to actual and necessary officials and~~
24 ~~employees of the licensee or other persons actually~~
25 ~~working on the excursion gambling boat.~~

26 d. ~~The issuance of fee free passes is subject to~~
27 ~~the rules of the commission, and a list of all persons~~
28 ~~to whom the fee free passes are issued shall be filed~~
29 ~~with the commission.~~

30 3. ~~In addition to the admission fee charged under~~
31 ~~subsection 2 and subject~~ Subject to approval of
32 excursion gambling boat docking by the voters, a city
33 may adopt, by ordinance, an admission fee not
34 exceeding fifty cents for each person embarking on an
35 excursion gambling boat docked within the city or a
36 county may adopt, by ordinance, an admission fee not
37 exceeding fifty cents for each person embarking on an
38 excursion gambling boat docked outside the boundaries
39 of a city. The admission revenue received by a city
40 or a county shall be credited to the city general fund
41 or county general fund as applicable.

42 4. In determining the license fees and state
43 ~~admission~~ regulatory fees to be charged as provided
44 under section 99F.4 and this section, the commission
45 shall use the amount appropriated to the commission
46 plus the cost of salaries for no more than two special
47 agents and no more than four gaming enforcement
48 officers for each excursion gambling boat, plus any
49 direct and indirect support costs for the agents and
50 officers, for the division of criminal investigation's

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~~excursion gambling boat activities and an amount for all licensees, not to exceed one hundred twenty five thousand dollars, representing other associated costs of the division, as the basis for determining the amount of revenue to be raised from the license fees and admission regulatory fees. The division's salary costs shall be limited to eighty percent of the salary costs for special agents and eighty percent of the salary costs for gaming enforcement for personnel assigned to excursion gambling boats who enforce laws and rules adopted by the commission.~~

5. No other license tax, permit tax, occupation tax, excursion fee, or taxes on fees shall be levied, assessed, or collected from a licensee by the state or by a political subdivision, except as provided in this chapter.

6. No other excise tax shall be levied, assessed, or collected from the licensee relating to gambling excursions or admission charges by the state or by a political subdivision, except as provided in this chapter.

7. In addition to any other fees required by this chapter, a person awarded a new license to conduct gambling games pursuant to section 99F.7 on or after January 1, 2004, shall pay the applicable initial license fee to the commission as provided by this subsection. A person awarded a new license shall pay one-fifth of the applicable initial license fee immediately upon the granting of the license, one-fifth of the applicable initial license fee within one year of the granting of the license, one-fifth of the applicable initial license fee within two years of the granting of the license, one-fifth of the applicable initial license fee within three years of the granting of the license, and the remaining one-fifth of the applicable initial license fee within four years of the granting of the license. However, the license fee provided for in this subsection shall not apply when a licensed facility is sold and a new license is issued to the purchaser. Fees paid pursuant to this subsection are not refundable to the licensee. For purposes of this subsection, the applicable initial license fee shall be five million dollars if the population of the county where the licensee shall conduct gambling games is fifteen thousand or less based upon the most recent federal decennial census, shall be ten million dollars if the population of the county where the licensee shall conduct gambling games is more than fifteen thousand and less than one hundred thousand based upon the most recent federal

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decennial census, and shall be twenty million dollars
if the population of the county where the licensee
shall conduct gambling games is one hundred thousand
or more based upon the most recent federal decennial
census. Moneys collected by the commission from an
initial license fee paid under this subsection shall
be deposited in the rebuild Iowa infrastructure fund
created in section 8.57.

Sec. 49. Section 99F.11, Code Supplement 2003, is amended to read as follows:

99F.11 WAGERING TAX – RATE – ALLOCATIONS.

1. A tax is imposed on the adjusted gross receipts
received annually each fiscal year from gambling games
authorized under this chapter at the rate of five
percent on the first one million dollars of adjusted
gross receipts, and at the rate of ten percent on the
next two million dollars of adjusted gross receipts,
and at the rate of twenty percent

2. The tax rate imposed each fiscal year on any
amount of adjusted gross receipts over three million
dollars. However, beginning January 1, 1997, the rate
on any amount of adjusted gross receipts over three
million dollars from gambling games at racetrack
enclosures is twenty-two percent and shall increase by
two percent each succeeding calendar year until the
rate is thirty-six percent. shall be as follows:

a. If the licensee is an excursion gambling boat,
twenty-two percent.

b. If the licensee is a racetrack enclosure
conducting gambling games and another licensee that is
an excursion gambling boat is located in the same
county, then the following rate, as applicable:

(1) If the licensee of the racetrack enclosure has
not been issued a table games license during the
fiscal year or if the adjusted gross receipts from
gambling games of the licensee in the prior fiscal
year were less than one hundred million dollars,
twenty-two percent.

(2) If the licensee of the racetrack enclosure has
been issued a table games license during the fiscal
year or prior fiscal year and the adjusted gross
receipts from gambling games of the licensee in the
prior fiscal year were one hundred million dollars or
more, twenty-two percent on adjusted gross receipts
received prior to the operational date and twenty-four
percent on adjusted gross receipts received on or
after the operational date. For purposes of this
subparagraph, the operational date is the date the
commission determines table games became operational
at the racetrack enclosure.

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c. If the licensee is a racetrack enclosure
conducting gambling games and no licensee that is an
excursion gambling boat is located in the same county.
twenty-four percent.

3. The taxes imposed by this section shall be paid
by the licensee to the treasurer of state within ten
days after the close of the day when the wagers were
made and shall be distributed as follows:

4. a. If the gambling excursion originated at a
dock located in a city, one-half of one percent of the
adjusted gross receipts shall be remitted to the
treasurer of the city in which the dock is located and
shall be deposited in the general fund of the city.
Another one-half of one percent of the adjusted gross
receipts shall be remitted to the treasurer of the
county in which the dock is located and shall be
deposited in the general fund of the county.

5. b. If the gambling excursion originated at a
dock located in a part of the county outside a city,
one-half of one percent of the adjusted gross receipts
shall be remitted to the treasurer of the county in
which the dock is located and shall be deposited in
the general fund of the county. Another one-half of
one percent of the adjusted gross receipts shall be
remitted to the treasurer of the Iowa city nearest to
where the dock is located and shall be deposited in
the general fund of the city.

6. c. ~~Three tenths~~ One-half of one percent of the
adjusted gross receipts shall be deposited in the
gambling treatment fund ~~specified in section 99C.30,~~
~~subsection 1, paragraph "a" created in section~~
~~135.150.~~

7. d. One-half of one percent of the adjusted gross
receipts shall be deposited in the county endowment
fund created in section 15E.311.

8. e. The remaining amount of the adjusted gross
receipts tax shall be credited to the general fund of
the state.

Sec. 50. Section 99F.12, Code 2003, is amended to
read as follows:

99F.12 LICENSEES – RECORDS – REPORTS –
SUPERVISION.

1. A licensee shall keep its books and records so
as to clearly show all of the following:

2. a. The total number of admissions ~~to gambling~~
~~excursions conducted by the licensee on each day,~~
~~including the number of admissions upon free passes or~~
~~complimentary tickets for each day of operation.~~

3. b. ~~The amount received daily from admission~~
~~fees.~~

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~~3. The total amount of money wagered during each excursion day and the adjusted gross receipts for the each day of operation.~~

2. The licensee shall furnish to the commission reports and information as the commission may require with respect to its activities. The gross receipts and adjusted gross receipts from gambling shall be separately handled and accounted for from all other moneys received from operation of an excursion gambling boat or from operation of a racetrack enclosure licensed to conduct gambling games. The commission may designate a representative to board a licensed excursion gambling boat or to enter a racetrack enclosure licensed to conduct gambling games, who shall have full access to all places within the enclosure of the boat or the racetrack enclosure, who shall directly supervise the handling and accounting of all gross receipts and adjusted gross receipts from gambling, and who shall supervise and check the admissions. The compensation of a representative shall be fixed by the commission but shall be paid by the licensee.

3. The books and records kept by a licensee as provided by this section are public records and the examination, publication, and dissemination of the books and records are governed by the provisions of chapter 22.

Sec. 51. Section 99F.13, Code 2003, is amended to read as follows:

99F.13 ANNUAL AUDIT OF LICENSEE OPERATIONS.

Within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the ~~financial transactions and condition of the~~ licensee's total gambling operations, including an itemization of all expenses and subsidies. All audits shall be conducted by certified public accountants registered or licensed in the state of Iowa under chapter 542 who are selected by the board of supervisors of the county in which the licensee operates.

Sec. 52. Section 99F.17, subsections 5 and 6, Code 2003, are amended to read as follows:

5. The manufacturer or distributor of gambling games or implements of gambling shall provide the commission with a copy of the invoice written notice showing the items shipped to the licensee ~~and a copy of the bill of lading~~.

6. Subsection 2 does not apply in the following cases, if approved by the commission:

a. Gambling games or implements of gambling

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1 previously installed ~~on an excursion gambling boat in~~
2 a gambling location licensed in another jurisdiction.

3 b. Gambling games or implements of gambling
4 previously installed ~~on an excursion gambling boat in~~
5 a gambling location licensed in this state.

6 Sec. 53. Section 99G.39, subsection 1, paragraph
7 a, Code Supplement 2003, is amended to read as
8 follows:

9 a. An amount equal to ~~three-tenths~~ one-half of one
10 percent of the gross lottery revenue for the year
11 shall be deposited in ~~a the~~ the gambling treatment fund ~~in~~
12 ~~the office of the treasurer of state created in~~
13 section 135.150.

14 Sec. 54. NEW SECTION. 135.150 GAMBLING TREATMENT
15 FUND.

16 1. A gambling treatment fund is created in the
17 state treasury under the control of the department.
18 The fund consists of all moneys appropriated to the
19 fund. However, if moneys appropriated to the fund in
20 a fiscal year exceed six million dollars, the amount
21 exceeding six million dollars shall be transferred to
22 the rebuild Iowa infrastructure fund created in
23 section 8.57. Moneys in the fund are appropriated to
24 the department for the purposes described in this
25 section.

26 2. Moneys appropriated to the department under
27 this section shall be for the purpose of operating a
28 gambling treatment program and shall be used for
29 funding of administrative costs and to provide
30 programs which may include, but are not limited to,
31 outpatient and follow-up treatment for persons
32 affected by problem gambling, rehabilitation and
33 residential treatment programs, information and
34 referral services, crisis call access, education and
35 preventive services, and financial management and
36 credit counseling services.

37 3. Notwithstanding section 12C.7, subsection 2,
38 interest or earnings on moneys deposited in the
39 gambling treatment fund shall be credited to the
40 gambling treatment fund. Notwithstanding section
41 8.33, moneys credited to the gambling treatment fund
42 shall not revert to the fund from which appropriated
43 at the close of a fiscal year.

44 4. The department shall report semiannually to the
45 legislative government oversight committees regarding
46 the operation of the gambling treatment fund and
47 program. The report shall include, but is not limited
48 to, information on revenues and expenses related to
49 the fund for the previous period, fund balances for
50 the period, and moneys expended and grants awarded for

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operation of the gambling treatment program.

Sec. 55. Section 421.17, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 28. To administer the county endowment fund created in section 15E.311.

Sec. 56. NEW SECTION. 725.19 GAMBLING BY MINORS.

1. Any person under the age of twenty-one years shall not make or attempt to make a gambling wager, except as permitted under chapter 99B. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 4.

2. A person who knowingly permits a person under the age of twenty-one years to make or attempt to make a gambling wager, except as permitted under chapter 99B, is guilty of a simple misdemeanor.

Sec. 57. Section 805.8C, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For violations of legal age for gambling wagering under section 99D.11, subsection 7, section 99F.9, subsection 5, and section 725.19, subsection 1, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

Sec. 58. Sections 99D.14A and 99F.10A, Code 2003, are repealed.

Sec. 59. DEPARTMENT OF PUBLIC SAFETY – SPECIAL AGENT AUTHORIZATION. For the fiscal year beginning July 1, 2004, the department of public safety, with the approval of the department of management, may employ one additional special agent for each racetrack facility that is issued a table games license pursuant to this Act during the fiscal year which begins July 1, 2004. Positions authorized in this section are in addition to special agent positions otherwise authorized for the department of public safety.

Sec. 60. SOCIOECONOMIC STUDY OF GAMBLING.

1. The legislative council shall commission a study by an independent entity to study the socioeconomic impact of gambling on Iowans. The legislative council is authorized to expend up to one hundred thousand dollars to complete the study. The legislative council shall make the report available by July 1, 2005.

2. The study shall be an empirical study and include, but not be limited to, the following matters:

a. The economic impact of gambling on communities and other businesses.

b. The impact of gambling, if any, on family

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1 finances and family relations in general.

2 c. Demographic information on gamblers.

3 d. An assessment of the impact, if any, of
4 pathological or problem gambling on individuals,
5 families, social institutions, criminal activity, and
6 the economy.

7 e. Other relevant issues to fully examine the
8 socioeconomic impact of gambling.

9 Sec. 61. TRANSITION PROVISIONS – EXCURSION
10 GAMBLING BOAT CRUISING. A licensee authorized to
11 conduct gambling games on an excursion gambling boat
12 pursuant to chapter 99F as of January 1, 2004, shall,
13 no later than June 1, 2004, notify the racing and
14 gaming commission in writing if the licensee intends
15 to operate a moored barge, an excursion boat that will
16 cruise, or an excursion boat that will not cruise.
17 However, a licensee that is located in the same county
18 as a licensee of a racetrack enclosure that conducts
19 gambling games that had less than one hundred million
20 dollars in adjusted gross receipts from gambling games
21 for the fiscal year beginning July 1, 2003, shall only
22 be allowed to operate a moored barge if the licensee,
23 the licensee of the racetrack enclosure, and all other
24 licensees of an excursion gambling boat in that county
25 file an agreement with the commission agreeing to the
26 granting of a table games license under chapter 99F
27 and permitting all licensees of an excursion gambling
28 boat to operate a moored barge as of a specific date.
29 The racing and gaming commission shall make the
30 election of each licensee under this section public by
31 June 7, 2004. A licensee who initially elects to
32 operate a moored barge or an excursion boat that will
33 not cruise may, no later than June 30, 2004, change
34 its election and elect to operate an excursion boat
35 that will cruise.

36 Sec. 62. 2002-2004 RACETRACK ENCLOSURES –
37 GAMBLING GAMES TAX.

38 1. Notwithstanding any provision of section 99F.11
39 to the contrary, a racetrack enclosure conducting
40 gambling games shall pay a tax on the adjusted gross
41 receipts over three million dollars received for the
42 fiscal year beginning July 1, 2002, and ending June
43 30, 2003, and for the fiscal year beginning July 1,
44 2003, and ending June 30, 2004, from gambling games
45 authorized under chapter 99F at the following tax rate
46 for each fiscal year:

47 a. If the licensee of the racetrack enclosure
48 conducting gambling games received adjusted gross
49 receipts from gambling games in the fiscal year
50 beginning July 1, 2002, of less than one hundred

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1 million dollars, twenty-two percent.

2 b. If the licensee of the racetrack enclosure
3 conducting gambling games received adjusted gross
4 receipts from gambling games in the fiscal year
5 beginning July 1, 2002, of one hundred million dollars
6 or more, twenty-four percent.

7 2. Taxes due as provided by this section on
8 adjusted gross receipts received prior to the
9 effective date of this section of this Act shall be
10 paid by the licensee by June 1, 2004. Taxes on
11 adjusted gross receipts received on or after the
12 effective date of this section of this Act shall be
13 due as otherwise provided for payment of taxes in
14 section 99F.11.

15 3. Notwithstanding any provision of law to the
16 contrary, taxes imposed by this section shall be
17 deposited in the rebuild Iowa infrastructure fund
18 created in section 8.57.

19 Sec. 63. 2005-2006 REBUILD IOWA INFRASTRUCTURE
20 ASSESSMENTS.

21 1. Notwithstanding any provision of chapter 99F to
22 the contrary and in addition to taxes imposed pursuant
23 to section 99F.11, a rebuild Iowa infrastructure
24 assessment is imposed on each licensee authorized to
25 conduct gambling games on an excursion gambling boat
26 pursuant to chapter 99F as of January 1, 2004, as
27 provided in this section.

28 2. a. A 2005 rebuild Iowa infrastructure
29 assessment is imposed at the rate of two and one
30 hundred fifty-two thousandths percent on the estimated
31 adjusted gross receipts amount for each licensee of an
32 excursion gambling boat licensed to conduct gambling
33 games on an excursion gambling boat under chapter 99F
34 as of January 1, 2004. For purposes of this
35 subsection, the estimated adjusted gross receipts
36 amount for a licensee is the amount of adjusted gross
37 receipts from gambling games the revenue estimating
38 conference estimated, as of the most recent meeting of
39 the revenue estimating conference held prior to the
40 effective date of this section of this Act, a facility
41 licensed to conduct gambling games on an excursion
42 gambling boat will receive for the fiscal year
43 beginning July 1, 2004, and ending June 30, 2005.

44 b. The 2005 rebuild Iowa infrastructure assessment
45 provided in this subsection shall be paid by June 1,
46 2005, which assessment may be offset by the licensee
47 against taxes imposed on the licensee by section
48 99F.11 to the extent of twenty percent of the
49 assessment paid pursuant to this subsection for each
50 of five consecutive fiscal years beginning with the

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1 fiscal year beginning July 1, 2010. The racing and
2 gaming commission shall revoke the license to conduct
3 gambling games of any licensee that fails to pay the
4 2005 rebuild Iowa infrastructure assessment as
5 provided in this subsection.

6 3. a. A 2006 rebuild Iowa infrastructure
7 assessment is imposed at the rate of two and one
8 hundred fifty-two thousandths percent on the estimated
9 adjusted gross receipts amount for each licensee of an
10 excursion gambling boat licensed to conduct gambling
11 games on an excursion gambling boat under chapter 99F
12 as of January 1, 2004. For purposes of this
13 subsection, the estimated adjusted gross receipts
14 amount for a licensee is the amount of adjusted gross
15 receipts from gambling games the revenue estimating
16 conference estimated, as of the most recent meeting of
17 the revenue estimating conference held prior to the
18 effective date of this section of this Act, a facility
19 licensed to conduct gambling games on an excursion
20 gambling boat will receive for the fiscal year
21 beginning July 1, 2004, and ending June 30, 2005.

22 b. The 2006 rebuild Iowa infrastructure assessment
23 provided in this subsection shall be paid by June 1,
24 2006, which assessment may be offset by the licensee
25 against taxes imposed on the licensee by section
26 99F.11 to the extent of twenty percent of the
27 assessment paid pursuant to this subsection for each
28 of five consecutive fiscal years beginning with the
29 fiscal year beginning July 1, 2010. The racing and
30 gaming commission shall revoke the license to conduct
31 gambling games of any licensee that fails to pay the
32 2006 rebuild Iowa infrastructure assessment as
33 provided in this subsection.

34 4. The 2005 and 2006 rebuild Iowa infrastructure
35 assessments imposed by this section shall be deposited
36 in the rebuild Iowa infrastructure fund created in
37 section 8.57.

38 Sec. 64. EFFECTIVE DATE – RETROACTIVE
39 APPLICABILITY.

40 1. The section of this Act amending section 99D.6
41 takes effect April 1, 2004. If this Act is enacted
42 after April 1, 2004, the section of this Act amending
43 section 99D.6, being deemed of immediate importance,
44 takes effect upon enactment and is retroactively
45 applicable to April 1, 2004, and is applicable on and
46 after that date.

47 2. The section of this Act amending section
48 99D.25, subsection 5, takes effect April 1, 2004. If
49 this Act is enacted after April 1, 2004, the section
50 of this Act amending section 99D.25, subsection 5,

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1 being deemed of immediate importance, takes effect
2 upon enactment and is retroactively applicable to
3 April 1, 2004, and is applicable on and after that
4 date.
5 3. The section of this Act amending section 99F.1,
6 subsection 10, being deemed of immediate importance,
7 takes effect upon enactment.
8 4. The section of this Act amending section
9 99F.4A, subsection 8, being deemed of immediate
10 importance, takes effect upon enactment.
11 5. The section of this Act amending section 99F.5,
12 subsection 1, being deemed of immediate importance,
13 takes effect upon enactment.
14 6. The section of this Act amending section 99F.7,
15 subsection 10, paragraph "e", being deemed of
16 immediate importance, takes effect upon enactment and
17 is retroactively applicable to referendums held on or
18 after January 1, 2002.
19 7. The section of this Act requiring a
20 socioeconomic study of gambling, being deemed of
21 immediate importance, takes effect upon enactment.
22 8. The section of this Act establishing transition
23 provisions concerning excursion gambling boat
24 cruising, being deemed of immediate importance, takes
25 effect upon enactment.
26 9. The section of this Act establishing a 2002-
27 2004 racetrack enclosure gambling games tax, being
28 deemed of immediate importance, takes effect upon
29 enactment and is retroactively applicable to July 1,
30 2002, and is applicable on and after that date.
31 10. The section of this Act establishing 2005 and
32 2006 rebuild Iowa infrastructure assessments, being
33 deemed of immediate importance, takes effect upon
34 enactment."
35 2. Title page, by striking lines 3 through 5 and
36 inserting the following: "excursion gambling boats,
37 including pari-mutuel wagering, horse purses and".

Raecker of Polk offered the following amendment H-8582, to the Senate amendment H-8568, filed by him and Carroll of Poweshiek from the floor and moved its adoption:

H-8582

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 5, line 41, by striking the word
5 "feasible" and inserting the following: "available".

6 2. Page 10, by striking line 31 and inserting the
7 following: "previously certified".

8 3. Page 17, line 17, by striking the word
9 "authorized" and inserting the following:
10 "operational".

11 4. Page 17, line 50, by striking the word
12 "feasible" and inserting the following: "available".

Amendment H-8582 was adopted.

Carroll of Poweshiek offered the following amendment H-8579, to the Senate amendment H-8568, filed by him, Van Engelenhoven of Marion, Greiner of Washington, De Boef of Keokuk, Roberts of Carroll, Chambers of O'Brien, Horbach of Tama, Lukan of Dubuque, Alons of Sioux, Hogg of Linn, Reasoner of Union, Stevens of Dickinson, Kramer of Polk, Hahn of Muscatine, Boal of Polk, Boddicker of Cedar and Fallon of Polk from the floor and moved its adoption:

H-8579

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 6, by inserting after line 7 the
5 following:

6 "Sec. ____ NEW SECTION. 99D.9A MORATORIUM.

7 The commission shall not issue a license to conduct
8 pari-mutuel wagering at a racetrack pursuant to this
9 chapter as provided in section 99F.4C."

10 2. Page 13, by inserting after line 47 the
11 following:

12 "Sec. ____ NEW SECTION. 99F.4C MORATORIUM FOR
13 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
14 MUTUEL WAGERING.

15 1. Commencing with the effective date of this
16 section of this Act, the commission shall not issue a
17 license to conduct pari-mutuel wagering at a racetrack
18 pursuant to chapter 99D or to conduct gambling games
19 on an excursion boat or at a pari-mutuel racetrack
20 pursuant to this chapter. However, this moratorium
21 shall not apply to the granting of a table games
22 license as provided by this chapter.

23 2. This section does not affect the validity of a
24 license issued by the commission pursuant to chapter
25 99D or this chapter before the effective date of this
26 section of this Act or the authority of the commission
27 to suspend, revoke, transfer, or renew a license
28 issued before the effective date of this section of

- 29 this Act pursuant to chapter 99D or this chapter."
30 3. By striking page 20, line 22, through page 21,
31 line 8.
32 4. Page 29, by inserting after line 10 the
33 following:
34 "____. The section of this Act enacting section
35 99F.4C, being deemed of immediate importance, takes
36 effect upon enactment."
37 5. Page 29, by striking lines 35 through 37.
38 6. By renumbering as necessary.

Manternach of Jones in the chair at 12:45 p.m.

Speaker Rants in the chair at 12:47 p.m.

A non-record roll call was requested.

The ayes were 44, nays 54.

Amendment H-8579 lost.

Raecker of Polk offered the following amendment H-8577, to the Senate amendment H-8568, filed by him, Carroll of Poweshiek, Fallon of Polk, Wise of Lee, Jacobs of Polk, Huser of Polk, Petersen of Polk, Oldson of Polk, Kramer of Polk, Murphy of Dubuque, Boal of Polk, Rants of Woodbury and Maddox of Polk, from the floor and moved its adoption:

H-8577

- 1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 13, by inserting after line 47 the
5 following:
6 "Sec.____. NEW SECTION. 99F.4C GAMBLING GAMES
7 PROHIBITION AREA.
8 1. Notwithstanding any provision of this chapter
9 or chapter 99D to the contrary, the commission shall
10 not grant a license to conduct gambling games to a
11 facility to be located in the applicable area as
12 described in this section.
13 2. For purposes of this section, the "applicable
14 area" means that portion of the city of Des Moines in
15 Polk county bounded by a line commencing at the point
16 East Euclid avenue intersects East Fourteenth street,
17 then proceeding south along East Fourteenth street and
18 Southeast Fourteenth street until it intersects Park

19 avenue, then proceeding west along Park avenue until
20 it intersects Fleur drive, then proceeding north along
21 Fleur drive until it intersects Eighteenth street,
22 then proceeding north along Eighteenth street until it
23 intersects Ingersoll avenue, then proceeding west
24 along Ingersoll avenue until it intersects Martin
25 Luther King Jr. parkway, then proceeding northerly
26 along Martin Luther King Jr. parkway until it
27 intersects Euclid avenue, then proceeding east along
28 Euclid avenue and East Euclid avenue to the point of
29 origin. For purposes of this section, such reference
30 to a street or other boundary means such street or
31 boundary as they were delineated on the official Pub.
32 L. No. 94-171 census maps used for redistricting
33 following the 2000 United States decennial census."
34 2. By renumbering as necessary.

Amendment H-8577 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8586 to the Senate amendment H-8568, filed by him and Sands of Louisa from the floor.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8580 to the Senate amendment H-8568 filed by him from the floor.

Carroll of Poweshiek offered the following amendment H-8578, to the Senate amendment H-8568, filed by him from the floor and moved its adoption:

H-8578

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 26, by inserting after line 8 the
5 following:
6 "Sec. ____ MORATORIUM FOR ISSUANCE OF LICENSES FOR
7 GAMBLING GAMES – REQUIRED FINDINGS FOR WAIVER OF
8 MORATORIUM. Commencing with the effective date of
9 this section of this Act, and notwithstanding any
10 provision of chapter 99F to the contrary, the racing
11 and gaming commission shall not issue any new license
12 to conduct gambling games on an excursion boat or at a
13 pari-mutuel racetrack until the commission, by
14 majority vote of all members of the commission,
15 affirmatively authorizes the awarding of new licenses

16 to conduct gambling games and concurrently adopts
17 written findings that awarding new licenses is
18 justified despite the socioeconomic costs of gambling,
19 if any, as determined by the socioeconomic study of
20 gambling required by this Act. The commission shall
21 not vote to authorize the awarding of new licenses to
22 conduct gambling games until at least thirty days
23 after the legislative council makes the report on the
24 socioeconomic costs of gambling available to the
25 public and the commission."

26 2. Page 29, by inserting after line 21 the
27 following:

28 "____. The section of this Act establishing a
29 moratorium for issuance of licenses for gambling
30 games, being deemed of immediate importance, takes
31 effect upon enactment."

32 3. By renumbering as necessary.

Amendment H-8578 lost.

Huser of Polk asked and received unanimous consent to withdraw amendment H-8593 to the Senate amendment H-8568 filed by her, Oldson of Polk, Ford of Polk, Wise of Lee, Petersen of Polk and Mertz of Kossuth, from the floor.

Raecker of Polk offered the following amendment H-8592, to the Senate amendment H-8568, filed by him and Sands of Louisa from the floor and moved its adoption:

H-8592

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 15, line 15, by striking the words "each
5 agreement" and inserting the following: "agreements
6 subject to commission approval".

7 2. Page 15, line 18, by striking the word
8 "agreement" and inserting the following:
9 "agreements".

10 3. Page 15, lines 22 and 23, by striking the
11 words "subject to commission approval." and
12 inserting the following: "Agreements that are
13 subject to commission approval concerning horse purses
14 for a particular period of time beginning on or after
15 January 1, 2006, and ending before January 1, 2021,
16 shall be jointly submitted to the commission for
17 approval."

Amendment H-8592 was adopted.

On motion by Raecker of Polk the House concurred in the Senate amendment H-8568, as amended.

Raecker of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2302)

The ayes were, 56:

Bell	Berry	Boggess	Bukta
Cohoon	Connors	Dennis	Drake
Eichhorn	Elgin	Ford	Frevert
Gaskill	Gipp	Granzow	Hanson
Hoffman	Hunter	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Lukan	Lykam	Maddox
Manternach	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, S.	Osterhaus
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Sands	Schickel	Shoultz
Struyk	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Wendt
Whitead	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 41:

Alons	Arnold	Boal	Boddicker
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Fallon
Foege	Freeman	Greimann	Greiner
Hahn	Heaton	Heddens	Hogg
Horbach	Huseman	Jacoby	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Mascher	Olson, D.	Paulsen	Reasoner
Roberts	Smith	Stevens	Swaim
Taylor, D.	Tymeson	Van Engelenhoven	Watts
Whitaker			

Absent or not voting, 3:

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

INTRODUCTION OF BILL

House File 2580, by Gipp and Murphy, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

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

SENATE AMENDMENT CONSIDERED

Kramer of Polk called up for consideration **House File 2574**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions, amended by the Senate amendment H-8566 as follows:

H-8566

- 1 Amend House File 2574, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, lines 28 and 29, by striking the words
- 4 "of a nonprofit international" and inserting the
- 5 following: "or".
- 6 2. Page 3, line 30, by striking the words
- 7 "promotion of the".
- 8 3. Page 4, line 4, by striking the words "of a
- 9 nonprofit international" and inserting the following:
- 10 "or".
- 11 4. Page 4, line 5, by striking the words
- 12 "promotion of the".
- 13 5. Page 4, line 25, by inserting after the word
- 14 "affiliate" the following: "or organization".
- 15 6. Page 5, line 17, by inserting after the word
- 16 "affiliate" the following: "or organization".
- 17 7. Page 5, line 21, by inserting after the word
- 18 "affiliate" the following: "or organization".
- 19 8. Page 5, line 24, by inserting after the word
- 20 "affiliate" the following: "or organization".
- 21 9. Page 5, line 32, by inserting after the word
- 22 "institution," the following: "nonprofit Iowa
- 23 affiliate or organization".

24 10. By striking page 9, line 21, through page 10,
25 line 34.
26 11. Page 11, by striking lines 7 through 16.
27 12. Page 19, by inserting after line 8, the
28 following:
29 "Sec.____. STUDY OF CERTAIN PROPERTY ASSESSMENT
30 ISSUES.
31 1. The property tax implementation committee
32 created in 2003 Iowa Acts, First Extraordinary
33 Session, chapter 1, House File 692, shall study the
34 method by which property that is rented or leased to
35 low-income individuals and families, as authorized by
36 section 42 of the Internal Revenue Code, is assessed
37 for property tax purposes. The committee shall
38 consider the feasibility of allowing more than one
39 method of assessment with such method being chosen by
40 the taxpayer or property owner.
41 2. The committee shall conduct a separate study of
42 current statutory provisions on apportionment of costs
43 relating to a protest of property assessment to the
44 local board of review and relating to appeals of
45 decisions of the board of review to district court.
46 3. The committee shall report to the general
47 assembly by December 31, 2004. A separate report
48 shall be prepared for the study required under
49 subsection 1 and for the study required under
50 subsection 2. Each report shall contain

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1 recommendations for legislative action."
2 13. By renumbering, relettering, or redesignating
3 and correcting internal references as necessary.

Kramer of Polk offered the following amendment H-8581, to the Senate amendment H-8566, filed by him from the floor and moved its adoption:

H-8581

1 Amend the Senate amendment, H-8566, to House File
2 2574, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by striking lines 24 and 25.
5 2. By striking page 1, line 26, through page 2,
6 line 1, and inserting the following:
7 "____. Page 11, by striking lines 9 through 16,
8 and inserting the following:
9 "1. Notwithstanding section 441.40, where the
10 court determines the appellant's property was
11 originally assessed for more than one hundred ten

12 percent of its post-appeal value, the assessor shall
13 pay all reasonable attorney fees and any other
14 reasonably related costs incurred by the appellant.
15 This subsection applies only to appeals relating to
16 assessments on property assessed as residential or
17 agricultural property.
18 2. Notwithstanding section 441.40, where the court
19 determines the appellant's property was originally
20 assessed for more than one hundred twenty percent of
21 its post-appeal value and the court finds that the
22 assessor's position in regard to assessment of the
23 property was not substantially justified, the assessor
24 shall pay all reasonable attorney fees and any other
25 reasonably related costs incurred by the appellant.
26 This subsection applies only to appeals relating to
27 assessments on property assessed as commercial or
28 industrial property."
29 _____. Page 19, by inserting after line 11, the
30 following:
31 "Sec. _____. APPLICABILITY DATE. The section of
32 this Act enacting section 441.40A applies to
33 assessments made in the assessment year beginning
34 January 1, 2005, and in all subsequent assessment
35 years.""
36 3. By renumbering as necessary.

Division was requested as follows:

Line 4, Division A.

Lines 5 through 35, Division B.

On motion by Kramer of Polk, amendment H-8581A to the Senate amendment H-8566, was adopted.

Kramer of Polk moved the adoption of amendment H-8581B to the Senate amendment H-8566, as amended.

A non-record roll call was requested.

The ayes were 48, nays 21.

Amendment H-8581B was adopted.

On motion by Kramer of Polk, the House concurred in the Senate amendment H-8566, as amended.

Kramer of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon

its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2574)

The ayes were, 73:

Alons	Bell	Boal	Boddicker
Bogges	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Maddox	Manternach	McCarthy
Murphy	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Stevens	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wise
Mr. Speaker			
Rants			

The nays were, 25:

Arnold	Berry	Bukta	Connors
Fallon	Ford	Frevert	Gaskill
Greimann	Hunter	Jacoby	Jochum
Lensing	Lykam	Mascher	Mertz
Miller	Olson, D.	Osterhaus	Rasmussen
Shoultz	Smith	Taylor, D.	Van Engelenhoven
Winckler			

Absent or not voting, 2:

Baudler Wilderdyke

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2574** be immediately messaged to the Senate.

Roberts of Carroll in the chair at 3:48 p.m.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules, for the immediate consideration of Senate File 2275.

Unfinished Business Calendar

Senate File 2275, a bill for an act relating to criminal sentencing practice and procedure, with report of committee recommending amendment and passage, was taken up for consideration.

Maddox of Polk offered the following amendment H-8328 filed by the committee on judiciary and moved its adoption:

H-8328

1 Amend Senate File 2275, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 27, and
4 inserting the following:

5 "Section 1. Section 902.12, unnumbered paragraph
6 1, Code Supplement 2003, is amended to read as
7 follows:

8 A person serving a sentence for conviction of the
9 following felonies, including a person serving a
10 sentence for conviction of the following felonies
11 prior to July 1, 2003, shall be denied parole or work
12 release unless the person has served at least seven-
13 tenths of the maximum term of the person's sentence:

14 Sec. ____ Section 906.15, unnumbered paragraph 1,
15 Code 2003, is amended to read as follows:

16 Unless sooner discharged, a person released on
17 parole shall be discharged when the person's term of
18 parole equals the period of imprisonment specified in
19 the person's sentence, less all time served in
20 confinement. Discharge from parole may be granted
21 prior to such time, when an early discharge is
22 appropriate. The board shall periodically review all
23 paroles, and when the board determines that any person
24 on parole is able and willing to fulfill the
25 obligations of a law-abiding citizen without further
26 supervision, the board shall discharge the person from
27 parole. A parole officer shall periodically review
28 all paroles assigned to the parole officer, and when
29 the parole officer determines that any person assigned

30 to the officer is able and willing to fulfill the
31 obligations of a law-abiding citizen without further
32 supervision, the officer may discharge the person from
33 parole after notification and approval of the district
34 director and notification of the board of parole. In
35 any event, discharge from parole shall terminate the
36 person's sentence. However, a person convicted of a
37 violation of section 709.3, 709.4 or 709.8 committed
38 on or with a child, or a person serving a sentence
39 under section 902.12, shall not be discharged from
40 parole until the person's term of parole equals the
41 period of imprisonment specified in the person's
42 sentence, less all time served in confinement.
43 Sec.____. Section 915.13, subsection 1, paragraph
44 h, Code Supplement 2003, is amended by striking the
45 paragraph.
46 Sec.____. Section 915.14, Code Supplement 2003, is
47 amended to read as follows:
48 915.14 NOTIFICATION BY CLERK OF THE DISTRICT
49 COURT.
50 The clerk of the district court shall notify a

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1 registered victim of all dispositional orders of the
2 case in which the victim was involved and may advise
3 the victim of any other orders regarding custody or
4 confinement. ~~If a motion to reopen the sentence has~~
5 ~~been filed pursuant to section 901.5B, the clerk of~~
6 ~~the district court shall notify a registered victim of~~
7 ~~the case in which the victim was involved. The notice~~
8 ~~shall include the scheduled date, time, and place of~~
9 ~~the hearing, and the clerk shall notify the victim of~~
10 ~~a cancellation or postponement of any hearing~~
11 ~~regarding the motion to reopen.~~
12 Sec.____. Section 901.5B, Code Supplement 2003, is
13 repealed."

A non-record roll call was requested.

The ayes were 40, nays 21.

The committee amendment H-8328 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2275)

The ayes were, 54:

Alons	Arnold	Bell	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Elgin	Fallon	Foege
Freeman	Gipp	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Jacobs	Jenkins	Jones
Klemme	Kurtenbach	Lalk	Lukan
Maddox	Olson, D.	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Sands	Schickel	Swaim	Taylor, D.
Upmeyer	Van Engelenhoven	Watts	Winckler
Wise	Roberts,		
	Presiding		

The nays were, 43:

Berry	Bukta	Cphoon	Connors
Dandekar	Davitt	Eichhorn	Ford
Frevert	Gaskill	Granzow	Hutter
Jacoby	Jochum	Kramer	Kuhn
Lensing	Lykam	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Struyk	Taylor, T.	Thomas
Tjepkes	Tymeson	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Whitaker	Whitead	

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2275** be immediately messaged to the Senate.

Unfinished Business Calendar

House File 2455, a bill for an act establishing covenant marriages and providing an effective date, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-8271 filed by him and Smith of Marshall on March 18, 2004, placing out of order amendment H-8351 to amendment H-8271, filed by Hunter of Polk on March 31, 2004.

Carroll of Poweshiek offered amendment H-8361 filed by him as follows:

H-8361

1 Amend House File 2455 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 331.605, subsection 6, Code
5 2003, is amended to read as follows:

6 6. For filing an application for the license to
7 marry, thirty-five dollars, which includes payment for
8 one certified copy of the original certificate of
9 marriage, to be issued following filing of the
10 original certificate of marriage, four dollars of
11 which shall be retained by the county pursuant to
12 subsection 5. For issuing an application for an order
13 of the district court authorizing the validation of a
14 license to marry before the expiration of three days
15 from the date of issuance of the license, or for
16 issuing an application for an order of the district
17 court authorizing the issuance of a license to marry
18 without verified completion of premarital education as
19 required by section 595.3, five dollars. The district
20 court shall authorize the early validation of a
21 marriage license or the issuance of a marriage license
22 without completion of required premarital education
23 without the payment of any fees imposed in this
24 subsection upon showing that the applicant is unable
25 to pay the fees.

26 Sec. 2. Section 595.3, Code 2003, is amended by
27 adding the following new subsection:

28 **NEW SUBSECTION.** 6. Where the parties have not
29 completed at least six hours of premarital education
30 as described in section 595.3B, unless the requirement
31 is waived in accordance with section 595.4.

32 Sec. 3. **NEW SECTION.** 595.3B APPLICATION –
33 **PREMARITAL EDUCATION.**

34 1. An application form for a marriage license
35 shall have attached a certificate form to be used by
36 the parties to document completion of the premarital
37 education by the parties as required for the granting
38 of a license to marry pursuant to section 595.3. The
39 certificate shall be completed by the parties and
40 signed by the person who provided the premarital

41 education. The certificate shall be filed with the
42 verified application in accordance with section 595.4.
43 The certificate shall contain all of the following
44 information:
45 a. The name of the person providing the premarital
46 education and the person's signature verifying
47 completion of the premarital education by the parties.
48 b. The number of hours of premarital education
49 completed.
50 2. The premarital education shall be provided only

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1 by any of the following persons:
2 a. A person ordained or designated as the leader
3 of a party's religious faith or the person's designee.
4 b. A person licensed to practice psychology
5 pursuant to chapter 154B.
6 c. A person licensed to practice social work
7 pursuant to chapter 154C.
8 d. A person licensed to practice marital and
9 family therapy pursuant to chapter 154D.
10 Sec. 4. Section 595.4, Code 2003, is amended to
11 read as follows:
12 595.4 AGE AND QUALIFICATION – PREMARITAL
13 EDUCATION – VERIFIED APPLICATION – WAITING PERIOD –
14 EXCEPTION EXCEPTIONS.
15 1. Previous to the issuance of any license to
16 marry, the parties desiring the license shall sign and
17 file a verified application with the county registrar
18 which application either may be mailed to the parties
19 at their request or may be signed by them at the
20 office of the county registrar in the county in which
21 the license is to be issued. The application shall
22 include the social security number of each applicant
23 and shall set forth at least one affidavit of some
24 competent and disinterested person stating the facts
25 as to age and qualification of the parties. The
26 application shall also include the completed
27 certificate of premarital education. Upon the filing
28 of the application for a license to marry, the county
29 registrar shall file the application in a record kept
30 for that purpose and shall take all necessary steps to
31 ensure the confidentiality of the social security
32 number of each applicant. All information included on
33 an application may be provided as mutually agreed upon
34 by the division of records and statistics and the
35 child support recovery unit, including by automated
36 exchange.
37 2. a. Upon receipt of a verified application
38 including the complete certificate of premarital
39 education, the county registrar may issue the license

40 which shall not become valid until the expiration of
41 three days after the date of issuance of the license.
42 If the license has not been issued within six months
43 from the date of the application, the application is
44 void.

45 b. A license to marry may be issued if the
46 verified application does not include a completed
47 certificate of premarital education in cases of
48 emergency, extraordinary circumstances, or for good
49 cause. An order authorizing the issuance of a license
50 may be granted by a judge of the district court under

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1 conditions of emergency, extraordinary circumstances,
2 or for good cause, upon application of the parties
3 filed with the county registrar. An order shall not
4 be granted unless the parties have filed an
5 application for a marriage license in a county within
6 the judicial district. An application for an order
7 shall be made on a form furnished by the county
8 registrar at the same time the verified application
9 for the license to marry is filed. After examining
10 the application for the marriage license, the county
11 registrar shall refer the parties to a judge of the
12 district court for action on the application for an
13 order authorizing the issuance of a marriage license
14 without verified completion of the required premarital
15 education. The judge shall, if satisfied as to the
16 existence of emergency, extraordinary circumstances,
17 or good cause, grant such an order. The county
18 registrar shall issue a license to marry upon
19 presentation by the parties of the order authorizing
20 such issuance. A fee of five dollars shall be paid to
21 the county registrar at the time the application for
22 the order is made, which fee is in addition to the fee
23 prescribed by law for the issuance of a marriage
24 license.

25 3. A license to marry may be validated prior to
26 the expiration of three days from the date of issuance
27 of the license in cases of emergency or extraordinary
28 circumstances. An order authorizing the validation of
29 a license may be granted by a judge of the district
30 court under conditions of emergency or extraordinary
31 circumstances upon application of the parties filed
32 with the county registrar. No order may be granted
33 unless the parties have filed an application for a
34 marriage license in a county within the judicial
35 district. An application for an order shall be made
36 on forms furnished by the county registrar at the same
37 time the application for the license to marry is made.
38 After examining the application for the marriage

39 license and issuing the license, the county registrar
40 shall refer the parties to a judge of the district
41 court for action on the application for an order
42 authorizing the validation of a marriage license prior
43 to expiration of three days from the date of issuance
44 of the license. The judge shall, if satisfied as to
45 the existence of an emergency or extraordinary
46 circumstances, grant an order authorizing the
47 validation of a license to marry prior to the
48 expiration of three days from the date of issuance of
49 the license to marry. The county registrar shall
50 validate a license to marry upon presentation by the

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1 parties of the order authorizing a license to be
2 validated. A fee of five dollars shall be paid to the
3 county registrar at the time the application for the
4 order is made, which fee is in addition to the fee
5 prescribed by law for the issuance of a marriage
6 license.

7 Sec. 5. NEW SECTION. 598.7B PARENTING PLANS.

8 1. Beginning October 1, 2004, the parties to a
9 petition for dissolution of marriage, annulment, or
10 separate maintenance that involves minor children or
11 to an application for a motion to modify an order
12 involving custody or visitation shall submit a
13 proposed parenting plan, either individually or
14 jointly, within thirty days after the service of
15 process of the petition for dissolution of marriage,
16 annulment, or separate maintenance, or the application
17 for a motion to modify an order involving custody or
18 visitation. The proposed parenting plan shall specify
19 the arrangements that the party believes to be in the
20 best interest of any minor child and shall specify
21 other details as required by rules prescribed by the
22 supreme court.

23 2. The supreme court shall prescribe rules no
24 later than September 1, 2004, establishing guidelines
25 for a parenting plan form which may be used by the
26 parties in any dissolution of marriage, annulment,
27 legal separation, or modification proceeding involving
28 the issues of custody and visitation. Beginning
29 September 1, 2004, the clerk of the district court
30 shall furnish parenting plan forms to the parties in a
31 dissolution of marriage, annulment, or separate
32 maintenance action or modification proceeding
33 involving custody or visitation, without cost to the
34 parties.

35 Sec. 6. EFFECTIVE DATE. The provision of the
36 section of this Act enacting section 598.7B that
37 directs the supreme court to prescribe rules regarding

38 the guidelines for parenting plans, being deemed of
39 immediate importance, takes effect upon enactment."
40 2. Title page, line 1, by striking the words
41 "covenant marriages" and inserting the following:
42 "marriage and domestic relations requirements".

Smith of Marshall asked and received unanimous consent to withdraw amendment H-8557 to amendment H-8361 filed by him and Upmeyer of Hancock on April 14, 2004.

Smith of Marshall offered the following amendment H-8547, to amendment H-8361, filed by him and Upmeyer of Hancock and moved its adoption:

H-8547

1 Amend the amendment, H-8361, to House File 2455 as
2 follows:

3 1. By striking page 1, line 2, through page 4,
4 line 6, and inserting the following:
5 "____. By striking everything after the enacting
6 clause and inserting the following:
7 "Section 1. Section 331.605, subsection 6, Code
8 2003, is amended to read as follows:
9 6. For filing an application for the license to
10 marry, thirty-five dollars, which includes payment for
11 one certified copy of the original certificate of
12 marriage, to be issued following filing of the
13 original certificate of marriage, four dollars of
14 which shall be retained by the county pursuant to
15 subsection 5. For issuing an application for an order
16 of the district court authorizing the validation of a
17 license to marry before the expiration of ~~three~~ the
18 number of days specified in section 595.4, from the
19 date of issuance of the license, five dollars. The
20 district court shall authorize the early validation of
21 a marriage license without the payment of any fees
22 imposed in this subsection upon showing that the
23 applicant is unable to pay the fees.

24 Sec. 2. NEW SECTION. 595.3B APPLICATION –
25 PREMARITAL EDUCATION.

26 1. An application form for a marriage license
27 shall have attached a certificate form to be used by
28 the parties to document completion of premarital
29 education by the parties. The certificate shall be
30 completed by the parties and signed by the person who
31 provided the premarital education. The certificate
32 shall be filed with the verified application in
33 accordance with section 595.4. The certificate form
34 shall require provision of all of the following

35 information:

36 a. The name of the person providing the premarital
37 education and the person's signature verifying
38 completion of the premarital education by the parties.

39 b. The number of hours of premarital education
40 completed.

41 2. Only premarital education provided by the
42 following persons shall be accepted to document
43 completion under this section:

44 a. A person ordained or designated as a leader of
45 a party's religious faith or the person's designee.

46 b. A person licensed to practice psychology
47 pursuant to chapter 154B.

48 c. A person licensed to practice social work as a
49 licensed master social worker or a licensed
50 independent social worker pursuant to chapter 154C.

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1 d. A person licensed to practice marital and
2 family therapy or mental health counseling pursuant to
3 chapter 154D.

4 e. An advanced registered nurse practitioner
5 licensed pursuant to chapter 152 who specializes in
6 adult psychiatric services.

7 Sec. 3. Section 595.4, Code 2003, is amended to
8 read as follows:

9 595.4 AGE AND QUALIFICATION – VERIFIED
10 APPLICATION – WAITING PERIOD – ~~EXCEPTION~~ EXCEPTIONS.

11 ~~1. Previous~~ Prior to the issuance of any license
12 to marry, the parties desiring the license shall sign
13 and file a verified application with the county
14 registrar which application either may be mailed to
15 the parties at their request or may be signed by them
16 at the office of the county registrar in the county in
17 which the license is to be issued. The application
18 shall include the social security number of each
19 applicant and shall set forth at least one affidavit
20 of some competent and disinterested person stating the
21 facts as to age and qualification of the parties.
22 Upon the filing of the application for a license to
23 marry, the county registrar shall file the application
24 in a record kept for that purpose and shall take all
25 necessary steps to ensure the confidentiality of the
26 social security number of each applicant. All
27 information included on an application may be provided
28 as mutually agreed upon by the division of records and
29 statistics and the child support recovery unit,
30 including by automated exchange.

31 2. Upon receipt of a verified application, the
32 county registrar may issue the license ~~which shall not~~
33 ~~become valid until the expiration of three days after~~

34 ~~the date of issuance of the license.~~ If the license
35 has not been issued within six months from the date of
36 the application, the application is void.

37 3. A license issued under subsection 2 shall
38 become valid as follows:

39 a. If the parties desiring the license have
40 participated in premarital education and submit
41 documentation verifying completion of premarital
42 education in accordance with section 595.3B, the
43 license shall become valid upon the expiration of
44 three days after the date of issuance of the license.

45 b. If the parties desiring the license have not
46 participated in premarital education or do not submit
47 documentation verifying completion of premarital
48 education in accordance with section 595.3B, the
49 license shall not become valid until the expiration of
50 twenty days after the date of issuance of the license.

Page 3

1 4. A license to marry may be validated prior to
2 the expiration of ~~three~~ the number of days specified
3 in subsection 3 from the date of issuance of the
4 license in cases of emergency or extraordinary
5 circumstances. An order authorizing the validation of
6 a license may be granted by a judge of the district
7 court under conditions of emergency or extraordinary
8 circumstances upon application of the parties filed
9 with the county registrar. ~~No~~ An order may shall not
10 be granted unless the parties have filed an
11 application for a marriage license in a county within
12 the judicial district. An application for an order
13 shall be made on forms furnished by the county
14 registrar at the same time the application for the
15 license to marry is made. After examining the
16 application for the marriage license and issuing the
17 license, the county registrar shall refer the parties
18 to a judge of the district court for action on the
19 application for an order authorizing the validation of
20 a marriage license prior to expiration of ~~three~~ the
21 number of days specified in subsection 3 from the date
22 of issuance of the license. The judge shall, if
23 satisfied as to the existence of an emergency or
24 extraordinary circumstances, grant an order
25 authorizing the validation of a license to marry prior
26 to the expiration of ~~three~~ the number of days
27 specified in subsection 3 from the date of issuance of
28 the license to marry. The county registrar shall
29 validate a license to marry upon presentation by the
30 parties of the order authorizing a license to be
31 validated. A fee of five dollars shall be paid to the
32 county registrar at the time the application for the

33 order is made, which fee is in addition to the fee
 34 prescribed by law for the issuance of a marriage
 35 license.""
 36 2. By renumbering as necessary.

Amendment H-8547 was adopted, placing out of order amendment H-8449 to amendment H-8361 filed by Carroll of Poweshiek and Jacobs of Polk on April 8, 2004.

On motion by Carroll of Poweshiek, amendment H-8361, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2455)

The ayes were, 77:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Maddox	Manternach	McCarthy
Mertz	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Sands	Schickel	Smith	Stevens
Struyk	Swaim	Thomas	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wise
Roberts,			
Presiding			

The nays were, 20:

Bukta	Heddens	Jochum	Lensing
Lykam	Mascher	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Reasoner	Shomshor	Shoultz	Taylor, D.
Taylor, T.	Tjepkes	Whitead	Winckler

Absent or not voting, 3:

Baudler

Fallon

Wilderdyke

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2573, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Also: That the Senate has on April 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2579, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 2188 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 2188 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2455** be immediately messaged to the Senate.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2306.

Senate File 2306, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2306)

The ayes were, 95:

Alons	Arnold	Bell	Berry
Boddicker	Boggess	Bukta	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Winckler	Wise	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Baudler	Boal	Fallon	Hogg
Wilderdyeke			

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 2306** be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 5:17 p.m., until 7:15 p.m.

EVENING SESSION

The House reconvened at 8:27 p.m., Speaker pro tempore Carroll in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 250, a bill for an act relating to the criminal penalties for an assault on members of certain occupations.

Also: That the Senate has on April 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2231, a bill for an act relating to the release of sex offender registry records, and providing an effective date.

Also: That the Senate has on April 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 2577, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

Also: That the Senate has on April 15, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 105, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

Also: That the Senate has on April 15, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of

the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Also: That the Senate has on April 15, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2309, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 2308, by Iverson and Gronstal, a bill for an act relating to the number of days of payment for expenses of office for members for the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

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

Senate File 2309, by committee on appropriations, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date.

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

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of House File 2578.

CONSIDERATION OF BILLS Appropriations Calendar

House File 2578, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, road use tax fund, and primary road fund, and making related and corrective changes and providing effective dates, was taken up for consideration.

Huseman of Cherokee asked and received unanimous consent that amendment H-8601 be deferred.

Kuhn of Floyd offered the following amendment H-8571 filed by him and Mertz of Kossuth from the floor and moved its adoption:

H-8571

- 1 Amend House File 2578 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following:
- 4 "____. DEPARTMENT OF AGRICULTURE AND LAND
- 5 STEWARDSHIP.
- 6 For deposit in the alternative drainage system
- 7 assistance fund created in section 460.303 to be used
- 8 for purposes of supporting the alternative drainage
- 9 system assistance program as provided in section
- 10 460.304, notwithstanding section 8.57, subsection 5,
- 11 paragraph "c":
- 12 FY 2004-2005 \$ 500,000
- 13 Not more than 5 percent of the moneys appropriated
- 14 in this subsection may be used for costs of
- 15 administration and implementation of soil and water
- 16 conservation practices."
- 17 2. By renumbering as necessary.

Amendment H-8571 lost.

Miller of Webster offered the following amendment H-8600 filed by her from the floor and moved its adoption:

H-8600

- 1 Amend House File 2578 as follows:
- 2 1. Page 2, line 25, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 2, by inserting after line 28 the
- 5 following:
- 6 "b. For the second judicial district department of
- 7 correctional services to support the facility located
- 8 in Fort Dodge:
- 9 \$ 300,000"
- 10 2. By renumbering as necessary.

Amendment H-8600 lost.

Boal of Polk asked and received unanimous consent to withdraw amendment H-8576 filed by her from the floor.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-8594 filed by him and Whitead of Woodbury from the floor.

Shomshor of Pottawattamie offered the following amendment H-8596 filed by him and Struyk of Pottawattamie from the floor and moved its adoption:

H-8596

1 Amend House File 2578 as follows:
2 1. Page 2, line 30, by inserting before the word
3 "For" the following: "a."
4 2. Page 2, line 35, by striking the word
5 "subsection" and inserting the following: "lettered
6 paragraph".
7 3. Page 3, by inserting after line 5 the
8 following:
9 "b. For a grant to the city of Council Bluffs to
10 be used to support the 28th avenue neighborhood
11 improvement project for the redevelopment of 30
12 moderate valuation homes, notwithstanding section
13 8.57, subsection 5, paragraph "c":
14 \$ 300,000
15 The grant requirements shall provide for the city
16 to draw as much federal funding as is available for
17 purposes of the project."

Amendment H-8596 lost.

Huseman of Cherokee offered the following amendment H-8603 filed by him from the floor and moved its adoption:

H-8603

1 Amend House File 2578 as follows:
2 1. Page 3, line 26, by inserting after the word
3 "disorders" the following: "located in a central Iowa
4 county with a population of approximately 80,000".
5 2. Page 5, by striking lines 1 through 4 and
6 inserting the following:
7 "b. To develop a capitol complex card access
8 system, or expand the current capitol building card
9 access system, through a competitive process, in order
10 to provide a card access system for the buildings and
11 controlled-access parking lots on the capitol complex
12 that has complex-wide compatibility, notwithstanding
13 section 8.57, subsection 5, paragraph "c":
14 3. Page 12, by striking lines 14 through 17.

15 4. Page 18, by striking lines 12 through 14 and
16 inserting the following: "develop a capitol complex
17 card access system, or expand the current capitol
18 building card access system, through a competitive
19 process, in order to provide a card access system for
20 the buildings and controlled-access parking lots on
21 the capitol complex that has complex-wide
22 compatibility."

23 5. Page 18, line 23, by striking the word
24 "subsection" and inserting the following: "lettered
25 paragraph".

26 6. By striking page 20, line 34, through page 21,
27 line 1 and inserting the following: "balance of the
28 loan granted by the corporation to an eligible person
29 and assigned to the department pursuant to this
30 subparagraph during calendar year 2003, whether".

31 7. Page 22, by inserting after line 19 the
32 following:

33 "Sec.____. Section 35A.2, subsection 2, Code 2003,
34 as amended by 2004 Iowa Acts, Senate File 2298, if
35 enacted, is amended to read as follows:

36 2. ~~Six~~ Eight commissioners shall be honorably
37 discharged members of the armed forces of the United
38 States. The American legion of Iowa, disabled
39 American veterans department of Iowa, veterans of
40 foreign wars department of Iowa, American veterans of
41 World War II, Korea, and Vietnam, the Vietnam veterans
42 of America, and the military order of the purple
43 heart, through their department commanders, shall
44 submit two names respectively from their organizations
45 to the governor. The adjutant general and the Iowa
46 affiliate of the reserve officers association shall
47 submit names to the governor of persons to represent
48 the Iowa national guard and the association. The
49 governor shall appoint from the group of names
50 submitted by the adjutant general and reserve officers

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1 association two representatives and from each of the
2 other organizations one representative to serve as a
3 member of the commission, unless the appointments
4 would conflict with the bipartisan and gender balance
5 provisions of sections 69.16 and 69.16A. In addition,
6 the governor shall appoint ~~three members~~ one member of
7 the public, knowledgeable in the general field of
8 veterans affairs, to serve on the commission.

9 Sec.____. Section 35D.13, subsection 2, Code 2003,
10 as amended by 2004 Iowa Acts, Senate File 2298, if
11 enacted, is amended to read as follows:

12 2. The commandant shall be a resident of the state
13 of Iowa who served in the armed forces of the United

14 States and was honorably discharged, and is a licensed
15 nursing home administrator."

16 8. By striking page 22, line 20, through page 23,
17 line 22.

18 9. Page 23, by inserting before line 23, the
19 following:

20 "Sec. _____. Section 165B.5, subsection 3, if
21 enacted by 2004 Iowa Acts, House File 2476, section 6,
22 is amended to read as follows:

23 3. a. A person who owns or operates a restricted
24 concentration point is subject to a civil penalty of
25 ~~not less than~~ five thousand dollars for the first
26 violation and ~~not less than~~ twenty-five thousand
27 dollars for each subsequent violation. Each day that
28 a violation continues constitutes a separate
29 violation.

30 b. A person who has a legal interest in infected
31 poultry or has custody of infected poultry which are
32 located at a restricted concentration point is subject
33 to a civil penalty of ~~not less than~~ five thousand
34 dollars for the first violation and ~~not less than~~
35 twenty-five thousand dollars for each subsequent
36 violation. Each day that a violation continues
37 constitutes a separate violation.

38 c. A person who transports poultry to or from a
39 restricted concentration point is subject to a civil
40 penalty of ~~not less than~~ one thousand dollars for the
41 first violation and ~~not less than~~ five thousand
42 dollars for each subsequent violation. Each day that
43 a violation continues constitutes a separate
44 violation.

45 d. A person who purchases, offers to purchase,
46 barter, or offers to barter for poultry at a
47 restricted concentration point is subject to a civil
48 penalty of ~~not less than~~ one hundred dollars for the
49 first violation and ~~not less than~~ one thousand dollars
50 for each subsequent violation. Each day that a

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1 violation continues constitutes a separate violation.

2 e. A person who charges admission for entry into a
3 restricted concentration point where a contest occurs
4 or otherwise holds, advertises, or conducts the
5 contest is subject to a civil penalty of ~~not less than~~
6 one thousand dollars for the first violation and ~~not~~
7 ~~less than~~ five thousand dollars for each subsequent
8 violation. Each day that a violation continues
9 constitutes a separate violation.

10 f. A person who attends or participates in a
11 contest at a restricted concentration point where a
12 contest occurs is subject to a civil penalty of ~~not~~

13 ~~less than~~ one hundred dollars for the first violation
14 and ~~not less than~~ one thousand dollars for each
15 subsequent violation. Each day that a violation
16 continues constitutes a separate violation."

17 10. Page 24, by inserting after line 28 the
18 following:

19 "Sec. _____. Section 331.362, subsection 5, Code
20 Supplement 2003, is amended to read as follows:

21 5. The board may enter into agreements with the
22 department of transportation as provided in section
23 313.2, including but not limited to agreements for the
24 disposition of county property in accordance with
25 section 331.361, subsection 2."

26 11. Page 27, by inserting after line 4 the
27 following:

28 "Sec. _____. Section 34A.7A, subsection 2, paragraph
29 f, if enacted by 2004 Iowa Acts, House File 2434, is
30 amended by striking the paragraph and inserting in
31 lieu thereof the following:

32 f. (1) The program manager shall allocate an
33 amount up to one hundred twenty-seven thousand dollars
34 per calendar quarter equally to the joint E911 service
35 boards and the department of public safety that have
36 submitted an annual written request to the program
37 manager in a form approved by the program manager by
38 May 15 of each year.

39 (2) Upon retirement of outstanding obligations
40 referred to in paragraph "e", the amount allocated
41 under this paragraph "f" shall be an amount up to four
42 hundred thousand dollars per calendar quarter
43 allocated as follows:

44 (a) Sixty-five percent of the total dollars
45 available for allocation shall be allocated in
46 proportion to the square miles of the service area to
47 the total square miles in this state.

48 (b) Thirty-five percent of the total dollars
49 available for allocation shall be allocated in
50 proportion to the wireless E911 calls taken at the

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1 public safety answering point in the service area to
2 the total number of wireless E911 calls originating in
3 this state.

4 (c) Notwithstanding subparagraph subdivisions (a)
5 and (b), the minimum amount allocated to each joint
6 E911 service board and to the department of public
7 safety shall be no less than one thousand dollars for
8 each public safety answering point within the service
9 area of the department of public safety or joint E911
10 service board.

11 (3) The funds allocated in this paragraph "f"

12 shall be used for communication equipment located
13 inside the public safety answering points for the
14 implementation and maintenance of wireless E911 phase
15 2. The joint E911 service boards and the department
16 of public safety shall provide an estimate of phase 2
17 implementation costs to the program manager by January
18 1, 2005."

19 12. Page 27, by inserting before line 5 the
20 following:

21 "Sec. _____. Section 48A.11, subsection 1, paragraph
22 e, Code 2003, as amended by 2004 Iowa Acts, Senate
23 File 2269, section 8, if enacted, is amended to read
24 as follows:

25 e. Iowa driver's license number if the registrant
26 has a current and valid Iowa driver's license, Iowa
27 nonoperator's identification card if the registrant
28 has a current and valid Iowa nonoperator's
29 identification card, or the last four numerals of the
30 registrant's social security number. If the
31 registrant does not have an Iowa driver's license
32 number, an Iowa nonoperator's identification card
33 number, or a social security number, the form shall
34 provide space for a number to be assigned as provided
35 in subsection 7.

36 Sec. _____. Section 48A.25A, unnumbered paragraph 1,
37 if enacted by 2004 Iowa Acts, Senate File 2269,
38 section 13, is amended to read as follows:.

39 Upon receipt of an application for voter
40 registration by mail, the state registrar of voters
41 shall compare the driver's license number, the Iowa
42 nonoperator's identification card number, or the last
43 four numerals of the social security number provided
44 by the registrant with the records of the state
45 department of transportation. To be verified, the
46 voter registration record shall contain the same name,
47 date of birth, and driver's license number or Iowa
48 nonoperator's identification card number or whole or
49 partial social security number as the records of the
50 department of transportation. If the information

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1 cannot be verified, the application shall be rejected
2 and the registrant shall be notified of the reason for
3 the rejection. If the information can be verified, a
4 record shall be made of the verification and the
5 application shall be accepted.

6 Sec. _____. Section 48A.37, subsection 2, Code 2003,
7 as amended by 2004 Iowa Acts, Senate File 2269,
8 section 18, if enacted, is amended to read as follows:

9 2. Electronic records shall include a status code
10 designating whether the records are active, inactive,

11 local, or pending. Inactive records are records of
12 registered voters to whom notices have been sent
13 pursuant to section 48A.28, subsection 3, and who have
14 not returned the card or otherwise responded to the
15 notice, and those records have been designated
16 inactive pursuant to section 48A.29. Local records
17 are records of applicants who did not answer either
18 "yes" or "no" to the question in section 48A.11,
19 subsection 2A, paragraph "a". Pending records are
20 records of applicants whose applications have not been
21 verified pursuant to section 48A.25A. All other
22 records are active records. An inactive record shall
23 be made active when the registered voter votes at an
24 election, registers again, or reports a change of
25 name, address, telephone number, or political party
26 affiliation. A pending record shall be made active
27 upon verification. A local record shall be valid for
28 any election for which no candidates for federal
29 office appear on the ballot, ~~but the~~ A registrant
30 ~~may with only a local record shall~~ not vote in a
31 federal election unless the registrant submits a new
32 voter registration application before election day
33 indicating that the applicant is a citizen of the
34 United States.

35 Sec. ____ Section 49.81, subsection 2, unnumbered
36 paragraph 3, if enacted by 2004 Iowa Acts, Senate File
37 2269, section 20, is amended to read as follows:

38 You must show identification before your ballot can
39 be counted. Please bring or mail a copy of a current
40 and valid photo identification card to the county
41 ~~commissioners~~ commissioner's office or bring or mail a
42 copy of one of the following current documents that
43 show your name and address:

44 Sec. ____ Section 52.7, unnumbered paragraph 4,
45 Code 2003, as amended by 2004 Iowa Acts, Senate File
46 2269, section 27, if enacted, is amended to read as
47 follows:

48 Such machine shall be so constructed as to
49 accurately account for every vote cast upon it. The
50 machine shall be so constructed as to remove

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1 information from the ballot identifying the voter
2 before the ballot is recorded and counted. If the
3 machine is a direct ~~electronic~~ recording electronic
4 device, the machine shall be so constructed as to
5 store each ballot cast separate from the ballot
6 tabulation function, which ballot may be reproduced on
7 paper in the case of a recount, manual audit, or
8 machine malfunction.

9 Sec. ____ Section 53.3, subsection 7, if enacted

10 by 2004 Iowa Acts, Senate File 2269, section 30, is
11 amended to read as follows:

12 7. A statement that an absentee ballot will ~~by~~ be
13 mailed to the applicant within twenty-four hours after
14 the ballot for the election is available.

15 Sec. _____. Section 53.17, subsection 1, paragraph
16 a, if enacted by 2004 Iowa Acts, Senate File 2269,
17 section 33, is amended to read as follows:

18 a. The sealed carrier envelope may be delivered by
19 the registered voter, by the special precinct election
20 officials designated pursuant to section 53.22,
21 subsection 1, or by the voter's designee if the
22 absentee ballot is voted by a voter described in
23 section 53.22, subsection 5, to the commissioner's
24 office no later than the time the polls are closed on
25 election day, ~~except as otherwise provided in~~
26 ~~subsection 4.~~

27 Sec. _____. Section 53.17, subsection 4, paragraph
28 d, subparagraph (2), if enacted by 2004 Iowa Acts,
29 Senate File 2269, section 33, is amended to read as
30 follows:

31 (2) The date and time the ~~voted~~ completed absentee
32 ballot was received from the voter."

33 13. Page 36, by inserting after line 6 the
34 following:

35 "Sec. _____. 2004 Iowa Acts, House File 2562,
36 section 10, subsection 2, if enacted, is amended to
37 read as follows:

38 2. On and after July 1, 2005, an owner of an
39 electrical and mechanical amusement device as
40 described in subsection 1 shall not offer the device
41 for use by the public. However, the owner of a device
42 shall be permitted to sell the device to a
43 distributor, as defined in section 99B.1, as amended
44 by this Act, or to a person authorized to offer the
45 device to the public pursuant to section 99B.10,
46 subsection 4, as amended by this Act for which a class
47 "A", class "B", class "C", or class "D" liquor control
48 license ~~or class "B" or class "C" beer permit~~ has been
49 issued pursuant to chapter 123."

50 14. Page 36, by inserting after line 13 the

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1 following:

2 "Sec. _____. 2004 Iowa Acts, Senate File 2282,
3 section 1, if enacted, is amended to read as follows:

4 SECTION 1. LOESS HILLS STUDY AND REPORT. The
5 loess hills development and conservation authority, in
6 consultation with the state advisory board for
7 preserves, shall conduct a comprehensive study to
8 determine the archaeological and paleontological

9 significance and the significance of the flora and
 10 fauna of the loess hills and to determine the
 11 feasibility of designating land in the loess hills for
 12 dedication as a state native prairie preserve and of
 13 other various uses of the loess hills. The ~~natural~~
 14 ~~resource commission~~ loess hills development and
 15 conservation authority may accept gifts, grants,
 16 bequests, and other private contributions, as well as
 17 federal, state, or local funds for the purposes of
 18 conducting the study. The loess hills development and
 19 conservation authority and the state advisory board
 20 for preserves shall file a joint report containing
 21 their findings and recommendations with the
 22 legislative services agency by December 15, 2006, for
 23 distribution to the general assembly."
 24 15. By renumbering as necessary.

Amendment H-8603 was adopted.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-8588 be deferred.

Petersen of Polk offered the following amendment H-8599 filed by her, Hogg of Linn, Fallon of Polk, Oldson of Polk, McCarthy of Polk, Smith of Marshall and Bell of Jasper from the floor and moved its adoption:

H-8599

1 Amend House File 2578 as follows:
 2 1. Page 6, by inserting after line 9 the
 3 following:
 4 "____. For acquiring, constructing, and improving
 5 recreational trails within the state:
 6 FY 2004-2005 \$ 1,000,000
 7 Priority in expending the amount appropriated in
 8 this lettered paragraph shall be given to projects
 9 involving bicycle trails, bicycle lanes, and bicycle
 10 facilities."
 11 2. By renumbering as necessary.

Amendment H-8599 lost.

Cphoon of Des Moines offered the following amendment H-8605 filed by him and D. Olson of Boone from the floor and moved its adoption:

H-8605

- 1 Amend House File 2578 as follows:
- 2 1. Page 6, by inserting after line 9 the
- 3 following:
- 4 " _____. For establishment of a revolving fund for
- 5 provision of loan guarantee or credit risk premium
- 6 assistance for Iowa-based federal railroad
- 7 administration classified class I and class II
- 8 railroads:
- 9 \$ 100,000
- 10 Loan guarantees or credit risk premium assistance
- 11 made from the fund shall be used to support
- 12 applications to the federal railroad rehabilitation
- 13 and improvement financing program by such classified
- 14 railroads."
- 15 2. By renumbering as necessary.

Amendment H-8605 lost.

Cohoon of Des Moines asked and received unanimous consent that amendment H-8590 be deferred.

Thomas of Clayton offered the following amendment H-8569 filed by Thomas, et al., and moved its adoption:

H-8569

- 1 Amend House File 2578 as follows:
- 2 1. Page 13, by inserting after line 6 the
- 3 following:
- 4 "i. To provide grants to watershed organizations
- 5 for watershed-based water quality planning,
- 6 restoration, and improvement activities, with an
- 7 emphasis on geographical information system-based
- 8 activities, targeting the best management practices
- 9 and implementation:
- 10 \$ 2,000,000
- 11 j. For the development of a nutrient research
- 12 grant program:
- 13 \$ 500,000
- 14 k. To develop and implement a voluntary nutrient
- 15 reduction project to improve efficiency and reduce
- 16 impacts of nutrients on the waters of the state:
- 17 \$ 555,000"
- 18 2. Page 13, line 21, by inserting after the word
- 19 "stations" the following: "and for more detailed
- 20 monitoring and investigation of waters with suspected
- 21 impairments".
- 22 3. Page 13, line 22, by striking the figure

23 "2,955,000" and inserting the following: "3,500,000".
 24 4. Page 14, by inserting after line 18 the
 25 following:
 26 "i. For implementation of the total maximum daily
 27 load program to meet statutory time frames and to
 28 include stakeholders' involvement in the process:
 29 \$ 800,000
 30 j. For the development and implementation of a
 31 comprehensive stormwater management program:
 32 \$ 200,000
 33 k. To implement a plan to establish numeric
 34 standards for nitrogen and phosphorus by July 2006,
 35 involving all stakeholders in the process:
 36 \$ 200,000
 37 4. STATE BOARD OF REGENTS
 38 For allocation to Iowa state university of science
 39 and technology to update nitrogen management
 40 recommendations by December 1, 2005, to emphasize
 41 efficiency of use and environmental protection:
 42 \$ 200,000"
 43 5. By renumbering, redesignating, and correcting
 44 internal references as necessary.

A non-record roll call was requested.

The ayes were 44, nays 49.

Amendment H-8569 lost.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-8559 filed by Rayhons, et al., on April 14, 2004.

Swaim of Davis offered amendment H-8597 filed by him, Whitaker of Van Buren and Arnold of Lucas from the floor as follows:

H-8597

1 Amend House File 2578 as follows:
 2 1. Page 15, by striking lines 16 and 17 and
 3 inserting the following: "agencies for the designated
 4 fiscal years, the following amounts, or so much".
 5 2. Page 15, by striking line 25 and inserting the
 6 following:
 7 "FY 2004-2005..... \$ 3,049,284
 8 FY 2005-2006..... \$ 3,000,000"
 9 3. Page 15, by striking line 27 and inserting the
 10 following:
 11 "FY 2004-2005..... \$ 3,000,000

12 _____. DEPARTMENT OF NATURAL RESOURCES
 13 For costs associated with the planning and design
 14 of a premier destination park:
 15 FY 2004-2005..... \$ 3,000,000"
 16 4. By renumbering as necessary.

Swaim of Davis offered the following amendment H-8613, to amendment H-8597, filed by him from the floor and moved its adoption:

H-8613

1 Amend the amendment, H-8597, to House File 2578 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "____. Page 2, by inserting after line 16 the
 6 following:
 7 "____. For the payment of claims relating to the
 8 purchase and implementation of an integrated
 9 information system for Iowa system, notwithstanding
 10 section 8.57, subsection 5, paragraph "c":
 11 FY 2005-2006 \$ 3,000,000""
 12 2. Page 1, by striking line 8.
 13 3. By renumbering as necessary.

Amendment H-8613 was adopted.

On motion by Swaim of Davis amendment H-8597, as amended, lost.

Jacobs of Polk offered the following amendment H-8595 filed by her from the floor and moved its adoption:

H-8595

1 Amend House File 2578 as follows:
 2 1. Page 18, by inserting after line 28 the
 3 following:
 4 "Sec.____. HELP AMERICA VOTE ACT. There is
 5 appropriated from the general fund of the state to the
 6 office of the secretary of state for the fiscal year
 7 beginning July 1, 2003, and ending June 30, 2004, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purposes designated:
 10 For the purchase and installation of voting
 11 machines to implement the federal Help America Vote
 12 Act (HAVA):
 13 \$ 765,000

14 Of the federal funds drawn down pursuant to HAVA,
15 not less than 80 percent shall be distributed to
16 counties for the implementation of that Act.

17 The state commissioner of elections shall report to
18 the general assembly regarding the expenditure of the
19 moneys appropriated in this subsection by January 2,
20 2005, and July 1, 2005.

21 Notwithstanding section 8.33, moneys appropriated
22 in this section that remain unencumbered or
23 unobligated at the close of the fiscal year shall not
24 revert but shall remain available for expenditure for
25 the purposes designated until the close of the
26 succeeding fiscal year."

27 2. Page 20, line 7, by striking the word and
28 figure "Section 27" and inserting the following:

29 "1. The section of this division of this Act
30 providing an appropriation for implementation of the
31 federal Help America Vote Act, being deemed of
32 immediate importance, takes effect upon enactment.

33 2. The section".

34 3. By renumbering as necessary.

Amendment H-8595 was adopted.

Raecker of Polk offered the following amendment H-8551 filed by
Eichhorn of Hamilton and moved its adoption:

H-8551

1 Amend House File 2578 as follows:

2 1. Page 18, line 29, by striking the words "There
3 is".

4 2. Page 18, line 30, by inserting before the word
5 "appropriated" the following:

6 "1. There is".

7 3. Page 19, by inserting after line 2 the
8 following:

9 "2. There is appropriated from the general fund of
10 the state to the racing and gaming commission within
11 the department of inspections and appeals for the
12 fiscal year beginning July 1, 2004, and ending June
13 30, 2005, in addition to any other appropriation made
14 by the general assembly, the following amount, or so
15 much thereof as is necessary, to be used for the
16 purposes designated:

17 For salaries, support, maintenance, and
18 miscellaneous purposes for the regulation of pari-
19 mutual racetracks:

20 \$ 217,161"

21 The funds appropriated in this subsection shall be
22 used for one additional gaming representative at each

23 of the three licensed racetracks."
 24 4. By renumbering, redesignating, and correcting
 25 internal references as necessary.

Amendment H-8551 was adopted.

Hogg of Linn offered the following amendment H-8574 filed by him from the floor and moved its adoption:

Division was requested as follows:

H-8574

1 Amend House File 2578 as follows:

H-8574 A

2 1. Page 18, line 29, by striking the words "There
 3 is".
 4 2. Page 18, line 30, by inserting before the word
 5 "appropriated" the following:
 6 "1. There is".
 7 3. Page 19, by inserting after line 2 the
 8 following:
 9 "2. There is appropriated from the general fund of
 10 the state to the department of agriculture and land
 11 stewardship for the fiscal year beginning July 1,
 12 2004, and ending June 30, 2005, in addition to any
 13 other appropriation made by the general assembly, the
 14 following amount, or so much thereof as is necessary,
 15 to be used for the purposes designated:
 16 For financial assistance for the establishment of
 17 permanent soil and water conservation practices as
 18 provided in the appropriation made in this Act for
 19 that purpose from the environment first fund:
 20 \$ 2,500,000"

H-8574 B

21 4. Page 24, by inserting after line 28 the
 22 following:
 23 "Sec. ____ NEW SECTION. 422F.1 SHORT TITLE.
 24 This chapter may be cited as the "Adult Enterprises
 25 Excise Tax Act".
 26 Sec. ____ NEW SECTION. 422F.2 DEFINITIONS.
 27 For purposes of this chapter, unless the context
 28 otherwise requires:
 29 1. "Adult enterprise" means a business that sells,
 30 leases, or rents obscene material or allows or permits
 31 an entertainer to expose the genitalia, buttocks, or
 32 the nipple of female breasts and the business is

33 prohibited from admitting minors to the premises of
34 the business under section 728.3.

35 2. "Lease or rental" means any transfer of
36 possession or control of tangible personal property
37 for a fixed or indeterminate term for consideration.
38 A "lease or rental" may include a future option to
39 purchase or extend.

40 3. "Obscene material" means the same as the term
41 is defined in section 728.1.

42 4. "Sales" or "sale" means any transfer, exchange,
43 or barter, conditional or otherwise, in any manner or
44 by any means whatsoever, for consideration.

45 5. "Sales price" means the total amount of
46 consideration, including cash, credit, property, and
47 services, for which personal property or services are
48 sold, leased, or rented, valued in money, whether
49 received in money or otherwise, without any deduction
50 of any of the following:

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1 a. The seller's cost of the property sold.

2 b. The cost of materials used, labor or service
3 cost, interest, losses, costs of transportation to the
4 seller, taxes imposed on the seller, or any other
5 expenses of the seller.

6 c. Charges by the seller for any services
7 necessary to complete the sale, other than delivery or
8 installation charges.

9 d. Delivery charges.

10 e. Installation charges.

11 Sec.____. NEW SECTION. 422F.3 TAX IMPOSED.

12 1. An adult enterprise excise tax according to and
13 measured by gross receipts is imposed on an adult
14 enterprise for the privilege of doing business in this
15 state as an adult enterprise. The tax is imposed at
16 the rate of twenty-five percent upon the sales price
17 of the sale, lease, or rental of tangible or
18 intangible property, upon the sales price from the
19 furnishing of services, and upon the sales price of
20 all sales of tickets and admissions by the adult
21 enterprise.

22 2. The adult enterprise shall collect the tax by
23 adding the tax to the sales price.

24 3. The adult enterprise excise tax levied shall be
25 in addition to any state sales tax imposed under
26 section 423.2. Section 422.25, subsection 4, sections
27 422.30, 422.67, and 422.68, section 422.69, subsection
28 1, sections 422.70 to 422.75, section 423.14,
29 subsection 1, and sections 423.23, 423.24, 423.25,
30 423.31, 423.33, 423.35, 423.37 to 423.42, and 423.47,
31 consistent with the provisions of this chapter, apply

32 with respect to the adult enterprise excise tax
33 authorized under this chapter, in the same manner and
34 with the same effect as if the tax was a retail sales
35 tax within the meaning of those statutes.
36 Notwithstanding this subsection, the director of
37 revenue shall provide for quarterly filing of returns
38 and for other than quarterly filing of returns, both
39 as prescribed in section 423.31. The director of
40 revenue may require all persons, as defined in section
41 423.1, who are engaged in the business of deriving any
42 sales price subject to tax under this chapter, to
43 register with the department of revenue.
44 Sec.____. NEW SECTION. 422F.4 DEPOSIT OF
45 REVENUE.
46 The revenue arising from the tax imposed under this
47 chapter shall be credited to the general fund of the
48 state."
49 5. By renumbering as necessary.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8574A.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8563 filed by him on April 14, 2004.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment H-8584 filed by him from the floor.

Watts of Dallas offered the following amendment H-8536 filed by Watts, et al., and moved its adoption:

H-8536

1 Amend House File 2578 as follows:
2 1. Page 20, by inserting after line 27, the
3 following:
4 "Sec.____. Section 8D.13, subsection 12, Code
5 Supplement 2003, is amended to read as follows:
6 12. The commission, on its own or as recommended
7 by an advisory committee of the commission and
8 approved by the commission, shall permit a fee to be
9 charged by a receiving site to the originator of the
10 communication provided on the network. The fee
11 charged shall be for the purpose of recovering the
12 operating costs of a receiving site. The fee charged
13 shall be reduced by an amount received by the
14 receiving site pursuant to a state appropriation for
15 such costs, or federal assistance received for such
16 costs. Fees established under this subsection shall

17 be paid by the originator of the communication
18 directly to the receiving site. In the event that an
19 entity requests a receiving site location in a video
20 classroom facility which is authorized by, but not
21 funded by, the originator of the communication, the
22 requesting entity shall be directly billed by the
23 video classroom facility for operating costs relating
24 to the communication. For purposes of this section,
25 "operating costs" include the costs associated with
26 the management or coordination, operations, utilities,
27 classroom, equipment, maintenance, and other costs
28 directly related to providing the receiving site."
29 2. By renumbering as necessary.

Amendment H-8536 was adopted.

Dix of Butler offered amendment H-8564 filed by him as follows:

H-8564

1 Amend House File 2578 as follows:
2 1. Page 20, by inserting after line 27 the
3 following:
4 "Sec. ____ Section 8.57, subsection 5, Code
5 Supplement 2003, is amended by adding the following
6 new paragraph:
7 NEW PARAGRAPH. g. Notwithstanding any other
8 provision to the contrary, and prior to the
9 appropriation of moneys from the rebuild Iowa
10 infrastructure fund pursuant to paragraph "c", and
11 section 8.57A, subsection 4, moneys shall first be
12 appropriated from the rebuild Iowa infrastructure fund
13 to the vertical infrastructure fund as provided in
14 section 8.57B, subsection 4.
15 Sec. ____ NEW SECTION. 8.57B VERTICAL
16 INFRASTRUCTURE FUND.
17 1. A vertical infrastructure fund is created under
18 the authority of the department of management. The
19 fund shall consist of appropriations made to the fund
20 and transfers of interest, earnings, and moneys from
21 other funds as provided by law. The fund shall be
22 separate from the general fund of the state and the
23 balance in the fund shall not be considered part of
24 the balance of the general fund of the state.
25 However, the fund shall be considered a special
26 account for the purposes of section 8.53, relating to
27 generally accepted accounting principles.
28 2. Notwithstanding section 12C.7, subsection 2,
29 interest or earnings on moneys in the vertical
30 infrastructure fund shall be credited to the rebuild
31 Iowa infrastructure fund.

32 3. Moneys in the fund in a fiscal year shall be
33 used as appropriated by the general assembly for
34 public vertical infrastructure projects. For the
35 purposes of this section, "vertical infrastructure"
36 includes only land acquisition and construction, major
37 renovation, and major repair of buildings, all
38 appurtenant structures, utilities, and site
39 development. "Vertical infrastructure" does not
40 include routine, recurring maintenance, debt service,
41 or operational expenses or leasing of a building,
42 appurtenant structure, or utility without a lease-
43 purchase agreement.

44 4. There is appropriated from the rebuild Iowa
45 infrastructure fund to the vertical infrastructure
46 fund, the following:

47 a. For the fiscal year beginning July 1, 2005, and
48 ending June 30, 2006, the sum of twenty-five million
49 dollars.

50 b. For the fiscal year beginning July 1, 2006, and

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1 ending June 30, 2007, the sum of fifty million
2 dollars.

3 c. For the fiscal year beginning July 1, 2007, and
4 ending June 30, 2008, the sum of seventy-five million
5 dollars.

6 d. For the fiscal year beginning July 1, 2008, and
7 each fiscal year thereafter, the sum of one hundred
8 million dollars."

9 2. By renumbering as necessary.

Hogg of Linn offered the following amendment H-8617, to amendment H-8564, filed by him from the floor and moved its adoption:

H-8617

1 Amend the amendment, H-8564, to House File 2578 as
2 follows:

3 1. Page 1, by striking lines 10 and 11 and
4 inserting the following: "infrastructure fund
5 pursuant to paragraph "c", there is appropriated to
6 the environment first fund pursuant to section 8.57A,
7 subsection 4, prior to moneys being".

8 2. Page 1, line 45, by inserting after the word
9 "fund" the following: ", after the appropriation made
10 to the environment first fund pursuant to section
11 8.57A, subsection 4,".

Amendment H-8617 lost.

On motion by Dix of Butler, amendment H-8564 was adopted.

Kuhn of Floyd offered the following amendment H-8607 filed by him from the floor and moved its adoption:

H-8607

- 1 Amend House File 2578 as follows:
- 2 1. Page 20, line 30, by striking the word
- 3 "subdivision" and inserting the following:
- 4 "subdivisions".
- 5 2. Page 21, by inserting after line 6 the
- 6 following:
- 7 "NEW SUBPARAGRAPH SUBDIVISION. (d) This
- 8 subparagraph subdivision applies to the annual amount
- 9 that the corporation is required to repay the
- 10 department pursuant to this subparagraph and the
- 11 annual amount that the department is required to
- 12 deposit into the road use tax fund pursuant to
- 13 subsection 8. That amount shall at least equal four
- 14 percent of the total amount of the Iowa agricultural
- 15 industry finance loan that the department awarded to
- 16 the corporation. However, the amount required to be
- 17 repaid to the department and deposited into the road
- 18 use tax fund shall never be less than one million
- 19 dollars. The amount shall not be altered by any
- 20 financing provided to an eligible person or other
- 21 transfer of moneys made by the corporation, including
- 22 but not limited to a loan made by the corporation the
- 23 assignment of which the department has accepted
- 24 pursuant to this subparagraph."
- 25 2. By renumbering as necessary.

Amendment H-8607 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8572 filed by him from the floor.

Eichhorn of Hamilton offered amendment H-8573 filed by him from the floor as follows:

H-8573

- 1 Amend House File 2578 as follows:
- 2 1. Page 23, by inserting after line 22 the
- 3 following:
- 4 "Sec.____. Section 147.1, subsection 2, paragraph
- 5 c, Code 2003, is amended to read as follows:
- 6 c. "Licensed" or "certified" when applied to a

7 physician and surgeon, podiatric physician, osteopath,
8 osteopathic physician and surgeon, physician
9 assistant, psychologist or associate psychologist,
10 chiropractor, nurse, dentist, dental hygienist,
11 optometrist, speech pathologist, audiologist,
12 pharmacist, physical therapist, occupational
13 therapist, respiratory care practitioner, practitioner
14 of cosmetology arts and sciences, practitioner of
15 barbering, funeral director, dietitian, marital and
16 family therapist, mental health counselor, social
17 worker, massage therapist, athletic trainer, ~~or~~
18 acupuncturist, or interpreter, means a person licensed
19 under this subtitle.

20 Sec. ____ Section 147.1, subsection 2, paragraph
21 f, Code 2003, is amended to read as follows:

22 f. "Profession" means medicine and surgery,
23 podiatry, osteopathy, osteopathic medicine and
24 surgery, practice as a physician assistant,
25 psychology, chiropractic, nursing, dentistry, dental
26 hygiene, optometry, speech pathology, audiology,
27 pharmacy, physical therapy, occupational therapy,
28 respiratory care, cosmetology arts and sciences,
29 barbering, mortuary science, marital and family
30 therapy, mental health counseling, social work,
31 dietetics, massage therapy, athletic training, ~~or~~
32 acupuncture, or interpreting.

33 Sec. ____ Section 147.2, unnumbered paragraph 1,
34 Code 2003, is amended to read as follows:

35 A person shall not engage in the practice of
36 medicine and surgery, podiatry, osteopathy,
37 osteopathic medicine and surgery, psychology,
38 chiropractic, physical therapy, nursing, dentistry,
39 dental hygiene, optometry, speech pathology,
40 audiology, occupational therapy, respiratory care,
41 pharmacy, cosmetology, barbering, social work,
42 dietetics, marital and family therapy or mental health
43 counseling, massage therapy, mortuary science, ~~or~~
44 acupuncture, or interpreting, or shall not practice as
45 a physician assistant as defined in the following
46 chapters of this subtitle, unless the person has
47 obtained from the department a license for that
48 purpose.

49 Sec. __ Section 147.13, Code 2003, is amended by
50 adding the following new subsection:

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1 NEW SUBSECTION. 21. For interpreters, interpreter
2 examiners.

3 Sec. ____ Section 147.14, Code 2003, is amended by
4 adding the following new subsection:

5 NEW SUBSECTION. 21. For interpreting, four

6 members licensed to practice interpreting, three of
7 whom shall be practicing interpreters at the time of
8 appointment to the board and at least one of whom is
9 employed in an educational setting; and three members
10 who are consumers of interpreting services as defined
11 in section 154E.1, each of whom shall be deaf. A
12 majority of members of the board constitutes a quorum.

13 Sec.____. Section 147.74, Code Supplement 2003, is
14 amended by adding the following new subsection:

15 NEW SUBSECTION. 21A. An interpreter licensed
16 under chapter 154E and this chapter may use the title
17 "licensed interpreter" or the letters "L.I." after the
18 person's name.

19 Sec.____. Section 147.80, Code Supplement 2003, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 28A. License to practice
22 interpreting, license to practice interpreting under a
23 reciprocal license, or renewal of a license to
24 practice interpreting.

25 Sec.____. NEW SECTION. 154E.1 DEFINITIONS.

26 As used in this chapter, unless the context
27 otherwise requires:

- 28 1. "Board" means the board of interpreter
29 examiners established in chapter 147.
- 30 2. "Consumer" means an individual utilizing
31 interpreting services who uses spoken English,
32 American sign language, or a manual form of English.
- 33 3. "Department" means the Iowa department of
34 public health.
- 35 4. "Interpreter training program" means a post-
36 secondary education program training individuals to
37 interpret or transliterate.
- 38 5. "Interpreting" means facilitating communication
39 between individuals who communicate via American sign
40 language and individuals who communicate via spoken
41 English.
- 42 6. "Licensee" means any person licensed to
43 practice interpreting or transliterating for deaf,
44 hard-of-hearing, and hearing individuals in the state
45 of Iowa.
- 46 7. "Transliterating" means facilitating
47 communication between individuals who communicate via
48 a manual form of English and individuals who
49 communicate via spoken English.

50 Sec.____. NEW SECTION. 154E.2 DUTIES OF THE

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1 BOARD.

2 The board shall administer this chapter. The
3 board's duties shall include, but are not limited to,
4 the following:

- 5 1. Adopt rules consistent with this chapter and
6 with chapter 147 which are necessary for the
7 performance of its duties.
- 8 2. Act on matters concerning licensure and the
9 process of applying for, granting, suspending,
10 imposing supervisory or probationary conditions upon,
11 reinstating, and revoking a license.
- 12 3. Establish and collect licensure fees. The
13 board shall establish the amounts of license and
14 renewal fees based upon the actual costs of sustaining
15 the board and the actual costs of issuing the
16 licenses, and all fees collected shall be deposited
17 with the treasurer of state who shall deposit them in
18 the general fund of the state.
- 19 4. Administer the provisions of this chapter
20 regarding documentation required to demonstrate
21 competence as an interpreter, and the processing of
22 applications for licenses and license renewals.
- 23 5. Establish and maintain as a matter of public
24 record a registry of interpreters licensed pursuant to
25 this chapter.
- 26 6. Develop continuing education requirements as a
27 condition of license renewal.
- 28 7. Evaluate requirements for licensure in other
29 states to determine if reciprocity may be granted.
- 30 Sec. ____ NEW SECTION. 154E.3 REQUIREMENTS FOR
31 LICENSURE.
- 32 On or after July 1, 2005, every person providing
33 interpreting or transliterating services in this state
34 shall be licensed pursuant to this chapter. The board
35 shall adopt rules pursuant to chapters 17A, 147, and
36 272C establishing procedures for the licensing of new
37 and existing interpreters. Prior to obtaining
38 licensure, an applicant shall successfully pass an
39 examination prescribed and approved by the board,
40 demonstrating the following:
- 41 1. VOICE-TO-SIGN INTERPRETATION. An applicant
42 shall demonstrate proficiency at:
- 43 a. Message equivalence, producing a true and
44 accurate signed form of the spoken message,
45 maintaining the integrity of content and meaning, and
46 exhibiting few omissions, substitutions, or other
47 errors.
- 48 b. Affect, producing nonmanual grammar consistent
49 with the intent and emotion of the speaker, and
50 exhibiting no distracting mannerisms.

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- 1 c. Vocabulary choice, making correct sign choices
2 appropriate to the setting and consumers, applying
3 facial grammar consistent with sign choice, selecting

- 4 signs that remain true to speaker's intent, and
5 demonstrating lexical variety.
- 6 d. Fluency, displaying confidence in production,
7 exhibiting a strong command of American sign language
8 or manual codes for English, applying nonmanual
9 behaviors consistent with the speaker's intent, and
10 demonstrating understanding of and sensitivity to
11 cultural differences.
- 12 2. SIGN-TO-VOICE INTERPRETATION. An applicant
13 shall demonstrate proficiency at:
- 14 a. Message equivalence, producing a true and
15 accurate spoken form of the signed message,
16 maintaining the integrity of content and meaning, and
17 exhibiting few omissions, substitutions, or other
18 errors.
- 19 b. Affect, producing inflection consistent with
20 the intent and emotion of the speaker, and exhibiting
21 no distracting mannerisms.
- 22 c. Vocabulary choice, making correct word choices
23 appropriate to the setting and consumers, using vocal
24 inflection consistent with word choice, selecting
25 words that remain true to the speaker's intent, and
26 demonstrating lexical variety.
- 27 d. Fluency, displaying confidence in production,
28 exhibiting a strong command of English in both spoken
29 and written forms, applying vocal inflections
30 consistent with the speaker's intent, and
31 demonstrating understanding of and sensitivity to
32 cultural differences.
- 33 3. PROFESSIONAL CONDUCT. An applicant shall
34 demonstrate:
- 35 a. Proficiency in functioning as a communicator of
36 messages between the sender and receiver, and
37 educating consumers of services about the functions
38 and logistics of the interpreting process.
- 39 b. An impartial demeanor, refraining from
40 interjecting opinions or advice and from aligning with
41 one party over another. An applicant shall treat all
42 people fairly and respectfully regardless of their
43 relationship to the interpreting assignment, and
44 present a professional appearance that is not visually
45 distracting and is appropriate to the setting. An
46 applicant shall exhibit knowledge and application of
47 federal and state laws pertaining to the interpreting
48 profession.
- 49 c. Integrity, and shall be proficient in
50 understanding and applying ethical behavior

- 1 appropriate for a licensee. An applicant shall
2 demonstrate discretion in accepting and meeting

3 interpreter services requests, and shall engage
4 actively in lifelong learning.

5 Sec.____. NEW SECTION. 154E.4 EXCEPTIONS.

6 1. A person shall not practice interpreting or
7 transliterating, or represent oneself to be an
8 interpreter, unless the person is licensed under this
9 chapter.

10 2. This chapter does not prohibit any of the
11 following:

12 a. Any person residing outside of the state of
13 Iowa holding a current license from another state that
14 meets the state of Iowa's requirements from providing
15 interpreting or transliterating services in this state
16 for up to fourteen days per calendar year without a
17 license issued pursuant to this chapter.

18 b. Any person who interprets or transliterates
19 solely in a religious setting with the exception of
20 those working in schools that receive government
21 funding.

22 c. Volunteers working without compensation,
23 including emergency situations, until a licensed
24 interpreter is obtained.

25 d. Any person working as a substitute for a
26 licensed interpreter in an early childhood,
27 elementary, or secondary education setting for no more
28 than thirty school days in a calendar year."

29 2. Page 24, by inserting after line 11 the
30 following:

31 "Sec.____. Section 272C.1, subsection 6, Code
32 2003, is amended by adding the following new
33 paragraph:

34 NEW PARAGRAPH. ad. The board of interpreter
35 examiners, created pursuant to chapter 154E."

36 3. Page 25, by inserting after line 22 the
37 following:

38 "Sec.____. INTERPRETER STANDARDS AND REGULATIONS.

39 There is appropriated from the general fund of the
40 state to the Iowa department of public health, for the
41 fiscal year beginning July 1, 2004, and ending June
42 30, 2005, the following amount, or so much thereof as
43 is necessary, for the purpose designated:

44 For protecting the health and safety of the public
45 through establishing standards and enforcing
46 regulations of interpreters for the deaf, hard-of-
47 hearing, and hearing, and for not more than the
48 following full-time equivalent positions:

49	\$	60,390
50	FTEs	1.00

1 Sec.____. TRANSITION PROVISIONS.

2 1. The board of interpreter examiners shall be
3 provisionally established as provided in section
4 147.14, as amended in this Act, effective July 1,
5 2004, for the sole purpose of appointment of members
6 and organizing, planning, and adopting rules, as
7 described in section 9 of this Act, which rules shall
8 be effective July 1, 2005. The board shall become
9 fully operational July 1, 2007, as provided in this
10 Act.
11 2. Applicants for licensure under chapter 154E who
12 have not passed a licensure examination approved by
13 the board by July 1, 2005, shall be issued a temporary
14 license to practice interpreting for a period of two
15 years, commencing on July 1, 2005.
16 3. Applicants issued a temporary license pursuant
17 to this section shall pass a licensure examination
18 approved by the board on or before July 1, 2007, in
19 order to remain licensed as an interpreter.
20 Sec.____. EFFECTIVE DATE. The sections of this
21 division of this Act providing for the licensing of
22 interpreters by amending chapters 147 and 272C and
23 enacting chapter 154E take effect July 1, 2005."

Connors of Polk offered the following amendment H-8591, to amendment H-8573, filed by him from the floor and moved its adoption:

H-8591

1 Amend the amendment, H-8573, to House File 2578 as
2 follows:
3 1. Page 1, line 18, by inserting after the word
4 "interpreter" the following: "for the hearing
5 impaired".
6 2. Page 1, line 32, by inserting after the word
7 "interpreting" the following: "for the hearing
8 impaired".
9 3. Page 1, line 44, by inserting after the word
10 "interpreting" the following: "for the hearing
11 impaired".
12 4. Page 2, line 1, by inserting after the word
13 "interpreter" the following: "for the hearing
14 impaired".
15 5. Page 2, line 5, by inserting after the word
16 "interpreting" the following: "for the hearing
17 impaired".
18 6. Page 2, line 28, by inserting after the word
19 "interpreter" the following: "for the hearing
20 impaired".
21 7. Page 5, line 34, by inserting after the word
22 "interpreter" the following: "for the hearing

23 impaired".
24 8. Page 6, line 2, by inserting after the word
25 "interpreter" the following: "for the hearing
26 impaired".

Amendment H-8591 was adopted.

Eichhorn of Hamilton offered the following amendment H-8612, to amendment H-8573, filed by him from the floor and moved its adoption:

H-8612

1 Amend the amendment, H-8573, to House File 2578 as
2 follows:
3 1. Page 5, by inserting after line 50 the
4 following:
5 "Sec. _____. 2004 Iowa Acts, Senate File 2298,
6 section 2, subsection 1, if enacted, is amended by
7 striking the subsection and inserting in lieu thereof
8 the following:
9 1. There is appropriated from the general fund of
10 the state to the department of administrative services
11 for the fiscal year beginning July 1, 2004, and ending
12 June 30, 2005, the following amount, or so much
13 thereof as is necessary, to be used for the purposes
14 designated:
15 For start-up funding for revolving funds under the
16 control of the department of administrative services
17 and for salaries, support, maintenance, and
18 miscellaneous purposes:
19 \$ 1,889,610
20 Notwithstanding any provision of this section to
21 the contrary, the department of administrative
22 services shall deposit \$1,889,610 in the general fund
23 of the state from moneys in departmental revolving
24 funds and internal service funds at the end of the
25 fiscal year."

Amendment H-8612 was adopted.

On motion by Eichhorn of Hamilton amendment H-8573, as amended, was adopted.

Hoffman of Crawford offered the following amendment H-8537 filed by him and moved its adoption:

H-8537

1 Amend House File 2578 as follows:

2 1. Page 24, by inserting after line 28 the
3 following:

4 "Sec. _____. 2004 Iowa Acts, Senate File 2257,
5 section 1, subsection 10, if enacted, is amended to
6 read as follows:

7 10. APPLICABILITY DATE. This section applies to
8 personal insurance contracts or policies delivered,
9 issued for delivery, continued, or renewed in this
10 state on or after ~~April 1, 2005~~ October 1, 2004."

Amendment H-8537 was adopted.

Freeman of Buena Vista offered amendment H-8544 filed by
Freeman, et al., as follows:

H-8544

1 Amend House File 2578 as follows:

2 1. Page 24, by inserting after line 28 the
3 following:

4 "Sec. _____. Section 462A.5, subsection 3, Code
5 2003, is amended to read as follows:

6 3. The registration fees for vessels subject to
7 this chapter are as follows:

8 a. For vessels of any length without motor or
9 sail, ~~five~~ eight dollars.

10 b. For motorboats or sailboats less than ~~twelve~~
11 sixteen feet in length, ~~eight~~ fifteen dollars.

12 c. For motorboats or sailboats ~~twelve~~ sixteen feet
13 or more, but less than ~~fifteen~~ twenty-six feet in
14 length, ~~ten~~ twenty-five dollars.

15 ~~d. For motorboats or sailboats fifteen feet or~~
16 ~~more, but less than eighteen feet in length, twelve~~
17 ~~dollars.~~

18 ~~e. For motorboats or sailboats eighteen feet or~~
19 ~~more, but less than twenty five feet in length,~~
20 ~~eighteen dollars.~~

21 ~~f. d. For motorboats or sailboats twenty five~~
22 ~~twenty-six feet in length or more, twenty eight but~~
23 ~~less than forty feet in length, forty dollars.~~

24 e. For motor boats or sailboats forty feet in
25 length or more, seventy-five dollars.

26 f. For all personal watercraft, twenty-five
27 dollars.

28 Every registration certificate and number issued
29 becomes delinquent at midnight April 30 of odd-
30 numbered years unless terminated or discontinued in
31 accordance with this chapter. After January 1 in odd-

32 numbered years, an unregistered vessel and a renewal
33 of registration may be registered for the two-year
34 registration period beginning May 1 of that year.
35 After January 1 in even-numbered years, unregistered
36 vessels may be registered for the remainder of the
37 current registration period at fifty percent of the
38 appropriate registration fee.

39 If a timely application for renewal is made, the
40 applicant shall receive the same registration number
41 allocated to the applicant for the previous
42 registration period. If the application for
43 registration for the biennium is not made before May 1
44 of each odd-numbered year, the applicant shall be
45 charged a penalty of five dollars.

46 Sec.____. Section 462A.22, Code 2003, is amended
47 to read as follows:

48 462A.22 ENGINEER OR PILOT LICENSE AND FEES.

49 1. No A vessel shall not be operated for hire by a
50 pilot or engineer upon the waters of this state under

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1 the jurisdiction of the commission unless the pilot or
2 engineer first obtains an engineer's or pilot's
3 license. A pilot's license is required for any person
4 who has charge of the steering or directing of the
5 vessel's course or who does the steering or directs
6 the vessel's course. An engineer's license is
7 required for all operators who have charge of or
8 operate the equipment by which the boat is propelled.
9 If one person acts in a dual or alternate capacity,
10 the person shall first obtain both an engineer's and
11 pilot's license.

12 2. Any person desiring a pilot's or engineer's
13 license shall file an application with the commission
14 upon forms prepared and furnished by the commission.
15 Such license may be issued by the commission only upon
16 recommendation of an officer duly authorized by the
17 commission. Before the officer recommends such a
18 license, the officer shall investigate the competency
19 of the applicant, the applicant's acquaintance with
20 and experience in boat work, habits as to sobriety,
21 mental and physical qualifications for the work,
22 acquaintance with the waters for which application to
23 operate upon is made, familiarity with the laws and
24 regulations pertaining to the vessel operation and all
25 other pertinent matters. Such license shall not be
26 issued to anyone under eighteen years of age.

27 3. The annual fee for a pilot's license is ten
28 dollars. The annual fee for an engineer's license is
29 twenty dollars. All fees for the licensing of pilots
30 and engineers shall be forwarded by the commission to

31 the treasurer of state, who shall place the money in
32 the environment first fund created in section 8.57A.

33 4. Engineer's and pilot's licenses shall be in
34 effect only for the calendar year in which ~~such~~ the
35 license is issued.

36 Sec. _____. Section 462A.52, Code 2003, is amended
37 to read as follows:

38 462A.52 FEES REMITTED TO COMMISSION.

39 Within ten days after the end of each month, a
40 county recorder shall remit to the commission all fees
41 collected by the recorder during the previous month.
42 Before May 10 in odd-numbered years, a county recorder
43 shall remit to the commission all unused license
44 blanks for the previous biennium. All fees collected
45 for the registration of vessels shall be forwarded by
46 the commission to the treasurer of the state, who
47 shall place the money in ~~a special conservation the~~
48 environment first fund created in section 8.57A. ~~The~~
49 ~~money so collected is appropriated to the commission~~
50 ~~solely for the administration and enforcement of~~

Page 3

1 ~~navigation laws and water safety.~~

2 Sec. _____. Section 462A.21, Code 2003, is
3 repealed."

4 2. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment H-8544 was not germane.

The Speaker ruled the point well taken and amendment H-8544 not germane.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-8574B.

Hogg of Linn offered amendment H-8604 filed by him from the floor as follows:

H-8604

1 Amend House File 2578 as follows:

2 1. Page 24, by inserting after line 28 the
3 following:

4 "Sec. _____. Section 602.8108, subsection 3,
5 paragraph b, Code Supplement 2003, is amended to read
6 as follows:

7 b. Of the amount received from the clerk, the

8 state court administrator shall allocate ~~eighteen six~~
9 ~~percent to be deposited in the criminalistics~~
10 ~~laboratory fund established in subsection 7, seventeen~~
11 percent to be deposited in the victim compensation
12 fund established in section 915.94, and ~~eighty two~~
13 seventy-seven percent to be deposited in the general
14 fund.

15 Sec. _____. Section 602.8108, Code Supplement 2003,
16 is amended by adding the following new subsection:
17 NEW SUBSECTION. 7. A criminalistics laboratory
18 fund is created in the state treasury under the
19 control of the department of public safety. The fund
20 shall consist of appropriations made to the fund and
21 transfers of interest, earnings, and moneys required
22 to be collected for deposit in the fund, including
23 moneys received from the criminal penalty surcharge
24 pursuant to subsection 3, paragraph "b". All moneys
25 in the fund are appropriated to the department of
26 public safety for use by the department in
27 criminalistics laboratory equipment purchasing,
28 maintenance, depreciation, and training. Any balance
29 in the fund on June 30 of any fiscal year shall not
30 revert to any other fund of the state but shall remain
31 available for the purposes described in this
32 subsection.

33 Sec. _____. Section 911.2, unnumbered paragraph 1,
34 Code 2003, is amended to read as follows:
35 When a court imposes a fine or forfeiture for a
36 violation of a state law, or of a city or county
37 ordinance except an ordinance regulating the parking
38 of motor vehicles, the court shall assess an
39 additional penalty in the form of a surcharge equal to
40 ~~thirty~~ thirty-two percent of the fine or forfeiture
41 imposed. An additional drug abuse resistance
42 education surcharge of ten dollars shall be assessed
43 by the clerk of the district court if the violation
44 arose out of a violation of an offense provided for in
45 chapter 321J or chapter 124, division IV. In the
46 event of multiple offenses, the surcharge shall be
47 based upon the total amount of fines or forfeitures
48 imposed for all offenses. When a fine or forfeiture
49 is suspended in whole or in part, the surcharge shall
50 be reduced in proportion to the amount suspended."

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1 2. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment H-8604 was not germane.

The Speaker ruled the point well taken and amendment H-8604 not germane.

Hogg of Linn asked for unanimous consent to suspend the rules to consider amendment H-8604.

Objection was raised.

Heddens of Story offered the following amendment H-8609 filed by her and Lukan of Dubuque from the floor and moved its adoption:

H-8609

- 1 Amend House File 2578 as follows:
- 2 1. Page 24, by inserting after line 28 the
- 3 following:
- 4 "Sec. ____ Section 422.11J, subsection 5,
- 5 paragraph a, if enacted by 2004 Iowa Acts, Senate File
- 6 2295, is amended to read as follows:
- 7 a. "Disabled student" means a child requiring
- 8 special education, as defined in section 256B.2,
- 9 subsection 1, or a student with disabilities who
- 10 qualifies for educational services under section 504
- 11 of the federal Rehabilitation Act of 1973, as amended
- 12 and codified in 29 U.S.C. § 794."
- 13 2. By renumbering as necessary.

Amendment H-8609 was adopted.

Dix of Butler asked and received unanimous consent that amendment H-8610 be deferred.

Raecker of Polk offered the following amendment H-8538 filed by him and moved its adoption:

H-8538

- 1 Amend House File 2578 as follows:
- 2 1. Page 36, by inserting after line 29 the
- 3 following:
- 4 "DIVISION VIII
- 5 VISION IOWA AND COMMUNITY ATTRACTION AND TOURISM
- 6 PROGRAMS
- 7 Sec. ____ Section 8.57, subsection 5, paragraph e,
- 8 unnumbered paragraph 1, Code Supplement 2003, is
- 9 amended to read as follows:
- 10 Notwithstanding provisions to the contrary in

11 sections 99D.17 and 99F.11, for the fiscal year
12 beginning July 1, 2000, and for each fiscal year
13 thereafter, not more than a total of sixty million
14 dollars shall be deposited in the general fund of the
15 state in any fiscal year pursuant to sections 99D.17
16 and 99F.11. The next fifteen million dollars of the
17 moneys directed to be deposited in the general fund of
18 the state in a fiscal year pursuant to sections 99D.17
19 and 99F.11 shall be deposited in the vision Iowa fund
20 created in section 12.72 for the fiscal year beginning
21 July 1, 2000, and for each fiscal year through the
22 fiscal year beginning July 1, ~~2019~~ 2029. The next
23 five million dollars of the moneys directed to be
24 deposited in the general fund of the state in a fiscal
25 year pursuant to sections 99D.17 and 99F.11 shall be
26 deposited in the school infrastructure fund created in
27 section 12.82 for the fiscal year beginning July 1,
28 2000, and for each fiscal year thereafter until the
29 principal and interest on all bonds issued by the
30 treasurer of state pursuant to section 12.81 are paid,
31 as determined by the treasurer of state. The total
32 moneys in excess of the moneys deposited in the
33 general fund of the state, the vision Iowa fund, and
34 the school infrastructure fund in a fiscal year shall
35 be deposited in the rebuild Iowa infrastructure fund
36 and shall be used as provided in this section,
37 notwithstanding section 8.60.
38 Sec.____. COMMUNITY ATTRACTION AND TOURISM FUND.
39 There is appropriated from the rebuild Iowa
40 infrastructure fund to the office of the treasurer of
41 state for the fiscal period beginning July 1, 2005,
42 and ending June 30, 2009, the following amounts, or so
43 much thereof as is necessary, to be used for the
44 purposes designated:
45 For deposit in the community attraction and tourism
46 fund:
47 FY 2005-2006 \$ 12,000,000
48 FY 2006-2007 \$ 12,000,000
49 FY 2007-2008 \$ 12,000,000
50 FY 2008-2009 \$ 12,000,000"

- 1 2. By renumbering as necessary.
- A non-record roll call was requested.
- The ayes were 48, nays 25.
- Amendment H-8538 was adopted.

Lukan of Dubuque asked and received unanimous consent that amendment H-8546 be deferred.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-8548 filed by Raecker of Polk and Freeman of Buena Vista on April 14, 2004.

T. Taylor of Linn offered the following amendment H-8614 filed by him from the floor and moved its adoption:

H-8614

- 1 Amend House File 2578 as follows:
- 2 1. Page 2, by inserting after line 4 the
- 3 following:
- 4 "In addition to the amount provided for costs
- 5 associated with project management services in this
- 6 subparagraph, the division of design and construction
- 7 may be reimbursed from moneys appropriated in this
- 8 lettered paragraph for such costs associated with
- 9 applicable capital projects in an amount not to exceed
- 10 \$370,824, notwithstanding section 8.57, subsection 5,
- 11 paragraph "c". such reimbursement shall be provided
- 12 for pursuant to an agreement entered into with a
- 13 governmental entity to which the division of design
- 14 and construction provides project management services
- 15 relating to a capital project."
- 16 2. By renumbering as necessary.

Amendment H-8614 was adopted.

Dix of Butler offered the following amendment H-8621 filed by him from the floor and moved its adoption:

H-8621

- 1 Amend House File 2578 as follows:
- 2 1. Page 3, by inserting after line 22 the
- 3 following:
- 4 "____. OFFICE OF THE GOVERNOR
- 5 For terrace hill quarters, to supplement the
- 6 appropriation made for this purpose in 2004 Iowa Acts,
- 7 Senate File 2298, Division I, if enacted,
- 8 notwithstanding section 8.57, subsection 5, paragraph
- 9 "c":
- 10 FY 2004-2005 \$ 100,000"
- 11 2. By renumbering as necessary.

Amendment H-8621 was adopted.

Cohoon of Des Moines offered the following amendment H-8622 filed by him from the floor and moved its adoption:

H-8622

1 Amend House File 2578 as follows:
2 1. Page 6, by striking lines 16 through 19 and
3 inserting the following:
4 "a. For use of the home modification grant program
5 for veterans and the establishment and operation of a
6 state veterans cemetery as required in section 35A.3,
7 subsection 14, if enacted by 2004 Iowa Acts, Senate
8 File 2298, notwithstanding section 8.57, subsection 5,
9 paragraph "c":
10 FY 2004-2005 \$ 1,000,000
11 Of the amount appropriate in this subsection,
12 \$400,000 shall be allocated for the establishment and
13 operation of a state veterans cemetery if one is
14 required by law and \$600,000 shall be allocated for
15 the home modification grant program for veterans.
16 b. For the purposes of this subsection, "veteran"
17 means the same as defined in section 35.1 or a
18 resident of this state who served in the armed forces
19 of the United States, completed a minimum aggregate of
20 ninety days of active federal service, and was
21 discharged under honorable conditions.
22 c. A veterans home modification grant program is
23 created under the control of the commission. The
24 veterans home modification grant program shall provide
25 grants to veterans who have a service-connected,
26 permanent disability, rating less than fifty percent
27 as verified by the United States department of
28 veterans affairs or a branch of the United States
29 armed forces. Grants shall be awarded for home
30 modifications that are designed to meet the needs of
31 the veteran with the disability who will be residing
32 in the home.
33 d. It is the intent of the general assembly that
34 the program be equitably accessible to eligible
35 veterans throughout the state.
36 e. The commission shall adopt rules pursuant to
37 chapter 17A to administer the program.
38 (1) The rules shall establish criteria for the
39 awarding of grants, including the maximum amount
40 available per grant. In determining the maximum
41 amount available per grant, the commission shall
42 consider the number of potential recipients statewide.
43 (2) The rules shall provide that eligible
44 modifications may include but are not limited to any

45 of the following:

- 46 (a) Bathroom modifications.
- 47 (b) Installation of grab bars and handrails.
- 48 (c) Kitchen modifications.
- 49 (d) Lifting devices.
- 50 (e) Main-level bathroom or bedroom additions.

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- 1 (f) Ramp additions or repair.
- 2 (g) Sidewalk additions or repair.
- 3 (h) The widening of doorways or hallways.
- 4 (3) The rules shall specify the types of eligible
- 5 residences, which shall include but are not limited to
- 6 single-family residences owned by the veteran.
- 7 (4) The rules shall provide for a waiting list
- 8 system to be instituted if the total amount of the
- 9 grants awarded in a fiscal year exceeds available
- 10 funding for that fiscal year."

Roll call was requested by Murphy of Dubuque and Cohoon of Des Moines.

On the question "Shall amendment H-8622 be adopted?" (H.F. 2578)

The ayes were, 48:

Arnold	Bell	Berry	Bukta
Cohoon	Connors	Dandekar	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jochum	Jacoby
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Quirk	Reasoner	Shomshor	Shoultz
Smith	Stevens	Swaim	Taylor, D.
Taylor, T.	Thomas	Van Engelenhoven	Wendt
Whitaker	Whitead	Winckler	Wise

The nays were, 50:

Alons	Boal	Boddicker	Bogges
Chambers	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer

Kurtenbach	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Roberts
Sands	Schickel	Struyk	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Carroll,		
	Presiding		

Absent or not voting, 2:

Baudler Wilderdyke

Amendment H-8622 lost.

T. Taylor of Linn offered the following amendment H-8615 filed by him from the floor and moved its adoption:

H-8615

- 1 Amend House File 2578 as follows:
- 2 1. Page 10, by inserting after line 8 the
- 3 following:
- 4 "Sec. 201. Notwithstanding section 11.5B, for the
- 5 fiscal year beginning July 1, 2003, and ending June
- 6 30, 2004, the auditor of state shall not be entitled
- 7 to reimbursement for performing any examination of the
- 8 department of administrative services or funds
- 9 received by the department of administrative services,
- 10 except for an examination of the information
- 11 technology enterprise within the department of
- 12 administrative services and funds received by the
- 13 information technology enterprise."
- 14 2. Page 10, line 9, by striking the word and
- 15 figure "and 10" and inserting the following: "10, and
- 16 201".
- 17 3. By renumbering as necessary.

Amendment H-8615 was adopted.

Huseman of Cherokee asked and received unanimous consent that amendment H-8601 be deferred.

Struyk of Pottawattamie offered amendment H-8588, previously deferred, filed by him, Rasmussen of Buchanan, Lukan of Dubuque, Huser of Polk and Bell of Jasper from the floor as follows:

H-8588

1 Amend House File 2578 as follows:

2 1. Page 5, by inserting after line 14 the
3 following:

4 "____. To the division of fire safety of the
5 department for allocation to the fire service training
6 bureau for the planning, design, and construction of
7 regional training facilities in the state:

8 FY 2004-2005 \$ 150,000

9 _____. To the division of fire safety of the
10 department for allocation to the fire service training
11 bureau to be used for the revolving loan program for
12 equipment purchases by local fire departments, not
13 withstanding section 8.57, subsection 5, paragraph
14 "c":

15 FY 2004-2005 \$ 500,000"

16 2. By renumbering, redesignating, and correcting
17 internal references as necessary.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-8616 to amendment H-8588 filed by him from the floor.

Thomas of Clayton offered the following amendment H-8618, to amendment H-8588, filed by him from the floor and moved its adoption:

H-8618

1 Amend the amendment, H-8588, to House File 2578 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "____. Page 4, line 24, by inserting before the
6 word "For" the following: "a."

7 _____. Page 4, by inserting after line 31 the
8 following:

9 "b. To the emergency medical services fund created
10 in section 135.25, notwithstanding section 8.57,
11 subsection 5, paragraph "c":

12 \$ 200,000"

13 2. By renumbering as necessary.

Roll call was requested by Thomas of Clayton and T. Taylor of Linn.

Rule 75 was invoked.

On the question “Shall amendment H–8618 to amendment H–8588 be adopted?” (H.F. 2578)

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Osterhaus	Quirk	Rayhons	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Upmeyer	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 51:

Alons	Arnold	Boal	Boddicker
Boggess	Chambers	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Carroll,	
		Presiding	

Absent or not voting, 3:

Baudler	Petersen	Wilderdyke
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Amendment H–8618 lost.

On motion by Struyk of Pottawattamie, amendment H–8588 was adopted.

Cohoon of Des Moines asked and received unanimous consent to withdraw amendment H–8590, previously deferred, filed by him and Whitaker of Van Buren from the floor, placing out of order amendment H–8598 to amendment H–8590 filed by Cohoon of Des Moines from the floor.

With the adoption of amendment H-8538, amendment H-8610 filed by Dix of Butler and Sands of Louisa from the floor, was placed out of order.

Lukan of Dubuque asked and received unanimous consent that amendment H-8546, previously deferred, be deferred.

Whitead of Woodbury offered the following amendment H-8623 filed by him, Wendt of Woodbury, Huseman of Cherokee and Hoffman of Crawford, from the floor and moved its adoption:

H-8623

- 1 Amend House File 2578 as follows:
- 2 1. Page 8, line 27, by inserting after the word
- 3 "c," the following: "Of the available moneys in the
- 4 pooled technology account, \$100,000 shall be
- 5 transferred to the department of economic development
- 6 for the fiscal year beginning July 1, 2004, to be used
- 7 for the Iowa Lewis and Clark bicentennial commission
- 8 established pursuant to section 15.221."

Amendment H-8623 was adopted.

Huseman of Cherokee offered amendment H-8601, previously deferred, filed by him from the floor as follows:

H-8601

- 1 Amend House File 2578 as follows:
- 2 1. Page 1, line 12, by striking the figure
- 3 "1,500,000" and inserting the following: "2,000,000".
- 4 2. Page 1, line 22, by striking the figure
- 5 "361,496" and inserting the following: "1,861,496".
- 6 3. Page 1, line 34, by striking the figure
- 7 "2,500,000" and inserting the following: "7,300,000".
- 8 4. Page 2, by inserting after line 16 the
- 9 following:
- 10 "____. For capitol interior restoration:
- 11 FY 2004-2005 \$ 1,770,000
- 12 _____. For costs associated with maintenance and
- 13 operation of the state laboratories facility located
- 14 in Ankeny, notwithstanding section 8.57, subsection 5,
- 15 paragraph "c":
- 16 FY 2004-2005 \$ 355,500"
- 17 5. Page 2, line 25, by inserting before the word
- 18 "For" the following: "a."
- 19 6. Page 2, by inserting after line 28 the

20 following:

21 "b. For construction of a community-based
22 correctional facility, including district offices, in
23 Davenport:
24 FY 2004-2005 \$ 3,000,000
25 FY 2005-2006 \$ 2,500,000"

26 7. Page 2, by inserting after line 28 the
27 following:

28 "____. DEPARTMENT OF CULTURAL AFFAIRS
29 a. For historical site preservation grants, to be
30 used for the restoration, preservation, and
31 development of historical sites:
32 FY 2004-2005 \$ 500,000

33 Historical site preservation grants shall only be
34 awarded for projects which meet the definition of
35 "vertical infrastructure" in section 8.57, subsection
36 5, paragraph "c".

37 In making grants pursuant to this lettered
38 paragraph, the department shall consider the existence
39 and amount of other funds available to an applicant
40 for the designated project. A grant awarded from
41 moneys appropriated in this lettered paragraph shall
42 not exceed \$100,000 per project. Not more than two
43 grants may be awarded in the same county.

44 b. For continuation of the project recommended by
45 the Iowa battle flag advisory committee to stabilize
46 the condition of the battle flag collection,
47 notwithstanding section 8.57, subsection 5, paragraph
48 "c":

49 FY 2004-2005 \$ 100,000"

50 8. Page 2, line 30, by inserting before the word

Page 2

1 "For" the following: "a."

2 9. Page 2, line 35, by striking the word
3 "subsection" and inserting the following:
4 "paragraph".

5 10. Page 3, by inserting after line 5 the
6 following:

7 "b. For costs associated with Iowa's hosting of
8 the national special Olympics, notwithstanding section
9 8.57, subsection 5, paragraph "c":

10 FY 2004-2005 \$ 500,000

11 c. To provide a grant for the planning, design,
12 and construction of a not-for-profit family
13 recreational facility that will also include a cardiac
14 rehabilitation center and a family indoor aquatic
15 center:

16 FY 2004-2005 \$ 200,000"

17 11. Page 3, by inserting after line 22 the
18 following:

19 "d. For allocation to the public broadcasting
 20 division for costs of installation of digital and
 21 analog television for Iowa public television
 22 facilities, notwithstanding section 8.57, subsection
 23 5, paragraph "c":
 24 FY 2004-2005 \$ 8,000,000
 25 FY 2005-2006 \$ 8,000,000
 26 FY 2006-2007 \$ 2,300,000"
 27 12. Page 4, by inserting after line 12 the
 28 following:
 29 "____. DEPARTMENT OF NATURAL RESOURCES
 30 For costs associated with the planning, design, and
 31 construction of a premier destination state park,
 32 notwithstanding section 8.57, subsection 5, paragraph
 33 "c":
 34 FY 2004-2005 \$ 500,000"
 35 13. Page 6, line 11, by inserting before the word
 36 "For" the following: "a."
 37 14. Page 6, by inserting after line 14, the
 38 following:
 39 "b. For deposit in the vision Iowa fund, to be
 40 used for the vision Iowa program, notwithstanding
 41 section 8.57, subsection 5, paragraph "c":
 42 FY 2004-2005 \$ 2,000,000
 43 c. For deposit in the community attraction and
 44 tourism fund, to be used for the community attraction
 45 and tourism program, notwithstanding section 8.57,
 46 subsection 5, paragraph "c":
 47 FY 2004-2005 \$ 2,000,000"
 48 15. Page 15, line 27, by striking the figure
 49 "3,000,000" and inserting the following: "3,500,000".
 50 16. Page 17, line 28, by striking the figure

Page 3

1 "966,960" and inserting the following: "10,966,960".
 2 17. Page 19, line 9, by striking the figure
 3 "440,369" and inserting the following: "465,491".
 4 18. Page 19, line 22, by striking the figure
 5 "71,969" and inserting the following: "76,059".
 6 19. Page 19, by inserting after line 28 the
 7 following:
 8 "Sec. _____. TRANSFER AND DEPOSIT OF SURPLUS MONEYS
 9 IN LOCAL HOUSING ASSISTANCE PROGRAM FUND. The sum of
 10 \$800,000 is transferred from moneys declared by the
 11 Iowa finance authority under section 16.10 to be
 12 surplus moneys to the department of economic
 13 development for deposit in the local housing
 14 assistance program fund created in section 15.354 for
 15 the fiscal year beginning July 1, 2004, and ending
 16 June 30, 2005."
 17 20. Title page, line 4, by inserting after the

18 words "tax fund," the following: "Iowa finance
19 authority surplus moneys,".
20 21. By renumbering, redesignating, and correcting
21 internal references as necessary.

Dix of Butler offered the following amendment H-8611, to amendment H-8601, filed by him from the floor and moved its adoption:

H-8611

1 Amend the amendment, H-8601, to House File 2578 as
2 follows:
3 1. Page 1, line 25, by striking the figure
4 "2,500,000" and inserting the following:
5 "3,750,000".
6 2. Page 1, by inserting after line 25 the
7 following:
8 "FY 2006-2007..... \$ 3,750,000
9 It is the intent of the general assembly that the
10 department of management allocate the entire
11 appropriation for the fiscal year beginning July 1,
12 2006, to the department of corrections by July 31,
13 2006.""

Amendment H-8611 was adopted.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-8619 to amendment H-8601 filed by him and Whitead of Woodbury from the floor.

Cohon of Des Moines asked and received unanimous consent to withdraw amendment H-8620 to amendment H-8601 filed by him from the floor.

Jacobs of Polk offered the following amendment H-8625, to amendment H-8601, filed by her from the floor and moved its adoption:

H-8625

1 Amend the amendment, H-8601, to House File 2578 as
2 follows:
3 1. Page 3, by striking lines 12 through 14 and
4 inserting the following: "surplus moneys to the
5 housing trust fund created in section 16.181 for".

Amendment H-8625 was adopted.

Cphoon of Des Moines asked and received unanimous consent to withdraw amendment H-8626 to amendment H-8601 filed by him from the floor.

On motion by Huseman of Cherokee amendment H-8601, as amended, was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 2578 be deferred and that the bill retain its place on the calendar.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

House File 2580, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2004.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of House File 2580.

Regular Calendar

House File 2580, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions, with

report of committee recommending passage, was taken up for consideration.

SENATE FILE 2308 SUBSTITUTED FOR HOUSE FILE 2580

Roberts of Carroll asked and received unanimous consent to substitute Senate File 2308 for House File 2580.

Senate File 2308, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2308)

The ayes were, 94:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Winckler
Wise	Carroll,		
	Presiding		

The nays were, 2:

Hutter

Maddox

Absent or not voting, 4:

Baudler

Connors

Granzow

Wilderdyke

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2302** and **Senate File 2308**.

The House resumed consideration of House File 2578.

Lukan of Dubuque offered amendment H-8546, previously deferred, filed by Hoffman of Crawford as follows:

H-8546

- 1 Amend House File 2578 as follows:
- 2 1. Page 36, by inserting after line 29, the
- 3 following:
- 4 "DIVISION
- 5 REGULATORY EFFICIENCY COMMISSION
- 6 Sec. ____ REGULATORY EFFICIENCY COMMISSION.
- 7 1. A regulatory efficiency commission is
- 8 established for purposes of identifying unneeded
- 9 regulations, fines, and fees that hinder business
- 10 development. The commission shall also identify
- 11 methods for streamlining access to regulatory
- 12 information.
- 13 2. The commission shall consist of seven voting
- 14 members appointed by the governor and four ex officio
- 15 members.
- 16 a. The seven voting members appointed by the
- 17 governor are subject to the requirements of sections
- 18 69.16, 69.16A, and 69.19. The seven members shall
- 19 consist of the following:
- 20 (1) Two members shall be economic development
- 21 representatives from two different chambers of
- 22 commerce. One shall be from a metropolitan area with
- 23 more than fifty thousand people and one shall be from
- 24 a metropolitan area with fifty thousand people or

25 less.

26 (2) Two members representing agricultural
27 interests.

28 (3) One member representing the Iowa association
29 of business and industry.

30 (4) Two members representing commercial-based and
31 manufacturing-based businesses.

32 b. The four ex officio members shall be members of
33 the general assembly. Two members shall be from the
34 senate and two members shall be from the house of
35 representatives, with not more than one member from
36 each chamber being from the same political party. The
37 two senators shall be designated by the president of
38 the senate after consultation with the majority and
39 minority leaders of the senate. The two
40 representatives shall be designated by the speaker of
41 the house of representatives after consultation with
42 the majority and minority leaders of the house of
43 representatives. Legislative members shall serve in
44 an ex officio, nonvoting capacity.

45 3. Meetings of the commission are subject to the
46 provisions of chapter 21.

47 4. By January 10, 2005, the commission shall
48 submit a written report to the governor and the
49 general assembly. The report shall include the
50 findings and legislative recommendations of the

Page 2

1 commission. The report shall be distributed by the
2 secretary of the senate and the chief clerk of the
3 house of representatives to the chairpersons and
4 members of the administrative rules review committee
5 and the economic growth committees in the senate and
6 the house of representatives."

7 2. By renumbering as necessary.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-8624 to amendment H-8546 filed by him from the floor.

Kuhn of Floyd offered the following amendment H-8627, to amendment H-8546, filed by him, Hogg of Linn and Whitaker of Van Buren, from the floor and moved its adoption:

H-8627

1 Amend the amendment, H-8546, to House File 2578 as
2 follows:

3 1. Page 1, line 13, by striking the word "seven"

4 and inserting the following: "eight".
 5 2. Page 1, line 16, by striking the word "seven"
 6 and inserting the following: "eight".
 7 3. Page 1, line 18, by striking the word "seven"
 8 and inserting the following: "eight".
 9 4. Page 1, by inserting after line 31 the
 10 following:
 11 "(5) One member representing the Iowa
 12 environmental council."

Amendment H-8627 was adopted.

On motion by Lukan of Dubuque, amendment H-8546, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 2578)

The ayes were, 93:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dennis	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Winckler	Wise
Carroll,			
Presiding			

The nays were, 3:

Dix

Fallon

Thomas

Absent or not voting, 4:

Baudler

Connors

Jones

Wilderdyke

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

HOUSE FILE 2580 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw House File 2580 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2578** be immediately messaged to the Senate.

SENATE FILE 2307 REREFERRED

The Speaker announced that Senate File 2307, previously referred to committee on **ways and means** was rereferred to committee on **education**.

MOTION TO RECONSIDER

(Senate File 2298)

I move to reconsider the vote by which amendment H-8500 to Senate File 2298 passed the House on April 12, 2004.

BOAL of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 14, 2004. Had I been present, I would have voted "nay" on Senate File 2295.

GREIMANN of Story

I was necessarily absent from the House chamber on Thursday, April 15, 2004. Had I been present, I would have voted "aye" on Senate File 2306.

BOAL of Polk

I was necessarily absent from the House chamber on Thursday, April 15, 2004. Had I been present, I would have voted "aye" on House File 2455.

FALLON of Polk

I was necessarily absent from the House chamber on Thursday, April 15, 2004. Had I been present, I would have voted "aye" on House File 2302.

SHOMSHOR of Pottawattamie

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of April, 2004: House File 2537.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty fifth grade students from Ar-We-Va Community School District, Westside, Iowa, accompanied by Carmen Thiedeman. By Roberts of Carroll.

A group of 9th grade students from Southeast Polk Community School District. By Huser of Polk.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Annual report, pursuant to 2C, Code of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2004\1477 Ron Steele, Waterloo – For being a broadcast journalist for 30 years in the Cedar Valley area and for receiving the key to the city.

AMENDMENTS FILED

H—8575	H.F.	2555	Thomas of Clayton
H—8583	S.F.	2305	Lukan of Dubuque
H—8585	H.F.	2555	Ford of Polk
H—8587	S.F.	2305	Lukan of Dubuque
H—8589	H.F.	2390	Smith of Marshall
H—8602	S.F.	2305	Boddicker of Cedar
H—8606	H.F.	2231	Senate Amendment
H—8608	H.F.	2577	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 12:00 a.m., until 9:00 a.m., Friday, April 16, 2004.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 16, 2004

The House met pursuant to adjournment at 9:10 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable John Whitaker, state representative from Van Buren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, April 15, 2004 was approved.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 12:33 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 16, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2571, a bill for an act relating to agriculture by providing for reporting requirements.

Also: That the Senate has on April 16, 2004, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2275, a bill for an act relating to criminal sentencing practice and procedure.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

ADOPTION OF HOUSE RESOLUTION 158

Mertz of Kossuth called up for consideration **House Resolution 158**, a resolution honoring the city of Algona on its sesquicentennial anniversary year, and moved its adoption.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

Senate Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

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

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

The Constitution of the State of Iowa is amended by adding the following new sections to new Article XIII:

ARTICLE XIII

PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES

PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES.

SECTION 1

If all tax and fee increases adopted in a fiscal year would produce new annual revenue exceeding one percent of total state general fund revenue received in the preceding fiscal year, excluding transfers from other state funds, the increases shall be submitted to the electors, starting with the largest increase and including increases in descending order, except the remaining increases that total one percent or less. All increases of any one tax or fee shall together be regarded as one increase. An adopted tax or fee increase required by this article to be submitted to the electors shall take effect only if submitted to the electors at the next state general election and approved by a majority of the electors voting thereon.

APPLICATION. SEC. 2. In this article:

1. "Local governments" includes all political subdivisions.
2. "Increase" includes, but is not limited to, imposing a new tax or fee; raising a rate or amount; repealing, reducing, or delaying an exemption, deduction, credit, exclusion, reduction, or indexing requirement; or broadening the base or scope of a tax or fee in any way.
3. "Increase" includes legislation that allows or requires one or more local governments, with or without approval by local electors, to impose or increase any tax on income, sales, or property, but excludes legislation in which the only subject matter is establishment of the state percentage of growth for school foundation aid.
4. "Increase" of property tax includes legislation that has the effect of reducing total state funds transferred to all local governments in a fiscal year in comparison with the preceding fiscal year, taking into account all legislation increasing or reducing such transfers.
5. "Increase" of property tax includes legislation that has the effect of requiring local governments to incur aggregate net cost increases in a fiscal year, after deducting increased transfers of state funds for the express purpose of offsetting those cost increases. Such increased transfers shall be deducted under this subsection and not under subsection 4.
6. "New annual revenue" means the estimated net increase over the fiscal year preceding adoption in total state general fund revenue produced by the total of all tax and fee increases adopted in a fiscal year, less estimated refunds payable as a result of the increases, all as estimated for the fiscal year in which all such increases are adopted, as if all such increases and refunds were fully effective and entirely implemented for that full fiscal year. Actual amounts, if known, shall be used instead of estimates.
7. "Adopted" or "adoption" means that after 2006, a bill has been passed and all requirements of article III have been met, so that the bill would become law except for the requirements of this article.
8. This article does not apply to taxes and fees subject to article VII, sections 5 and 8.

EMERGENCY. SEC. 3. A temporary exception to the preceding requirements of this article shall be allowed only to this extent and only if all these conditions are met: (1) the Governor requests the General Assembly to adopt an emergency tax increase for only one specified fiscal year; (2) the request specifically states the nature of the emergency, the expenditures needed to respond to the emergency,

and the proposed tax increase to pay for the emergency expenditures for that year; and (3) a law declaring an emergency and providing an emergency tax increase in accordance with the Governor's specific request is passed by a vote of two-thirds of all the members elected to each branch of the General Assembly and is approved by the Governor. Such law shall not be passed more than four months prior to the fiscal year to which it applies. Such law must be enacted prior to obligating any requested emergency expenditures.

ENFORCEMENT. SEC. 4. Any citizen or taxpayer may, within two years after a tax or fee increase is adopted, bring suit to enforce compliance with this article. If no such suit is filed within the two-year period, the elector approval requirement for that tax or fee increase is negated. The Supreme Court shall have original jurisdiction of any such suit. The Supreme Court shall invalidate any increase which should have been, but was not, submitted to the electors as required by this article and shall order that the revenue collected in violation of this article be refunded or applied to reduce future taxes. A citizen or taxpayer who brings suit and prevails shall receive from the state the costs of the suit, including reasonable attorney fees.

IMPLEMENTATION. SEC. 5. This article shall be interpreted and implemented to achieve its purpose to increase the electors' control of taxes and fees. The General Assembly shall enact laws to implement this article.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly, and the Secretary of State is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

EXPLANATION

This joint resolution proposes an amendment adding a new Article XIII to the Constitution of the State of Iowa, giving the people of Iowa the right to vote on certain adopted increases of taxes and fees, so that the increases will not take effect unless approved by majority vote at a state general election.

The amendment requires that a law or laws increasing any taxes or fees that would result in new annual revenue of more than 1 percent of total state general fund revenue received in the fiscal year preceding enactment of the law or laws must receive voter approval at a state general election. The amendment defines "new annual

revenue". The amendment also defines "increase". This definition includes legislation that allows or requires a local government to impose or increase any tax on income, sales, or property; legislation that has the effect of reducing total state funds transferred to all local governments; and legislation that requires local governments to incur aggregate net cost increases in a fiscal year.

The amendment allows the general assembly, at the governor's request and by two-thirds vote, to increase taxes in emergency situations.

The amendment allows any citizen or taxpayer to bring suit to enforce compliance with the voter approval requirement within two years of adoption of a tax or fee increase. The amendment also provides that the general assembly shall enact laws to implement the amendment.

The resolution, if adopted, will be referred to the next general assembly. If the next general assembly adopts the resolution, the amendment will be submitted to the voters for ratification, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 12:59 p.m., until the fall of the gavel.

The House resumed session at 2:06 p.m., Speaker Rants in the chair.

Fallon of Polk asked and received unanimous consent that amendment H-8633 be deferred.

Murphy of Dubuque offered the following amendment H-8634 filed by him, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Huser of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Miller of Webster, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott and Wise of Lee, from the floor and

moved its adoption:

H-8634

1 Amend Senate Joint Resolution 2010, as passed by
2 the Senate, as follows:
3 1. Page 1, by striking line 6, and inserting the
4 following:
5 "THE RIGHT TO NICKEL AND DIME THE PEOPLE TO DEATH".
6 2. Page 1, by striking line 7, and inserting the
7 following:
8 "THE RIGHT TO NICKEL AND DIME THE PEOPLE TO DEATH.
9 SECTION 1."
10 3. Page 3, by striking lines 22 and 23, and
11 inserting the following: "and implemented to achieve
12 its purpose to nickel and dime the people of Iowa to
13 death. The General Assembly".

Klemme of Plymouth in the chair at 2:20 p.m.

Amendment H-8634 lost.

Fallon of Polk offered the following amendment H-8633, previously deferred, filed by him from the floor and moved its adoption:

H-8633

1 Amend Senate Joint Resolution 2010, as passed by
2 the Senate, as follows:
3 1. Page 1, line 6, by inserting after the word
4 "INCREASES" the following: "OR REDUCTIONS".
5 2. Page 1, line 7, by inserting after the word
6 "INCREASES" the following: "OR REDUCTIONS".
7 3. Page 1, by inserting after line 20, the
8 following:
9 "If all tax and fee reductions adopted in a fiscal
10 year would reduce annual revenue exceeding one percent
11 of total state general fund revenue received in the
12 preceding fiscal year, excluding transfers from other
13 state funds, the reductions shall be submitted to the
14 electors, starting with the largest reduction and
15 including reductions in descending order, except the
16 remaining reductions that total one percent or less.
17 All reductions of any one tax or fee shall together be
18 regarded as one reduction. An adopted tax or fee
19 reduction required by this article to be submitted to
20 the electors shall take effect only if submitted to
21 the electors at the next state general election and

22 approved by a majority of the electors voting
23 thereon."

24 4. Page 2, by inserting after line 11, the
25 following:

26 "____. "Reduction" includes, but is not limited to,
27 reducing a rate or amount; adopting or increasing an
28 exemption, deduction, credit, exclusion, reduction, or
29 indexing requirement; or narrowing the base or scope
30 of a tax or fee in any way."

31 5. Page 2, by inserting after line 20, the
32 following:

33 "____. "Reduce annual revenue" means the estimated
34 net reduction over the fiscal year preceding adoption
35 in total state general fund revenue produced by the
36 total of all tax and fee reductions adopted in a
37 fiscal year, plus estimated refunds payable as a
38 result of the reductions, all as estimated for the
39 fiscal year in which all such reductions are adopted,
40 as if all such reductions and refunds were fully
41 effective and entirely implemented for that full
42 fiscal year. Actual amounts, if known, shall be used
43 instead of estimates."

44 6. Page 2, line 28, by inserting after the word
45 "article" the following: "relating to tax increases".

46 7. Page 3, line 9, by inserting after the word
47 "increase" the following: "or reduction".

48 8. Page 3, line 12, by inserting after the word
49 "increase" the following: "or reduction".

50 9. Page 3, line 14, by inserting after the word

Page 2

1 "increase" the following: "or reduction".

2 10. Page 3, by striking lines 16 through 18, and
3 inserting the following: "required by this article.
4 A citizen or taxpayer who brings suit".

5 11. Title page, line 3, by inserting after the
6 word "increases" the following: "or reductions".

7 12. By renumbering as necessary.

Speaker Rants in the chair at 3:47 p.m.

Boguess of Page in the chair at 4:07 p.m.

Speaker Rants in the chair at 4:20 p.m.

Amendment H-8633 lost.

Paulsen of Linn moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 2010)

The yeas were, 51:

Alons	Arnold	Boal	Boddicker
Carroll	Chambers	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Hoffman
Horbach	Huseman	Huser	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Mertz	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Sands
Schickel	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Mr. Speaker	
		Rants	

The nays were, 48:

Bell	Berry	Boggess	Bukta
Cohoon	Connors	Dandekar	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heaton	Heddens
Hogg	Hunter	Hutter	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Quirk	Reasoner	Roberts	Shomshor
Shoultz	Smith	Stevens	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 1:

Baudler

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Joint Resolution 2010** be immediately messaged to the Senate.

Gipp of Winneshiek asked and received unanimous consent that the Friday, April 16, 2004, blue daily debate calendar be the same calendar for Monday, April 19, 2004.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 2004, he approved and transmitted to the Secretary of State the following bill:

House File 2553, an Act relating to technical and substantive changes regarding the Iowa Educational Savings Plan Trust and the establishment of an additional optional program by a specified date, and providing an effective date.

RESOLUTION FILED

HR 169, by Freeman and Shoultz, a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—8628	H.F.	2577	Heaton of Henry Smith of Marshall
H—8632	S.F.	2305	Jochum of Dubuque Winckler of Scott

On motion by Gipp of Winneshiek the House adjourned at 4:50 p.m., until 10:00 a.m., Monday, April 19, 2004.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 19, 2004

The House met pursuant to adjournment at 10:04 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Robert Osterhaus, state representative from Jackson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, April 16, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Klemme of Plymouth, on request of Gipp of Winneshiek; Smith of Marshall, until his arrival, on request of Murphy of Dubuque.

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

The House resumed session at 11:28 a.m., Paulsen of Linn in the chair.

Heaton of Henry asked and received unanimous consent that House File 2390 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration **House File 2555**, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation with report of committee recommending passage, previously deferred and found on pages 1412-

1418 of the House Journal, was taken up for consideration. (Senate amendment H-8561 pending)

Thomas of Clayton offered the following amendment H-8575, to the Senate amendment H-8561, filed by him and moved its adoption:

H-8575

1 Amend the Senate amendment, H-8561, to House File
2 2555, as amended, passed, and reprinted by the House,
3 as follows:
4 1. By inserting after line 4 the following:
5 "____. Page 4, by inserting after line 2 the
6 following:
7 "Sec.____. NEW SECTION. 139A.13A ISOLATION OR
8 QUARANTINE – EMPLOYMENT PROTECTION.
9 1. An employer shall not discharge an employee, or
10 take action to reduce an employee's wages or benefits
11 for actual time worked, due to the compliance of an
12 employee with a quarantine or isolation order issued
13 by the department or a local board.
14 2. An employer who violates this section commits a
15 simple misdemeanor.
16 3. An employee whose employer violates this
17 section shall also be entitled to recover damages from
18 the employer including, but not limited to, actual
19 damages, court costs, and reasonable attorney fees.
20 The employee may also petition the court for
21 imposition of a cease and desist order against the
22 person's employer and for reinstatement to the
23 person's previous position of employment."

Amendment H-8575 lost.

Ford of Polk offered the following amendment H-8585, to the Senate amendment H-8561, filed by him and moved its adoption:

H-8585

1 Amend the Senate amendment, H-8561, to House File
2 2555, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, line 4, by inserting after the figure
5 "2" the following: ", and inserting the following:
6 "Sec.____. NEW SECTION. 135.105D VOLUNTARY LEAD
7 HAZARD REMEDIATION – CENTRAL REGISTRY.
8 1. The department shall adopt rules, pursuant to
9 chapter 17A, to develop and administer a central
10 registry of target housing or child-occupied

11 facilities constructed prior to 1978 that meet lead
 12 hazard remediation standards. The department shall
 13 establish by rule fees in amounts sufficient to defray
 14 the costs of administering the central registry. Fees
 15 received shall be considered repayment receipts as
 16 defined in section 8.2. The department shall consider
 17 providing internet access to the registry.
 18 2. For purposes of this section, "child-occupied
 19 facility" and "target housing" shall mean the same as
 20 defined in departmental rules."

Roll call was requested by Ford of Polk and Mascher of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-8585 be adopted?" (H.F. 2555)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Greiner	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shomshor
Shoultz	Stevens	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 50:

Alons	Arnold	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Hahn	Hanson	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Kramer
Kurtenbach	Lalk	Lukan	Manternach
Olson, S.	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Paulsen,		
	Presiding		

Absent or not voting, 3:

Baudler Klemme Smith

Amendment H-8585 lost.

On motion by Upmeyer of Hancock the House concurred in the Senate amendment H-8561.

Upmeyer of Hancock moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2555)

The ayes were, 92:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Stevens	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Paulsen, Presiding

The nays were, 5:

Fallon	Ford	Hunter	Jacoby
Taylor, T.			

Absent or not voting, 3:

Baudler

Klemme

Smith

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2555** be immediately messaged to the Senate.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2303, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2303)

The ayes were, 77:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Gaskill	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lukan	Maddox
Manternach	Mertz	Murphy	Olson, D.
Olson, S.	Osterhaus	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Swaim
Thomas	Tjepkes	Tymeson	Upmeyer

Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Paulsen,			
Presiding			

The nays were, 21:

Cohoon	Connors	Fallon	Ford
Frevert	Greimann	Heddens	Hunter
Jacoby	Lensing	Lykam	Mascher
McCarthy	Miller	Oldson	Petersen
Shoultz	Taylor, D.	Taylor, T.	Winckler
Wise			

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2303** be immediately messaged to the Senate.

Speaker Rants in the chair at 12:51 p.m.

Gipp of Winneshiek called up for consideration the motion to reconsider Senate File 2298, filed on April 12, 2004, and moved to reconsider the vote by which **Senate File 2298**, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions, passed the House and was placed on its last reading on April 12, 2004.

A non-record roll call was requested.

The ayes were 72, nays none.

The motion prevailed and the House reconsidered Senate File 2298.

The House stood at ease at 12:57 p.m., until the fall of the gavel.

The House resumed session at 1:36 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

Boal of Polk asked and received unanimous consent to reconsider the vote by which amendment H-8500, (found on pages 1286-1292 of the House Journal) was adopted by the House on April 15, 2004.

Boal of Polk offered the following amendment H-8637, to amendment H-8500, filed by her, Mascher of Johnson, Roberts of Carroll and Winckler of Scott, from the floor and moved its adoption:

H-8637

1 Amend the amendment, H-8500, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. By striking page 1, line 5, through page 6,
5 line 39, and inserting the following:
6 "Sec.____. NEW SECTION. 280A.1 IOWA LEARNING
7 TECHNOLOGY INITIATIVE.
8 1. INITIATIVE. The Iowa learning technology
9 initiative is created to provide training and learning
10 opportunities to public and accredited nonpublic
11 school students in grade seven and their
12 administrators and teachers.
13 2. PILOT PROGRAM. The Iowa learning technology
14 commission created in section 280A.2 shall develop and
15 administer the Iowa learning technology initiative,
16 which shall include a pilot program. Upon the receipt
17 or pledge of sufficient moneys, as determined by the
18 commission, for deposit in the Iowa learning
19 technology fund created in section 280A.4, the pilot
20 program shall be implemented. A school district or
21 accredited nonpublic school may submit an application
22 to participate in the pilot program to the commission
23 no later than sixty days following receipt or pledge
24 of moneys into the Iowa learning technology fund. The
25 application shall include a written statement that
26 indicates a dedicated willingness to participate.
27 School districts or accredited nonpublic schools
28 chosen to participate in the pilot program shall have
29 demonstrated to the commission administrative

30 leadership, teacher willingness to participate, and
31 community support, and shall represent geographically
32 distinct rural, urban, and suburban areas of the
33 state. The commission shall notify applicants of
34 approval or disapproval of applications no later than
35 seventy-five days after the application deadline.

36 3. PUBLIC-PRIVATE PARTNERSHIP.

37 a. The Iowa learning technology commission shall,
38 in consultation with the department of education and
39 the department of administrative services, develop and
40 issue no later than forty-five days after the receipt
41 or pledge of moneys into the Iowa learning technology
42 fund, a request for proposals for one or more private
43 providers who shall partner with the state to
44 implement the pilot program phase of the initiative.
45 No later than forty-five days after the issuance of
46 the request for proposals, the commission shall select
47 finalists from among the proposals submitted. No
48 later than forty-five days after the selection of
49 finalists, the commission shall select one or more
50 private providers.

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1 b. One or more private providers shall be selected
2 by the commission through a request for proposals
3 process for a total solutions learning technology
4 package that includes, but is not limited to,
5 hardware, software, professional development, and
6 service and support, which shall be managed by a
7 single point of contact responsible for the overall
8 implementation. The proposal selected by the
9 commission shall achieve significant efficiencies and
10 economies of scale, be interoperable with existing
11 technologies, and be consistent with the state's
12 economic development and education policies. In
13 selecting a private provider, the commission shall
14 consider all of the following with respect to the
15 private provider:

16 (1) Experience in the development and successful
17 implementation of large-scale, school-based wireless
18 and other learning technology projects, and the
19 technical ability to deliver a total solutions package
20 of learning technology for elementary and secondary
21 students and teachers.

22 (2) Demonstrated financial capability and long-
23 term stability to partner with the state over the term
24 of the private provider contract.

25 (3) Expertise, experience, and capabilities in
26 education practice and evaluation methods.

27 c. The commission shall conduct, in cooperation
28 with the attorney general, contract negotiations to

29 establish a public-private partnership on behalf of
30 the commission and enter into a contract negotiated
31 with one or more private providers to establish a
32 four-year learning technology pilot program to provide
33 a wireless laptop computer to each student, teacher,
34 and relevant administrator in a participating school
35 and implement the use of software, on-line courses,
36 and other appropriate learning technologies that have
37 been shown to improve academic achievement and
38 specified progress measures. The term of the contract
39 shall include the deployment of computers to students
40 and teachers in participating school districts and
41 accredited nonpublic schools in accordance with
42 subsection 2.

43 4. EVALUATION. To measure the effectiveness of
44 the pilot program established pursuant to subsection
45 2, the Iowa learning technology commission shall, at a
46 minimum, establish standards and methods of measuring
47 progress in the areas of increased student engagement,
48 decreased disciplinary problems, increased use of
49 computers for writing, analysis, and research,
50 movement toward student-centered classrooms, increased

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1 parental involvement, and increases in standardized
2 test scores. The commission shall work cooperatively
3 with the department of education and the state board
4 of regents in establishing an evaluation process
5 pursuant to this subsection.

6 Sec.____. NEW SECTION. 280A.2 COMMISSION –
7 MEMBERS.

8 1. COMMISSION CREATED. An Iowa learning
9 technology commission is created to establish the
10 policies and determine the necessary budget for
11 implementation of the Iowa learning technology
12 initiative.

13 2. MEMBERS. The commission shall initially be
14 appointed no later than July 1, 2004, and shall
15 consist of eighteen members appointed as follows:

16 a. Nine voting members who shall be members of the
17 general public and shall be appointed as follows:

18 (1) Two members shall be appointed by the
19 governor.

20 (2) Two members shall be appointed by the
21 president of the senate.

22 (3) One member shall be appointed by the minority
23 leader of the senate.

24 (4) Two members shall be appointed by the speaker
25 of the house of representatives.

26 (5) One member shall be appointed by the minority
27 leader of the house of representatives.

28 (6) One member who is a member of the state board
29 of education shall be appointed by the chairperson of
30 the state board.

31 b. Nine ex officio, nonvoting members who shall be
32 appointed as follows:

33 (1) One member representing public postsecondary
34 education institutions who is employed by a public
35 postsecondary education institution shall be appointed
36 by the governor.

37 (2) Three members representing three different
38 school districts shall be appointed by the governor as
39 follows:

40 (a) One member shall be a teacher employed by a
41 school district or area education agency who is
42 appointed from a list of three names submitted by a
43 certified employee organization representing teachers
44 licensed under chapter 272.

45 (b) One member shall be an administrator employed
46 by a school district who is appointed from a list of
47 three names submitted by a statewide organization
48 representing administrators licensed under chapter
49 272.

50 (c) One member shall be a member of a board of

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1 directors of a school district who is appointed by a
2 statewide organization representing school boards.

3 (3) One member representing area education
4 agencies shall be appointed by the governor from a
5 list of three names submitted by area education agency
6 administrators.

7 (4) One member who is a member of the senate shall
8 be appointed by the president of the senate.

9 (5) One member who is a member of the senate shall
10 be appointed by the minority leader of the senate.

11 (6) One member who is a member of the house of
12 representatives shall be appointed by the speaker of
13 the house of representatives.

14 (7) One member who is a member of the house of
15 representatives shall be appointed by the minority
16 leader of the house.

17 3. EXPERIENCE AND SPECIAL KNOWLEDGE. In
18 appointing members to the commission, proper
19 consideration shall be given to persons with
20 experience or special knowledge in one or more of the
21 following areas: education, business, economic
22 development, technology, and finance.

23 4. BALANCE. Commission members shall be appointed
24 in compliance with sections 69.16 and 69.16A.
25 Appointments of public members shall be made to
26 provide broad representation of the various

27 geographical areas of the state insofar as possible.
28 5. CHAIRPERSONS. The commission shall elect a
29 chairperson and a vice chairperson annually from among
30 the voting members of the commission. A member shall
31 not serve as a chairperson or vice chairperson for
32 more than three consecutive years.
33 6. MEETINGS. The commission shall meet at least
34 three times each year.
35 7. QUORUM. A majority of the voting members
36 constitutes a quorum for the transaction of any
37 official business.
38 8. TERMS OF MEMBERS. The members shall be
39 appointed to three-year staggered terms and the terms
40 shall commence and end as provided by section 69.19.
41 If a vacancy occurs, a successor shall be appointed to
42 serve the unexpired term. A successor shall be
43 appointed in the same manner and subject to the same
44 qualifications as the original appointment to serve
45 the unexpired term.
46 9. EXPENSES. Members of the commission are
47 entitled to receive reimbursement for actual expenses
48 incurred while engaged in the performance of official
49 duties from the Iowa learning technology fund created
50 in section 280A.4, except that legislators' expenses

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1 shall be paid from funds appropriated by section 2.12.
2 Sec.____. NEW SECTION. 280A.3 COMMISSION PLAN –
3 GUIDING PRINCIPLES.
4 1. The Iowa learning technology commission created
5 in section 280A.2 shall develop a learning technology
6 plan to achieve the goal of preparing students for an
7 economy that is increasingly dependent on technology
8 and innovation. The commission shall examine the use
9 of technology in Iowa's and the nation's elementary
10 and secondary classrooms.
11 2. The plan developed by the commission shall
12 include, but not be limited to, the following:
13 a. The costs and benefits of each component of the
14 plan.
15 b. The professional development needed to
16 integrate learning technology into classroom
17 technology.
18 c. Strategies for implementation of the plan,
19 including, at a minimum, phasing in the plan over a
20 term of years.
21 d. Strategies that coordinate the learning
22 technology in kindergarten through grade twelve with
23 the initiatives and resources of the department of
24 education, Iowa communications network, area education
25 agencies, higher education institutions providing

26 approved practitioner preparation programs, and other
27 accredited postsecondary institutions in the state.

28 e. Procedures for data tracking and assessment of
29 the progress in implementing the goals of the
30 initiative and the plan.

31 f. Strategies to establish a public-private
32 partnership between state government and a private
33 sector business having relevant knowledge and
34 experience.

35 3. The plan shall be consistent with the following
36 guiding principles:

37 a. The plan shall promote equal opportunity for
38 and provide meaningful access to wireless and other
39 learning technology resources for all Iowa students
40 regardless of geographic location or economic means.

41 b. The plan shall support student achievement
42 through the integration of learning technologies that
43 are content-focused and that add value to existing
44 instructional methods.

45 c. The plan shall provide for the future
46 sustainability of learning technology resources by
47 adapting to future educational needs and technological
48 changes.

49 d. The plan shall provide professional development
50 and training programs for administrators, teachers and

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1 other educators in the use and integration of learning
2 technology tools in curriculum development,
3 instructional methods, and student assessment systems.

4 e. The plan shall foster economic development
5 across all regions of the state and the preparation of
6 students for an economy that embraces technology and
7 innovation.

8 4. The plan shall be submitted to the general
9 assembly on or before December 15, 2004.

10 Sec. ____ NEW SECTION. 280A.4 FUND.

11 1. An Iowa learning technology fund is created in
12 the state treasury. The fund shall consist of moneys
13 including, but not limited to, moneys in the form of a
14 devise, gift, bequest, donation, federal or other
15 grant, reimbursement, repayment, judgment, transfer,
16 payment, or appropriation from any source intended to
17 be used for the purposes of the fund.

18 2. Moneys in the fund are appropriated to the Iowa
19 learning technology commission created in section
20 280A.2 for purposes of an Iowa learning technology
21 initiative created pursuant to section 280A.1. Moneys
22 in the fund shall not be subject to appropriation for
23 any other purpose by the general assembly. However,
24 moneys in the fund may be used for necessary audit

25 services, legal expenses, investment management fees
26 and services, and general administrative expenses
27 related to the management and administration of the
28 Iowa learning technology initiative.

29 3. Moneys in the fund are not subject to section
30 8.33. Notwithstanding section 12C.7, subsection 2,
31 interest or earnings on moneys deposited in the fund
32 shall be credited to the fund.

33 4. The fund shall be administered by the
34 commission, which shall make expenditures from the
35 fund consistent with the purposes of the initiative
36 without further appropriation. The fund shall be
37 administered in a manner that provides for the
38 financially sustainable support, use, and integration
39 of learning technology in Iowa schools through a
40 public-private partnership. Expenditures from the
41 fund shall be made consistent with the purposes of the
42 Iowa learning technology initiative to ensure one-to-
43 one access to and ubiquitous use of fully configured
44 laptop computers in grade seven in public and
45 accredited nonpublic school classrooms located
46 initially in a number of school districts and
47 accredited nonpublic schools in Iowa as determined by
48 the Iowa learning technology commission.

49 Sec.____. NEW SECTION. 280A.5 REPEAL.

50 This chapter is repealed effective July 1, 2009.""

Amendment H-8637 was adopted.

On motion by Boal of Polk amendment H-8500, as amended, was adopted.

Heaton of Henry offered the following amendment H-8640 filed by him from the floor and moved its adoption:

H-8640

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 12, line 13, by striking the figure
4 "1,752,780" and inserting the following: "1,952,780".

5 2. Page 19, by inserting after line 22 the
6 following:

7 "Sec.____. Section 10A.104, subsection 2, Code
8 Supplement 2003, is amended to read as follows:

9 2. Appoint the administrators of the divisions
10 within the department and all other personnel deemed
11 necessary for the administration of this chapter,
12 except the state public defender, assistant state
13 public defenders, administrator of the racing and

14 gaming commission, and members of the employment
 15 appeal board, ~~and administrator of the child advocacy~~
 16 ~~board created in section 237.16.~~ All persons
 17 appointed and employed in the department are covered
 18 by the provisions of chapter 8A, subchapter IV, but
 19 persons not appointed by the director are exempt from
 20 the merit system provisions of chapter 8A, subchapter
 21 IV.
 22 Sec. _____. Section 237.18, subsection 5, Code
 23 Supplement 2003, is amended to read as follows:
 24 5. Employ appropriate staff, except for the state
 25 board administrator, in accordance with available
 26 funding. The board shall coordinate with the
 27 department of inspections and appeals regarding
 28 administrative functions of the board."
 29 3. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and T. Taylor of Linn.

On the question "Shall amendment H-8640 be adopted?" (S.F. 2298)

The ayes were, 97:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.

Van Fossen, J.R.
Whitehead
Mr. Speaker
Rants

Watts
Wilderdyke

Wendt
Winckler

Whitaker
Wise

The nays were, 1:

Eichhorn

Absent or not voting, 2:

Baudler

Klemme

Amendment H-8640 was adopted.

Dix of Butler offered the following amendment H-8639 filed by him from the floor and moved its adoption:

H-8639

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 18, by inserting after line 6 the
4 following:
5 "____. PROPERTY TAX IMPLEMENTATION COMMITTEE
6 To administer the property tax implementation
7 committee and to purchase data deemed necessary by the
8 committee:
9 \$ 50,000"

Amendment H-8639 was adopted.

Dolecheck of Ringgold offered the following amendment H-8638 filed by him from the floor and moved its adoption:

H-8638

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 48, by striking line 32 and inserting the
4 following:
5 "..... \$ 45,283,894"
6 2. Page 48, by inserting after line 32 the
7 following:
8 "_. JOBS FOR AMERICA'S GRADUATES
9 For school districts to provide direct services to
10 the most at-risk senior high school students enrolled
11 in school districts through direct intervention by a
12 jobs for America's graduates specialist:

13 \$ 400,000"

14 3. Page 48, by inserting before line 33 the

15 following:

16 "____. CLOSING THE ACHIEVEMENT GAP GRANTS

17 For competitive grants to be awarded in no more

18 than four school districts:

19 \$ 500,000

20 a. The department shall establish a competitive

21 grant program that supports school district efforts to

22 address the achievement gap. Priority shall be given

23 to school districts using research-based strategies

24 that have the highest probability of improving student

25 achievement. A grant in the amount of \$125,000 shall

26 be awarded no later than October 1, 2004, to a school

27 district in each of the following size school

28 districts:

29 (1) A school district with an enrollment of 1199

30 or less.

31 (2) A school district with an enrollment of more

32 than 1199, but not more than 4749.

33 (3) A school district with an enrollment of more

34 than 4749.

35 (4) A school district with any enrollment.

36 b. Grant moneys may be used by recipient school

37 districts for purposes including, but not limited to,

38 assigning highly skilled teachers to high-need

39 students and highly skilled administrators to high-

40 need buildings, maintaining a commitment to cultural

41 competency training, sustaining high expectations for

42 all children, and creating partnerships between

43 schools, communities, and businesses."

44 4. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-8638 be adopted?" (S.F. 2298)

The ayes were, 98:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman

Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Baudler Klemme

Amendment H-8638 was adopted.

Tymeson of Madison offered amendment H-8636 filed by her, Dolecheck of Ringgold, Chambers of O'Brien, Dix of Butler, Alons of Sioux, Boal of Polk, Boddicker of Cedar, Boggess of Page, Carroll of Poweshiek, Dennis of Black Hawk, Drake of Pottawattamie, Elgin of Linn, Freeman of Buena Vista, Granzow of Hardin, Greiner of Washington, Hahn of Muscatine, Heaton of Henry, Hoffman of Crawford, Horbach of Tama, Huseman of Cherokee, Hutter of Scott, Jacobs of Polk, Jenkins of Black Hawk, Jones of Mills, Kramer of Polk, Lukan of Dubuque, Maddox of Polk, Manternach of Jones, S. Olson of Clinton, Raecker of Polk, Roberts of Carroll, Schickel of Cerro Gordo, Struyk of Pottawattamie, Tjepkes of Webster, Upmeyer of Hancock, J.R. Van Fossen of Scott and Wilderdyke of Harrison from the floor as follows:

H-8636

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 179, by inserting after line 19 the
- 4 following:
- 5 "Sec. ____ Section 8.22A, subsection 3, Code
- 6 Supplement 2003, is amended to read as follows:
- 7 3. By December 15 of each fiscal year the
- 8 conference shall agree to a revenue estimate for the

9 fiscal year beginning the following July 1. That
10 estimate shall be used by the governor in the
11 preparation of the budget message under section 8.22
12 and by the general assembly in the budget process. If
13 the conference agrees to a different estimate at a
14 later meeting which projects a greater amount of
15 revenue than the initial estimate amount agreed to by
16 December 15, the governor and the general assembly
17 shall continue to use the initial estimate amount in
18 the budget process for that fiscal year. However, if
19 the conference agrees to a different estimate at a
20 later meeting which projects a lesser amount of
21 revenue than the initial estimate amount, the governor
22 and the general assembly shall use the lesser amount
23 in the budget process for that fiscal year. As used
24 in this subsection, "later meeting" means only those
25 later meetings which are held prior to the conclusion
26 of the regular session of the general assembly and, if
27 the general assembly holds an extraordinary session
28 prior to the commencement of the fiscal year to which
29 the estimate applies, those later meetings which are
30 held before or during the extraordinary session.

31 Sec. _____. Section 8.54, subsection 2, Code 2003,
32 is amended to read as follows:

33 2. There is created a state general fund
34 expenditure limitation for each fiscal year ~~beginning~~
35 ~~on or after July 1, 1993,~~ calculated as provided in
36 this section. An expenditure limitation shall be used
37 for the portion of the budget process commencing on
38 the date the revenue estimating conference agrees to a
39 revenue estimate for the following fiscal year in
40 accordance with section 8.22A, subsection 3, and
41 ending with the governor's final approval or
42 disapproval of the appropriations bills applicable to
43 that fiscal year that were passed prior to July 1 of
44 that fiscal year in a regular or extraordinary
45 legislative session."

46 2. By striking page 183, line 32 through page
47 184, line 9, and inserting the following:

48 "Sec. _____. Section 257.8, subsection 1, Code

49 Supplement 2003, is amended to read as follows:

50 1. STATE PERCENT OF GROWTH. ~~The state percent of~~

Page 2

1 ~~growth for the budget year beginning July 1, 2003, is~~
2 ~~two percent.~~ The state percent of growth for the
3 budget year beginning July 1, 2004, is two percent.
4 The state percent of growth for the budget year
5 beginning July 1, 2005, is four percent. The state
6 percent of growth for each subsequent budget year
7 shall be established by statute which shall be enacted

8 within thirty days of the submission in ~~the year~~
9 ~~preceding~~ the base year of the governor's budget under
10 section 8.21. The establishment of the state percent
11 of growth for a budget year shall be the only subject
12 matter of the bill which enacts the state percent of
13 growth for a budget year."
14 3. Page 204, by inserting after line 34 the
15 following:
16 "6. The sections of this division of this Act
17 amending sections 822A and 8.54, being deemed of
18 immediate importance, take effect upon enactment."

Wendt of Woodbury offered the following amendment H-8641, to amendment H-8636, filed by him from the floor and moved its adoption:

H-8641

1 Amend the amendment, H-8636, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 "____. Page 49, by inserting after line 18 the
7 following:
8 "Sec. ____, STUDENT ACHIEVEMENT AND TEACHER QUALITY
9 PROGRAM. It is the intent of the general assembly
10 that the appropriation for the student achievement and
11 teacher quality program established in section 284.1
12 for the fiscal year beginning July 1, 2005, shall be
13 increased by at least \$44 million over the amount
14 appropriated for the program for the fiscal year
15 beginning July 1, 2004.""
16 2. Page 2, lines 8 and 9, by striking the words
17 "~~the year preceding~~" and inserting the following:
18 "the year preceding".
19 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-8641 be adopted?" (S.F. 2298)

The ayes were, 46:

Bell	Berry	Bukta	Cohon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill

Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

The nays were, 49:

Alons	Arnold	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kramer	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rasmussen	Roberts	Sands	Schickel
Struyk	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Mr. Speaker			
Rants			

Absent or not voting, 5:

Baudler	Klemme	Kurtenbach	Rayhons
Tjepkes			

Amendment H-8641 lost.

Tymeson of Madison moved the adoption of amendment H-8636.

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-8636 be adopted?" (S.F. 2298)

The ayes were, 96:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cphoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin

Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, 4:

Baudler	Eichhorn	Klemme	Rayhons
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Amendment H-8636 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2298)

The ayes were, 58:

Alons	Arnold	Berry	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
McCarthy	Mertz	Miller	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.K. Wilderdyke	Van Fossen, J.R. Mr. Speaker Rants	Watts	Wendt
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The nays were, 40:

Bell	Bukta	Cphoon	Connors
Dandekar	Davitt	Fallon	Foege
Frevert	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	Murphy	Oldson	Olson, D.
Osterhaus	Petersen	Quirk	Reasoner
Shomshor	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Whitaker	Whitead	Winckler	Wise

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2298** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 2390**, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability, amended by the Senate amendment H-8554 as follows:

H-8554

1 Amend House File 2390, 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 225C.42, subsection 1, Code
 6 Supplement 2003, is amended to read as follows:
 7 1. The department shall conduct ~~an annual a~~
 8 periodic evaluation of the family support subsidy
 9 program and shall submit the evaluation report with
 10 recommendations to the governor and general assembly

11 ~~by September 30 following the end of the fiscal year.~~

12 Sec.____. Section 225C.42, subsection 2, paragraph
13 a, Code Supplement 2003, is amended to read as
14 follows:

15 a. A statement of the number of children and
16 families served by the program during the ~~fiscal year~~
17 ~~period~~ and the number remaining on the waiting list at
18 the end of the ~~fiscal year period~~.

19 Sec.____. Section 232.2, subsection 13, Code
20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human
22 services and includes the local, county, and ~~regional~~
23 service area officers of the department.

24 Sec.____. Section 232.52, subsection 2A, Code
25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall
27 not order group foster care placement of the child
28 which is a charge upon the state if that placement is
29 not in accordance with the ~~regional~~ service area plan
30 for group foster care established pursuant to section
31 232.143 for the departmental ~~region~~ service area in
32 which the court is located.

33 Sec.____. Section 232.52, subsection 7, Code
34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody
36 of the child to the department of human services or to
37 another agency for placement in group foster care, the
38 department or agency shall make every reasonable
39 effort to place the child ~~within the state~~, in the
40 least restrictive, most family-like, and most
41 appropriate setting available and in close proximity
42 to the parents' home, consistent with the child's best
43 interests and special needs, and shall consider the
44 placement's proximity to the school in which the child
45 is enrolled at the time of placement.

46 Sec.____. Section 232.68, subsection 4, Code
47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of
49 human services and includes the local, county, and
50 ~~regional~~ service area offices of the department.

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1 Sec.____. Section 232.72, subsection 1, Code
2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms
4 "department of human services", "department", or
5 "county attorney" ordinarily refer to the ~~regional~~
6 service area or local office of the department of
7 human services or of the county attorney's office
8 serving the county in which the child's home is
9 located.

10 Sec. _____. Section 232.102, subsection 1A, Code
11 Supplement 2003, is amended to read as follows:

12 1A. The court shall not order group foster care
13 placement of the child which is a charge upon the
14 state if that placement is not in accordance with the
15 regional service area plan for group foster care
16 established pursuant to section 232.143 for the
17 departmental region service area in which the court is
18 located.

19 Sec. _____. Section 232.102, subsection 7, Code
20 Supplement 2003, is amended to read as follows:

21 7. In any order transferring custody to the
22 department or an agency, or in orders pursuant to a
23 custody order, the court shall specify the nature and
24 category of disposition which will serve the best
25 interests of the child, and shall prescribe the means
26 by which the placement shall be monitored by the
27 court. If the court orders the transfer of the
28 custody of the child to the department of human
29 services or other agency for placement, the department
30 or agency shall submit a case permanency plan to the
31 court and shall make every reasonable effort to return
32 the child to the child's home as quickly as possible
33 consistent with the best interests of the child. When
34 the child is not returned to the child's home and if
35 the child has been previously placed in a licensed
36 foster care facility, the department or agency shall
37 consider placing the child in the same licensed foster
38 care facility. If the court orders the transfer of
39 custody to a parent who does not have physical care of
40 the child, other relative, or other suitable person,
41 the court may direct the department or other agency to
42 provide services to the child's parent, guardian, or
43 custodian in order to enable them to resume custody of
44 the child. If the court orders the transfer of
45 custody to the department of human services or to
46 another agency for placement in group foster care, the
47 department or agency shall make every reasonable
48 effort to place the child within Iowa, in the least
49 restrictive, most family-like, and most appropriate
50 setting available, and in close proximity to the

Page 3

1 parents' home, consistent with the child's best
2 interests and special needs, and shall consider the
3 placement's proximity to the school in which the child
4 is enrolled at the time of placement.

5 Sec. _____. Section 232.102, Code Supplement 2003,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 13. Unless prohibited by the
8 court order transferring custody of the child for

9 placement or other court order or the department or
10 agency that received the custody transfer finds that
11 allowing the visitation would not be in the child's
12 best interest, the department or agency may authorize
13 reasonable visitation with the child by the child's
14 grandparent, great-grandparent, or other adult
15 relative who has established a substantial
16 relationship with the child.

17 Sec. ____ Section 232.117, subsection 4, Code
18 Supplement 2003, is amended to read as follows:

19 4. The court shall not order group foster care
20 placement of the child which is a charge upon the
21 state if that placement is not in accordance with the
22 regional service area plan for group foster care
23 established pursuant to section 232.143 for the
24 departmental ~~region~~ service area in which the court is
25 located.

26 Sec. ____ Section 232.127, subsection 8, Code
27 Supplement 2003, is amended to read as follows:

28 8. The court shall not order group foster care
29 placement of the child which is a charge upon the
30 state if that placement is not in accordance with the
31 regional service area plan for group foster care
32 established pursuant to section 232.143 for the
33 departmental ~~region~~ service area in which the court is
34 located.

35 Sec. ____ Section 232.143, Code Supplement 2003,
36 is amended to read as follows:

37 232.143 REGIONAL SERVICE AREA GROUP FOSTER CARE
38 BUDGET TARGETS.

39 1. A statewide expenditure target for children in
40 group foster care placements in a fiscal year, which
41 placements are a charge upon or are paid for by the
42 state, shall be established annually in an
43 appropriation bill by the general assembly. ~~The~~
44 Representatives of the department and ~~the judicial~~
45 ~~branch juvenile court services~~ shall jointly develop a
46 formula for allocating a portion of the statewide
47 expenditure target established by the general assembly
48 to each of the department's ~~regions~~ service areas.
49 The formula shall be based upon the ~~region's~~ service
50 area's proportion of the state population of children

Page 4

1 and of the statewide usage of group foster care in the
2 previous five completed fiscal years and upon other
3 indicators of need. The expenditure amount determined
4 in accordance with the formula shall be the group
5 foster care budget target for that ~~region~~ service
6 area. A ~~region~~ service area may exceed ~~its~~ the
7 service area's budget target for group foster care by

8 not more than five percent in a fiscal year, provided
9 the overall funding allocated by the department for
10 all child welfare services in the region service area
11 is not exceeded.

12 2. For each of the department's regions service
13 areas, representatives appointed by the department and
14 ~~the~~ juvenile court services shall establish a plan for
15 containing the expenditures for children placed in
16 group foster care ordered by the court within the
17 budget target allocated to that region service area
18 pursuant to subsection 1. The plan shall be
19 established in a manner so as to ensure the budget
20 target amount will last the entire fiscal year. The
21 plan shall include monthly targets and strategies for
22 developing alternatives to group foster care
23 placements in order to contain expenditures for child
24 welfare services within the amount appropriated by the
25 general assembly for that purpose. Funds for a child
26 placed in group foster care shall be considered
27 encumbered for the duration of the child's projected
28 or actual length of stay, whichever is applicable.
29 Each ~~regional~~ service area plan shall be established
30 within sixty days of the date by which the group
31 foster care budget target for the region service area
32 is determined. To the extent possible, the department
33 and ~~the~~ juvenile court services shall coordinate the
34 planning required under this subsection with planning
35 for services paid under section 232.141, subsection 4.
36 The department's ~~regional administrator~~ service area
37 manager shall communicate regularly, as specified in
38 the regional service area plan, with the chief
39 juvenile ~~courts~~ court officers within that ~~region~~
40 service area concerning the current status of the
41 ~~regional~~ service area plan's implementation.

42 3. State payment for group foster care placements
43 shall be limited to those placements which are in
44 accordance with the regional service area plans
45 developed pursuant to subsection 2.

46 Sec. ____ Section 232.188, subsection 4, Code
47 Supplement 2003, is amended to read as follows:

48 4. In a decategorization agreement, the department
49 and the county's or group of counties'
50 decategorization governance board shall agree on all

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1 of the following items: the governance relationship
2 between the department and the decategorization
3 governance board; the respective areas of autonomy of
4 the department and the board; the budgeting structure
5 for the decategorization; and a method for resolving
6 disputes between the department and the board. The

7 decategorization agreement shall require the
8 department and the decategorization governance board
9 to agree upon a budget within sixty days of the date
10 by which the ~~regional~~ group foster care budget targets
11 are determined for departmental service areas under
12 section 232.143 for the fiscal year to which the
13 budget applies. The budget may later be modified to
14 reflect new or changed circumstances.

15 Sec. ____ Section 234.35, subsection 1, paragraph
16 e, Code Supplement 2003, is amended to read as
17 follows:

18 e. When a court has entered an order transferring
19 the legal custody of the child to a foster care
20 placement pursuant to section 232.52, subsection 2,
21 paragraph "d", or section 232.102, subsection 1.
22 However, payment for a group foster care placement
23 shall be limited to those placements which conform to
24 a regional service area group foster care plan
25 established pursuant to section 232.143.

26 Sec. ____ Section 235B.1, subsection 4, paragraph
27 a, subparagraph (1), Code 2003, is amended to read as
28 follows:

29 (1) Advise the director of human services ~~and the~~
30 ~~administrator of the division of child and family~~
31 ~~services of the department of human services, the~~
32 director of elder affairs, the director of inspections
33 and appeals, the director of public health, the
34 director of the department of corrections, and the
35 director of human rights regarding dependent adult
36 abuse."

37 2. By striking page 1, line 3, through page 2,
38 line 2, and inserting the following:

39 ~~"2. All of the following persons shall report~~
40 ~~suspected dependent adult abuse to the department:~~

41 ~~a. A social worker.~~

42 ~~b. A certified psychologist.~~

43 ~~c. 2.~~ A person who, in the course of employment,
44 examines, attends, counsels, or treats a dependent
45 adult and reasonably believes the dependent adult has
46 suffered abuse, shall report the suspected dependent
47 adult abuse to the department including all of the
48 following:

49 ~~(4)~~ a. A member of the staff of a community
50 mental health center, a member of the staff of a

1 hospital, a member of the staff or employee of a
2 public or private health care facility as defined in
3 section 135C.1, a member of the staff or employee of
4 an elder group home as defined in section 231B.1, a
5 member of the staff or employee of an assisted living

6 program certified under section 231C.3, and a member
7 of the staff or employee of an adult day services
8 program as defined in section 231D.1.

9 ~~(2)~~ b. A peace officer.

10 ~~(3)~~ c. An in-home homemaker-home health aide.

11 ~~(4)~~ d. An individual employed as an outreach
12 person.

13 ~~(5)~~ e. A health practitioner, as defined in
14 section 232.68.

15 ~~(6)~~ f. A member of the staff or an employee of a
16 supported community living service, sheltered
17 workshop, or work activity center.

18 g. A social worker.

19 h. A certified psychologist.

20 ~~d. A person who performs inspections of elder~~
21 ~~group homes for the department of inspections and~~
22 ~~appeals and a resident advocate committee member~~
23 ~~assigned to an elder group home pursuant to chapter~~
24 ~~231B.~~

25 3. a. If a staff member or employee is required
26 to report pursuant to this section, the person shall
27 immediately notify the department and shall also
28 immediately notify the person in charge or the
29 person's designated agent, ~~and the person in charge or~~
30 ~~the designated agent shall make the report by the end~~
31 ~~of the next business day.~~

32 b. The employer or supervisor of a person who is
33 required to or may make a report pursuant to this
34 section shall not apply a policy, work rule, or other
35 requirement that interferes with the person making a
36 report of dependent adult abuse or that results in the
37 failure of another person to make the report."

38 3. Page 2, by inserting before line 3, the
39 following:

40 "Sec. _____. Section 235B.3, Code Supplement 2003,
41 is amended by adding the following new subsection:
42 NEW SUBSECTION. 3A. An employee of a financial
43 institution may report suspected financial
44 exploitation of a dependent adult to the department."

45 4. Page 2, by inserting before line 3 the
46 following:

47 "Sec. _____. Section 237.5A, Code 2003, is amended
48 by adding the following new unnumbered paragraph:
49 NEW UNNUMBERED PARAGRAPH. A licensee who is unable
50 to complete six hours of foster parent training prior

Page 7

1 to annual licensure renewal because the licensee is
2 engaged in active duty in the military service shall
3 be considered to be in compliance with the training
4 requirement for annual licensure renewal."

5 5. By striking page 3, line 27, through page 4,
6 line 22, and inserting the following:
7 "Sec. ____ Section 235A.15, subsection 10, if
8 enacted by 2004 Iowa Acts, House File 2328, section 7,
9 is amended to read as follows:

10 10. The information released by the director of
11 human services or the director's designee pursuant to
12 a request made under subsection 9 relating to a case
13 of founded child abuse involving a fatality or near
14 fatality to a child shall ~~be a summary of~~ include all
15 of the following, unless such information is excepted
16 from disclosure under subsection 9:

17 a. Any relevant child abuse ~~report data~~
18 information concerning the child or the child's family
19 and the department's response and findings ~~concerning~~
20 ~~the report data, including but not limited to~~
21 ~~assessment and disposition data.~~

22 b. ~~Information~~ A summary of information, that
23 would otherwise be confidential under section 217.30,
24 as to whether or not the child or a member of the
25 child's family was utilizing social services provided
26 by the department at the time of the child fatality or
27 near fatality or within the five-year period preceding
28 the fatality or near fatality.

29 c. Any recommendations made by the department to
30 the county attorney or the juvenile court.

31 d. If applicable, a summary of an evaluation of
32 the department's responses in the case.

33 Sec. ____ CHILD DEVELOPMENT HOMES – PROVIDER
34 QUALIFICATIONS. The department of human services
35 shall revise the department's standards for child
36 development home provider qualifications under
37 category "C" which are applicable at times when more
38 than one qualified provider must be present. The
39 revised standards shall provide that one of the
40 providers required to be present must meet the
41 provider qualifications for category "C" and allow any
42 other providers required to be present to meet the
43 provider qualifications for either category "B" or
44 "C". Until the revised standards are adopted, a
45 provider to which the revised standards would be
46 applicable may request approval from the department
47 for an exception to policy for the provider to operate
48 under the revised standards as described in this
49 section prior to adoption of the revised standards."

50 6. Title page, by striking lines 2 and 3 and

Page 8

1 inserting the following: "the department of human
2 services."

3 7. By renumbering as necessary.

Smith of Marshall offered the following amendment H-8589, to the Senate amendment H-8554, filed by him and moved its adoption:

H-8589

- 1 Amend the Senate amendment, H-8554, to House File
- 2 2390, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 7, by striking lines 33 through 49.
- 5 2. By renumbering as necessary.

Amendment H-8589 lost.

On motion by Heaton of Henry, the House concurred in the Senate amendment H-8554.

Heaton of Henry moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2390)

The ayes were, 98:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Whitaker
Wise

Whitead
Mr. Speaker
Rants

Wilderdyke

Winckler

The nays were, none.

Absent or not voting, 2:

Baudler

Klemme

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2390** be immediately messaged to the Senate.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2004, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

Ways and Means Calendar

Senate File 2305, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque offered amendment H-8570 filed by the committee on ways and means as follows:

H-8570

1 Amend Senate File 2305, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 23, the
4 following:

5 "Sec. ____ NEW SECTION. 135.26 FREE HEALTH
6 CLINIC FUND.

7 1. A free health clinic fund is created as a
8 separate and distinct fund in the state treasury under
9 the control of the department. The fund is composed
10 of moneys appropriated or available to and obtained or
11 accepted by the treasurer of state for deposit in the
12 fund. The fund shall include moneys credited to the
13 fund as provided in section 422.12F, and moneys in the
14 form of a devise, gift, bequest, donation, or federal
15 or other grant intended to be used for the purposes of
16 the fund.

17 2. Section 8.33 does not apply to moneys in the
18 fund. Notwithstanding section 12C.7, subsection 2,
19 interest or earnings on moneys in the fund shall be
20 credited to the fund.

21 3. Moneys in the fund are appropriated to the
22 department of public health for the purposes of
23 providing financial assistance to public and private
24 organizations for constructing, equipping, or
25 operating free health clinics in this state.

26 4. The department may make awards of financial
27 assistance upon approval of an application from a
28 private or public organization. An applicant shall
29 submit a plan for use of the funds along with its
30 application. The department, in conjunction with the
31 health facilities council, shall establish standards
32 relating to the application and award process."

33 2. By striking page 3, line 31, through page 4,
34 line 26, and inserting the following:

35 "Sec. 101. NEW SECTION. 422.12F INCOME TAX
36 CHECKOFF FOR VOLUNTEER PREPAREDNESS.

37 1. A person who files an individual or a joint
38 income tax return with the department of revenue under
39 section 422.13 may designate one dollar or more to
40 support volunteer fire fighter preparedness and free
41 health clinics. If the refund due on the return or
42 the payment remitted with the return is insufficient
43 to pay the additional amount designated by the
44 taxpayer to such purposes, the amount designated shall
45 be reduced to the remaining amount of refund or the
46 remaining amount remitted with the return. The

47 designation of a contribution support volunteer fire
48 fighter preparedness and free health clinics under
49 this section is irrevocable.
50 2. The director of revenue shall draft the income

Page 2

1 tax form to allow the designation of contributions to
2 support volunteer fire fighter preparedness and free
3 health clinics on the tax return. The department of
4 revenue, on or before January 31, shall certify the
5 total amount designated on the tax return forms due in
6 the preceding calendar year and shall report the
7 amount to the treasurer of state. The treasurer of
8 state shall credit one-half of the amount to the
9 volunteer fire fighter preparedness fund created in
10 section 100B.13 and one-half of the amount to the free
11 health clinic fund created in section 135.26.
12 However, before a checkoff pursuant to this section
13 shall be permitted, all liabilities on the books of
14 the department of revenue and accounts identified as
15 owing under section 421.17 and the political
16 contribution allowed under section 68A.601 shall be
17 satisfied.
18 3. The department of revenue shall adopt rules to
19 administer this section.
20 4. This section is subject to repeal under section
21 422.12E."
22 3. Title page, line 2, by striking the word "for"
23 and inserting the following: "to support".
24 4. Title page, line 3, by inserting after the
25 word "preparedness" the following: "and free health
26 clinics".

Lensing of Johnson offered the following amendment H-8635, to the committee amendment H-8570, filed by her from the floor and moved its adoption:

H-8635

1 Amend the amendment, H-8570, to Senate File 2305,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking line 3, and inserting the
4 following:
5 "____. By striking page 1, line 24, through page
6 3, line 30, and inserting the".
7 2. Page 2, by inserting after line 21, the
8 following:
9 "____. Page 4, by striking lines 27 through 31,
10 and inserting the following:
11 "Sec.____. The section of this Act enacting

12 section 422.12F applies retroactively to".
13 3. Page 2, by striking lines 24 through 26, and
14 inserting the following:
15 "____. Title page, by striking lines 3 through 6,
16 and inserting the following: "preparedness and free
17 health clinics, and including a retroactive
18 applicability date provision.""

Speaker pro tempore Carroll in the chair at 3:08 p.m.

A non-record roll call was requested.

The ayes were 36, nays 49.

Amendment H-8635 lost.

Lukan of Dubuque offered the following amendment H-8587, to the committee amendment H-8570, filed by him and moved its adoption:

H-8587

1 Amend the amendment, H-8570, to Senate File 2305,
2 as passed by the Senate, as follows:
3 1. Page 1, by striking lines 30 and 31, and
4 inserting the following: "application. The
5 department shall establish standards".

Amendment H-8587 was adopted.

Lukan of Dubuque offered the following amendment H-8583, to the committee amendment H-8570, filed by him and moved its adoption:

H-8583

1 Amend the amendment, H-8570, to Senate File 2305,
2 as passed by the Senate, as follows:
3 1. Page 1, line 44, by striking the word "to" and
4 inserting the following: "for".
5 2. Page 1, line 47, by inserting after the word
6 "contribution" the following: "to".

Amendment H-8583 was adopted.

Jochum of Dubuque asked and received unanimous consent that amendment H-8632 to the committee amendment H-8570 be withdrawn.

On motion by Lukan of Dubuque, the committee amendment H-8570, as amended, was adopted.

Boddicker of Cedar offered the following amendment H-8602 filed by him and moved its adoption:

H-8602

1 Amend Senate File 2305, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting before line 27, the
4 following:

5 "Sec. ___. **NEW SECTION.** 422.21A INDIVIDUAL
6 INCOME TAX RETURN FORM – CONTRIBUTION OF MONEY FOR
7 EDUCATION.

8 The department shall provide on income tax return
9 forms for individual and joint filers, in a manner
10 that will be noticeable to the taxpayers, a statement
11 that the taxpayer may designate a contribution to
12 education by increasing the amount of tax owed or
13 reducing the amount of refund due with the amount of
14 the increase or reduction, as the case may be, to be
15 paid to the school district indicated on the tax
16 return form. The return form shall provide space for
17 the taxpayer to indicate the amount of the
18 contribution. If the refund due on the return or the
19 payment remitted with the return is insufficient to
20 pay the additional amount designated by the taxpayer
21 to the school district, the amount designated shall be
22 reduced to the remaining amount of refund or the
23 remaining amount remitted with the return. An
24 increase in the amount of tax owed or a reduction in
25 the amount of refund due which is made by a taxpayer
26 pursuant to this section shall not be considered a
27 tax, for state and federal tax purposes, but shall
28 only be considered a contribution. The designation of
29 a contribution under this section is irrevocable. The
30 director of revenue shall deposit all moneys received
31 under this section to the credit of the school
32 district indicated on the tax return form of the
33 contributing taxpayer."

34 2. Page 4, line 31, by striking the words
35 "section 422.12F" and inserting the following:
36 "sections 422.12F and 422.21A".

37 3. Title page, line 1, by striking the word

38 "checkoffs," and inserting the following: "checkoffs
 39 and contributions,".
 40 4. Title page, line 5, by inserting after the
 41 word "checkoffs," the following: "providing for a
 42 contribution for education,".
 43 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 57, nays 33.

Amendment H-8602 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2305)

The ayes were, 98:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sand	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Baudler

Klemme

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

Senate File 2291, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 2291)

The ayes were, 97:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Luken
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Shoultz	Smith	Stevens	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Baudler

Klemme

Tjepkes

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

SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration **House File 2577**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, amended by the Senate amendment H-8608 as follows:

H-8608

1 Amend House File 2577 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, by inserting after line 32, the
4 following:
5 "Sec.____. Section 234.39, subsection 6, if
6 enacted by 2004 Iowa Acts, Senate File 2298, is
7 amended by striking the subsection.
8 Sec.____. Section 272C.3, subsection 1, paragraph
9 k, Code Supplement 2003, is amended to read as
10 follows:
11 k. Establish a licensee review committee for the
12 purpose of evaluating and monitoring licensees who are
13 impaired as a result of alcohol or drug abuse,
14 dependency, or addiction, or by any mental or physical
15 disorder or disability, and who self-report the
16 impairment to the committee, or who are referred by
17 the board to the committee. Members of the committee
18 shall receive actual expenses for the performance of
19 their duties and shall be eligible to receive per diem
20 compensation pursuant to section 7E.6. The board
21 shall adopt rules for the establishment and
22 administration of the committee, including but not
23 limited to establishment of the criteria for
24 eligibility for referral to the committee and the
25 grounds for disciplinary action for noncompliance with
26 committee decisions. Information in the possession of
27 the board or the licensee review committee, under this
28 paragraph, shall be subject to the confidentiality
29 requirements of section 272C.6. Referral of a
30 licensee by the board to a licensee review committee

31 shall not relieve the board of any duties of the board
32 and shall not divest the board of any authority or
33 jurisdiction otherwise provided. A licensee who
34 violates section 272C.10 or the rules of the board
35 while under review by the licensee review committee
36 shall be referred to the board for appropriate
37 action."

38 2. Page 9, by inserting after line 18, the
39 following:

40 "(1A) The Iowa department of public health shall
41 negotiate a sole source contract with a nonprofit
42 corporation that mentors through live music and
43 receives funds through private partnership to
44 implement this paragraph "b"."

45 3. Page 9, by inserting after line 26, the
46 following:

47 "Sec.____. TOBACCO USE PREVENTION AND CONTROL –
48 BUREAU CHIEF. Notwithstanding any provision directing
49 the director of public health to employ a division
50 administrator for the division of tobacco use

Page 2

1 prevention and control, if enacted by 2004 Iowa Acts,
2 Senate File 2298, the director of public health shall
3 employ a bureau chief for the division of tobacco use
4 prevention and control in a full-time-equivalent
5 position with a salary commensurate with the full-
6 time-equivalent position."

7 4. By renumbering, relettering, or redesignating
8 and correcting internal references as necessary.

Heaton of Henry asked and received unanimous consent to withdraw amendment H–8628 filed by him and Smith of Marshall on April 16, 2004.

Heaton of Henry offered the following amendment H–8642, to the Senate amendment H–8608, filed by him and Smith of Marshall from the floor and moved its adoption:

H–8642

1 Amend the Senate amendment, H–8608, to House File
2 2577, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 1, by inserting after line 2, the
5 following:

6 "____. Page 8, by inserting after line 9, the
7 following:

8 "Sec.____. Section 142A.3, subsection 2, Code

9 2003, is amended to read as follows:

10 2. A commission on tobacco use prevention and
11 control is established to develop policy, provide
12 direction for the initiative, and perform all other
13 duties related to the initiative and other tobacco use
14 prevention and control activities as directed by this
15 chapter or referred to the commission by the director
16 of public health.

17 Sec. _____. Section 142A.4, Code 2003, is amended by
18 adding the following new subsection:

19 NEW SUBSECTION. 12A. Represented by the
20 chairperson of the commission, annually appear before
21 the joint appropriations subcommittee that makes
22 recommendations concerning the commission's budget to
23 report on budget expenditures and division operations
24 relative to the prior fiscal year and the current
25 fiscal year.

26 Sec. _____. Section 142A.5, subsection 1, paragraph
27 b, Code Supplement 2003, is amended to read as
28 follows:

29 b. Employ a separate division administrator ~~who~~
30 in accordance with the requirements of section 142A.4,
31 subsection 14, in a full-time equivalent position
32 whose sole responsibility and duty shall be
33 ~~responsible for~~ the administration and oversight of
34 the division. The division administrator shall report
35 to and shall serve at the pleasure of the director.
36 The administrator shall be exempt from the merit
37 system provisions of chapter 8A, subchapter IV.

38 Sec. _____. Section 142A.5, subsection 2, Code
39 Supplement 2003, is amended by adding the following
40 new paragraph:

41 NEW PARAGRAPH. g. Provide necessary information
42 to the commission to assist the commission in making
43 its annual report to the joint appropriations
44 subcommittee pursuant to section 142A.4, subsection
45 12A, and in fulfilling other commission duties
46 pursuant to section 142A.4.""

47 2. By striking page 1, line 45, through page 2,
48 line 6.

49 3. By renumbering as necessary.

Amendment H-8642 was adopted.

On motion by Heaton of Henry the House concurred in the Senate amendment H-8608, as amended.

Heaton of Henry moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2577)

The ayes were, 99:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Baudler

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House File 2577** and **Senate File 2291** be immediately messaged to the Senate.

MOTION TO RECONSIDER
(Senate File 2305)

I move to reconsider the vote by which Senate File 2305 and amendment H-8602 passed the House on April 19, 2004.

GIPP of Winneshiek

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 19th day of April, 2004: House Files 2401, 2475 and 2541.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2134, an Act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

House File 2208, an Act relating to nonsubstantive code corrections and including effective and retroactive applicability date provisions

House File 2399, an Act allowing a modified criminal penalty for certain thefts from different locations within a thirty-day period.

House File 2419, an Act relating to the number of signatures required on nomination petitions for school board elections.

House File 2476, an Act regulating transmissible viruses afflicting poultry, making an appropriation, and providing penalties.

Senate File 2119, an Act relating to obligations secured by collateral required to be pledged by banks to the Treasurer of State in order to secure the deposit of public moneys, and providing an effective date.

Senate File 2173, an Act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

Senate File 2208, an Act relating to the powers and duties of the Department of Agriculture and Land Stewardship, and making penalties applicable.

Senate File 2269, an Act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to voting machines, making changes related to absentee voting, providing penalties, and providing effective and applicability dates.

Senate File 2272, an Act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

Also: the Governor announced that on April 19, 2004, he approved and transmitted to the Secretary of State the following bill:

House File 2537, an Act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

April 16, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit Senate File 2279, an Act relating to petition and operating hour requirements for a satellite absentee voting station.

I am unable to approve Senate File 2279. When we live in a state and country where less than 50 percent of eligible voters are registered to vote and less than 50 percent of those registered actually make an effort to vote, I believe we should be examining ways to make it easier for our citizens to participate in the election process. As President John F. Kennedy said, "The right to vote in a free American election is the most powerful and precious right in the world."

We should be looking for opportunities to increase participation in the electoral process. Therefore, our legislative efforts should not create additional hurdles to participation in the electoral process. Satellite voting provides Iowans with another important opportunity to exercise their right to vote. We should not be making that

opportunity more difficult. Senate File 2279 is a partisan bill that makes it harder, not easier, to vote by creating petition requirements that are far more difficult to obtain.

Further, this bill sets a different standard for urban legislative districts than for rural legislative districts in the number of signatures required to set up a satellite voting station. Each legislative district has the same number of constituents. However, if candidates' districts have different sized cities, the petition requirements for a satellite voting station will be different. The system established by this bill is inequitable and discourages voter participation.

For the above reasons, I hereby respectfully disapprove Senate File 2279.

Sincerely,
Thomas J. Vilsack
Governor

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

Iowa Communications Network utilization report, pursuant to Chapter 8D.10, Code of Iowa.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2004\1478 | Alma Christensen Dudley, Iowa City – For celebrating her 100 th birthday. |
| 2004\1479 | Betty Hansen Rude, Sioux City – For celebrating her 80 th birthday. |
| 2004\1480 | Hulda Kroeger, Sioux City – For celebrating her 102 nd birthday. |
| 2004\1481 | Earl Ashcraft, Sioux City – For celebrating his 104 th birthday. |
| 2004\1482 | Norma Merriau, Cedar Falls – For celebrating her 85 th birthday. |
| 2004\1483 | Richard F. and Catherine I. Bushby, Cedar Falls – For celebrating their 50 th wedding anniversary. |

- 2004\1484 John and Doris Nero, Cedar Falls – For celebrating their 50th wedding anniversary.
- 2004\1485 Clark and Carol Renner, Cedar Falls – For celebrating their 60th wedding anniversary.
- 2004\1486 Andrew Hostelka, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1487 Esther Vogel, Independence – For celebrating her 103rd birthday.
- 2004\1488 Dale Bowden, Independence – For celebrating his 88th birthday.
- 2004\1489 Glenn and Kathleen Sanders, Independence – For celebrating their 60th wedding anniversary.
- 2004\1490 Max and Charlotte Grover, Rowley – For celebrating their 50th wedding anniversary.
- 2004\1491 Marion Landau, Waterloo – For celebrating her 95th birthday.
- 2004\1492 Donald Brown, Waterloo – For celebrating his 80th birthday.
- 2004\1493 Jenetta Powers, Waterloo – For celebrating her 84th birthday.
- 2004\1494 Juanita Ferger, Waterloo – For celebrating her 85th birthday.
- 2004\1495 Donald J. and Bertha L. Gibbons, Waterloo – For celebrating their 65th wedding anniversary.
- 2004\1496 Lennis and LoRetha Willhite, Waterloo – For celebrating their 50th wedding anniversary.
- 2004\1497 Mary Lou Farrell, Waterloo – For celebrating her 80th birthday.
- 2004\1498 Ben Ottesen, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1499 Barbara Askelson, Ames – For celebrating her 80th birthday.
- 2004\1500 George Brown, Ames – For celebrating his 80th birthday.
- 2004\1501 Augustus Lartius, Boone – For celebrating his 80th birthday.
- 2004\1502 Elinor Fujinaka, Ames – For celebrating her 80th birthday.
- 2004\1503 Patricia Mathison, Ames — For celebrating her 80th birthday.
- 2004\1504 Thomas Thompson, Ames – For celebrating his 80th birthday.
- 2004\1505 Anita Germann, Ames – For celebrating her 80th birthday.
- 2004\1506 June Perrier, Madrid – For celebrating her 80th birthday.

- 2004\1507 Alyce Harlan, Ames – For celebrating her 80th birthday.
- 2004\1508 Vera Larson, Ames – For celebrating her 80th birthday.
- 2004\1509 Sylvia Jones, Ames – For celebrating her 90th birthday.
- 2004\1510 Amy Johnson, Pocahontas – For being named to the University of Iowa College of Law 2004 Baskerville Moot Court Team.
- 2004\1511 LaVerne and Joan Lingren, Ogden – For celebrating their 50th wedding anniversary.
- 2004\1512 “Cap” and Imogene Estrem, Waterloo – For celebrating their 60th wedding anniversary.
- 2004\1513 Clara McCord, Colo – For celebrating her 90th birthday.
- 2004\1514 Cora Kimberley, Colo – For celebrating her 90th birthday.
- 2004\1515 Esther Kingsbury, Ames – For celebrating her 95th birthday.
- 2004\1516 Avis Finnie, Zearing – For celebrating her 100th birthday.

On motion by Gipp of Winneshiek the House adjourned at 4:44 p.m., until 9:30 a.m., Tuesday, April 20, 2004.

JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 20, 2004

The House met pursuant to adjournment at 9:47 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Ron Stein, pastor of the First Baptist Church, Mason City. He was the guest of Representative Bill Schickel from Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 19, 2004 was approved.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Rants invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eightieth General Assembly were presented to the following Pages by Speaker Christopher Rants, Majority Leader Chuck Gipp and Minority Leader Pat Murphy:

Kirk Bates
Johanna Bergan
Valerie Biddick
Chris Bowman
Katie Bunkofske
Stephanie Dillon
D. J. Halferty
Jason Heki
Kimberly Hope
Brandon Johnsen
Jared Meitzner

Megan Miller
Laurianne Miller
Jim Morrison
Robert Paulsen
Jim Sullivan
Jennifer Townsend
Katie Van Zee
Spencer Willems
Kevin Wilmarth
Curtis Wright

PRESENTATION TO RETIRING MEMBERS AND LEADERS

Speaker Rants and Majority Leader Gipp invited to the well of the House, for special recognition, members of the House who will be retiring or are a candidate for the Iowa Senate. Plaques were presented to the following:

Daniel J. Boddicker, District 79	1993 – 2004
Effie Lee Boggess, District 97	1995 – 2004
John H. Connors, District 68	1973 – 2004
Jane Greimann, District 45	1999 – 2004
James F. Hahn, District 80	1991 – 2004
Ralph F. Klemme, District 3	1993 – 2004
Robert J. Osterhaus, District 25	1997 – 2004

The House rose and expressed its appreciation.

House Speaker Christopher C. Rants, Majority Leader Chuck Gipp and Minority Leader Patrick Murphy were invited to the Speaker's station for a special presentation.

Speaker pro tempore Carroll and Jacobs of Polk, on behalf of the House, presented plaques to each leader in appreciation of his service and dedication to the Iowa House of Representatives during the Eightieth General Assembly.

The House rose and expressed its appreciation.

The House stood at ease at 10:54 a.m., until the fall of the gavel.

The House resumed session at 1:06 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2455, a bill for an act establishing marriage and domestic relations requirements and providing an effective date.

Also: That the Senate has on April 20, 2004, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 2577, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

Also: That the Senate has on April 20, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

Also: That the Senate has on April 20, 2004, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 2310, a bill for an act providing for the transfer and apportionment of district associate judges and to the qualifications of magistrates, providing for a study, and providing for a future repeal.

Also That the Senate has on April 20, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 118, a senate concurrent resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 1:29 p.m., until the fall of the gavel.

The House resumed session at 2:58 p.m., Speaker Rants in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

RULES SUSPENDED

Jacobs of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 2215.

CONSIDERATION OF BILLS

Ways and Means Calendar

Senate File 2215, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2215)

The ayes were, 99:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevort	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Osterhaus	Paulsen	Petersen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Baudler

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

SENATE AMENDMENT CONSIDERED

Dix of Butler called up for consideration **Senate File 2298**, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-8643 to the House amendment as follows:

H-8643

1 Amend the House amendment, S-5383, to Senate File
2 2298, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 "____. Page 2, by striking lines 9 through 20."
7 2. Page 1, by striking lines 5 through 26 and
8 inserting the following:
9 "____. Page 2, line 30, by striking the figure
10 "1,950,000" and inserting the following: "1,889,610".
11 _____. Page 2, line 33, by striking the figure
12 "1,950,000" and inserting the following:
13 "1,889,610"."
14 3. Page 2, line 17, by striking the word
15 "PROPERTY" and inserting the following: "STATE".
16 4. Page 2, line 18, by striking the word
17 "property" and inserting the following: "state".
18 5. Page 2, by striking lines 22 through 45.
19 6. Page 3, by striking lines 8 through 10.
20 7. By striking page 3, line 25, through page 9,
21 line 3.
22 8. Page 12, by striking lines 22 through 25 and
23 inserting the following: "issued pursuant to this
24 section.""
25 9. Page 13, by striking lines 38 through 40 and
26 inserting the following: "education agencies.""
27 10. Page 28, by striking lines 8 through 24 and
28 inserting the following:
29 "2. ~~Six~~ Eight commissioners shall be honorably
30 discharged members of the armed forces of the United
31 States. The American legion of Iowa, disabled
32 American veterans department of Iowa, veterans of
33 foreign wars department of Iowa, American veterans of
34 World War II, Korea, and Vietnam, the Vietnam veterans

35 of America, and the military order of the purple
36 heart, through their department commanders, shall
37 submit two names respectively from their organizations
38 to the governor. The adjutant general and the Iowa
39 affiliate of the reserve officers association shall
40 submit names to the governor of persons to represent
41 the Iowa national guard and the association. The
42 governor shall appoint from the group of names
43 submitted by the adjutant general and reserve officers
44 association two representatives and from each of the
45 other organizations one representative to serve as a
46 member of the commission, unless the appointments
47 would conflict with the bipartisan and gender balance
48 provisions of sections 69.16 and 69.16A. In addition,
49 the governor shall appoint one member of the public,
50 knowledgeable in the general field of veterans

Page 2

1 affairs, to serve on the commission.""

2 11. Page 28, line 30, by inserting after the word
3 "be" the following: "a resident of the state of Iowa
4 who served in the armed forces of the United States
5 and was honorably discharged, and is".

6 12. Page 30, lines 13 and 14, by striking the
7 words "~~the year preceding~~" and inserting the
8 following: "the year preceding".

9 13. Page 42, line 8, by striking the figure "21."
10 and inserting the following: "21 and inserting the
11 following:

12 "DIVISION

13 REBUILD IOWA INFRASTRUCTURE FUND

14 Sec. _____. There is appropriated from the rebuild
15 Iowa infrastructure fund to the following departments
16 and agencies for the designated fiscal years, the
17 following amounts, or so much thereof as is necessary,
18 to be used for the purposes designated:

19 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

20 a. For routine maintenance of state buildings and
21 facilities, notwithstanding section 8.57, subsection
22 5, paragraph "c":

23 FY 2004-2005..... \$ 2,000,000

24 b. For relocation costs directly associated with
25 remodeling projects on the capitol complex and for
26 facility lease payments for the department of
27 corrections, the Iowa department of public health, and
28 the department of public safety, notwithstanding
29 section 8.57, subsection 5, paragraph "c":

30 FY 2004-2005..... \$ 2,271,617

31 c. For technology improvement projects,
32 notwithstanding section 8.57, subsection 5, paragraph
33 "c":

34 FY 2004-2005..... \$ 1,861,496
 35 Of the amount appropriated in this lettered
 36 paragraph, \$288,496 is allocated to maintain and
 37 operate the enterprise warehouse technology project
 38 and \$73,000 is allocated to the division of criminal
 39 and juvenile justice planning of the department of
 40 human rights for 1.00 full-time equivalent position to
 41 provide support for the justice data warehouse
 42 technology project.
 43 d. For major renovation and major repair needs,
 44 including health, life, and fire safety needs, and for
 45 compliance with the federal Americans With
 46 Disabilities Act, for state buildings and facilities
 47 under the purview of the department:
 48 FY 2004-2005..... \$ 4,300,000
 49 (1) Of the amount appropriated in this lettered
 50 paragraph, up to \$375,000 may be used for costs

Page 3

1 associated with project management services in the
 2 division of design and construction within the general
 3 services enterprise of the department, notwithstanding
 4 section 8.57, subsection 5, paragraph "c".
 5 (2) Of the amount appropriated in this lettered
 6 paragraph, \$200,000 may be used for costs associated
 7 with the vertical infrastructure program,
 8 notwithstanding section 8.57, subsection 5, paragraph
 9 "c".
 10 e. For costs associated with the remodeling of the
 11 records and property center:
 12 FY 2004-2005..... \$ 5,000,000
 13 FY 2005-2006..... \$ 4,700,000
 14 f. For accent lighting systems for the soldiers
 15 and sailors monument and the Allison monument on the
 16 capitol complex:
 17 FY 2004-2005..... \$ 35,000
 18 g. For capitol interior restoration:
 19 FY 2004-2005..... \$ 1,770,000
 20 h. For costs associated with the purchase of
 21 laboratory equipment for and the maintenance and
 22 operation of the state laboratories facility located
 23 in Ankeny, notwithstanding section 8.57, subsection 5,
 24 paragraph "c":
 25 FY 2004-2005..... \$ 355,500
 26 2. DEPARTMENT FOR THE BLIND
 27 For the remodeling of the orientation center:
 28 FY 2004-2005..... \$ 67,000
 29 3. STATE BOARD OF REGENTS
 30 For maintenance at the Iowa school for the deaf and
 31 the Iowa braille and sight saving school:
 32 FY 2004-2005..... \$ 500,000

33 4. DEPARTMENT OF CORRECTIONS

34 a. For costs of entering into a lease-purchase
 35 agreement to connect the electrical system supporting
 36 the special needs unit at Fort Madison:
 37 FY 2004-2005..... \$ 333,168
 38 b. For construction of a community-based
 39 correctional facility, including district offices, in
 40 Davenport:
 41 FY 2004-2005..... \$ 3,000,000
 42 FY 2005-2006..... \$ 3,750,000
 43 FY 2006-2007..... \$ 3,750,000

44 It is the intent of the general assembly that the
 45 department of management allocate the entire
 46 appropriation for the fiscal year beginning July 1,
 47 2006, to the department of corrections by July 31,
 48 2006.

49 5. DEPARTMENT OF CULTURAL AFFAIRS

50 a. For historical site preservation grants, to be

Page 4

1 used for the restoration, preservation, and
 2 development of historical sites:
 3 FY 2004-2005..... \$ 500,000
 4 Historical site preservation grants shall only be
 5 awarded for projects which meet the definition of
 6 "vertical infrastructure" in section 8.57, subsection
 7 5, paragraph "c".

8 In making grants pursuant to this lettered
 9 paragraph, the department shall consider the existence
 10 and amount of other funds available to an applicant
 11 for the designated project. A grant awarded from
 12 moneys appropriated in this lettered paragraph shall
 13 not exceed \$100,000 per project. Not more than two
 14 grants may be awarded in the same county.

15 b. For continuation of the project recommended by
 16 the Iowa battle flag advisory committee to stabilize
 17 the condition of the battle flag collection,
 18 notwithstanding section 8.57, subsection 5, paragraph
 19 "c":
 20 FY 2004-2005..... \$ 100,000

21 6. DEPARTMENT OF ECONOMIC DEVELOPMENT

22 a. For accelerated career education program
 23 capital projects at community colleges that are
 24 authorized under chapter 260G and that meet the
 25 definition of "vertical infrastructure" in section
 26 8.57, subsection 5, paragraph "c":
 27 FY 2004-2005..... \$ 5,500,000

28 The moneys appropriated in this paragraph shall be
 29 allocated equally among the community colleges in the
 30 state. If any portion of the equal allocation to a
 31 community college is not obligated or encumbered by

32 April 1, 2005, the unobligated and unencumbered
33 portions shall be available for use by other community
34 colleges.
35 b. For sole source grant costs associated with the
36 hosting of the national special Olympics in Iowa by a
37 special Olympics nonprofit entity, notwithstanding
38 section 8.57, subsection 5, paragraph "c":
39 FY 2004-2005..... \$ 500,000
40 c. To provide a grant for the planning, design,
41 and construction of a not-for-profit family
42 recreational facility that will also include a cardiac
43 rehabilitation center and a family indoor aquatic
44 center and which will be located in a county with a
45 population between 150,000 and 185,000:
46 FY 2004-2005..... \$ 200,000
47 d. To be used for the Iowa Lewis and Clark
48 bicentennial commission established pursuant to
49 section 15.221, notwithstanding section 8.57,
50 subsection 5, paragraph "c":

Page 5

1 FY 2004-2005..... \$ 50,000
2 7. DEPARTMENT OF EDUCATION
3 a. To provide resources for structural and
4 technological improvements to local libraries and for
5 the enrich Iowa program, notwithstanding section 8.57,
6 subsection 5, paragraph "c":
7 FY 2004-2005..... \$ 600,000
8 Funds allocated for purposes of the enrich Iowa
9 program as provided in this lettered paragraph shall
10 be distributed by the division of libraries and
11 information services to provide support for Iowa's
12 libraries.
13 b. For maintenance and lease costs associated with
14 part III connections, notwithstanding section 8.57,
15 subsection 5, paragraph "c":
16 FY 2004-2005..... \$ 2,727,000
17 c. For costs associated with the remodeling of the
18 Jessie Parker building:
19 FY 2004-2005..... \$ 303,632
20 d. For allocation to the public broadcasting
21 division for costs of installation of digital and
22 analog television for Iowa public television
23 facilities, notwithstanding section 8.57, subsection
24 5, paragraph "c":
25 FY 2004-2005..... \$ 8,000,000
26 FY 2005-2006..... \$ 8,000,000
27 FY 2006-2007..... \$ 2,300,000
28 8. DEPARTMENT OF HUMAN SERVICES
29 To provide a grant for the planning, design, and
30 construction of a residential treatment facility for

31 youth with emotional and behavioral disorders located
 32 in a central Iowa county with a population of
 33 approximately 80,000:
 34 FY 2004-2005..... \$ 250,000
 35 9. IOWA STATE FAIR AUTHORITY
 36 For vertical infrastructure projects on the state
 37 fairgrounds:
 38 FY 2004-2005..... \$ 250,000
 39 For purposes of this subsection, "vertical
 40 infrastructure" means the same as defined in section
 41 8.57, subsection 5, paragraph "c".
 42 10. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
 43 UNIVERSITY OF NORTHERN IOWA
 44 For the Iowa safe surfacing initiative,
 45 notwithstanding section 8.57, subsection 5, paragraph
 46 "c":
 47 \$ 500,000
 48 Not more than 2.5 percent of the funds appropriated
 49 in this subsection shall be used by the national
 50 program for playground safety for administrative costs

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1 associated with the Iowa safe surfacing initiative.
 2 The crumb rubber playground tiles for the
 3 initiative shall be international play equipment
 4 manufacturers association (IPEMA)-certified to the
 5 American society for testing and materials (ASTM)
 6 F1292 standard.
 7 11. DEPARTMENT OF NATURAL RESOURCES
 8 For costs associated with the planning, design, and
 9 construction of a premier destination state park,
 10 notwithstanding section 8.57, subsection 5, paragraph
 11 "c":
 12 FY 2004-2005..... \$ 500,000
 13 12. DEPARTMENT OF PUBLIC DEFENSE
 14 a. For planning, design, and construction of a
 15 national guard readiness center in or near Iowa City:
 16 FY 2004-2005..... \$ 2,150,000
 17 b. For maintenance and repair of national guard
 18 armories and facilities:
 19 FY 2004-2005..... \$ 1,269,636
 20 c. For construction of a new national guard armory
 21 at Boone:
 22 FY 2004-2005..... \$ 1,096,000
 23 13. DEPARTMENT OF PUBLIC SAFETY
 24 a. For capitol building and judicial building
 25 security, notwithstanding section 8.57, subsection 5,
 26 paragraph "c":
 27 FY 2004-2005..... \$ 800,000
 28 b. For capitol complex security notwithstanding
 29 section 8.57, subsection 5, paragraph "c":

30 FY 2004-2005..... \$ 300,000
31 c. For costs of entering into a lease-purchase
32 agreement to upgrade the automated fingerprint
33 identification system, notwithstanding section 8.57,
34 subsection 5, paragraph "c":
35 FY 2004-2005..... \$ 550,000
36 d. For costs associated with improvements to
37 Iowa's electronic criminal information records system
38 to comply with national crime information center
39 standards, notwithstanding section 8.57, subsection 5,
40 paragraph "c":
41 FY 2004-2005..... \$ 500,000
42 e. To the division of fire safety of the
43 department for allocation to the fire service training
44 bureau for the planning, design, and construction of
45 regional training facilities in the state:
46 FY 2004-2005..... \$ 150,000
47 f. To the division of fire safety of the
48 department for allocation to the fire service training
49 bureau to be used for the revolving loan program for
50 equipment purchases by local fire departments, not

Page 7

1 withstanding section 8.57, subsection 5, paragraph
2 "c":
3 FY 2004-2005..... \$ 500,000
4 14. STATE DEPARTMENT OF TRANSPORTATION
5 a. For operation and maintenance of the network of
6 automated weather observation and data transfer
7 systems associated with the Iowa aviation weather
8 system, the runway marking program for public
9 airports, the windsock program for public airports,
10 and the aviation improvement program, notwithstanding
11 section 8.57, subsection 5, paragraph "c":
12 FY 2004-2005..... \$ 500,000
13 b. For vertical infrastructure improvements at the
14 commercial air service airports within the state:
15 FY 2004-2005..... \$ 1,100,000
16 One-half of the funds appropriated in this lettered
17 paragraph shall be allocated equally between each
18 commercial service airport, 40 percent of the funds
19 shall be allocated based on the percentage that the
20 number of enplaned passengers at each commercial
21 service airport bears to the total number of enplaned
22 passengers in the state during the previous fiscal
23 year, and 10 percent of the funds shall be allocated
24 based on the percentage that the air cargo tonnage at
25 each commercial service airport bears to the total air
26 cargo tonnage in the state during the previous fiscal
27 year. In order for a commercial service airport to
28 receive funding under this lettered paragraph, the

29 airport shall be required to submit applications for
 30 funding of specific projects to the department for
 31 approval by the state transportation commission.
 32 c. For a vertical infrastructure improvement grant
 33 program for improvements at general aviation airports
 34 within the state:
 35 FY 2004-2005..... \$ 581,400
 36 15. OFFICE OF TREASURER OF STATE
 37 For county fair infrastructure improvements for
 38 distribution in accordance with chapter 174 to
 39 qualified fairs which belong to the association of
 40 Iowa fairs:
 41 FY 2004-2005..... \$ 1,060,000
 42 16. COMMISSION OF VETERANS AFFAIRS
 43 For deposit in the veterans trust fund established
 44 in section 35A.13, notwithstanding section 8.57,
 45 subsection 5, paragraph "c":
 46 FY 2004-2005..... \$ 1,000,000
 47 Of the amount appropriated in this subsection,
 48 notwithstanding contrary provisions of section 35A.13,
 49 \$500,000 is appropriated to and shall be used by the
 50 commission of veterans affairs for the establishment

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1 and operation of a veterans cemetery as required by
 2 section 35A.3, subsection 14, if enacted by this Act.
 3 Notwithstanding section 8.33, moneys appropriated in
 4 this unnumbered paragraph that remain unencumbered or
 5 unobligated at the close of the fiscal year shall not
 6 revert but shall remain available for expenditure for
 7 the purposes designated until the close of the
 8 succeeding fiscal year or when the project is
 9 completed, whichever is later.
 10 Sec.____. PAYMENTS IN LIEU OF TUITION. There is
 11 appropriated from the rebuild Iowa infrastructure fund
 12 to the state board of regents for the fiscal year
 13 beginning July 1, 2004, and ending June 30, 2005, the
 14 following amount, or so much thereof as may be
 15 necessary, to be used for the purpose designated:
 16 For allocation by the state board of regents to the
 17 state university of Iowa, the Iowa state university of
 18 science and technology, and the university of northern
 19 Iowa to reimburse the institutions for deficiencies in
 20 their operating funds resulting from the pledging of
 21 tuitions, student fees and charges, and institutional
 22 income to finance the cost of providing academic and
 23 administrative buildings and facilities and utility
 24 services at the institutions, notwithstanding section
 25 8.57, subsection 5, paragraph "c":
 26 \$ 858,764
 27 Sec.____. REVERSION. Notwithstanding section

28 8.33, moneys appropriated from the rebuild Iowa
29 infrastructure fund in this division of this Act shall
30 not revert at the close of the fiscal year for which
31 they were appropriated but shall remain available for
32 the purposes designated until the close of the fiscal
33 year that begins July 1, 2007, or until the project
34 for which the appropriation was made is completed,
35 whichever is earlier. This section does not apply to
36 the sections in this division of this Act that were
37 previously enacted and are amended in this division of
38 this Act.

39 Sec.____. 2003 Iowa Acts, chapter 177, section 6,
40 subsection 2, is amended to read as follows:

41 2. For costs associated with the ~~planning for the~~
42 ~~vacation and demolition~~ disposition of the Wallace
43 building:

44 \$ 50,000

45 The amount appropriated in this subsection shall be
46 used to conduct a complete evaluation and analysis
47 regarding the condition of the Wallace building,
48 including structural, mechanical, and environmental
49 systems and building air quality, and to make a
50 recommendation to the general assembly no later than

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1 January 31, 2005, as to whether the Wallace building
2 should be renovated for future use or vacated and
3 demolished. The recommendation shall include cost
4 estimates for renovation of the building and for its
5 demolition.

6 Sec.____. 2003 Iowa Acts, chapter 177, section 14,
7 is amended to read as follows:

8 SEC. 14. REVERSION. Notwithstanding section 8.33,
9 moneys appropriated in this division of this Act shall
10 not revert at the close of the fiscal year for which
11 they were appropriated but shall remain available for
12 the purposes designated until the close of the fiscal
13 year that begins July 1, ~~2006~~ 2007, or until the
14 project for which the appropriation was made is
15 completed, whichever is earlier.

16 Sec.____. 2003 Iowa Acts, chapter 179, section
17 140, is amended to read as follows:

18 SEC. 140. Notwithstanding section 8.33,
19 unencumbered and unobligated funds remaining from the
20 appropriation made in 1996 Iowa Acts, chapter 1218,
21 section 13, subsection 2, paragraph "a", subparagraph
22 (2), as amended by 1997 Iowa Acts, chapter 215,
23 section 3, and from the appropriation made in 1997
24 Iowa Acts, chapter 215, section 4, subsection 1, shall
25 not revert but shall be available for the purposes
26 designated in those provisions until the close of the

27 fiscal year beginning July 1, ~~2003~~ 2004.
28 Of the amount of unencumbered and unobligated funds
29 identified in this section, \$180,000 shall be used for
30 the purposes described in 2003 Iowa Acts, chapter 177,
31 section 6, subsection 2, as amended by this 2004 Act.
32 Sec. _____. 2002 Iowa Acts, chapter 1173, section
33 18, as amended by 2003 Iowa Acts, chapter 179, section
34 39, is amended to read as follows:
35 SEC. 18. POOLED TECHNOLOGY FUNDING – PRIOR
36 ALLOCATIONS – NONREVERSION. Notwithstanding section
37 8.33, moneys appropriated and allocated in 2001 Iowa
38 Acts, chapter 189, section 5, subsection 1, which
39 remain unobligated or unexpended at the close of the
40 fiscal year for which they were appropriated shall not
41 revert, but shall remain available for expenditure for
42 the purposes for which they were appropriated and
43 allocated, for the fiscal period beginning July 1,
44 2002, and ending June 30, ~~2004~~ 2005. Notwithstanding
45 the expenditure limitation in this section, the
46 information technology enterprise within the
47 department of administrative services may expend
48 available moneys in the pooled technology account
49 established in the office of the treasurer of state to
50 complete the comprehensive study required under 2003

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1 Iowa Acts, chapter 145, section 290, subsection 2,
2 paragraph "c".
3 Sec. _____. 2000 Iowa Acts, chapter 1225, section 2,
4 as amended by 2001 Iowa Acts, chapter 185, section 2,
5 is amended to read as follows:
6 SEC. 2. There is appropriated from the rebuild
7 Iowa infrastructure fund to the department of
8 corrections for the fiscal year beginning July 1,
9 2000, and ending June 30, 2001, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:
12 1. To supplement funds appropriated in 1998 Iowa
13 Acts, chapter 1219, section 2, subsection 3, for
14 construction of a 200-bed facility at the Iowa state
15 penitentiary at Fort Madison:
16 \$ 3,000,000
17 2. For community-based corrections projects:
18 \$ 900,000
19 The first \$300,000 of the amount appropriated in
20 this subsection shall be allocated for community-based
21 corrections projects in Council Bluffs. The next
22 \$600,000 of the amount appropriated in this subsection
23 shall be allocated for community-based corrections
24 projects in the judicial district in which the city of
25 Davenport is located. These moneys may be used by the

26 department to enter into lease-purchasing agreements
27 or the payment of rent for such projects.

28 Notwithstanding section 8.33 and section 20 of this
29 Act, moneys appropriated in subsection 2 that remain
30 unencumbered or unobligated at the close of the fiscal
31 year that begins July 1, 2003, shall revert at the
32 close of the fiscal year that begins July 1, 2006.
33 However, if the projects for which the moneys are
34 appropriated are completed in an earlier fiscal year,
35 unencumbered or unobligated moneys shall revert at the
36 close of that fiscal year.

37 Sec.____. 2000 Iowa Acts, chapter 1225, section
38 19, unnumbered paragraph 2, is amended to read as
39 follows:

40 To supplement moneys appropriated in prior fiscal
41 years for construction of a new dining hall and food
42 services facility and renovation of the former Sheeler
43 food preparation area:

44 \$ 992,000

45 Sec.____. 2000 Iowa Acts, chapter 1225, section
46 20, is amended to read as follows:
47 SEC. 20. REVERSION. Notwithstanding section 8.33,
48 moneys appropriated in this division of this Act that
49 remain unencumbered or unobligated at the close of the
50 fiscal year that begins July 1, ~~2003~~ 2004, shall

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1 revert at the close of that fiscal year. However, if
2 the projects for which the moneys are appropriated are
3 completed in an earlier fiscal year, unencumbered or
4 unobligated moneys shall revert at the close of that
5 fiscal year.

6 Sec.____. EXAMINATION OF DEPARTMENT OF
7 ADMINISTRATION – FY 2003-2004. Notwithstanding
8 section 11.5B, for the fiscal year beginning July 1,
9 2003, and ending June 30, 2004, the auditor of state
10 shall not be entitled to reimbursement for performing
11 any examination of the department of administrative
12 services or funds received by the department of
13 administrative services, except for an examination of
14 the information technology enterprise within the
15 department of administrative services and funds
16 received by the information technology enterprise.
17 Sec.____. SECURE AN ADVANCED VISION FOR EDUCATION
18 FUND. Notwithstanding the maximum amount of the
19 appropriation from the rebuild Iowa infrastructure
20 fund to the secure an advanced vision for education
21 fund specified in section 8.57, subsection 5,
22 paragraph "f", the maximum amount of such
23 appropriation for the fiscal year beginning July 1,
24 2004, and ending June 30, 2005, shall not exceed

25 \$8,160,000.

26 Sec.____. The following sections of this division
27 of this Act, being deemed of immediate importance,
28 take effect upon enactment:

29 1. The section amending 2003 Iowa Acts, chapter
30 177, section 6.

31 2. The section amending 2003 Iowa Acts, chapter
32 179, section 140.

33 3. The section amending 2002 Iowa Acts, chapter
34 1173, section 18, as amended by 2003 Iowa Acts,
35 chapter 179, section 39.

36 4. The section amending 2000 Iowa Acts, chapter
37 1225, section 2, as amended by 2001 Iowa Acts, chapter
38 185, section 2.

39 5. The section amending 2000 Iowa Acts, chapter
40 1225, section 19.

41 6. The section amending 2000 Iowa Acts, chapter
42 1225, section 20.

43 7. The section addressing the examination of the
44 department of administration in fiscal year 2003-2004.

45 DIVISION

46 ENVIRONMENT FIRST FUND

47 Sec.____. There is appropriated from the
48 environment first fund to the following departments
49 and agencies for the fiscal year beginning July 1,
50 2004, and ending June 30, 2005, the following amounts,

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1 or so much thereof as is necessary, to be used for the
2 purposes designated:

3 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

4 a. For the conservation reserve enhancement
5 program to restore and construct wetlands for the
6 purposes of intercepting tile line runoff, reducing
7 nutrient loss, improving water quality, and enhancing
8 agricultural production practices:
9 \$ 1,500,000

10 Not more than 5 percent of the moneys appropriated
11 in this lettered paragraph may be used for costs of
12 administration and implementation of soil and water
13 conservation practices.

14 b. For continuation of a program that provides
15 multiobjective resource protections for flood control,
16 water quality, erosion control, and natural resource
17 conservation:
18 \$ 2,700,000

19 Not more than 5 percent of the moneys appropriated
20 in this lettered paragraph may be used for costs of
21 administration and implementation of soil and water
22 conservation practices.

23 c. For continuation of a statewide voluntary farm

24 management demonstration program to demonstrate the
25 effectiveness and adaptability of emerging practices
26 in agronomy that protect water resources and provide
27 other environmental benefits:
28 \$ 850,000
29 Not more than 5 percent of the moneys appropriated
30 in this lettered paragraph may be used for costs of
31 administration and implementation of soil and water
32 conservation practices.
33 Of the amount appropriated in this lettered
34 paragraph, \$400,000 shall be allocated to the Iowa
35 soybean association's agriculture and environment
36 performance program.
37 d. For deposit in the alternative drainage system
38 assistance fund created in section 460.303 to be used
39 for purposes of supporting the alternative drainage
40 system assistance program as provided in section
41 460.304:
42 \$ 500,000
43 Not more than 5 percent of the moneys appropriated
44 in this lettered paragraph may be used for costs of
45 administration and implementation of soil and water
46 conservation practices.
47 e. To provide financial assistance for the
48 establishment of permanent soil and water conservation
49 practices:
50 \$ 5,500,000

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1 (1) Not more than 5 percent of the moneys
2 appropriated in this lettered paragraph may be
3 allocated for cost-sharing to abate complaints filed
4 under section 161A.47.
5 (2) Of the moneys appropriated in this lettered
6 paragraph, 5 percent shall be allocated for financial
7 incentives to establish practices to protect
8 watersheds above publicly owned lakes of the state
9 from soil erosion and sediment as provided in section
10 161A.73.
11 (3) Not more than 30 percent of a district's
12 allocation of moneys as financial incentives may be
13 provided for the purpose of establishing management
14 practices to control soil erosion on land that is row-
15 cropped, including but not limited to no-till
16 planting, ridge-till planting, contouring, and contour
17 strip-cropping as provided in section 161A.73.
18 (4) The state soil conservation committee created
19 in section 161A.4 may allocate moneys appropriated in
20 this lettered paragraph to conduct research and
21 demonstration projects to promote conservation tillage
22 and nonpoint source pollution control practices.

(5) The financial incentive payments may be used in combination with department of natural resources moneys.

(6) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

f. To encourage and assist farmers in enrolling in and the implementation of federal conservation programs and work with them to enhance their revegetation efforts to improve water quality and habitat:

..... \$ 2,000,000

Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of soil and water conservation practices.

g. For deposit in the loess hills development and conservation fund created in section 161D.2:

..... \$ 600,000

Of the amount appropriated in this lettered paragraph, \$400,000 shall be allocated to the hungry canyons account and \$200,000 shall be allocated to the loess hills alliance account, to be used for the purposes for which the moneys in those accounts are authorized to be used under chapter 161D. No more than 5 percent of the moneys allocated to each account in this lettered paragraph may be used for

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1 administrative costs.

2 h. For deposit in the southern Iowa development and conservation fund created in section 161D.12:

4 \$ 300,000

5 Not more than 5 percent of the moneys appropriated in this lettered paragraph may be used for administrative costs.

8 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

9 For deposit in the brownfield redevelopment fund created in section 15.293 to provide assistance under the brownfield redevelopment program:

12 \$ 500,000

13 3. DEPARTMENT OF NATURAL RESOURCES

14 a. To provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work:

18 \$ 195,000

19 b. For statewide coordination of volunteer efforts under the water quality and keepers of the land programs:

22 \$ 100,000
23 c. For continuing the establishment and operation
24 of water quality monitoring stations:
25 \$ 2,955,000
26 d. For deposit in the administration account of
27 the water quality protection fund, to carry out the
28 purposes of that account:
29 \$ 500,000
30 e. For air quality monitoring equipment:
31 \$ 500,000
32 f. For the dredging of lakes, including necessary
33 preparation for dredging, in accordance with the
34 department's classification of Iowa lakes restoration
35 report:
36 \$ 1,000,000
37 The department shall consider the following
38 criteria for funding lake dredging projects as
39 provided in this lettered paragraph, and shall
40 prioritize projects based on the following:
41 (1) Documented efforts to address watershed
42 protection, considering testing, conservation efforts,
43 and amount of time devoted to watershed protection.
44 (2) Protection of a natural resource and natural
45 habitat.
46 (3) Percentage of public access and undeveloped
47 lakefront property.
48 (4) Continuation of current projects partially
49 funded by state resources to achieve department
50 recommendations.

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1 g. For purposes of funding capital projects for
2 the purposes specified in section 452A.79, and for
3 expenditures for the local cost share grants to be
4 used for capital expenditures to local governmental
5 units for boating accessibility:
6 \$ 2,300,000
7 h. For regular maintenance of state parks and
8 staff time associated with these activities:
9 \$ 2,000,000
10 RESOURCES ENHANCEMENT AND PROTECTION FUND
11 Sec. _____. Notwithstanding the amount of the
12 standing appropriation from the general fund of the
13 state under section 455A.18, subsection 3, there is
14 appropriated from the environment first fund to the
15 Iowa resources enhancement and protection fund, in
16 lieu of the appropriation made in section 455A.18, for
17 the fiscal year beginning July 1, 2004, and ending
18 June 30, 2005, the following amount, to be allocated
19 as provided in section 455A.19:
20 \$ 11,000,000

21 Sec. ____ REVERSION.

22 1. Except as provided in subsection 2, and
 23 notwithstanding section 8.33, moneys appropriated in
 24 this division of this Act that remain unencumbered or
 25 unobligated shall not revert at the close of the
 26 fiscal year for which they were appropriated but shall
 27 remain available for the purposes designated until the
 28 close of the fiscal year beginning July 1, 2005, or
 29 until the project for which the appropriation was made
 30 is completed, whichever is earlier.

31 2. Notwithstanding section 8.33, moneys
 32 appropriated in this division of this Act to the
 33 department of agriculture and land stewardship to
 34 provide financial assistance for the establishment of
 35 permanent soil and water conservation practices that
 36 remain unencumbered or unobligated at the close of the
 37 fiscal year shall not revert but shall remain
 38 available for expenditure for the purposes designated
 39 until the close of the fiscal year that begins July 1,
 40 2007.

41 DIVISION

42 TOBACCO SETTLEMENT TRUST FUND

43 Sec. ____ There is appropriated from the tax-
 44 exempt bond proceeds restricted capital funds account
 45 of the tobacco settlement trust fund to the following
 46 departments and agencies for the fiscal year beginning
 47 July 1, 2004, and ending June 30, 2005, the following
 48 amounts, or so much thereof as is necessary, to be
 49 used for the purposes designated:

50 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

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1 a. For the payment of claims relating to the
 2 purchase and implementation of an integrated
 3 information for Iowa system, notwithstanding section
 4 12E.12, subsection 1, paragraph "b", subparagraph (1):
 5 \$ 6,049,284

6 b. For capitol interior restoration:
 7 \$ 3,500,000

8 The department shall consult with the leaders of
 9 the senate and house of representatives prior to
 10 planning or implementing any capitol interior
 11 restoration project or other activity.

12 2. TAX-EXEMPT STATUS – USE OF APPROPRIATIONS.

13 Payment of moneys from the appropriations in this
 14 section shall be made in a manner that does not
 15 adversely affect the tax-exempt status of any
 16 outstanding bonds issued by the tobacco settlement
 17 authority.

18 3. REVERSION. Notwithstanding section 8.33,
 19 moneys appropriated in this section shall not revert

20 at the close of the fiscal year for which they were
21 appropriated but shall remain available for the
22 purposes designated until the close of the fiscal year
23 that begins July 1, 2006, or until the project for
24 which the appropriation was made is completed,
25 whichever is earlier.

26 Sec.____. PAYMENTS IN LIEU OF TUITION. There is
27 appropriated from the tax-exempt bond proceeds
28 restricted capital funds account of the tobacco
29 settlement trust fund of the state to the state board
30 of regents for the fiscal year beginning July 1, 2004,
31 and ending June 30, 2005, the following amount, or so
32 much thereof as is necessary, to be used for the
33 purpose designated:

34 For allocation by the state board of regents to the
35 state university of Iowa, the Iowa state university of
36 science and technology, and the university of northern
37 Iowa to reimburse the institutions for deficiencies in
38 their operating funds resulting from the pledging of
39 tuitions, student fees and charges, and institutional
40 income to finance the cost of providing academic and
41 administrative buildings and facilities and utility
42 services at the institutions, notwithstanding section
43 12E.12, subsection 1, paragraph "b", subparagraph (1):
44 \$ 10,437,174

45 Sec.____. IOWA COMMUNICATIONS NETWORK DEBT
46 SERVICE. There is appropriated from the tax-exempt
47 bond proceeds restricted capital funds account of the
48 tobacco settlement trust fund to the office of the
49 treasurer of state for the fiscal year beginning July
50 1, 2004, and ending June 30, 2005, the following

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1 amount, or so much thereof as is necessary, to be used
2 for the purpose designated:

3 For debt service for the Iowa communications
4 network, notwithstanding section 12E.12, subsection 1,
5 paragraph "b", subparagraph (1):
6 \$ 13,039,778

7 Funds appropriated in this section shall be
8 deposited in a separate fund established in the office
9 of the treasurer of state to be used solely for debt
10 service for the Iowa communications network. The Iowa
11 telecommunications and technology commission shall
12 certify to the treasurer of state when a debt service
13 payment is due, and upon receipt of the certification,
14 the treasurer shall make the payment. The commission
15 shall pay any additional amount due from funds
16 deposited in the Iowa communications network fund.

17 Sec.____. PRISON DEBT SERVICE. There is
18 appropriated from the tax-exempt bond proceeds

19 restricted capital funds account of the tobacco
20 settlement trust fund to the office of the treasurer
21 of state for the fiscal year beginning July 1, 2004,
22 and ending June 30, 2005, the following amount, or so
23 much thereof as is necessary, to be used for the
24 purpose designated:
25 For repayment of prison infrastructure bonds under
26 section 16.177, notwithstanding section 12E.12,
27 subsection 1, paragraph "b", subparagraph (1):
28 \$ 5,413,324
29 Sec.____. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT –
30 TRANSFER TO REBUILD IOWA INFRASTRUCTURE FUND.
31 Notwithstanding 2001 Iowa Acts, chapter 174, section
32 1, subsection 1, as amended by 2002 Iowa Acts, chapter
33 1167, section 4, 2002 Iowa Acts, chapter 1174, section
34 8, and 2002 Iowa Acts, chapter 1175, section 95, there
35 is transferred from the endowment for Iowa's health
36 account of the tobacco settlement trust fund created
37 in section 12E.12 to the rebuild Iowa infrastructure
38 fund for the fiscal year beginning July 1, 2004, and
39 ending June 30, 2005, the following amount:
40 \$ 10,966,960
41 Notwithstanding section 8.33, moneys transferred in
42 this section shall not revert.
43 Sec.____. 2003 Iowa Acts, chapter 177, section 23,
44 subsection 3, is amended to read as follows:
45 3. Notwithstanding section 8.33, moneys
46 appropriated in this section shall not revert at the
47 close of the fiscal year for which they were
48 appropriated, but shall remain available for the
49 purpose designated until the close of the fiscal year
50 that begins July 1, ~~2008~~ 2006, or until the project

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1 for which the appropriation was made is completed,
2 whichever is earlier.
3 Sec.____. 2002 Iowa Acts, chapter 1173, section 1,
4 subsection 7, paragraph a, is amended to read as
5 follows:
6 a. For parking improvements and provision of
7 street access for the judicial building:
8 FY 2002-2003 \$ 700,000
9 FY 2003-2004 \$ 0
10 FY 2004-2005 \$ 0
11 FY 2005-2006 \$ 0
12 Of the amount appropriated in this lettered
13 paragraph for FY 2002-2003, up to \$330,000 may be used
14 for costs associated with operation of the judicial
15 building, notwithstanding section 12E.12, subsection
16 1, paragraph "b", subparagraph (1).
17 DIVISION_____

18 MISCELLANEOUS FUNDS
19 Sec.____. HELP AMERICA VOTE ACT. There is
20 appropriated from the general fund of the state to the
21 office of the secretary of state for the fiscal year
22 beginning July 1, 2003, and ending June 30, 2004, the
23 following amount, or so much thereof as is necessary,
24 to be used for the purposes designated:
25 For the purchase and installation of voting
26 machines to implement the federal Help America Vote
27 Act (HAVA):
28 \$ 765,000
29 Of the federal funds drawn down pursuant to HAVA,
30 not less than 80 percent shall be distributed to
31 counties for the implementation of that Act.
32 The state commissioner of elections shall report to
33 the general assembly regarding the expenditure of the
34 moneys appropriated in this subsection by January 2,
35 2005, and July 1, 2005.
36 Notwithstanding section 8.33, moneys appropriated
37 in this section that remain unencumbered or
38 unobligated at the close of the fiscal year shall not
39 revert but shall remain available for expenditure for
40 the purposes designated until the close of the
41 succeeding fiscal year.
42 Sec.____. GENERAL FUND APPROPRIATIONS.
43 1. There is appropriated from the general fund of
44 the state to the state department of transportation
45 for the fiscal year beginning July 1, 2004, and ending
46 June 30, 2005, the following amounts, or so much
47 thereof as is necessary, to be used for the purposes
48 designated:
49 a. For operation and maintenance of the network of
50 automated weather observation and data transfer

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1 systems associated with the Iowa aviation weather
2 system, the runway marking program for public
3 airports, the windsock program for public airports,
4 and the aviation improvement program:
5 \$ 64,792
6 b. For the rail assistance program and to provide
7 economic development project funding:
8 \$ 35,959
9 2. There is appropriated from the general fund of
10 the state to the racing and gaming commission within
11 the department of inspections and appeals for the
12 fiscal year beginning July 1, 2004, and ending June
13 30, 2005, in addition to any other appropriation made
14 by the general assembly, the following amount, or so
15 much thereof as is necessary, to be used for the
16 purposes designated:

17 For salaries, support, maintenance, and
18 miscellaneous purposes for the regulation of pari-
19 mutual racetracks:
20 \$ 217,161
21 The funds appropriated in this subsection shall be
22 used for one additional gaming representative at each
23 of the three licensed racetracks.
24 Sec.____. PRIMARY ROAD FUND APPROPRIATION. There
25 is appropriated from the primary road fund to the
26 department of administrative services for the fiscal
27 year beginning July 1, 2004, and ending June 30, 2005,
28 the following amount, or so much thereof as is
29 necessary, to be used for distribution to the state
30 department of transportation:
31 \$ 465,491
32 Moneys appropriated in this section shall be
33 separately accounted for in a distribution account and
34 shall be distributed to the state department of
35 transportation to pay for services provided the state
36 department of transportation by the department of
37 administrative services as described in chapter 8A.
38 Sec.____. ROAD USE TAX FUND APPROPRIATION. There
39 is appropriated from the road use tax fund to the
40 department of administrative services for the fiscal
41 year beginning July 1, 2004, and ending June 30, 2005,
42 the following amount, or so much thereof as is
43 necessary, to be used for distribution to the state
44 department of transportation:
45 \$ 76,059
46 Moneys appropriated in this section shall be
47 separately accounted for in a distribution account and
48 shall be distributed to the state department of
49 transportation to pay for services provided the state
50 department of transportation by the department of

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1 administrative services as described in chapter 8A.
2 Sec.____. TRANSFER AND DEPOSIT OF SURPLUS MONEYS
3 IN LOCAL HOUSING ASSISTANCE PROGRAM FUND. The sum of
4 \$800,000 is transferred from moneys declared by the
5 Iowa finance authority under section 16.10 to be
6 surplus moneys to the housing trust fund created in
7 section 16.181 for the fiscal year beginning July 1,
8 2004, and ending June 30, 2005.
9 Sec.____. 2003 Iowa Acts, chapter 171, section 2,
10 is amended by inserting the following new unnumbered
11 paragraph:
12 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
13 8.33, moneys appropriated in subsection 1 that remain
14 unencumbered or unobligated at the close of the fiscal
15 year shall not revert but shall remain available for

16 expenditure until the close of the fiscal year that
17 begins July 1, 2004, for the purpose of restocking the
18 department's salt storage.

19 Sec.____. EFFECTIVE DATE.

20 1. The section of this division of this Act
21 providing an appropriation for implementation of the
22 federal Help America Vote Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 2. The section of this division of this Act,
25 amending 2003 Iowa Acts, chapter 171, section 2, being
26 deemed of immediate importance, takes effect upon
27 enactment.

28 DIVISION

29 CODE CHANGES

30 Sec.____. Section 15.109, subsection 2, Code 2003,
31 is amended to read as follows:

32 2. Apply for, receive, administer, and use federal
33 or other funds available for achieving the purposes of
34 this chapter. For purposes of this subsection, the
35 term "federal funds" includes federal tax credits,
36 grants, or other economic benefits allocated or
37 provided by the United States government to encourage
38 investment in low-income or other specified areas or
39 to otherwise promote economic development. The
40 department may enter into an agreement pursuant to
41 chapter 28E, or any other agreement, with a person,
42 including for-profit and nonprofit legal entities, in
43 order to directly or indirectly apply for, receive,
44 administer, and use federal funds. As part of such
45 agreements and in furtherance of this public purpose
46 and in addition to powers and duties conferred under
47 other provisions of law, the department may, including
48 for or on behalf of for-profit or nonprofit legal
49 entities, appoint, remove, and replace board members
50 and advisors; provide oversight; make its personnel

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1 and resources available to perform administrative,
2 management, and compliance functions; coordinate
3 investments; and engage in other acts as reasonable
4 and necessary to encourage investment in low-income or
5 other areas or to promote economic development. The
6 department, including department officials and
7 employees in their official and personal capacities,
8 are immune from liability for all acts or omissions
9 under this subsection.

10 Sec.____. Section 80.9, subsection 2, paragraph f,
11 Code 2003, is amended to read as follows:

12 f. Provide protection and security for persons and
13 property on the grounds of the state capitol complex.
14 Notwithstanding chapter 8A or any other provision of

15 law, the department shall be solely responsible for
16 the purchase, installation, and maintenance of,
17 including making any improvements or additions to,
18 executive branch capitol complex security systems or
19 equipment, including the changing of locks and
20 issuance of keys, access cards, and identification
21 badges. The department of administrative services
22 shall cooperate with the department of public safety
23 in executing the department's duties under this
24 paragraph.
25 Sec. _____. Section 423.3, subsections 2 and 37, as
26 enacted by 2003 Iowa Acts, First Extraordinary
27 Session, chapter 2, section 96, are amended to read as
28 follows:
29 2. The sales price of sales for resale of tangible
30 personal property or taxable services, or for resale
31 of tangible personal property in connection with the
32 furnishing of taxable services except for sales, other
33 than leases or rentals, which are sales, of machinery,
34 equipment, attachments, and replacement parts
35 specifically enumerated in subsection 37 and used in
36 the manner described in subsection 37.
37 37. The sales price of services on or connected
38 with new construction, reconstruction, alteration,
39 expansion, remodeling, or the services of a general
40 building contractor, architect, or engineer. The
41 exemption in this subsection also applies to the sales
42 price on the lease or rental of self-propelled
43 building equipment, self-constructed cranes, pile
44 drivers, structural concrete forms, regular and
45 motorized scaffolding, generators, or attachments
46 customarily drawn or attached to self-propelled
47 building equipment, self-constructed cranes, pile
48 drivers, structural concrete forms, regular and
49 motorized scaffolding, and generators, including
50 auxiliary attachments which improve the performance,

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1 safety, operation, or efficiency of the equipment and
2 replacement parts and are directly and primarily used
3 by contractors, subcontractors, and builders for new
4 construction, reconstruction, alterations, expansion,
5 or remodeling of real property or structures.
6 DIVISION
7 MISCELLANEOUS PROVISIONS
8 Sec. _____. Section 8.57, subsection 5, Code
9 Supplement 2003, is amended by adding the following
10 new paragraph:
11 **NEW PARAGRAPH.** g. Notwithstanding any other
12 provision to the contrary, and prior to the
13 appropriation of moneys from the rebuild Iowa

14 infrastructure fund pursuant to paragraph "c", and
15 section 8.57A, subsection 4, moneys shall first be
16 appropriated from the rebuild Iowa infrastructure fund
17 to the vertical infrastructure fund as provided in
18 section 8.57B, subsection 4.
19 Sec. _____. NEW SECTION. 8.57B VERTICAL
20 INFRASTRUCTURE FUND.

21 1. A vertical infrastructure fund is created under
22 the authority of the department of management. The
23 fund shall consist of appropriations made to the fund
24 and transfers of interest, earnings, and moneys from
25 other funds as provided by law. The fund shall be
26 separate from the general fund of the state and the
27 balance in the fund shall not be considered part of
28 the balance of the general fund of the state.
29 However, the fund shall be considered a special
30 account for the purposes of section 8.53, relating to
31 generally accepted accounting principles.

32 2. Notwithstanding section 12C.7, subsection 2,
33 interest or earnings on moneys in the vertical
34 infrastructure fund shall be credited to the rebuild
35 Iowa infrastructure fund.

36 3. Moneys in the fund in a fiscal year shall be
37 used as appropriated by the general assembly for
38 public vertical infrastructure projects. For the
39 purposes of this section, "vertical infrastructure"
40 includes only land acquisition and construction, major
41 renovation, and major repair of buildings, all
42 appurtenant structures, utilities, and site
43 development. "Vertical infrastructure" does not
44 include routine, recurring maintenance, debt service,
45 or operational expenses or leasing of a building,
46 appurtenant structure, or utility without a lease-
47 purchase agreement.

48 4. There is appropriated from the rebuild Iowa
49 infrastructure fund to the vertical infrastructure
50 fund, the following:

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1 a. For the fiscal year beginning July 1, 2005, and
2 ending June 30, 2006, the sum of fifteen million
3 dollars.

4 b. For the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the sum of fifty million
6 dollars.

7 c. For the fiscal year beginning July 1, 2007, and
8 ending June 30, 2008, the sum of seventy-five million
9 dollars.

10 d. For the fiscal year beginning July 1, 2008, and
11 each fiscal year thereafter, the sum of one hundred
12 million dollars.

13 Sec. _____. Section 8D.13, subsection 12, Code
14 Supplement 2003, is amended to read as follows:
15 12. The commission, on its own or as recommended
16 by an advisory committee of the commission and
17 approved by the commission, shall permit a fee to be
18 charged by a receiving site to the originator of the
19 communication provided on the network. The fee
20 charged shall be for the purpose of recovering the
21 operating costs of a receiving site. The fee charged
22 shall be reduced by an amount received by the
23 receiving site pursuant to a state appropriation for
24 such costs, or federal assistance received for such
25 costs. Fees established under this subsection shall
26 be paid by the originator of the communication
27 directly to the receiving site. In the event that an
28 entity requests a receiving site location in a video
29 classroom facility which is authorized by, but not
30 funded by, the originator of the communication, the
31 requesting entity shall be directly billed by the
32 video classroom facility for operating costs relating
33 to the communication. For purposes of this section,
34 "operating costs" include the costs associated with
35 the management or coordination, operations, utilities,
36 classroom, equipment, maintenance, and other costs
37 directly related to providing the receiving site.
38 Sec. _____. Section 15E.208, subsection 3, paragraph
39 b, subparagraph (2), Code Supplement 2003, is amended
40 by adding the following new subparagraph subdivisions:
41 NEW SUBPARAGRAPH SUBDIVISION. (c) Notwithstanding
42 any provision of this division to the contrary,
43 payments on the principal balance of the loan granted
44 by the corporation to an eligible person and assigned
45 to the department pursuant to this subparagraph during
46 calendar year 2003 shall be deferred until October 1,
47 2007. The eligible person shall make principal
48 payments to the department in the amount of one
49 million dollars for each year on October 1, 2007,
50 October 1, 2008, and October 1, 2009. The eligible

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1 person shall pay the department four hundred eighty-
2 two thousand seven hundred sixty-one dollars in
3 interest, which shall be deemed to be the total amount
4 of interest accruing on the principal amount of the
5 loan. The eligible person shall pay the interest
6 amount on October 1, 2010. Upon the payment of the
7 principal balance of the loan and the accrued
8 interest, the debt shall be retired.
9 NEW SUBPARAGRAPH SUBDIVISION. (d) Notwithstanding
10 any provision of this division to the contrary, the
11 corporation shall repay the department the principal

12 balance of the Iowa agricultural industry finance loan
13 beginning on October 1, 2007. The principal balance
14 of the loan equals twenty-one million five hundred
15 seventeen thousand two hundred thirty-nine dollars.
16 The corporation shall repay the department five
17 hundred seventeen thousand two hundred thirty-nine
18 dollars by October 1, 2007, and for each subsequent
19 year the corporation shall repay the department at
20 least one million dollars by October 1 until the total
21 principal balance of the loan is repaid. This
22 subparagraph subdivision shall not be construed to
23 limit the department's authority to negotiate the
24 payment of interest accruing on the principal balance
25 which shall be paid to the department as provided by
26 an agreement executed by the department and the
27 corporation.

28 Sec.____. Section 28M.1, if enacted by 2004 Iowa
29 Acts, Senate File 2284, section 1, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 3. "Transportation" means the
32 movement of individuals in a four or more wheeled
33 motorized vehicle designed to carry passengers,
34 including a car, van, or bus, or the carrying of
35 individuals upon cars operated upon stationary rails,
36 between one geographic point and another geographic
37 point. "Transportation" does not include emergency or
38 incidental transportation or transportation conducted
39 by the department of human services at its
40 institutions.

41 Sec.____. Section 28M.2, subsections 1 and 3, if
42 enacted by 2004 Iowa Acts, Senate File 2284, section
43 2, are amended to read as follows:

44 1. A county with a population in excess of ~~three~~
45 one hundred seventy-five thousand and participating
46 cities may create, by chapter 28E agreement, a
47 regional transit district in the county pursuant to
48 this chapter. Two or more contiguous counties and
49 participating cities may create, by chapter 28E
50 agreement, a regional transit district pursuant to

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1 this chapter if one of the counties has a population
2 in excess of ~~three~~ one hundred seventy-five thousand.
3 A district shall consist of the unincorporated area of
4 any participating county and the incorporated area of
5 any city in the county that does not have an urban
6 transit system. However, a city without an urban
7 transit system may decline, by resolution forwarded to
8 the board of supervisors, to participate in a regional
9 transit district.

10 3. A city that is located in a nonparticipating

11 county that is contiguous to a county with a
12 population in excess of ~~three one~~ hundred ~~seventy-five~~
13 thousand that is creating a regional transit district
14 may notify that county, by resolution forwarded to the
15 board of supervisors of that county, that the city
16 wishes to participate.
17 Sec.____. Section 28M.5, subsection 1, unnumbered
18 paragraph 2, if enacted by 2004 Iowa Acts, Senate File
19 2284, section 5, is amended to read as follows:
20 The amount of the regional transit district levy
21 that is the responsibility of a participating county
22 shall be deducted from the maximum rates of taxes
23 authorized to be levied by the county pursuant to
24 section 331.423, subsections 1 and 2, as applicable.
25 However, for a regional transit district that includes
26 a county with a population of less than three hundred
27 thousand, the amount of the regional transit district
28 levy that is the responsibility of a participating
29 county shall be deducted from the maximum rate of
30 taxes authorized to be levied by the county pursuant
31 to section 331.423, subsection 1.
32 Sec.____. Section 99F.7, subsection 13, Code 2003,
33 as amended by 2004 Iowa Acts, House File 2302, if
34 enacted, is amended to read as follows:
35 13. ~~An~~ When applicable, an excursion gambling boat
36 operated on inland waters of this state or an
37 excursion boat that has been removed from navigation
38 and is designated as a permanently moored vessel by
39 the United States coast guard shall be subject to the
40 exclusive jurisdiction of the department of natural
41 resources and meet all of the requirements of chapter
42 462A and is further subject to an inspection of its
43 sanitary facilities to protect the environment and
44 water quality before a certificate of registration is
45 issued by the department of natural resources or a
46 license is issued or renewed under this chapter.
47 Sec.__. Section 165B.5, subsection 3, if enacted
48 by 2004 Iowa Acts, House File 2476, section 6, is
49 amended to read as follows:
50 3. a. A person who owns or operates a restricted

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1 concentration point is subject to a civil penalty of
2 ~~not less than~~ five thousand dollars for the first
3 violation and ~~not less than~~ twenty-five thousand
4 dollars for each subsequent violation. Each day that
5 a violation continues constitutes a separate
6 violation.
7 b. A person who has a legal interest in infected
8 poultry or has custody of infected poultry which are
9 located at a restricted concentration point is subject

10 to a civil penalty of ~~not less than~~ five thousand
11 dollars for the first violation and ~~not less than~~
12 twenty-five thousand dollars for each subsequent
13 violation. Each day that a violation continues
14 constitutes a separate violation.

15 c. A person who transports poultry to or from a
16 restricted concentration point is subject to a civil
17 penalty of ~~not less than~~ one thousand dollars for the
18 first violation and ~~not less than~~ five thousand
19 dollars for each subsequent violation. Each day that
20 a violation continues constitutes a separate
21 violation.

22 d. A person who purchases, offers to purchase,
23 barter, or offers to barter for poultry at a
24 restricted concentration point is subject to a civil
25 penalty of ~~not less than~~ one hundred dollars for the
26 first violation and ~~not less than~~ one thousand dollars
27 for each subsequent violation. Each day that a
28 violation continues constitutes a separate violation.

29 e. A person who charges admission for entry into a
30 restricted concentration point where a contest occurs
31 or otherwise holds, advertises, or conducts the
32 contest is subject to a civil penalty of ~~not less than~~
33 one thousand dollars for the first violation and ~~not~~
34 ~~less than~~ five thousand dollars for each subsequent
35 violation. Each day that a violation continues
36 constitutes a separate violation.

37 f. A person who attends or participates in a
38 contest at a restricted concentration point where a
39 contest occurs is subject to a civil penalty of ~~not~~
40 ~~less than~~ one hundred dollars for the first violation
41 and ~~not less than~~ one thousand dollars for each
42 subsequent violation. Each day that a violation
43 continues constitutes a separate violation.

44 Sec. _____. Section 260C.18A, subsection 3, Code
45 Supplement 2003, is amended to read as follows:

46 3. Of the moneys appropriated in this section, for
47 the fiscal period beginning July 1, 2003, and ending
48 June 30, ~~2006~~ 2007, the following amounts shall be
49 designated for the purposes of funding job retention
50 projects under section 260F.9:

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1 a. One million dollars for the fiscal year
2 beginning July 1, 2003.

3 b. One million dollars for the fiscal year
4 beginning July 1, 2004.

5 c. One million dollars for the fiscal year
6 beginning July 1, 2005.

7 d. One million dollars for the fiscal year
8 beginning July 1, 2006. However, this paragraph only

9 applies if moneys allocated under paragraph "a" were
10 distributed to community colleges as provided under
11 subsection 8.

12 Sec.____. Section 260C.18A, Code Supplement 2003,
13 is amended by adding the following new subsection:
14 NEW SUBSECTION. 8. If moneys allocated under
15 subsection 3, paragraph "a", are unobligated and
16 unencumbered on June 30, 2004, those moneys shall be
17 distributed to community colleges in accordance with
18 subsection 5 for the fiscal year beginning July 1,
19 2004, and ending June 30, 2005.

20 Sec.____. Section 306.46, as enacted by 2004 Iowa
21 Acts, Senate File 2118, section 1, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 3. This section shall not impair
24 or interfere with a city's authority to grant, amend,
25 extend, or renew a franchise as provided in section
26 364.2, and shall not impair or interfere with a city's
27 existing general police powers to control the use of
28 its right-of-way.

29 Sec.____. Section 321.34, subsection 11,
30 paragraphs c and d, Code Supplement 2003, are amended
31 to read as follows:

32 c. The special natural resources fee for letter
33 number designated natural resources plates is ~~thirty-~~
34 ~~five~~ forty-five dollars. The fee for personalized
35 natural resources plates is forty-five dollars which
36 shall be paid in addition to the special natural
37 resources fee of ~~thirty-five~~ forty-five dollars. The
38 fees collected by the director under this subsection
39 shall be paid monthly to the treasurer of state and
40 credited to the road use tax fund. Notwithstanding
41 section 423.24, and prior to the crediting of revenues
42 to the road use tax fund under section 423.24,
43 subsection 1, paragraph "b", the treasurer of state
44 shall credit monthly from those revenues to the Iowa
45 resources enhancement and protection fund created
46 pursuant to section 455A.18, the amount of the special
47 natural resources fees collected in the previous month
48 for the natural resources plates.

49 From the moneys credited to the Iowa resources
50 enhancement and protection fund under this paragraph

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1 "c", ten dollars of the fee collected for each natural
2 resources plate issued, and fifteen dollars from each
3 renewal fee, shall be allocated to the department of
4 natural resources wildlife bureau to be used for
5 nongame wildlife programs.

6 d. Upon receipt of the special registration
7 plates, the applicant shall surrender the current

8 registration receipt and plates to the county
9 treasurer. The county treasurer shall validate the
10 special registration plates in the same manner as
11 regular registration plates are validated under this
12 section. The annual special natural resources fee for
13 letter number designated plates is ~~ten~~ twenty-five
14 dollars which shall be paid in addition to the regular
15 annual registration fee. The annual fee for
16 personalized natural resources plates is five dollars
17 which shall be paid in addition to the annual special
18 natural resources fee and the regular annual
19 registration fee. The annual special natural
20 resources fee shall be credited as provided under
21 paragraph "c".

22 Sec.____. NEW SECTION. 327F.38 FIRST AID AND
23 MEDICAL TREATMENT FOR EMPLOYEES.

24 The department shall adopt rules requiring railroad
25 corporations within the state to provide reasonable
26 and adequate access to first aid and medical treatment
27 for employees injured in the course of employment. A
28 railroad corporation found guilty of a rule adopted
29 pursuant to this section shall, upon conviction, be
30 subject to a schedule "one" penalty.

31 Sec.____. Section 331.362, subsection 5, Code
32 Supplement 2003, is amended to read as follows:

33 5. The Notwithstanding any provision of law to the
34 contrary, the board may enter into agreements with the
35 department of transportation as provided in section
36 313.2, including but not limited to agreements for the
37 disposition of county property in accordance with
38 section 331.361, subsection 2.

39 Sec.____. Section 422.11J, subsection 5, paragraph
40 a, if enacted by 2004 Iowa Acts, Senate File 2295, is
41 amended to read as follows:

42 a. "Disabled student" means a child requiring
43 special education, as defined in section 256B.2,
44 subsection 1, or a student with disabilities who
45 qualifies for educational services under section 504
46 of the federal Rehabilitation Act of 1973, as amended
47 and codified in 29 U.S.C. } 794.

48 Sec.____. Section 432.1, subsection 6, paragraph
49 b, unnumbered paragraph 1, Code Supplement 2003, is
50 amended to read as follows:

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1 In addition to the prepayment amount in paragraph
2 "a", each life insurance company or association which
3 is subject to tax under subsection 1 of this section
4 and each mutual health service corporation which is
5 subject to tax under section 432.2 shall remit on or
6 before ~~June 30~~ August 15, on a prepayment basis, an

7 additional amount equal to the following percent of
8 the premium tax liability for the preceding calendar
9 year as follows:

10 Sec.____. Section 432.1, subsection 6, paragraph
11 c, unnumbered paragraph 1, Code Supplement 2003, is
12 amended to read as follows:

13 In addition to the prepayment amount in paragraph
14 "a", each insurance company or association, other than
15 a life insurance company or association, which is
16 subject to tax under subsection 3 shall remit on or
17 before ~~June 30~~ August 15, on a prepayment basis, an
18 additional amount equal to the following percent of
19 the premium tax liability for the preceding calendar
20 year as follows:

21 Sec.____. Section 518.18, subsection 3, paragraph
22 b, unnumbered paragraph 1, Code Supplement 2003, is
23 amended to read as follows:

24 In addition to the prepayment amount in paragraph
25 "a", each association shall remit on or before ~~June 30~~
26 August 15, on a prepayment basis, an additional amount
27 equal to the following percent of the premium tax
28 liability for the preceding calendar year as follows:

29 Sec.____. Section 518A.35, subsection 3, paragraph
30 b, unnumbered paragraph 1, Code Supplement 2003, is
31 amended to read as follows:

32 In addition to the prepayment amount in paragraph
33 "a", each association shall remit on or before ~~June 30~~
34 August 15, on a prepayment basis, an additional amount
35 equal to the following percent of the premium tax
36 liability for the preceding calendar year as follows:

37 Sec.____. 2004 Iowa Acts, Senate File 2257,
38 section 1, subsection 10, if enacted, is amended to
39 read as follows:

40 10. APPLICABILITY DATE. This section applies to
41 personal insurance contracts or policies delivered,
42 issued for delivery, continued, or renewed in this
43 state on or after ~~April 1, 2005~~ October 1, 2004.

44 Sec.____. 2003 Iowa Acts, chapter 145, section
45 290, subsection 2, paragraph c, is amended to read as
46 follows:

47 c. By ~~September~~ December 1, 2004, the department
48 of administrative services, with the assistance of the
49 department of management, shall conduct a
50 comprehensive study of the impact of transferring all

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1 state agency employees delivering information
2 technology services to the department of
3 administrative services and of the impact of
4 physically merging the data centers of the department,
5 the state department of transportation, and the

department of workforce development, into one data center. The study shall include an assessment of advantages and disadvantages, economies of scale, cost, and space availability, and shall solicit input from outside vendors, both public and private. The department shall report to the legislative ~~fiscal~~ ~~bureau services agency~~ and the committees on government oversight of the senate and house of representatives on the department's findings and recommendations by ~~November 1, December 15, 2004.~~

Sec. _____. 2004 Iowa Acts, House File 2562, section 11, subsection 1, if enacted, is amended to read as follows:

1. This Act, except for the provision of this Act enacting section 99B.10, subsection 5B, being deemed of immediate importance, takes effect upon enactment. Sec. _____. MENTAL HEALTH INSTITUTE AT CHEROKEE. If building space located at the state mental health institute at Cherokee being used by an organization other than the state will be vacated by the organization, the department of human services shall reserve the space to be available for the purposes described in this section. The department shall develop a plan for using vacant building space at the institute for a program to address the treatment needs of persons with a developmental disability who exhibit sexually violent behavior and are residents at state resource centers or other residential settings.

Sec. _____. EFFECTIVE DATE. The sections of this division of this Act amending section 260C.18A, Code Supplement 2003, being deemed of immediate importance, take effect upon enactment.

Sec. _____. EFFECTIVE DATE. The section of this division of this Act amending section 306.46, being deemed of immediate importance, takes effect upon enactment.

Sec. _____. REAP PLATES – EFFECTIVE DATE. The section of this division of this Act amending section 321.34, subsection 11, paragraphs "c" and "d", takes effect January 1, 2005.

Sec. _____. EFFECTIVE DATE. The sections of this division of this Act amending sections 432.1, 518.18, and 518A.35, being deemed of immediate importance, take effect upon enactment.

DIVISION

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CORRECTIVE PROVISIONS

Sec. _____. Section 9E.6A, unnumbered paragraph 1, Code 2003, as amended by 2004 Iowa Acts, House File 2516, section 1, if enacted, is amended to read as

5 follows:

6 Each person performing a notarial act pursuant to
7 section 9E.10 must acquire and use a stamp or seal as
8 provided in this chapter. However, this section shall
9 not apply to a notarial act performed by a judicial
10 officer as defined in section 602.1101, if the
11 notarial act is performed in accordance with state or
12 federal statutory authority, ~~or is and shall not apply~~
13 to a certification by a chief officer or a chief
14 officer's designee of a peace officer's verification
15 of a uniform citation and complaint pursuant to
16 section 805.6, subsection 5.

17 Sec.____. Section 9H.1, subsection 17, Code
18 Supplement 2003, is amended to read as follows:

19 17. "Limited partnership" means a limited
20 partnership as defined in section 487.101, subsection
21 7, and or 488.102, or a limited liability limited
22 partnership under section 487.1301 or chapter 488,
23 which owns or leases agricultural land or is engaged
24 in farming.

25 Sec.____. Section 9H.1, subsection 17, Code
26 Supplement 2003, as amended by this division of this
27 Act to take effect January 1, 2005, is amended to read
28 as follows:

29 17. "Limited partnership" means a limited
30 partnership as defined in section ~~487.101 or~~ 488.102,
31 or a limited liability limited partnership under
32 ~~section 487.1301 or~~ chapter 488, which owns or leases
33 agricultural land or is engaged in farming.

34 Sec.____. Section 10B.1, subsection 8, Code
35 Supplement 2003, is amended to read as follows:

36 8. "Limited partnership" means a foreign or
37 domestic limited partnership, including a limited
38 partnership as defined in section 487.101, ~~subsection~~
39 ~~7 or~~ 488.102, and a domestic or foreign limited
40 liability limited partnership under section 487.1301
41 or 487.1303, or chapter 488.

42 Sec.____. Section 10B.1, subsection 8, Code
43 Supplement 2003, as amended by this division of this
44 Act to take effect January 1, 2005, is amended to read
45 as follows:

46 8. "Limited partnership" means a foreign or
47 domestic limited partnership, including a limited
48 partnership as defined in section ~~487.101 or~~ 488.102,
49 and a domestic or foreign limited liability limited
50 partnership under ~~section 487.1301 or 487.1303, or~~

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1 chapter 488.

2 Sec.____. Section 34A.7A, subsection 2, paragraph
3 f, if enacted by 2004 Iowa Acts, House File 2434, is

4 amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 f. (1) The program manager shall allocate an
7 amount up to one hundred twenty-seven thousand dollars
8 per calendar quarter equally to the joint E911 service
9 boards and the department of public safety that have
10 submitted an annual written request to the program
11 manager in a form approved by the program manager by
12 May 15 of each year.

13 (2) Upon retirement of outstanding obligations
14 referred to in paragraph "e", the amount allocated
15 under this paragraph "f" shall be an amount up to four
16 hundred thousand dollars per calendar quarter
17 allocated as follows:

18 (a) Sixty-five percent of the total dollars
19 available for allocation shall be allocated in
20 proportion to the square miles of the service area to
21 the total square miles in this state.

22 (b) Thirty-five percent of the total dollars
23 available for allocation shall be allocated in
24 proportion to the wireless E911 calls taken at the
25 public safety answering point in the service area to
26 the total number of wireless E911 calls originating in
27 this state.

28 (c) Notwithstanding subparagraph subdivisions (a)
29 and (b), the minimum amount allocated to each joint
30 E911 service board and to the department of public
31 safety shall be no less than one thousand dollars for
32 each public safety answering point within the service
33 area of the department of public safety or joint E911
34 service board.

35 (3) The funds allocated in this paragraph "f"
36 shall be used for communication equipment located
37 inside the public safety answering points for the
38 implementation and maintenance of wireless E911 phase
39 2. The joint E911 service boards and the department
40 of public safety shall provide an estimate of phase 2
41 implementation costs to the program manager by January
42 1, 2005.

43 Sec. _____. Section 48A.11, subsection 1, paragraph
44 e, Code 2003, as amended by 2004 Iowa Acts, Senate
45 File 2269, section 8, if enacted, is amended to read
46 as follows:

47 e. Iowa driver's license number if the registrant
48 has a current and valid Iowa driver's license, Iowa
49 nonoperator's identification card if the registrant
50 has a current and valid Iowa nonoperator's

1 identification card, or the last four numerals of the
2 registrant's social security number. If the

3 registrant does not have an Iowa driver's license
4 number, an Iowa nonoperator's identification card
5 number, or a social security number, the form shall
6 provide space for a number to be assigned as provided
7 in subsection 7.

8 Sec.____. Section 48A.25A, unnumbered paragraph 1,
9 if enacted by 2004 Iowa Acts, Senate File 2269,
10 section 13, is amended to read as follows:.

11 Upon receipt of an application for voter
12 registration by mail, the state registrar of voters
13 shall compare the driver's license number, the Iowa
14 nonoperator's identification card number, or the last
15 four numerals of the social security number provided
16 by the registrant with the records of the state
17 department of transportation. To be verified, the
18 voter registration record shall contain the same name,
19 date of birth, and driver's license number or Iowa
20 nonoperator's identification card number or whole or
21 partial social security number as the records of the
22 department of transportation. If the information
23 cannot be verified, the application shall be rejected
24 and the registrant shall be notified of the reason for
25 the rejection. If the information can be verified, a
26 record shall be made of the verification and the
27 application shall be accepted.

28 Sec.____. Section 48A.37, subsection 2, Code 2003,
29 as amended by 2004 Iowa Acts, Senate File 2269,
30 section 18, if enacted, is amended to read as follows:

31 2. Electronic records shall include a status code
32 designating whether the records are active, inactive,
33 local, or pending. Inactive records are records of
34 registered voters to whom notices have been sent
35 pursuant to section 48A.28, subsection 3, and who have
36 not returned the card or otherwise responded to the
37 notice, and those records have been designated
38 inactive pursuant to section 48A.29. Local records
39 are records of applicants who did not answer either
40 "yes" or "no" to the question in section 48A.11,
41 subsection 2A, paragraph "a". Pending records are
42 records of applicants whose applications have not been
43 verified pursuant to section 48A.25A. All other
44 records are active records. An inactive record shall
45 be made active when the registered voter votes at an
46 election, registers again, or reports a change of
47 name, address, telephone number, or political party
48 affiliation. A pending record shall be made active
49 upon verification. A local record shall be valid for
50 any election for which no candidates for federal

2 ~~may with only a local record shall~~ not vote in a
3 federal election unless the registrant submits a new
4 voter registration application before election day
5 indicating that the applicant is a citizen of the
6 United States.

7 Sec.____. Section 49.81, subsection 2, unnumbered
8 paragraph 3, if enacted by 2004 Iowa Acts, Senate File
9 2269, section 20, is amended to read as follows:

10 You must show identification before your ballot can
11 be counted. Please bring or mail a copy of a current
12 and valid photo identification card to the county
13 ~~commissioners~~ commissioner's office or bring or mail a
14 copy of one of the following current documents that
15 show your name and address:

16 Sec.____. Section 52.7, unnumbered paragraph 4,
17 Code 2003, as amended by 2004 Iowa Acts, Senate File
18 2269, section 27, if enacted, is amended to read as
19 follows:

20 Such machine shall be so constructed as to
21 accurately account for every vote cast upon it. The
22 machine shall be so constructed as to remove
23 information from the ballot identifying the voter
24 before the ballot is recorded and counted. If the
25 machine is a direct ~~electronic~~ recording electronic
26 device, the machine shall be so constructed as to
27 store each ballot cast separate from the ballot
28 tabulation function, which ballot may be reproduced on
29 paper in the case of a recount, manual audit, or
30 machine malfunction.

31 Sec.____. Section 53.3, subsection 7, if enacted
32 by 2004 Iowa Acts, Senate File 2269, section 30, is
33 amended to read as follows:

34 7. A statement that an absentee ballot will ~~by~~ be
35 mailed to the applicant within twenty-four hours after
36 the ballot for the election is available.

37 Sec.____. Section 53.17, subsection 1, paragraph
38 a, if enacted by 2004 Iowa Acts, Senate File 2269,
39 section 33, is amended to read as follows:

40 a. The sealed carrier envelope may be delivered by
41 the registered voter, by the special precinct election
42 officials designated pursuant to section 53.22,
43 subsection 1, or by the voter's designee if the
44 absentee ballot is voted by a voter described in
45 section 53.22, subsection 5, to the commissioner's
46 office no later than the time the polls are closed on
47 election day, ~~except as otherwise provided in~~
48 ~~subsection 4.~~

49 Sec.____. Section 53.17, subsection 4, paragraph
50 d, subparagraph (2), if enacted by 2004 Iowa Acts,

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1 Senate File 2269, section 33, is amended to read as
2 follows:

3 (2) The date and time the ~~voted~~ completed absentee
4 ballot was received from the voter.

5 Sec. _____. Section 68A.402, subsection 7, paragraph
6 b, as amended by 2004 Iowa Acts, House File 2319,
7 section 1, if enacted, is amended to read as follows:

8 b. COUNTY ELECTIONS. A political committee
9 expressly advocating the nomination, election, or
10 defeat of candidates for county office shall file
11 reports on the same dates as a candidate's committee
12 is required to file reports under subsection 2,
13 paragraph "a" and subsection 5, paragraph "b".

14 Sec. _____. Section 68A.503, subsection 4,
15 unnumbered paragraph 1, as amended by 2004 Iowa Acts,
16 House File 2318, section 7, if enacted, is amended to
17 read as follows:

18 The prohibitions in ~~sections~~ subsections 1 and 2
19 shall not apply to an insurance company, savings and
20 loan association, bank, credit union, or corporation
21 engaged in any of the following activities:

22 Sec. _____. Section 99B.11, subsection 2, paragraph
23 c, Code 2003, as amended by 2004 Iowa Acts, Senate
24 File 2249, section 1, is amended to read as follows:

25 c. Contests or exhibitions of cooking,
26 horticulture, livestock, poultry, fish or other
27 animals, artwork, hobbywork or craftwork, except those
28 prohibited by chapter 717A ~~or section 725.11~~.

29 Sec. _____. Section 174.1, subsection 0B, paragraph
30 a, as enacted by House File 2403, section 8, is
31 amended to read as follows:

32 a. The organization owns or leases at least ten
33 acres of fairgrounds. ~~A society~~ An organization may
34 meet the requirement of owning or leasing land,
35 buildings, and improvements through ownership by a
36 joint entity under chapter 28E.

37 Sec. _____. Section 174.12, subsection 2, unnumbered
38 paragraph 1, Code 2003, as amended by 2004 Iowa Acts,
39 House File 2403, section 16, is amended to read as
40 follows:

41 A district director of the association representing
42 the district in which the county is located, and the
43 director of the Iowa state fair board representing the
44 state fair board district in which the county is
45 located, certify to the association that the fair had
46 an accredited delegate in attendance at at least one
47 of the district meetings, and at the association's
48 annual meeting.

49 Sec. _____. Section 229.27, subsection 1, Code 2003,
50 is amended to read as follows:

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1 1. Hospitalization of a person under this chapter,
2 either voluntarily or involuntarily, does not
3 constitute a finding of nor equate with nor raise a
4 presumption of incompetency, nor cause the person so
5 hospitalized to be deemed a person of unsound mind nor
6 a person under legal disability for any purpose,
7 including but not limited to any circumstances to
8 which sections 6B.15, 447.7, 487.402, subsection 5,
9 paragraph "b", section 488.603, subsection 6,
10 paragraph "c", sections 487.705, 488.704, 597.6,
11 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and
12 633.244 are applicable.

13 Sec.____. Section 229.27, subsection 1, Code 2003,
14 as amended by this division of this Act to take effect
15 January 1, 2005, is amended to read as follows:

16 1. Hospitalization of a person under this chapter,
17 either voluntarily or involuntarily, does not
18 constitute a finding of nor equate with nor raise a
19 presumption of incompetency, nor cause the person so
20 hospitalized to be deemed a person of unsound mind nor
21 a person under legal disability for any purpose,
22 including but not limited to any circumstances to
23 which sections 6B.15, 447.7, ~~487.402, subsection 5,~~
24 ~~paragraph "b",~~ section 488.603, subsection 6,
25 paragraph "c", sections 487.705, 488.704, 597.6,
26 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and
27 633.244 are applicable.

28 Sec.____. Section 260C.18A, subsection 2,
29 unnumbered paragraph 1, Code Supplement 2003, is
30 amended to read as follows:

31 On July 1 of each year for the fiscal year
32 beginning July 1, 2003, and for every fiscal year
33 thereafter, moneys from the grow Iowa values fund
34 created in section 15G.108 are appropriated to the
35 department of economic development for deposit in the
36 workforce training and economic development funds in
37 amounts determined pursuant to subsection ~~3~~ 4. Moneys
38 deposited in the funds and disbursed to community
39 colleges for a fiscal year shall be expended for the
40 following purposes, provided seventy percent of the
41 moneys shall be used on projects in the areas of
42 advanced manufacturing, information technology and
43 insurance, and life sciences which include the areas
44 of biotechnology, health care technology, and nursing
45 care technology:

46 Sec.____. Section 321I.10, if enacted by 2004 Iowa
47 Acts, Senate File 297, section 53, is amended by
48 adding the following new subsection:

49 NEW SUBSECTION. 2A. Cities may designate streets
50 under the jurisdiction of cities within their

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1 respective corporate limits which may be used for the
2 sport of driving all-terrain vehicles.

3 Sec.____. Section 331.606B, subsection 4,
4 paragraph a, if enacted by 2004 Iowa Acts, Senate File
5 371, section 3, is amended to read as follows:

6 a. A document or instrument that was signed before
7 July 1, ~~2004~~ 2005.

8 Sec.____. Section 488.102, subsection 10,
9 paragraph a, subparagraph (2), as enacted by 2004 Iowa
10 Acts, House File 2347, section 2, is amended to read
11 as follows:

12 (2) A person that was a general partner in a
13 limited partnership when the limited partnership
14 became subject to this chapter under section ~~488.1206~~
15 488.1204, subsection 1 or 2.

16 Sec.____. Section 488.102, subsection 12,
17 paragraph a, subparagraph (2), as enacted by 2004 Iowa
18 Acts, House File 2347, section 2, is amended to read
19 as follows:

20 (2) A person that was a limited partner in a
21 limited partnership when the limited partnership
22 became subject to this chapter under section ~~488.1206~~
23 488.1204, subsection 1 or 2.

24 Sec.____. Section 488.102, subsection 13, as
25 enacted by 2004 Iowa Acts, House File 2347, section 2,
26 is amended to read as follows:

27 13. "Limited partnership", except in the phrases
28 "foreign limited partnership" and "foreign limited
29 liability limited partnership", means an entity,
30 having one or more general partners and one or more
31 limited partners, which is formed under this chapter
32 by two or more persons or becomes subject to this
33 chapter under article 11 or section ~~488.1206~~ 488.1204,
34 subsection 1 or 2. The term includes a limited
35 liability limited partnership.

36 Sec.____. Section 488.202, subsection 3,
37 unnumbered paragraph 1, as enacted by 2004 Iowa Acts,
38 House File 2347, section 20, is amended to read as
39 follows:

40 A general partner that knows that any information
41 in a filed certificate of limited partnership was
42 false when the certificate was filed or has become
43 false due to changed circumstances shall promptly do
44 at least one of the following:

45 Sec.____. Section 488.209, subsection 1, paragraph
46 c, as enacted by 2004 Iowa Acts, House File 2347,
47 section 27, is amended to read as follows:

48 c. Whether all fees, taxes, and penalties under
49 this chapter or other law due ~~to~~ the secretary of
50 state have been paid.

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1 Sec.____. Section 488.209, subsection 2, paragraph
2 c, as enacted by 2004 Iowa Acts, House File 2347,
3 section 27, is amended to read as follows:

4 c. Whether all fees, taxes, and penalties under
5 this chapter or other law due ~~to~~ the secretary of
6 state have been paid.

7 Sec.____. Section 488.508, subsection 6, as
8 enacted by 2004 Iowa Acts, House File 2347, section
9 50, is amended to read as follows:

10 6. A limited partnership's indebtedness, including
11 indebtedness issued in connection with or as part of a
12 distribution, is not considered a liability for
13 purposes of subsection 2 if the terms of the
14 indebtedness provide that payment of principal and
15 interest ~~are~~ is made only to the extent that a
16 distribution could then be made to partners under this
17 section.

18 Sec.____. Section 488.703, subsection 1, as
19 enacted by 2004 Iowa Acts, House File 2347, section
20 61, is amended to read as follows:

21 1. On application to a court of competent
22 jurisdiction by any judgment creditor of a partner or
23 transferee, the court may charge the transferable
24 interest of the judgment debtor with payment of the
25 unsatisfied amount of the judgment with interest. To
26 the extent so charged, the judgment creditor has only
27 the rights of a transferee. The court may appoint a
28 receiver of the share of the distributions due or to
29 become due ~~to~~ the judgment debtor in respect of the
30 partnership and make all other orders, directions,
31 accounts, and inquiries the judgment debtor might have
32 made or which the circumstances of the case may
33 require to give effect to the charging order.

34 Sec.____. Section 488.809, subsection 1, paragraph
35 a, as enacted by 2004 Iowa Acts, House File 2347,
36 section 72, is amended to read as follows:

37 a. Pay any fee, tax, or penalty under this chapter
38 or other law due ~~to~~ the secretary of state.

39 Sec.____. Section 488.906, subsection 1, paragraph
40 a, as enacted by 2004 Iowa Acts, House File 2347,
41 section 81, is amended to read as follows:

42 a. Pay, within sixty days after the due date, any
43 fee, tax or penalty under this chapter or other law
44 due ~~to~~ the secretary of state.

45 Sec.____. Section 488.1106, subsection 1,
46 paragraph a, as enacted by 2004 Iowa Acts, House File
47 2347, section 94, is amended to read as follows:

48 a. The governing statute of each of the other
49 organizations authorizes the merger.

50 Sec.____. Section 504.304, subsection 1, if

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1 enacted by 2004 Iowa Acts, Senate File 2274, section
2 27, is amended to read as follows:

3 1. Except as provided in subsection 2, the
4 validity of corporate action ~~may~~ shall not be
5 challenged on the ground that the corporation lacks or
6 lacked power to act.

7 Sec. _____. Section 504.854, subsection 3, paragraph
8 b, if enacted by 2004 Iowa Acts, Senate File 2274,
9 section 104, is amended to read as follows:

10 b. By the members, but the director who, at the
11 time does not qualify as a disinterested director, ~~may~~
12 shall not vote as a member or on behalf of a member.

13 Sec. _____. Section 504.1422, subsection 3, if
14 enacted by 2004 Iowa Acts, Senate File 2274, section
15 145, is amended to read as follows:

16 3. A corporation that is administratively
17 dissolved continues its corporate existence but ~~may~~
18 shall not carry on any activities except those
19 necessary to wind up and liquidate its affairs
20 pursuant to section 504.1406 and notify its claimants
21 pursuant to sections 504.1407 and 504.1408.

22 Sec. _____. Section 614.37, Code 2003, as amended by
23 2004 Iowa Acts, House File 2450, section 8, if
24 enacted, is amended to read as follows:

25 614.37 LIMITATION STATUTES NOT EXTENDED.

26 Nothing contained in this chapter shall be
27 construed to extend the period for the bringing of an
28 action or for the doing of any other required act
29 under any statutes of limitations, nor, except as
30 herein specifically provided, to effect the operation
31 of any statutes governing the effect of the recording
32 or the failure to record any instrument affecting
33 land. It is intended that nothing contained in this
34 ~~division chapter~~ be interpreted to revive or extend
35 the period of filing a claim or bringing an action
36 that may be limited or barred by any other statute.

37 Sec. _____. Section 669.14, subsection 11,
38 unnumbered paragraph 1, Code Supplement 2003, as
39 amended by 2004 Iowa Acts, House File 2347, section
40 116, is amended to read as follows:

41 Any claim for financial loss based upon an act or
42 omission in financial regulation, including but not
43 limited to examinations, inspections, audits, or other
44 financial oversight responsibilities, pursuant to
45 chapters 87, 203, 203C, 203D, 421B, 486, ~~or the figure~~
46 ~~"487"~~ 487, 488, and 490 through 553, excluding
47 chapters 540A, 542, 542B, 543B, 543C, 543D, 544A, and
48 544B.

49 Sec. _____. Section 709A.1, subsection 2, paragraph
50 c, Code 2003, as amended by 2004 Iowa Acts, Senate

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1 File 2249, section 2, is amended to read as follows:

2 c. Any premises the use of which constitutes a
3 violation of chapter 717A, or section 725.5, or
4 ~~725.10, or 725.11.~~

5 Sec. _____. Section 714.26, subsection 1, paragraph
6 c, if enacted by 2004 Iowa Acts, House File 2395, is
7 amended to read as follows:

8 c. "Retail value" means the highest value of an
9 item determined by any reasonable standard at the time
10 the item bearing or identified by a counterfeit mark
11 is seized. If a seized item bearing or identified by
12 a counterfeit mark is a component of a finished
13 product, "retail value" also means the highest value,
14 determined by any reasonable standard, of the finished
15 product on which the component would have been
16 utilized. The retail value shall be the retail value
17 of the aggregate quantity of all items seized which
18 bear or are identified by a counterfeit mark. For
19 purposes of this paragraph, reasonable standard
20 includes but is not limited ~~the~~ to the market value
21 within the community, actual value, replacement value,
22 or the counterfeiter's regular selling price for the
23 item bearing or identified by a counterfeit mark, or
24 the intellectual property owner's regular selling
25 price for an item similar to the item bearing or
26 identified by a counterfeit mark.

27 Sec. _____. Section 717E.1, subsection 3, paragraph
28 a, if enacted by 2004 Iowa Acts, House File 2480,
29 section 1, is amended to read as follows:

30 a. The annual fair and exposition held by the Iowa
31 state fair board pursuant to chapter 173 or any fair
32 ~~held event conducted by a county or district fair or~~
33 ~~agricultural society~~ under the provisions of chapter
34 174.

35 Sec. _____. Section 812.6, subsection 2, unnumbered
36 paragraph 1, if enacted by 2004 Iowa Acts, Senate File
37 2272, section 8, is amended to read as follows:

38 If the court finds by clear and convincing evidence
39 that the defendant poses a danger to the public peace
40 or safety, or that the defendant is otherwise not
41 qualified for pretrial release, or the defendant
42 refuses to cooperate with treatment, the court shall
43 commit the defendant to an appropriate inpatient
44 treatment facility as provided in ~~paragraphs~~ paragraph
45 "a" ~~and or~~ "b". The defendant shall receive mental
46 health treatment designed to restore the defendant to
47 competency.

48 Sec. _____. Sections 7D.15, 10D.1, 15.114, 15.221,
49 15E.64, 18A.11, 84A.1C, 225C.13, 303.3, 331.441,
50 357A.2, 357A.11, 357A.20, 357A.21, 357A.22A, 357A.23,

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1 357A.24, 425.11, 476.1, 476.27, 480.3, 499.5, 499.5A,
2 500.3, 504C.1, 514.19, 514.23, and 515.1, Code 2003,
3 are amended by inserting before the figure "504A" the
4 following: "504 or", if 2004 Iowa Acts, Senate File
5 2274 is enacted.

6 Sec.____. Sections 9H.1, 9H.4, 10B.1, 190C.6,
7 304A.21, 331.427, 357A.15, 422.45, 490.1701, 504B.1,
8 504B.6, 513C.10, 514.1, 514.2, 514.5, 616.10, 633.63,
9 and 716.6B, Code Supplement 2003, are amended by
10 inserting before the figure "504A" the following:
11 "504 or", if 2004 Iowa Acts, Senate File 2274 is
12 enacted.

13 Sec.____. 2004 Iowa Acts, House File 401, section
14 1, is amended by striking the section and inserting in
15 lieu thereof the following:

16 SECTION 1. Section 404A.4, subsection 4, Code
17 Supplement 2003, is amended to read as follows:

18 4. The total amount of tax credits that may be
19 approved for a fiscal year under this chapter shall
20 not exceed two million four hundred thousand dollars.
21 For the fiscal years beginning July 1, 2005, and July
22 1, 2006, an additional five hundred thousand dollars
23 of tax credits may be approved each fiscal year for
24 purposes of projects located in cultural and
25 entertainment districts certified pursuant to section
26 303.3B. Any of the additional tax credits allocated
27 for projects located in certified cultural and
28 entertainment districts that are not approved during a
29 fiscal year may be carried over to the succeeding
30 fiscal year. ~~Tax credit certificates shall be issued~~
31 ~~on the basis of the earliest awarding~~ The department
32 of cultural affairs shall establish by rule the
33 procedures for the application, review, selection, and
34 awarding of certifications of completion ~~as provided~~
35 ~~in subsection 1.~~ The departments of economic
36 development, cultural affairs, and revenue shall each
37 adopt rules to jointly administer this subsection and
38 shall provide by rule for the method to be used to
39 determine for which fiscal year the tax credits are
40 ~~approved available.~~

41 Sec.____. 2004 Iowa Acts, House File 2562, section
42 10, subsection 2, if enacted, is amended to read as
43 follows:

44 2. On and after July 1, 2005, an owner of an
45 electrical and mechanical amusement device as
46 described in subsection 1 shall not offer the device
47 for use by the public. However, the owner of a device
48 shall be permitted to sell the device to a
49 distributor, as defined in section 99B.1, as amended
50 by this Act, or to a person authorized to offer the

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1 device to the public pursuant to section 99B.10,
2 subsection 4, as amended by this Act for which a class
3 "A", class "B", class "C", or class "D" liquor control
4 license ~~or class "B" or class "C" beer permit~~ has been
5 issued pursuant to chapter 123.

6 Sec.____. 2004 Iowa Acts, Senate File 2070,
7 section 35, subsection 1, is amended to read as
8 follows:

9 1. Except as provided in subsections 2 through 4
10 6, this Act takes effect January 1, 2005.

11 Sec.____. The section of 2004 Iowa Acts, House
12 File 2489, amending section 523A.502, subsection 7, is
13 repealed if 2004 Iowa Acts, House File 2269, is
14 enacted.

15 Sec.____. 2004 Iowa Acts, Senate File 2282,
16 section 1, if enacted, is amended to read as follows:

17 SECTION 1. LOESS HILLS STUDY AND REPORT. The
18 loess hills development and conservation authority, in
19 consultation with the state advisory board for
20 preserves, shall conduct a comprehensive study to
21 determine the archaeological and paleontological
22 significance and the significance of the flora and
23 fauna of the loess hills and to determine the
24 feasibility of designating land in the loess hills for
25 dedication as a state native prairie preserve and of
26 other various uses of the loess hills. The ~~natural~~
27 ~~resource commission~~ loess hills development and
28 conservation authority may accept gifts, grants,
29 bequests, and other private contributions, as well as
30 federal, state, or local funds for the purposes of
31 conducting the study. The loess hills development and
32 conservation authority and the state advisory board
33 for preserves shall file a joint report containing
34 their findings and recommendations with the
35 legislative services agency by December 15, 2006, for
36 distribution to the general assembly.

37 Sec.____. EFFECTIVE AND RETROACTIVE APPLICABILITY
38 DATES.

39 1. The sections of this division of this Act
40 amending sections 9H.1 and 10B.1, Code Supplement
41 2003, and 229.27, Code 2003, take effect January 1,
42 2005. The sections of this division of this Act
43 further amending sections 9H.1 and 10B.1, Code
44 Supplement 2003, and 229.27, Code 2003, as amended by
45 this division of this Act to take effect January 1,
46 2005, take effect January 1, 2006.

47 2. The section of this division of this Act
48 amending section 260C.18A, being deemed of immediate
49 importance, takes effect upon enactment and applies
50 retroactively to July 1, 2003.

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3. The section of this division of this Act amending 2004 Iowa Acts, Senate File 2070, being deemed of immediate importance, takes effect upon enactment and applies retroactively to the date of enactment of Senate File 2070.

DIVISION

COMMUNITY ATTRACTION AND TOURISM FUND

Sec. _____. Section 15F.204, subsection 3, Code 2003, is amended to read as follows:

3. The fund shall be used to provide assistance only from funds, rights, and assets legally available to the board in the form of grants, loans, forgivable loans, and credit enhancements and financing instruments under the community attraction and tourism program established in section 15F.202. A project with a total cost exceeding twenty million dollars may receive financial assistance under the program. An applicant under the community attraction and tourism program shall not receive financial assistance from the fund in an amount exceeding fifty percent of the total cost of the project.

Sec. _____. Section 15F.204, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. There is appropriated from the rebuild Iowa infrastructure fund to the community attraction and tourism fund, the following amounts:

(1) For the fiscal year beginning July 1, 2004, and ending June 30, 2005, the sum of twelve million dollars.

(2) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of five million dollars.

(3) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of five million dollars.

(4) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of five million dollars.

(5) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of five million dollars.

(6) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of five million dollars.

b. There is appropriated from the franchise tax revenues deposited in the general fund of the state to the community attraction and tourism fund, the following amounts:

(1) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of seven million

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1 dollars.

2 (2) For the fiscal year beginning July 1, 2006,
3 and ending June 30, 2007, the sum of seven million
4 dollars.

5 (3) For the fiscal year beginning July 1, 2007,
6 and ending June 30, 2008, the sum of seven million
7 dollars.

8 (4) For the fiscal year beginning July 1, 2008,
9 and ending June 30, 2009, the sum of seven million
10 dollars.

11 (5) For the fiscal year beginning July 1, 2009,
12 and ending June 30, 2010, the sum of seven million
13 dollars.

14 Notwithstanding the allocation requirements in
15 subsection 5, the board may make a multiyear
16 commitment to an applicant of up to four million
17 dollars in any one fiscal year.

18 DIVISION

19 REGULATORY EFFICIENCY COMMISSION

20 Sec. _____. REGULATORY EFFICIENCY COMMISSION.

21 1. A regulatory efficiency commission is
22 established for purposes of identifying unneeded
23 regulations, fines, and fees that hinder business
24 development. The commission shall also identify
25 methods for streamlining access to regulatory
26 information.

27 2. The commission shall consist of eight voting
28 members appointed by the governor and four ex officio
29 members.

30 a. The eight voting members appointed by the
31 governor are subject to the requirements of sections
32 69.16, 69.16A, and 69.19. The eight members shall
33 consist of the following:

34 (1) Two members shall be economic development
35 representatives from two different chambers of
36 commerce. One shall be from a metropolitan area with
37 more than fifty thousand people and one shall be from
38 a metropolitan area with fifty thousand people or
39 less.

40 (2) Two members representing agricultural
41 interests.

42 (3) One member representing the Iowa association
43 of business and industry.

44 (4) Two members representing commercial-based and
45 manufacturing-based businesses.

46 (5) One member representing the Iowa environmental
47 council.

48 b. The four ex officio members shall be members of
49 the general assembly. Two members shall be from the
50 senate and two members shall be from the house of

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1 representatives, with not more than one member from
2 each chamber being from the same political party. The
3 two senators shall be designated by the president of
4 the senate after consultation with the majority and
5 minority leaders of the senate. The two
6 representatives shall be designated by the speaker of
7 the house of representatives after consultation with
8 the majority and minority leaders of the house of
9 representatives. Legislative members shall serve in
10 an ex officio, nonvoting capacity.

11 3. Meetings of the commission are subject to the
12 provisions of chapter 21.

13 4. By January 10, 2005, the commission shall
14 submit a written report to the governor and the
15 general assembly. The report shall include the
16 findings and legislative recommendations of the
17 commission. The report shall be distributed by the
18 secretary of the senate and the chief clerk of the
19 house of representatives to the chairpersons and
20 members of the administrative rules review committee
21 and the economic growth committees in the senate and
22 the house of representatives.

23 DIVISION

24 WIND ENERGY TAX CREDITS

25 Sec.____. NEW SECTION. 422.11J WIND ENERGY
26 PRODUCTION TAX CREDIT.

27 The taxes imposed under this division, less the
28 credits allowed under sections 422.12 and 422.12B,
29 shall be reduced by a wind energy production tax
30 credit allowed under chapter 476B.

31 Sec.____. Section 422.33, Code Supplement 2003, is
32 amended by adding the following new subsection:
33 NEW SUBSECTION. 16. The taxes imposed under this
34 division shall be reduced by a wind energy production
35 tax credit allowed under chapter 476B.

36 Sec.____. Section 422.60, Code Supplement 2003, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 9. The taxes imposed under this
39 division shall be reduced by a wind energy production
40 tax credit allowed under chapter 476B.

41 Sec.____. NEW SECTION. 432.12E WIND ENERGY
42 PRODUCTION TAX CREDIT.

43 The taxes imposed under this chapter shall be
44 reduced by a wind energy production tax credit allowed
45 under chapter 476B.

46 Sec.____. Section 437A.6, subsection 1, paragraph
47 c, Code 2003, is amended to read as follows:

48 c. Wind energy conversion property subject to
49 section 427B.26 or eligible for a tax credit under
50 chapter 476B.

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1 Sec.____. NEW SECTION. 476B.1 DEFINITIONS.

2 For purposes of this chapter, unless the context
3 otherwise requires:

4 1. "Board" means the utilities board within the
5 utilities division of the department of commerce.

6 2. "Department" means the department of revenue.

7 3. "Qualified electricity" means electricity
8 produced from wind at a qualified facility.

9 4. "Qualified facility" means an electrical
10 production facility that meets all of the following:

11 a. Produces electricity from wind.

12 b. Is located in Iowa.

13 c. Was originally placed in service on or after
14 July 1, 2004, but before July 1, 2007.

15 Sec.____. NEW SECTION. 476B.2 GENERAL RULE.

16 The owner of a qualified facility shall, for each
17 kilowatt-hour of qualified electricity that the owner
18 sells during the ten-year period beginning on the date
19 the qualified facility was originally placed in
20 service, be allowed a wind energy production tax
21 credit to the extent provided in this chapter against
22 the tax imposed in chapter 422, divisions II, III, and
23 V, and chapter 432.

24 Sec.____. NEW SECTION. 476B.3 CREDIT AMOUNT.

25 1. Except as limited by subsection 2, the wind
26 energy production tax credit allowed under this
27 chapter equals the product of one cent multiplied by
28 the number of kilowatt-hours of qualified electricity
29 sold by the owner during the taxable year.

30 2. a. The maximum amount of tax credit which a
31 group of qualified facilities operating as one unit
32 may receive for a taxable year equals the rate of
33 credit times thirty-two percent of the total number of
34 kilowatts of nameplate generating capacity.

35 b. However, if for the previous taxable year the
36 amount of the tax credit for the group of qualified
37 facilities operating as one unit is less than the
38 maximum amount available as provided in paragraph "a",
39 the maximum amount for the next taxable year shall be
40 increased by the amount of the previous year's unused
41 maximum credit.

42 Sec.____. NEW SECTION. 476B.4 LIMITATIONS.

43 1. a. The wind energy production tax credit shall
44 not be allowed for any kilowatt-hour of electricity
45 produced on wind energy conversion property for which
46 the owner has claimed or otherwise received for that
47 property the benefit of special valuation under
48 section 427B.26 or section 441.21, subsection 8, or
49 the exemption from retail sales tax under section
50 422.45, subsection 48, or section 423.3, subsection

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1 53, as applicable.

2 b. The disallowance of the tax credit pursuant to
3 paragraph "a" does not apply to an owner of a
4 qualified facility that owns, directly or indirectly,
5 in the aggregate, a total annual turbine nameplate
6 capacity of all such property of less than one
7 megawatt. A qualified facility under this paragraph
8 shall not be owned by more than one person.

9 2. The wind energy production tax credit shall not
10 be allowed for any kilowatt-hour of electricity that
11 is sold to a related person. For purpose of this
12 subsection, persons shall be treated as related to
13 each other if such persons would be treated as a
14 single employer under the regulations prescribed under
15 section 52(b) of the Internal Revenue Code. In the
16 case of a corporation that is a member of an
17 affiliated group of corporations filing a consolidated
18 return, such corporation shall be treated as selling
19 electricity to an unrelated person if such electricity
20 is sold to such a person by another member of such
21 group.

22 Sec.____. NEW SECTION. 476B.5 APPLICATION FOR
23 TAX CREDIT CERTIFICATES.

24 1. a. To be eligible to receive the wind energy
25 production tax credit, the owner must first receive
26 approval of the board of supervisors of the county in
27 which the qualified facility is located. The
28 application for approval may be submitted prior to
29 commencement of the construction of the qualified
30 facility but shall be submitted no later than the
31 close of the owner's first taxable year for which the
32 credit is to be applied for. The application must
33 contain the owner's name and address, the address of
34 the qualified facility, and the dates of the owner's
35 first and last taxable years for which the credit will
36 be applied for. Within forty-five days of the receipt
37 of the application for approval, the board of
38 supervisors shall either approve or disapprove the
39 application. After the forty-five-day limit, the
40 application is deemed to be approved.

41 b. Upon approval of the application, the owner may
42 apply for the tax credit as provided in subsection 2.
43 In addition, approval of the application is acceptance
44 by the applicant for the assessment of the qualified
45 facility for property tax purposes for a period of
46 twelve years and approval by the board of supervisors
47 for the payment of the property taxes levied on the
48 qualified property to the state. For purposes of
49 property taxation, the qualified facility shall be
50 centrally assessed and shall be exempt from any

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1 replacement tax under section 437A.6 for the period
2 during which the facility is subject to property
3 taxation. The property taxes to be paid to the state
4 are those property taxes which make up the
5 consolidated tax levied on the qualified facility and
6 which are due and payable in the twelve-year period
7 beginning with the first fiscal year beginning on or
8 after the end of the owner's first taxable year for
9 which the credit is applied for. Upon approval of the
10 application, the board of supervisors shall notify the
11 county treasurer to state on the tax statement which
12 lists the taxes on the qualified facility that the
13 amount of the property taxes shall be paid to the
14 department. Payment of the designated property taxes
15 to the department shall be in the same manner as
16 required for the payment of regular property taxes and
17 failure to pay designated property taxes to the
18 department shall be treated the same as failure to pay
19 property taxes to the county treasurer.

20 c. Once the owner of the qualified facility
21 receives approval under paragraph "a", subsequent
22 approval under paragraph "a" is not required for the
23 same qualified facility for subsequent taxable years.

24 2. To receive the wind energy production tax
25 credit, an owner of the qualified facility must submit
26 an application for a tax credit certificate to the
27 board not later than thirty days after the close of
28 the taxable year for which the credit is applied for.
29 The owner's application must contain, but need not be
30 limited to, all of the following information: the
31 owner's name, tax identification number, and address,
32 the number of kilowatt-hours of qualified electricity
33 sold by the owner during the preceding taxable year,
34 the address of the qualified facility at which the
35 qualified electricity was produced, and the
36 denomination that each tax credit certificate is to
37 carry. For the first taxable year for which the
38 credit is applied for, there shall be attached to the
39 application a notarized copy of the board of
40 supervisors' approval as required in subsection 1.

41 3. The board shall, in conjunction with the
42 department, prescribe appropriate forms, including
43 board of supervisors' approval forms, and instructions
44 to enable owners to claim the tax credit allowed under
45 this chapter. If the board prescribes these forms and
46 instructions, an owner's application for a tax credit
47 certificate shall not be valid unless made on and in
48 accordance with these forms and instructions.

49 Sec. _____. NEW SECTION. 476B.6 ISSUANCE OF TAX
50 CREDIT CERTIFICATES.

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1 1. If the owner meets the criteria for eligibility
2 for the wind energy production tax credit, the board
3 shall determine the validity of the application and if
4 valid, shall approve the application for credit. Once
5 approval of the credit for a qualified facility is
6 granted, subsequent approval is not required for the
7 same qualified facility. However, application is
8 required to be filed as provided in section 476B.5,
9 subsection 2, for purposes of the issuance of credit
10 certificates. The board shall issue one or more tax
11 credit certificates to the owner not later than thirty
12 days after the application is submitted to the board.
13 Each tax credit certificate must contain the owner's
14 name, address, and tax identification number, amount
15 of tax credits, the first taxable year the
16 certificates may be used, which shall not be for a
17 taxable year beginning prior to July 1, 2005, and the
18 expiration date of the tax credit certificate, which
19 shall be seven years from its date of issuance and any
20 other information required by the department. Once
21 issued by the board, the tax credit certificate shall
22 be binding on the board and the department and shall
23 not be modified, terminated, or rescinded. The board
24 shall notify the department and identify the qualified
25 facility for which the owner received tax credit
26 certificates that property taxes levied on the
27 qualified facility are to be paid to the department.

28 2. If the tax credit application is filed by a
29 partnership, limited liability company, S corporation,
30 estate, trust, or other reporting entity all of the
31 income of which is taxed directly to its equity
32 holders or beneficiaries, the tax credit certificate
33 may, at the election of the owner, be issued directly
34 to equity holders or beneficiaries of the owner in
35 proportion to their pro rata share of the income of
36 such entity. If the owner elects to have the tax
37 credit certificate issued directly to its equity
38 holders or beneficiaries, the owner must, in the
39 application made under section 476B.5, identify its
40 equity holders or beneficiaries, and the amount of
41 such entity's income that is allocable to each equity
42 holder or beneficiary.

43 Sec.____. NEW SECTION. 476B.7 TRANSFER OF TAX
44 CREDIT CERTIFICATES.

45 Wind energy production tax credit certificates
46 issued under this chapter may be transferred to any
47 person or entity. Within thirty days of transfer, the
48 transferee must submit the transferred tax credit
49 certificate to the board along with a statement
50 containing the transferee's name, tax identification

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1 number, and address, and the denomination that each
2 replacement tax credit certificate is to carry and any
3 other information required by the department. Within
4 thirty days of receiving the transferred tax credit
5 certificate and the transferee's statement, the board
6 shall issue one or more replacement tax credit
7 certificates to the transferee. Each replacement
8 certificate must contain the information required
9 under section 476B.6 and must have the same effective
10 taxable year and the same expiration date that
11 appeared in the transferred tax credit certificate.

12 Tax credit certificate amounts of less than the
13 minimum amount established by rule of the board shall
14 not be transferable. A tax credit shall not be
15 claimed by a transferee under this chapter until a
16 replacement tax credit certificate identifying the
17 transferee as the proper holder has been issued.

18 The tax credit shall only be transferred once. The
19 transferee may use the amount of the tax credit
20 transferred against the taxes imposed under chapter
21 422, divisions II, III, and V, and chapter 432 for any
22 tax year the original transferor could have claimed
23 the tax credit. Any consideration received for the
24 transfer of the tax credit shall not be included as
25 income under chapter 422, divisions II, III, and V.
26 Any consideration paid for the transfer of the tax
27 credit shall not be deducted from income under chapter
28 422, divisions II, III, and V.

29 Sec. ____ NEW SECTION. 476B.8 USE OF TAX CREDIT
30 CERTIFICATES.

31 To claim a wind energy production tax credit under
32 this chapter, a taxpayer must attach one or more tax
33 credit certificates to the taxpayer's tax return. A
34 tax credit certificate shall not be used or attached
35 to a return filed for a taxable year beginning prior
36 to July 1, 2005. The tax credit certificate or
37 certificates attached to the taxpayer's tax return
38 shall be issued in the taxpayer's name, expire on or
39 after the last day of the taxable year for which the
40 taxpayer is claiming the tax credit, and show a tax
41 credit amount equal to or greater than the tax credit
42 claimed on the taxpayer's tax return. Any tax credit
43 in excess of the taxpayer's tax liability for the
44 taxable year may be credited to the taxpayer's tax
45 liability for the following seven taxable years or
46 until depleted, whichever is the earlier.

47 Sec. ____ NEW SECTION. 476B.9 REGISTRATION OF
48 TAX CREDIT CERTIFICATES.

49 The board shall, in conjunction with the
50 department, develop a system for the registration of

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1 the wind energy production tax credit certificates
2 issued or transferred under this chapter and a system
3 that permits verification that any tax credit claimed
4 on a tax return is valid and that transfers of the tax
5 credit certificates are made in accordance with the
6 requirements of this chapter. The tax credit
7 certificates issued under this chapter shall not be
8 classified as a security pursuant to chapter 502.

9 Sec.____. EFFECTIVE AND APPLICABILITY DATES. This
10 division of this Act, being deemed of immediate
11 importance, takes effect upon enactment and applies
12 retroactively to taxable years beginning on or after
13 January 1, 2004.

14 DIVISION

15 LICENSED INTERPRETER FOR THE HEARING IMPAIRED

16 Sec.____. Section 147.1, subsection 2, paragraph
17 c, Code 2003, is amended to read as follows:

18 c. "Licensed" or "certified" when applied to a
19 physician and surgeon, podiatric physician, osteopath,
20 osteopathic physician and surgeon, physician
21 assistant, psychologist or associate psychologist,
22 chiropractor, nurse, dentist, dental hygienist,
23 optometrist, speech pathologist, audiologist,
24 pharmacist, physical therapist, occupational
25 therapist, respiratory care practitioner, practitioner
26 of cosmetology arts and sciences, practitioner of
27 barbering, funeral director, dietitian, marital and
28 family therapist, mental health counselor, social
29 worker, massage therapist, athletic trainer, ~~or~~
30 acupuncturist, or interpreter for the hearing
31 impaired, means a person licensed under this subtitle.

32 Sec.____. Section 147.1, subsection 2, paragraph
33 f, Code 2003, is amended to read as follows:

34 f. "Profession" means medicine and surgery,
35 podiatry, osteopathy, osteopathic medicine and
36 surgery, practice as a physician assistant,
37 psychology, chiropractic, nursing, dentistry, dental
38 hygiene, optometry, speech pathology, audiology,
39 pharmacy, physical therapy, occupational therapy,
40 respiratory care, cosmetology arts and sciences,
41 barbering, mortuary science, marital and family
42 therapy, mental health counseling, social work,
43 dietetics, massage therapy, athletic training, ~~or~~
44 acupuncture, or interpreting for the hearing impaired.

45 Sec.____. Section 147.2, unnumbered paragraph 1,
46 Code 2003, is amended to read as follows:

47 A person shall not engage in the practice of
48 medicine and surgery, podiatry, osteopathy,
49 osteopathic medicine and surgery, psychology,
50 chiropractic, physical therapy, nursing, dentistry,

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1 dental hygiene, optometry, speech pathology,
2 audiology, occupational therapy, respiratory care,
3 pharmacy, cosmetology, barbering, social work,
4 dietetics, marital and family therapy or mental health
5 counseling, massage therapy, mortuary science, ~~or~~
6 acupuncture, or interpreting for the hearing impaired.
7 or shall not practice as a physician assistant as
8 defined in the following chapters of this subtitle,
9 unless the person has obtained from the department a
10 license for that purpose.

11 Sec.____. Section 147.13, Code 2003, is amended by
12 adding the following new subsection:
13 NEW SUBSECTION. 21. For interpreters, interpreter
14 for the hearing impaired examiners.

15 Sec.____. Section 147.14, Code 2003, is amended by
16 adding the following new subsection:
17 NEW SUBSECTION. 21. For interpreting for the
18 hearing impaired, four members licensed to practice
19 interpreting, three of whom shall be practicing
20 interpreters at the time of appointment to the board
21 and at least one of whom is employed in an educational
22 setting; and three members who are consumers of
23 interpreting services as defined in section 154E.1,
24 each of whom shall be deaf. A majority of members of
25 the board constitutes a quorum.

26 Sec.____. Section 147.74, Code Supplement 2003, is
27 amended by adding the following new subsection:
28 NEW SUBSECTION. 21A. An interpreter licensed
29 under chapter 154E and this chapter may use the title
30 "licensed interpreter" or the letters "L.I." after the
31 person's name.

32 Sec.____. Section 147.80, Code Supplement 2003, is
33 amended by adding the following new subsection:

34 NEW SUBSECTION. 28A. License to practice
35 interpreting, license to practice interpreting under a
36 reciprocal license, or renewal of a license to
37 practice interpreting.

38 Sec.____. NEW SECTION. 154E.1 DEFINITIONS.

39 As used in this chapter, unless the context
40 otherwise requires:

- 41 1. "Board" means the board of interpreter for the
42 hearing impaired examiners established in chapter 147.
- 43 2. "Consumer" means an individual utilizing
44 interpreting services who uses spoken English,
45 American sign language, or a manual form of English.
- 46 3. "Department" means the Iowa department of
47 public health.
- 48 4. "Interpreter training program" means a post-
49 secondary education program training individuals to
50 interpret or transliterate.

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1 5. "Interpreting" means facilitating communication
2 between individuals who communicate via American sign
3 language and individuals who communicate via spoken
4 English.

5 6. "Licensee" means any person licensed to
6 practice interpreting or transliterating for deaf,
7 hard-of-hearing, and hearing individuals in the state
8 of Iowa.

9 7. "Transliterating" means facilitating
10 communication between individuals who communicate via
11 a manual form of English and individuals who
12 communicate via spoken English.

13 Sec.____. NEW SECTION. 154E.2 DUTIES OF THE
14 BOARD.

15 The board shall administer this chapter. The
16 board's duties shall include, but are not limited to,
17 the following:

18 1. Adopt rules consistent with this chapter and
19 with chapter 147 which are necessary for the
20 performance of its duties.

21 2. Act on matters concerning licensure and the
22 process of applying for, granting, suspending,
23 imposing supervisory or probationary conditions upon,
24 reinstating, and revoking a license.

25 3. Establish and collect licensure fees. The
26 board shall establish the amounts of license and
27 renewal fees based upon the actual costs of sustaining
28 the board and the actual costs of issuing the
29 licenses, and all fees collected shall be deposited
30 with the treasurer of state who shall deposit them in
31 the general fund of the state.

32 4. Administer the provisions of this chapter
33 regarding documentation required to demonstrate
34 competence as an interpreter, and the processing of
35 applications for licenses and license renewals.

36 5. Establish and maintain as a matter of public
37 record a registry of interpreters licensed pursuant to
38 this chapter.

39 6. Develop continuing education requirements as a
40 condition of license renewal.

41 7. Evaluate requirements for licensure in other
42 states to determine if reciprocity may be granted.

43 Sec.____. NEW SECTION. 154E.3 REQUIREMENTS FOR
44 LICENSURE.

45 On or after July 1, 2005, every person providing
46 interpreting or transliterating services in this state
47 shall be licensed pursuant to this chapter. The board
48 shall adopt rules pursuant to chapters 17A, 147, and
49 272C establishing procedures for the licensing of new
50 and existing interpreters. Prior to obtaining

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1 licensure, an applicant shall successfully pass an
2 examination prescribed and approved by the board,
3 demonstrating the following:
4 1. VOICE-TO-SIGN INTERPRETATION. An applicant
5 shall demonstrate proficiency at:
6 a. Message equivalence, producing a true and
7 accurate signed form of the spoken message,
8 maintaining the integrity of content and meaning, and
9 exhibiting few omissions, substitutions, or other
10 errors.
11 b. Affect, producing nonmanual grammar consistent
12 with the intent and emotion of the speaker, and
13 exhibiting no distracting mannerisms.
14 c. Vocabulary choice, making correct sign choices
15 appropriate to the setting and consumers, applying
16 facial grammar consistent with sign choice, selecting
17 signs that remain true to speaker's intent, and
18 demonstrating lexical variety.
19 d. Fluency, displaying confidence in production,
20 exhibiting a strong command of American sign language
21 or manual codes for English, applying nonmanual
22 behaviors consistent with the speaker's intent, and
23 demonstrating understanding of and sensitivity to
24 cultural differences.
25 2. SIGN-TO-VOICE INTERPRETATION. An applicant
26 shall demonstrate proficiency at:
27 a. Message equivalence, producing a true and
28 accurate spoken form of the signed message,
29 maintaining the integrity of content and meaning, and
30 exhibiting few omissions, substitutions, or other
31 errors.
32 b. Affect, producing inflection consistent with
33 the intent and emotion of the speaker, and exhibiting
34 no distracting mannerisms.
35 c. Vocabulary choice, making correct word choices
36 appropriate to the setting and consumers, using vocal
37 inflection consistent with word choice, selecting
38 words that remain true to the speaker's intent, and
39 demonstrating lexical variety.
40 d. Fluency, displaying confidence in production,
41 exhibiting a strong command of English in both spoken
42 and written forms, applying vocal inflections
43 consistent with the speaker's intent, and
44 demonstrating understanding of and sensitivity to
45 cultural differences.
46 3. PROFESSIONAL CONDUCT. An applicant shall
47 demonstrate:
48 a. Proficiency in functioning as a communicator of
49 messages between the sender and receiver, and
50 educating consumers of services about the functions

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1 and logistics of the interpreting process.
2 b. An impartial demeanor, refraining from
3 interjecting opinions or advice and from aligning with
4 one party over another. An applicant shall treat all
5 people fairly and respectfully regardless of their
6 relationship to the interpreting assignment, and
7 present a professional appearance that is not visually
8 distracting and is appropriate to the setting. An
9 applicant shall exhibit knowledge and application of
10 federal and state laws pertaining to the interpreting
11 profession.

12 c. Integrity, and shall be proficient in
13 understanding and applying ethical behavior
14 appropriate for a licensee. An applicant shall
15 demonstrate discretion in accepting and meeting
16 interpreter services requests, and shall engage
17 actively in lifelong learning.

18 Sec.____. NEW SECTION. 154E.4 EXCEPTIONS.

19 1. A person shall not practice interpreting or
20 transliterating, or represent oneself to be an
21 interpreter, unless the person is licensed under this
22 chapter.

23 2. This chapter does not prohibit any of the
24 following:

25 a. Any person residing outside of the state of
26 Iowa holding a current license from another state that
27 meets the state of Iowa's requirements from providing
28 interpreting or transliterating services in this state
29 for up to fourteen days per calendar year without a
30 license issued pursuant to this chapter.

31 b. Any person who interprets or transliterates
32 solely in a religious setting with the exception of
33 those working in schools that receive government
34 funding.

35 c. Volunteers working without compensation,
36 including emergency situations, until a licensed
37 interpreter is obtained.

38 d. Any person working as a substitute for a
39 licensed interpreter in an early childhood,
40 elementary, or secondary education setting for no more
41 than thirty school days in a calendar year.

42 Sec.____. Section 272C.1, subsection 6, Code 2003,
43 is amended by adding the following new paragraph:
44 NEW PARAGRAPH. ad. The board of interpreter for
45 the hearing impaired examiners, created pursuant to
46 chapter 154E.

47 Sec.____. INTERPRETER STANDARDS AND REGULATIONS.
48 There is appropriated from the general fund of the
49 state to the Iowa department of public health, for the
50 fiscal year beginning July 1, 2004, and ending June

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1 30, 2005, the following amount, or so much thereof as
2 is necessary, for the purpose designated:

3 For protecting the health and safety of the public
4 through establishing standards and enforcing
5 regulations of interpreters for the deaf, hard-of-
6 hearing, and hearing impaired, and for not more than
7 the following full-time equivalent positions:

8	\$	60,390
9	FTEs	1.00

10 Sec.____. TRANSITION PROVISIONS.

11 1. The board of interpreter for the hearing
12 impaired examiners shall be provisionally established
13 as provided in section 147.14, as amended in this
14 division of this Act, effective July 1, 2004, for the
15 sole purpose of appointment of members and organizing,
16 planning, and adopting rules, as described in section
17 154E.2, as enacted in this division of this Act, which
18 rules shall be effective July 1, 2005. The board
19 shall become fully operational July 1, 2007, as
20 provided in this division of this Act.

21 2. Applicants for licensure under chapter 154E who
22 have not passed a licensure examination approved by
23 the board by July 1, 2005, shall be issued a temporary
24 license to practice interpreting for a period of two
25 years, commencing on July 1, 2005.

26 3. Applicants issued a temporary license pursuant
27 to this section shall pass a licensure examination
28 approved by the board on or before July 1, 2007, in
29 order to remain licensed as an interpreter.

30 Sec.____. EFFECTIVE DATE. This division of this
31 Act providing for the licensing of interpreters by
32 amending chapters 147 and 272C and enacting chapter
33 154E takes effect July 1, 2005.

34 DIVISION

35 INCOME TAX CHECKOFFS

36 Sec.____. NEW SECTION. 100B.13 VOLUNTEER FIRE
37 FIGHTER PREPAREDNESS FUND.

38 1. A volunteer fire fighter preparedness fund is
39 created as a separate and distinct fund in the state
40 treasury under the control of the division of fire
41 protection of the department of public safety.

42 2. Revenue for the volunteer fire fighter
43 preparedness fund shall include, but is not limited
44 to, the following:

45 a. Moneys credited to the fund pursuant to section
46 422.12F.

47 b. Moneys in the form of a devise, gift, bequest,
48 donation, or federal or other grant intended to be
49 used for the purposes of the fund.

50 3. Moneys in the volunteer fire fighter

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1 preparedness fund are not subject to section 8.33.
2 Notwithstanding section 12C.7, subsection 2, interest
3 or earnings on moneys in the fund shall be credited to
4 the fund.

5 4. Moneys in the volunteer fire fighter
6 preparedness fund are appropriated to the division of
7 fire protection of the department of public safety to
8 be used annually to pay the costs of providing
9 volunteer fire fighter training around the state and
10 to pay the costs of providing volunteer fire fighting
11 equipment.

12 Sec.____. Section 314.28, Code 2003, is reenacted
13 to read as follows:

14 314.28 KEEP IOWA BEAUTIFUL FUND.

15 A keep Iowa beautiful fund is created in the office
16 of the treasurer of state. The fund is composed of
17 moneys appropriated or available to and obtained or
18 accepted by the treasurer of state for deposit in the
19 fund. The fund shall include moneys credited to the
20 fund as provided in section 422.12A. All interest
21 earned on moneys in the fund shall be credited to and
22 remain in the fund. Section 8.33 does not apply to
23 moneys in the fund.

24 Moneys in the fund are subject to appropriation by
25 the general assembly annually for the purposes of
26 educating and encouraging Iowans to take greater
27 responsibility for improving their community
28 environment and enhancing the beauty of the state
29 through litter prevention, improving waste management
30 and recycling efforts, and beautification projects.

31 The department may authorize payment of moneys
32 appropriated from the fund to the department upon
33 approval of an application from a private or public
34 organization. The applicant shall submit a plan for
35 litter prevention, improving waste management and
36 recycling efforts, or a beautification project along
37 with its application. The department shall establish
38 standards relating to the type of projects available
39 for assistance.

40 Sec.____. Section 422.12A, Code Supplement 2003,
41 is reenacted to read as follows:

42 422.12A INCOME TAX REFUND CHECKOFF FOR KEEP IOWA
43 BEAUTIFUL FUND.

44 1. A person who files an individual or a joint
45 income tax return with the department of revenue under
46 section 422.13 may designate one dollar or more to be
47 paid to the keep Iowa beautiful fund as created in
48 section 314.28. If the refund due on the return or
49 the payment remitted with the return is insufficient
50 to pay the additional amount designated by the

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1 taxpayer to the keep Iowa beautiful fund, the amount
2 designated shall be reduced to the remaining amount of
3 refund or the remaining amount remitted with the
4 return. The designation of a contribution to the keep
5 Iowa beautiful fund under this section is irrevocable.

6 2. The director of revenue shall draft the income
7 tax form to allow the designation of contributions to
8 the keep Iowa beautiful fund on the tax return. The
9 department of revenue, on or before January 31, shall
10 certify the total amount designated on the tax return
11 forms due in the preceding calendar year and shall
12 report the amount to the treasurer of state. The
13 treasurer of state shall credit the amount to the keep
14 Iowa beautiful fund. However, before a checkoff
15 pursuant to this section shall be permitted, all
16 liabilities on the books of the department of revenue
17 and accounts identified as owing under section 421.17
18 and the political contribution allowed under section
19 68A.601 shall be satisfied.

20 3. Moneys in the fund are subject to appropriation
21 as provided in section 314.28.

22 4. The department of revenue shall adopt rules to
23 administer this section.

24 5. This section is subject to repeal under section
25 422.12E.

26 Sec.____. Section 422.12E, Code Supplement 2003,
27 is amended to read as follows:

28 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.

29 For tax years beginning on or after January 1, ~~1995~~
30 2004, there shall be allowed no more than ~~three~~ four
31 income tax return checkoffs on each income tax return.
32 When the same ~~three~~ four income tax return checkoffs
33 have been provided on the income tax return for ~~three~~
34 two consecutive years, the ~~checkoff~~ two checkoffs for
35 which the least amount has been contributed, in the
36 aggregate for the first ~~two tax years~~ year and through
37 March 15 of the ~~third~~ second tax year, ~~shall be~~ are
38 repealed. This section does not apply to the income
39 tax return checkoff provided in section 68A.601.

40 If more checkoffs are enacted in the same session
41 of the general assembly than there is space for
42 inclusion on the individual tax return form, the
43 earliest enacted checkoffs for which there is space
44 for inclusion on the return form shall be included on
45 the return form, and all other checkoffs enacted
46 during that session of the general assembly are
47 repealed.

48 Sec.____. NEW SECTION. 422.12F INCOME TAX
49 CHECKOFF FOR VOLUNTEER FIRE FIGHTER PREPAREDNESS.

50 1. A person who files an individual or a joint

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1 income tax return with the department of revenue under
2 section 422.13 may designate one dollar or more to be
3 paid to the volunteer fire fighter preparedness fund
4 as created in section 100B.13. If the refund due on
5 the return or the payment remitted with the return is
6 insufficient to pay the additional amount designated
7 by the taxpayer to the volunteer fire fighter
8 preparedness fund, the amount designated shall be
9 reduced to the remaining amount of refund or the
10 remaining amount remitted with the return. The
11 designation of a contribution to the volunteer fire
12 fighter preparedness fund under this section is
13 irrevocable.

14 2. The director of revenue shall draft the income
15 tax form to allow the designation of contributions to
16 the volunteer fire fighter preparedness fund on the
17 tax return. The department of revenue, on or before
18 January 31, shall certify the total amount designated
19 on the tax return forms due in the preceding calendar
20 year and shall report the amount to the treasurer of
21 state. The treasurer of state shall credit the amount
22 to the volunteer fire fighter preparedness fund.
23 However, before a checkoff pursuant to this section
24 shall be permitted, all liabilities on the books of
25 the department of revenue and accounts identified as
26 owing under section 421.17 and the political
27 contribution allowed under section 68A.601 shall be
28 satisfied.

29 3. The department of revenue shall adopt rules to
30 administer this section.

31 4. This section is subject to repeal under section
32 422.12E.

33 Sec.____. EFFECTIVE AND APPLICABILITY DATES.

34 1. The section of this division of this Act
35 amending section 422.12E, being deemed of immediate
36 importance, takes effect upon enactment.

37 2. The sections of this division of this Act
38 reenacting section 422.12A and enacting section
39 422.12F apply retroactively to tax years beginning on
40 or after January 1, 2004.

41 DIVISION

42 STATE TAX IMPLEMENTATION COMMITTEE

43 Sec.____. STATE TAX IMPLEMENTATION COMMITTEE.

44 1. On or before July 1, 2004, the department of
45 revenue, in consultation with the department of
46 management, shall initiate and coordinate the
47 establishment of a state tax implementation committee.
48 The department of revenue and the department of
49 management shall provide staffing assistance to the
50 committee.

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1 The state tax implementation committee shall
2 include four members of the general assembly, one each
3 appointed by the majority leader of the senate, the
4 speaker of the house of representatives, the minority
5 leader of the senate, and the minority leader of the
6 house of representatives. The committee shall also
7 include members appointed by the department of
8 revenue. One member shall be appointed to represent
9 each of the following:

- 10 a. The department of revenue.
- 11 b. The department of management.
- 12 c. Counties
- 13 d. Cities.
- 14 e. School districts.
- 15 f. Local assessors.
- 16 g. County auditors.
- 17 h. Commercial property taxpayers.
- 18 i. Industrial property taxpayers.
- 19 j. Residential property taxpayers.
- 20 k. Agricultural property taxpayers.
- 21 l. Chapter 437A taxpayers.

22 One additional stakeholder shall be appointed
23 jointly by the majority leader of the senate and the
24 speaker of the house of representatives.

25 Any vacancy shall be filled in the same manner as
26 regular appointments are made.

27 The chairpersons of the committee shall be those
28 members of the general assembly appointed by the
29 majority leader of the senate and the speaker of the
30 house of representatives.

31 The members of the committee representing the
32 department of revenue and the department of management
33 are nonvoting, ex officio members.

34 The committee shall meet quarterly and at other
35 times as necessary at the call of the chairpersons.
36 Written notice of the time and place of each meeting
37 shall be given to each member of the committee. The
38 only vote taken by the committee shall be the vote
39 approving the final report in subsection 2.

40 2. The committee shall review and analyze the
41 following:

- 42 a. Revenue sources available to local governments
43 and school districts, including taxes, payments in
44 lieu of property taxes, fees, state appropriations,
45 and federal moneys.
- 46 b. Revenue sources available to the state,
47 including taxes, fees, and federal moneys, and the
48 portion of state revenues annually appropriated, or
49 otherwise disbursed, to local governments.
- 50 c. Exemptions, credits, deductions, exclusions,

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1 and other reductions in state or local taxes made
2 available, by state statute or local ordinance, to
3 state and local taxpayers; and state reimbursement of
4 any property tax credits and exemptions.

5 d. Services provided by local governments,
6 including those provided at the discretion of a local
7 government and those mandated by federal or state
8 statutes and regulations.

9 e. The role of property taxes in funding local
10 government services, the types of services currently
11 funded by property taxes, and the property tax
12 financing portion of the school funding formula.

13 f. Alternative systems of property taxation,
14 alternative procedures for protesting property
15 assessments, and various methods of controlling
16 property tax revenues and expenditures.

17 In conducting its review and analysis, the
18 committee shall study state and local taxes from the
19 standpoint of neutrality; competitiveness; simplicity;
20 stability; and equity, including maintenance of equity
21 among classes of taxpayers and among taxpayers within
22 the same class.

23 The committee may hold public hearings to allow
24 persons and organizations to be heard.

25 The committee shall submit a final report to the
26 general assembly no later than final adjournment of
27 the 2005 regular legislative session. The report
28 shall summarize the committee's activities to date,
29 analyze issues studied to date, and may include such
30 other information that the committee deems relevant
31 and necessary.

32 3. The committee may request from any state agency
33 or official the information and assistance as needed
34 to perform the review and analysis required in
35 subsection 2. A state agency or official shall
36 furnish the information or assistance requested within
37 the authority and resources of the state agency or
38 official. This subsection does not allow the
39 examination or copying of any public record required
40 by law to be kept confidential.

41 Sec.____. FUTURE REPEAL. The section of this
42 division of this Act establishing the state tax
43 implementation committee is repealed effective June
44 30, 2005.

45 Sec.____. 2003 Iowa Acts, First Extraordinary
46 Session, chapter 1, section 41, is repealed.

47 Sec.____. EFFECTIVE DATE. This division of this
48 Act, being deemed of immediate importance, takes
49 effect upon enactment.

50 DIVISION

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1 911 EMERGENCY

2 Sec. _____. Section 34A.1, Code 2003, is amended to
3 read as follows:

4 34A.1 PURPOSE.

5 The ~~legislature~~ general assembly finds that
6 enhanced 911 emergency telephone communication systems
7 and other emergency 911 notification devices further
8 the public interest and protect the health, safety,
9 and welfare of the people of Iowa. The purpose of
10 this chapter is to enable the orderly development,
11 installation, and operation of enhanced 911 emergency
12 telephone communication systems and other emergency
13 911 notification devices statewide. These systems are
14 to be operated under governmental management and
15 control for the public benefit.

16 Sec. _____. Section 34A.2, Code 2003, is amended to
17 read as follows:

18 34A.2 DEFINITIONS.

19 As used in this chapter, unless the context
20 otherwise requires:

21 1. "Access line" means ~~a local an~~ exchange access
22 line that has the ability to access ~~local~~ dial tone
23 and reach a ~~local~~ public safety ~~agency~~ answering
24 point.

25 2. "Administrator" means the ~~E911~~ administrator
26 appointed pursuant to section 34A.2A of the homeland
27 security and emergency management division of the
28 department of public defense.

29 3. "Competitive local exchange service provider"
30 means the same as defined in section 476.96.

31 4. "Emergency 911 notification device" means a
32 product capable of accessing a public safety answering
33 point through the 911 system.

34 ~~5.~~ 5. "Enhanced 911" or "E911" means a service
35 ~~which that~~ provides the user of a ~~public telephone~~
36 ~~system~~ communications service with the ability to
37 reach a public safety answering point by dialing the
38 digits 911, and ~~which that~~ has the following
39 additional features:

40 a. Routes an incoming 911 call to the appropriate
41 public safety answering point ~~selected from the public~~
42 ~~safety answering points operating in a 911 service~~
43 ~~area.~~

44 b. Automatically provides voice, displays the
45 name, address or location, and telephone number of an
46 incoming 911 call and public safety agency servicing
47 ~~the address on a video monitor at the appropriate~~
48 ~~public safety answering point~~ location.

49 4. ~~6.~~ "Enhanced 911 service area" means the
50 geographic area to be serviced, or currently serviced

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1 under an enhanced 911 service plan, provided that an
2 enhanced 911 service area must at minimum encompass
3 one entire county. The enhanced 911 service area may
4 encompass more than one county, and need not be
5 restricted to county boundaries.

6 ~~5.~~ 7. "Enhanced 911 service plan" means a plan
7 that includes the following information:

8 a. A description of the enhanced 911 service area.

9 b. A list of all public and private safety

10 agencies within the enhanced 911 service area.

11 c. The number of public safety answering points
12 within the enhanced 911 service area.

13 d. Identification of the agency responsible for
14 management and supervision of the enhanced 911
15 emergency ~~telephone~~ communication system.

16 e. A statement of estimated costs to be incurred
17 by the joint E911 service board or the department of
18 public safety, including separate estimates of the
19 following:

20 (1) Nonrecurring costs, including, but not limited
21 to, public safety answering points, network equipment,
22 software, database, addressing, initial training, and
23 other capital and start-up expenditures, including the
24 purchase or lease of subscriber names, addresses, and
25 telephone information from the local exchange service
26 provider.

27 (2) Recurring costs, including, but not limited
28 to, network access fees and other telephone charges,
29 software, equipment, and database management, and
30 maintenance, including the purchase or lease of
31 subscriber names, addresses, and telephone information
32 from the local exchange service provider. Recurring
33 costs shall not include personnel costs for a public
34 safety answering point.

35 Funds deposited in an E911 service fund ~~shall be~~
36 are appropriated and ~~shall be~~ used for the payment of
37 costs ~~which that~~ are limited to nonrecurring and
38 recurring costs directly attributable to the provision
39 of 911 emergency telephone communication service and
40 may include costs for portable and vehicle radios,
41 communication towers and associated equipment, and
42 other radios and associated equipment permanently
43 located at the public safety answering point and as
44 directed by either the joint E911 service board or the
45 department of public safety. Costs do not include
46 expenditures for any other purpose, and specifically
47 exclude costs attributable to other emergency services
48 or expenditures for buildings or personnel, except for
49 the costs of personnel for database management and
50 personnel directly associated with addressing.

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- 1 f. Current equipment operated by affected local
2 exchange service providers, and central office
3 equipment and technology upgrades necessary for the
4 provider to implement enhanced 911 service within the
5 enhanced 911 service area ~~on or before July 1, 1992.~~
6 g. A schedule for implementation of the plan
7 throughout the E911 service area. The schedule may
8 provide for phased implementation. ~~However, a joint~~
9 ~~911 service board may decide not to implement E911~~
10 ~~service.~~
11 h. The number of telephone access lines capable of
12 access to 911 in the enhanced 911 service area.
13 i. The total property valuation in the enhanced
14 911 service area.
15 ~~6. "Enhanced 911 service surcharge" is a charge~~
16 ~~set by the E911 service area operating authority and~~
17 ~~assessed on each access line which physically~~
18 ~~terminates within the E911 service area.~~
19 8. "Local exchange carrier" means the same as
20 defined in section 476.96.
21 ~~7. 9. "Local exchange service provider" means a~~
22 ~~person vendor~~ engaged in providing telecommunications
23 service between points within an exchange and includes
24 but is not limited to a competitive local exchange
25 service provider and a local exchange carrier.
26 10. "Program manager" means the E911 program
27 manager appointed pursuant to section 34A.2A.
28 ~~8. 11. "Provider" means a person vendor who~~
29 provides, or offers to provide, E911 equipment,
30 installation, maintenance, or exchange access services
31 within the enhanced 911 service area.
32 ~~9. 12. "Public or private safety agency" means a~~
33 unit of state or local government, a special purpose
34 district, or a private firm which provides or has the
35 authority to provide fire fighting, police, ambulance,
36 ~~or~~ emergency medical services, or hazardous materials
37 response.
38 ~~10. 13. "Public safety answering point" means a~~
39 ~~twenty-four hour local jurisdiction twenty-four-hour~~
40 public safety communications facility which that
41 receives enhanced 911 service calls and directly
42 dispatches emergency response services or relays calls
43 to the appropriate public or private safety agency.
44 14. "Wireless E911 phase 1" means a 911 call made
45 from a wireless device in which the wireless service
46 provider delivers the call-back number and address of
47 the tower that received the call to the appropriate
48 public safety answering point.
49 15. "Wireless E911 phase 2" means a 911 call made
50 from a wireless device in which the wireless service

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1 provider delivers the call-back number and the
2 latitude and longitude coordinates of the wireless
3 device to the appropriate public safety answering
4 point.

5 16. "Wire-line E911 service surcharge" is a charge
6 set by the E911 service area operating authority and
7 assessed on each wire-line access line which
8 physically terminates within the E911 service area.

9 Sec. ____ Section 34A.2A, Code 2003, is amended to
10 read as follows:

11 34A.2A ADMINISTRATOR PROGRAM MANAGER –
12 APPOINTMENT – DUTIES.

13 1. The administrator of the division of homeland
14 security and emergency management division of the
15 department of public defense shall appoint an E911
16 administrator program manager to administer this
17 chapter.

18 2. The E911 administrator program manager shall
19 act under the supervisory control of the administrator
20 of the division of homeland security and emergency
21 management division of the department of public
22 defense, and in consultation with the E911
23 communications council, and perform the duties
24 specifically set forth in this chapter and as assigned
25 by the administrator.

26 Sec. ____ Section 34A.3, Code 2003, is amended to
27 read as follows:

28 34A.3 JOINT ~~911~~ E911 SERVICE BOARD – 911 SERVICE
29 PLAN – IMPLEMENTATION – WAIVERS.

30 1. JOINT ~~911~~ E911 SERVICE BOARDS TO SUBMIT –
31 PLANS.

32 a. The board of supervisors of each county shall
33 establish maintain a joint ~~911~~ E911 service board not
34 later than January 1, 1989.

35 (1) Each political subdivision of the state having
36 a public safety agency serving territory within the
37 county is entitled to voting membership on the joint
38 ~~911~~ E911 service board. Each private safety agency
39 operating within the area is entitled to nonvoting
40 membership on the board.

41 (2) A township which that does not operate its own
42 public safety agency, but contracts for the provision
43 of public safety services, is not entitled to
44 membership on the joint ~~911~~ E911 service board, but
45 its contractor is entitled to membership according to
46 the contractor's status as a public or private safety
47 agency.

48 b. The joint ~~911~~ E911 service board shall develop
49 maintain an enhanced 911 service plan encompassing at
50 minimum the entire county, unless an exemption is

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1 granted by the ~~administrator~~ program manager
2 permitting a smaller E911 service area.
3 (1) The ~~administrator~~ program manager may grant a
4 discretionary exemption from the single county minimum
5 service area requirement based upon ~~an E911~~ a joint
6 E911 service board's or other E911 service plan
7 operating authority's presentation of evidence which
8 supports the requested exemption if the ~~administrator~~
9 program manager finds that local conditions make
10 adherence to the minimum standard unreasonable or
11 technically infeasible, and that the purposes of this
12 chapter would be furthered by granting an exemption.
13 The minimum size requirement is intended to prevent
14 unnecessary duplication of public safety answering
15 points and minimize other administrative, personnel,
16 and equipment expenses. ~~An E911 service area must~~
17 ~~encompass a geographically contiguous area. No~~
18 ~~exemption shall be granted from the contiguous area~~
19 ~~requirement.~~
20 (2) The ~~administrator~~ program manager may order
21 the inclusion of a specific territory in an adjoining
22 E911 service plan area to avoid the creation by
23 exclusion of a territory smaller than a single county
24 not serviced by surrounding E911 service plan areas
25 upon request of the joint ~~911~~ E911 service board
26 representing the territory.
27 c. The E911 service plan operating authority shall
28 submit ~~proposed changes to the plan on or before~~
29 ~~January 1, 1994~~, to all of the following:
30 a. (1) The ~~administrator~~ program manager.
31 b. (2) Public and private safety agencies in the
32 enhanced 911 service area.
33 e. (3) ~~Providers~~ Local exchange service provide rs
34 affected by the enhanced 911 service plan.
35 ~~An E911 joint service board that has a state-~~
36 ~~approved service plan in place prior to July 1, 1993,~~
37 ~~is exempt from the provisions of this section. The~~
38 ~~administrator shall establish, by July 1, 1994, E911~~
39 ~~service plans for those E911 joint service boards~~
40 ~~which do not have a state approved service plan in~~
41 ~~place on or before January 1, 1994.~~
42 ~~The administrator shall prepare a summary of the~~
43 ~~plans submitted and present the summary to the~~
44 ~~legislature on or before August 1, 1994.~~
45 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED
46 CIRCUMSTANCES.
47 a. The ~~administrator~~ program manager may extend-
48 ~~in whole or in part,~~ the time period for plan
49 implementation by issuing for implementation of an
50 ~~enhanced 911 service plan beyond the scheduled plan of~~

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1 ~~implementation, by issuance of~~ a compliance waiver.

2 b. The compliance waiver shall be based upon a
3 joint ~~911 E911~~ service board's presentation of
4 evidence which supports an extension if the
5 ~~administrator~~ program manager finds that local
6 conditions make implementation financially
7 unreasonable or technically infeasible by the
8 originally scheduled plan of implementation.

9 c. The compliance waiver shall be for a set period
10 of time, and subject to review and renewal or denial
11 of renewal upon its expiration.

12 d. The waiver may cover all or a portion of a 911
13 service plan's enhanced 911 service area to facilitate
14 phased implementation when possible.

15 e. The granting of a compliance waiver does not
16 create a presumption that the identical or similar
17 waiver will be extended in the future.

18 f. Consideration of compliance waivers shall be on
19 a case-by-case basis.

20 3. CHAPTER 28E AGREEMENT – ALTERNATIVE TO JOINT
21 ~~911 E911~~ SERVICE BOARD. A legal entity created
22 pursuant to chapter 28E by a county or counties, other
23 political divisions, and public or private agencies to
24 jointly plan, implement, and operate a countywide, or
25 larger, enhanced 911 service system may be substituted
26 for the joint ~~911 E911~~ service board required under
27 subsection 1.

28 An alternative legal entity created pursuant to
29 chapter 28E as a substitute for a joint ~~911 E911~~
30 service board, as permitted by this subsection, may be
31 created by either:

32 a. Agreement of the parties entitled to voting
33 membership on a joint ~~911 E911~~ service board.

34 b. Agreement of the members of a joint ~~911 E911~~
35 service board.

36 An alternative chapter 28E entity has all of the
37 powers of a joint ~~911 E911~~ service board and any
38 additional powers granted by the agreement. As used
39 in this chapter, "joint ~~911 E911~~ service board"
40 includes an alternative chapter 28E entity created for
41 that purpose, except as specifically limited by the
42 chapter 28E agreement or unless clearly provided
43 otherwise in this chapter. A chapter 28E agreement
44 related to E911 service shall permit the participation
45 of a private safety agency or other persons allowed to
46 participate in a joint ~~911 E911~~ service board, but the
47 terms, scope, and conditions of participation are
48 subject to the chapter 28E agreement.

49 4. PARTICIPATION IN JOINT E911 SERVICE BOARD
50 REQUIRED. A political subdivision or state agency

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1 having a public safety agency within its territory or
2 jurisdiction shall participate in a joint E911 service
3 board and cooperate in ~~preparing~~ maintaining the E911
4 service plan.

5 Sec. ____ Section 34A.4, Code 2003, is amended to
6 read as follows:

7 34A.4 ~~REQUIRED CONVERSION REQUIREMENTS OF PAY~~
8 ~~TELEPHONES AND OTHER TELECOMMUNICATIONS DEVICES TO~~
9 ~~ALLOW 911 CALLS WITHOUT DEPOSITING COINS OR OTHER~~
10 ~~CHARGE.~~

11 ~~1. CONVERSION AND NOTICE REQUIRED. When an~~
12 ~~enhanced 911 service system becomes operational or as~~
13 ~~soon as feasible thereafter, each provider or other~~
14 ~~owner or lessee of a pay station telephone to be~~
15 ~~operated within the enhanced 911 service area shall do~~
16 ~~the following:~~

17 ~~a. Convert each telephone to permit a caller to~~
18 ~~dial 911 without first inserting a coin or paying any~~
19 ~~other charge.~~

20 ~~b. Prominently display on each pay telephone a~~
21 ~~notice advising callers to dial 911 in an emergency~~
22 ~~and that deposit of a coin is not required.~~

23 ~~2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE~~
24 ~~AREA. After commencement of enhanced 911 service in~~

25 ~~in an enhanced 911 service area, a person shall not~~
26 ~~install or offer for use within the enhanced 911~~
27 ~~service area a pay station telephone or other fixed~~
28 ~~device unless the telephone or device is capable of~~
29 ~~accepting making a 911 call without prior insertion of~~
30 ~~a coin or payment of any other charge, and unless the~~
31 ~~telephone or device displays notice of free 911~~
32 ~~service.~~

33 Sec. ____ Section 34A.6, subsection 1, unnumbered
34 paragraph 1, Code 2003, is amended to read as follows:

35 Before a joint E911 service board may request
36 imposition of the surcharge by the ~~administrator~~
37 program manager, the board shall submit the following
38 question to voters, as provided in subsection 2, in
39 the proposed E911 service area, and the question shall
40 receive a favorable vote from a simple majority of
41 persons submitting valid ballots on the following
42 question within the proposed E911 service area:

43 Sec. ____ Section 34A.7, unnumbered paragraph 1,
44 Code 2003, is amended to read as follows:

45 When an E911 service plan is implemented, the costs
46 of providing E911 service within an E911 service area
47 are the responsibility of the joint E911 service board
48 and the member political subdivisions. Costs in
49 excess of the amount raised by imposition of the E911
50 service surcharge provided for under subsection 1,

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1 shall be paid by the joint E911 service board from
2 such revenue sources allocated among the member
3 political subdivisions as determined by the joint E911
4 service board. Funding is not limited to the
5 surcharge, and surcharge revenues may be supplemented
6 by other permissible local and state revenue sources.
7 A joint ~~911~~ E911 service board shall not commit a
8 political subdivision to appropriate property tax
9 revenues to fund an E911 service plan without the
10 consent of the political subdivision. A joint ~~911~~
11 E911 service board may approve ~~a 911 an E911~~ service
12 plan, including a funding formula requiring
13 appropriations by participating political
14 subdivisions, subject to the approval of the funding
15 formula by each political subdivision. However, a
16 political subdivision may agree in advance to
17 appropriate property tax revenues or other moneys
18 according to a formula or plan developed by an
19 alternative chapter 28E entity.

20 Sec. ____ Section 34A.7, subsections 1, 2, 3, and
21 4, Code 2003, are amended to read as follows:

22 1. LOCAL WIRE-LINE E911 SERVICE SURCHARGE
23 IMPOSITION.

24 a. To encourage local implementation of E911
25 service, one source of funding for E911 emergency
26 telephone communication systems shall come from a
27 surcharge per month, per access line on each access
28 line subscriber, except as provided in subsection 5,
29 equal to the lowest amount of the following:
30 (1) One dollar.
31 (2) An amount less than one dollar, which would
32 fully pay both recurring and nonrecurring costs of the
33 E911 service system within five years from the date
34 the maximum surcharge is imposed.
35 (3) The maximum monetary limitation approved by
36 referendum.

37 b. The surcharge shall be imposed by order of the
38 ~~administrator~~ program manager as follows:

39 (1) The ~~administrator~~ program manager shall notify
40 a local exchange service provider scheduled to provide
41 exchange access line service to an E911 service area,
42 that implementation of an E911 service plan has been
43 approved by the joint ~~911~~ E911 service board and by
44 the service area referendum, and that collection of
45 the surcharge is to begin within one hundred days.

46 (2) The ~~notice shall be provided at least one~~
47 ~~hundred days before the surcharge must be billed for~~
48 ~~the first time~~ program manager shall also provide
49 notice to all affected public safety answering points.

50 e. ~~The surcharge shall terminate at the end of~~

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~~twenty four months, unless either, or both, of the following conditions is met:~~

~~(1) E911 service is initiated for all or a part of the E911 service area.~~

~~(2) An extension is granted by the administrator for good cause.~~

~~d. The surcharge shall terminate at the end of twenty four months if the joint E911 service plan has not been approved by the administrator within eighteen months of the original notice to the provider to impose the surcharge, and shall not be reimposed until a service plan is approved by the administrator and the administrator gives providers notice as required by paragraph "a", subparagraphs (1) and (2).~~

2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE PROVIDERS.

a. The surcharge shall be collected as part of the access line service provider's periodic billing to a subscriber. In compensation for the costs of billing and collection, the local exchange service provider may retain one percent of the gross surcharges collected. If the compensation is insufficient to fully recover a local exchange service provider's costs for billing and collection of the surcharge, the deficiency shall be included in the local exchange service provider's costs for ratemaking purposes to the extent it is reasonable and just under section 476.6. The surcharge shall be remitted to the E911 service operating authority for deposit into the E911 service fund quarterly by the local exchange service provider. The total amount for multiple exchanges may be combined.

b. A local exchange service provider is not liable for an uncollected surcharge for which the local exchange service provider has billed a subscriber but not been paid. The surcharge shall appear as a single line item on a subscriber's periodic billing entitled, "E911 emergency telephone service surcharge". The E911 service surcharge is not subject to sales or use tax.

c. The joint E911 service board may request, not more than once each quarter, the following information from the local exchange service provider:

(1) The identity of the exchange from which the surcharge is collected.

(2) The number of lines to which the surcharge was applied for the quarter.

(3) The number of refusals to pay per exchange if applicable.

(4) Write-offs applied per exchange if applicable.

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1 (5) The number of lines exempt per exchange.
2 (6) The amount retained by the local exchange
3 service provider generated from the one percent
4 administration fee.
5 d. Access line counts and surcharge remittances
6 are confidential public records as provided in section
7 34A.8.
8 3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR
9 SURCHARGE. An individual subscriber shall not be
10 required to pay on a single periodic billing the
11 surcharge on more than one hundred access lines, or
12 their equivalent, in an E911 service area. A
13 subscriber shall pay the surcharge in each E911
14 service area in which the subscriber receives access
15 line service.
16 4. E911 SERVICE FUND. Each joint E911 service
17 board shall establish and maintain as a separate
18 account an E911 service fund. Any funds remaining in
19 the account at the end of each fiscal year shall not
20 revert to the general funds of the member political
21 subdivisions, except as provided in subsection 5, but
22 shall remain in the E911 service fund. Moneys in an
23 E911 service fund may only be used for nonrecurring
24 and recurring costs of the E911 service plan as
25 approved by the ~~administrator~~ program manager, as
26 those terms are defined by section 34A.2.
27 Sec. _____. Section 34A.7, subsection 5, paragraph
28 b, subparagraphs (2) and (3), Code 2003, are amended
29 to read as follows:
30 (2) If money remains in the fund after fully
31 paying for recurring costs incurred in the preceding
32 year, the remainder may be spent to pay for
33 nonrecurring costs, not to exceed actual nonrecurring
34 costs as approved by the ~~administrator~~ program
35 manager.
36 (3) If money remains in the fund after fully
37 paying obligations under subparagraphs (1) and (2),
38 the remainder may be accumulated in the fund as a
39 carryover operating surplus. If the surplus is
40 greater than twenty-five percent of the approved
41 annual operating budget for the next year, the
42 ~~administrator~~ program manager shall reduce the
43 surcharge by an amount calculated to result in a
44 surplus of no more than twenty-five percent of the
45 planned annual operating budget. After nonrecurring
46 costs have been paid, if the surcharge is less than
47 the maximum allowed and the fund surplus is less than
48 twenty-five percent of the approved annual operating
49 budget, the ~~administrator~~ program manager shall, upon
50 application of the joint E911 service board, increase

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1 the surcharge in an amount calculated to result in a
2 surplus of twenty-five percent of the approved annual
3 operating budget. The surcharge may only be adjusted
4 once in a single year, upon one hundred days' prior
5 notice to the provider.

6 Sec. _____. Section 34A.7A, subsection 1, Code 2003,
7 is amended to read as follows:

8 1. a. Notwithstanding section 34A.6, the
9 administrator shall adopt by rule a monthly surcharge
10 of up to ~~forty~~ sixty-five cents to be imposed on each
11 wireless communications service number provided in
12 this state. The surcharge shall be imposed uniformly
13 on a statewide basis and simultaneously on all
14 wireless communications service numbers as provided by
15 rule of the administrator.

16 b. The ~~administrator~~ program manager shall provide
17 no less than one hundred days' notice of the surcharge
18 to be imposed to each wireless communications service
19 provider. The ~~administrator~~ program manager, subject
20 to the ~~forty~~ sixty-five cent limit in paragraph "a",
21 may adjust the amount of the surcharge as necessary,
22 but no more than once in any calendar year.

23 c. (1) The surcharge shall be collected as part
24 of the wireless communications service provider's
25 periodic billing to a subscriber. The surcharge shall
26 appear as a single line item on a subscriber's
27 periodic billing indicating that the surcharge is for
28 E911 emergency telephone service. In the case of
29 prepaid wireless telephone service, this surcharge
30 shall be remitted based upon the address associated
31 with the point of purchase, the customer billing
32 address, or the location associated with the mobile
33 telephone number for each active prepaid wireless
34 telephone that has a sufficient positive balance as of
35 the last days of the information, if that information
36 is available. The wireless E911 service surcharge is
37 not subject to sales or use tax.

38 (2) In compensation for the costs of billing and
39 collection, the wireless communications service
40 provider may retain one percent of the gross
41 surcharges collected.

42 (3) The surcharges shall be remitted quarterly by
43 the wireless communications service provider to the
44 ~~administrator~~ program manager for deposit into the
45 fund established in subsection 2.

46 (4) A wireless communications service provider is
47 not liable for an uncollected surcharge for which the
48 wireless communications service provider has billed a
49 subscriber but which has not been paid. ~~The surcharge~~
50 ~~shall appear as a single line item on a subscriber's~~

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1 ~~periodic billing indicating that the surcharge is for~~
2 ~~E911 emergency telephone service. The E911 service~~
3 ~~surcharge is not subject to sales or use tax.~~

4 Sec. _____. Section 34A.7A, subsection 2, Code 2003,
5 is amended to read as follows:

6 2. Moneys collected pursuant to subsection 1 shall
7 be deposited in a separate wireless E911 emergency
8 communications fund within the state treasury under
9 the control of the ~~administrator~~ program manager.
10 Section 8.33 shall not apply to moneys in the fund.
11 Moneys earned as income, including as interest, from
12 the fund shall remain in the fund until expended as
13 provided in this section. Moneys in the fund shall be
14 expended and distributed ~~annually as follows in the~~
15 following priority order:

16 a. An amount as appropriated by the general
17 assembly to the administrator shall be allocated to
18 the administrator and program manager for
19 implementation, support, and maintenance of the
20 functions of the administrator and program manager and
21 to employ the auditor of state to perform an annual
22 audit of the wireless E911 emergency communications
23 fund.

24 b. The program manager shall allocate twenty-one
25 percent of the total amount of surcharge generated to
26 wireless carriers to recover their costs to deliver
27 E911 phase 1 services. If the allocation in this
28 paragraph is insufficient to reimburse all wireless
29 carriers for such carrier's eligible expenses, the
30 program manager shall allocate a prorated amount to
31 each wireless carrier equal to the percentage of such
32 carrier's eligible expenses as compared to the total
33 of all eligible expenses for all wireless carriers for
34 the calendar quarter during which such expenses were
35 submitted. When prorated expenses are paid, the
36 remaining unpaid expenses shall no longer be eligible
37 for payment under this paragraph.

38 c. The program manager shall reimburse wire-line
39 carriers on a calendar quarter basis for carriers'
40 eligible expenses for transport costs between the
41 selective router and the public safety answering
42 points related to the delivery of wireless E911 phase
43 1 services.

44 ~~b. d. (1) The administrator shall retain funds~~
45 ~~necessary to reimburse wireless carriers for their~~
46 ~~costs to deliver E911 services. The administrator~~
47 ~~shall assure that wireless carriers recover all~~
48 ~~eligible costs associated with the implementation and~~
49 ~~operation of E911 services, including but not limited~~
50 ~~to hardware, software, and transport costs. The~~

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~~administrator shall adopt rules defining eligible costs which are consistent with federal law, regulations, and any order of a federal agency program manager shall reimburse wire-line carriers and third-party E911 automatic location information database providers on a calendar quarterly basis for the costs of maintaining and upgrading the E911 components and functionalities beyond the input to the E911 selective router, including the E911 selective router and the automatic location information database.~~

~~(2) The administrator shall provide for the reimbursement of wireless carriers on a quarterly basis. If the total amount of moneys available in the fund for the reimbursement of wireless carriers pursuant to subparagraph (1) is insufficient to reimburse all wireless carriers for such carriers' eligible expenses, the administrator shall remit an amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted.~~

~~e. The program manager shall apply an amount up to five hundred thousand dollars per calendar quarter to any outstanding wireless E911 phase 1 obligations incurred pursuant to this chapter prior to July 1, 2004.~~

~~f. (1) The program manager shall allocate an amount up to one hundred fifty-nine thousand dollars per calendar quarter equally to the joint E911 service boards and the department of public safety that have submitted an annual written request to the program manager in a form approved by the program manager by May 15 of each year. The program manager shall allocate to each joint E911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint E911 service board.~~

~~(2) Upon retirement of outstanding obligations referred to in paragraph "e", the amount allocated under this paragraph "f" shall be twenty-four percent of the total amount of surcharge generated per calendar quarter allocated as follows:~~

~~(a) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.~~

~~(b) Thirty-five percent of the total dollars~~

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1 available for allocation shall be allocated in
2 proportion to the wireless E911 calls taken at the
3 public safety answering point in the service area to
4 the total number of wireless E911 calls originating in
5 this state.

6 (c) Notwithstanding subparagraph subdivisions (a)
7 and (b), the minimum amount allocated to each joint
8 E911 service board and to the department of public
9 safety shall be no less than one thousand dollars for
10 each public safety answering point within the service
11 area of the department of public safety or joint E911
12 service board.

13 (3) The funds allocated in this paragraph "f"
14 shall be used for communication equipment located
15 inside the public safety answering points for the
16 implementation and maintenance of wireless E911 phase
17 2. The joint E911 service boards and the department
18 of public safety shall provide an estimate of phase 2
19 implementation costs to the program manager by January
20 1, 2005.

21 e. (1) The remainder of the surcharge collected
22 shall be remitted to the administrator for
23 distribution to the joint E911 service boards and the
24 department of public safety pursuant to subparagraph
25 (2) to be used for the implementation of enhanced
26 wireless communications capabilities.

27 g. If moneys remain in the fund after fully paying
28 all obligations under paragraphs "a" through "f", the
29 remainder may be accumulated in the fund as a
30 carryover operating surplus. This surplus shall be
31 used to fund future phase 2 network and public safety
32 answering point improvements and wireless carriers'
33 transport costs related to wireless E911 services, if
34 those costs are not otherwise recovered by wireless
35 carriers through customer billing or other sources and
36 approved by the program manager. Notwithstanding
37 section 8.33, any moneys remaining in the fund at the
38 end of each fiscal year shall not revert to the
39 general fund of the state but shall remain available
40 for the purposes of the fund.

41 (2) h. The administrator, in consultation with the
42 program manager and the E911 communications council,
43 shall adopt rules pursuant to chapter 17A governing
44 the distribution of the surcharge collected and
45 distributed pursuant to this lettered paragraph
46 subsection. The rules shall include provisions that
47 all joint E911 service boards and the department of
48 public safety which answer or service wireless E911
49 calls are eligible to receive an equitable portion of
50 the receipts.

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~~A joint E911 service board or the department of public safety, to receive funds from the wireless E911 emergency communications fund, must submit a written request for such funds to the administrator in a form as approved by the administrator. A request shall be for funding under an approved E911 service plan for equipment which is directly related to the reception and disposition of incoming wireless E911 calls. The administrator may approve the distribution of funds pursuant to such request if the administrator finds that the requested funding is for equipment necessary for the reception and disposition of such calls and that sufficient funds are available for such distribution.~~

~~If insufficient funds are available to fund all requests, the administrator shall fund requests in an order deemed appropriate by the administrator after considering factors including, but not limited to, all of the following:~~

~~(a) Documented volume of wireless E911 calls received by each public safety answering point.~~

~~(b) The population served by each public safety answering point.~~

~~(c) The number of wireless telephones in the public safety answering point jurisdiction.~~

~~(d) The public safety of the citizens of this state.~~

~~(e) Any other factor deemed appropriate by the administrator, in consultation with the E911 communications council, and adopted by rule.~~

~~2A. a. The administrator program manager shall submit an annual report by January 15 of each year to the legislative government oversight committee advising the general assembly of the status of E911 implementation and operations, including both land-line wire-line and wireless services, and the distribution of surcharge receipts, and an accounting of the revenues and expenses of the E911 program.~~

~~b. The program manager shall submit a calendar quarter report of the revenues and expenses of the E911 program to the fiscal services division of the legislative services agency.~~

~~c. The legislative government oversight committee shall review the priorities of distribution of funds under this chapter at least every two years.~~

~~Sec. ____.~~ Section 34A.7A, subsection 3, Code 2003, is amended to read as follows:

3. The amount collected from a wireless service provider and deposited in the fund, pursuant to section 22.7, subsection 6, information provided by a

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wireless service provider to the ~~administrator~~ program manager consisting of trade secrets, pursuant to section 22.7, subsection 3, and other financial or commercial operations information provided by a wireless service provider to the ~~administrator~~ program manager, shall be kept confidential as provided under section 22.7. This subsection does not prohibit the inclusion of information in any report providing aggregate amounts and information which does not identify numbers of accounts or customers, revenues, or expenses attributable to an individual wireless communications service provider.

Sec.____. Section 34A.8, subsection 2, unnumbered paragraph 2, Code 2003, is amended to read as follows: The program manager, joint E911 service board, the designated E911 service provider, and the public safety answering point, their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing E911 emergency telephone service, and it shall otherwise be kept confidential. A person who violates this section is guilty of a simple misdemeanor.

Sec.____. Section 34A.9, Code 2003, is amended to read as follows:

34A.9 TELECOMMUNICATIONS DEVICES FOR THE ~~DEAF~~ SPEECH AND HEARING-IMPAIRED.

~~By January 1, 1990, each county~~ Each public safety answering point shall provide for the installation and use of ~~at least one~~ telecommunications ~~device~~ devices for the ~~deaf at a public safety answering point~~ speech and hearing-impaired.

Sec.____. NEW SECTION. 34A.10 E911 SELECTIVE ROUTER.

On and after July 1, 2004, only the program manager shall approve access to the E911 selective router.

Sec.____. Section 34A.15, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The auditor of state or the auditor of state's designee shall serve as an ex officio nonvoting member.

Sec.____. Section 34A.15, subsection 2, Code 2003, is amended to read as follows:

2. The council shall advise and make recommendations to the administrator and program manager regarding the implementation of this chapter. Such advice and recommendations shall be provided on issues at the request of the administrator or program manager or as deemed necessary by the council.

Sec.____. Section 16.161, unnumbered paragraph 1,

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Code 2003, is amended to read as follows:

The authority shall assist the ~~administrator~~
~~program manager~~, appointed pursuant to section 34A.2A,
as provided in chapter 34A, subchapter II, and the
authority shall have all of the powers delegated to it
by a joint E911 service board or the department of
public defense in a chapter 28E agreement with respect
to the issuance and securing of bonds or notes and the
carrying out of the purposes of chapter 34A.

DIVISION ____

SEX OFFENDER REGISTRY

Sec. ____ Section 22.7, Code Supplement 2003, is
amended by adding the following new subsection:

NEW SUBSECTION. 48. Sex offender registry records
under chapter 692A, except as provided in section
692A.13.

Sec. ____ Section 229A.8A, subsection 4, Code
Supplement 2003, is amended to read as follows:

4. ~~For purposes of registering as a sex offender~~
~~under chapter 692A, a person placed in the~~
~~transitional release program shall be classified a~~
~~"high-risk" sex offender and public notification shall~~
~~be as provided in section 692A.13A, subsection 2. A~~
committed person who refuses to register as a sex
offender is not eligible for placement in a
transitional release program.

Sec. ____ Section 692A.13, Code Supplement 2003,
is amended by striking the section and inserting in
lieu thereof the following:

692A.13 AVAILABILITY OF RECORDS.

1. The department may provide relevant information
from the sex offender registry to the following:

- a. A criminal or juvenile justice agency, an
agency of the state, any sex offender registry of
another state, or the federal government.
 - b. The general public through the sex offender
registry's web page, except that relevant information
about an offender who was under twenty years of age at
the time the offender committed a violation of section
709.4, subsection 2, paragraph "c", subparagraph (4),
shall not be disclosed on the web page.
 - c. The single contact repository established
pursuant to section 135C.33, in accordance with the
rules adopted by the department.
2. A criminal or juvenile justice agency may
provide relevant information from the sex offender
registry to the following:
- a. A criminal or juvenile justice agency, an
agency of the state, or any sex offender registry of
another state, or the federal government.

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1 b. The general public, including public and
2 private agencies, organizations, public places, public
3 and private schools, child care facilities, religious
4 and youth organizations, neighbors, neighborhood
5 associations, community meetings, and employers.
6 Registry information may be distributed to the public
7 through printed materials, visual or audio press
8 releases, or through a criminal or juvenile justice
9 agency's web page.

10 3. Any member of the public may contact a county
11 sheriff's office or police department to request
12 relevant information from the registry regarding a
13 specific person required to register under this
14 chapter. The request for information shall be in
15 writing, and shall include the name of the person and
16 at least one of the following identifiers pertaining
17 to the person about whom the information is sought:

- 18 a. The date of birth of the person.
19 b. The social security number of the person.
20 c. The address of the person.

21 4. A county sheriff shall also provide to any
22 person upon request access to a list of all
23 registrants in that county. However, records of a
24 person protected under 18 U.S.C. § 3521 shall not be
25 disclosed.

26 5. Relevant information provided to the general
27 public may include the offender's name, address, a
28 photograph, locations frequented by the offender,
29 relevant criminal history information from the
30 registry, and any other relevant information.
31 Relevant information provided to the public shall not
32 include the identity of any victim.

33 6. Notwithstanding sections 232.147 through
34 232.151, records concerning convictions which are
35 committed by a minor may be released in the same
36 manner as records of convictions of adults.

37 7. Sex offender registry records are confidential
38 records pursuant to section 22.7 and shall only be
39 released as provided in this section.

40 Sec. ____ Section 901.4, Code Supplement 2003, is
41 amended to read as follows:

42 901.4 PRESENTENCE INVESTIGATION REPORT
43 CONFIDENTIAL – DISTRIBUTION.

44 The presentence investigation report is
45 confidential and the court shall provide safeguards to
46 ensure its confidentiality, including but not limited
47 to sealing the report, which may be opened only by
48 further court order. At least three days prior to the
49 date set for sentencing, the court shall serve all of
50 the presentence investigation report upon the

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1 defendant's attorney and the attorney for the state,
2 and the report shall remain confidential except upon
3 court order. However, the court may conceal the
4 identity of the person who provided confidential
5 information. The report of a medical examination or
6 psychological or psychiatric evaluation shall be made
7 available to the attorney for the state and to the
8 defendant upon request. The reports are part of the
9 record but shall be sealed and opened only on order of
10 the court. If the defendant is committed to the
11 custody of the Iowa department of corrections and is
12 not a class "A" felon, a copy of the presentence
13 investigation report shall be forwarded to the
14 director with the order of commitment by the clerk of
15 the district court and to the board of parole at the
16 time of commitment. Pursuant to section 904.602, the
17 presentence investigation report may also be released
18 by the department of corrections or a judicial
19 district department of correctional services to
20 another jurisdiction for the purpose of providing
21 interstate probation and parole compact services or
22 evaluations, or to a substance abuse or mental health
23 services provider when referring a defendant for
24 services. The defendant or the defendant's attorney
25 may file with the presentence investigation report, a
26 denial or refutation of the allegations, or both,
27 contained in the report. The denial or refutation
28 shall be included in the report. If the person is
29 sentenced for an offense which requires registration
30 under chapter 692A, the court shall release the report
31 to the department ~~which is responsible under section~~
32 ~~692A.13A for performing the assessment of risk.~~

33 Sec.____. Section 692A.13A, Code 2003, is
34 repealed.

35 Sec.____. APPLICABILITY OF AVAILABLE RECORDS IN
36 THE SEX OFFENDER REGISTRY. Section 692A.13, as
37 amended by this division of this Act, shall apply
38 retroactively to all offenders on the registry.

39 Sec.____. EFFECTIVE DATE. This division of this
40 Act, being deemed of immediate importance, takes
41 effect upon enactment."

42 _____. Title page, by striking lines 1 through 3
43 and inserting the following: "An Act making,
44 reducing, and transferring appropriations, providing
45 for government and economic development-related
46 taxation, surcharge, and fee matters, providing for
47 other properly related matters, and including penalty
48 and effective and retroactive and other applicability
49 date provisions.""

Speaker pro tempore Carroll in the chair at 4:00 p.m.

Speaker Rants in the chair at 4:06 p.m.

Roll call was requested by Dix of Butler and Murphy of Dubuque.

On the question "Shall amendment H-8643 be adopted?" (S.F. 2298)

The ayes were, 51:

Alons	Arnold	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.R.	Wilderdyke	Mr. Speaker	
		Rants	

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Van Fossen, J.K.	Wendt	Whitaker
Whitead	Winckler	Wise	

Absent or not voting, 2:

Baudler	Watts
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The motion prevailed and the House concurred in the Senate amendment H-8643, to the House amendment.

Dix of Butler moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2298)

The ayes were, 52:

Alons	Arnold	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Wilderdyke	Mr. Speaker
			Rants

The nays were, 46:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Fallon
Foege	Ford	Frevert	Gaskill
Greimann	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Whitaker	Whitead
Winckler	Wise		

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2298** be immediately messaged to the Senate.

REMARKS BY MINORITY LEADER MURPHY

Minority Leader Murphy offered the following remarks:

Thank you, Mr. Speaker.

I want to first thank the members of my caucus for giving me the opportunity to lead them this session. I'm not sure I realized what a difficult and time-consuming job this is, but I have tried to work hard to do everything the job demands.

I want to thank our staff. They do a great job of keeping us informed and prepared.

I also want to thank all the clerks and doorkeepers and backroom staff and pages who make the House run efficiently.

Finally, thanks to the Republican caucus for their service this year. I enjoyed working with Rep. Gipp and Speaker Rants. You had some difficult decisions to make this year and while I did not agree with all of them, I appreciate the hard work you put in.

Democrats came into this session with a handful of goals – to secure adequate funding for public schools and health care, to prevent the state's budget problems from being shifted to property taxpayers, and to provide long-term funding for Iowa's economic development efforts. To a large extent, I am disappointed in the results.

The layoffs and programs cuts being announced at schools all across the state are because the Legislature has not voted for adequate funding. We should have done more to prevent the cuts that will affect schoolchildren this fall, and we could have by using money transferred from the Grow Iowa Values Fund.

For the 05-06 school year, Democrats were initially disappointed with the insufficient funding initially approved by the Legislature. But after the Governor's veto, we were pleased that, for whatever reason, an agreement was reached to support schools at a level that is more in line with their needs.

We didn't fully fund the property tax credits, as property taxpayers were promised we would. Likewise, I am concerned that we have not fully funded all the Medicaid costs which we expect to incur next year. I expect one of the first bills to be considered next year will be a large supplemental to meet our health care obligations to seniors.

And we failed to provide long-term funding for the Grow Iowa Values Fund, which makes it difficult if not impossible for our economic development officials to reach multi-year agreements with high-tech businesses. The solution was easy – bond for the Values Fund – the same solution we passed last year, the solution supported by business organizations, chambers of commerce, and professional developers across the state.

I am concerned about the borrowing and spending in this budget, and at the lack of money in the cash reserve fund. We are very much at risk of repeating the problems we ran into last year when the budget you passed, which was based on what we thought were good estimates, turned out to be a deficit budget, and Governor Vilsack was forced to impose across-the-board cuts to make it balance.

It will make for an uneasy 2005 legislation session. While the economy shows signs of getting better, nothing short of a miraculous recovery can pull the state out of the

hole we face next year. So more tough decisions await the majority party next year, whoever that might be.

I don't want to sound all doom and gloom. We didn't have a marquee bill this year like last year's Grow Iowa Values Fund that was a tremendous bipartisan effort. But we did provide more money for community attractions. We will gather more data on stillbirths. We will get the federal HAVA money we need to modernize our voting systems. We continued the early childhood/class-size reduction and teacher quality programs.

In closing, best wishes to you over the interim. I don't think people understand the sacrifices you make in this job until you have this job and make those sacrifices. Thanks for being willing to put your name on the ballot and for representing your districts to the best of your ability. We'll see you again soon.

SPECIAL PRESENTATION

J.R. Van Fossen of Scott introduced to the House, Nicole White, Miss Iowa 2003.

The House rose and expressed its welcome.

REMARKS BY MAJORITY LEADER GIPP

Majority Leader Gipp offered the following remarks:

Ladies and Gentlemen of the House,

Representative Greimann, in her farewell address, referenced her desire to keep her remarks short by just saying goodnight. With that idea no longer being original, I cannot use it; therefore, you'll have to listen to a longer address.

I knew going into this session, that this body would have to deal with continued budget pressures as a result of the accruals not meeting expectations, resulting in an across-the-board cut and taking away our ability to finally fund our shared priorities of public safety and education in this budget year. But as this body has done repeatedly in the past, we found a way to do it by going to our savings account – the Cash Reserve. As one of the few who were here when the Rainy Day Fund was established, use of these monies to get us through tough budget times was the primary reason it was put in place.

As I said on opening day, this body would keep our commitment to public safety and education and we did! In spite of having only an estimated \$12 million in new revenues available for overall spending, we committed over ten times that amount to K-12 education alone. It would be difficult for me to understand how anyone could accuse us of cutting dollars for education, let alone say it was not a priority.

We found new dollars for public safety and corrections as well as community colleges and the independent universities.

We funded the property tax credits in order to not shift costs onto local property tax payers.

We funded our priorities and did so without raising taxes! That is a remarkable feat considering the response from neighboring states to their budget shortfalls was to increase the tax burden on their citizens. We did not and we should be proud of that fact.

In addition to providing for a balanced budget as we are required to do, we put forth initiatives that will have a positive effect on the future of Iowans. We know that we will have to deal with an aging population and the health care costs associated with growing older. That is why the bill we passed to encourage Iowans to purchase long term care insurance is so important. That is why the bill we passed that will give our seniors the information they need to access affordable prescription drugs is so important as they wait for the new federal drug program to kick in.

We provided incentives for Iowans to save for their children's college education as well as provide opportunities for low and moderate-income students to choose private school options.

Last year was the year this legislature concentrated on promoting economic development in our state and assisting businesses to locate or expand their operations in Iowa. Part of the Values Fund provided dollars to aid in this growth and expansion of new businesses. While traveling across Iowa this past summer visiting long time corporate citizens and small businesses, it became clear that simply offering incentives to locate or expand in Iowa was not enough. The businesses that I spoke to were not interested in financial incentives, they simply did not want more barriers put in the way. This session of the legislature heard their pleas and did not throw up more disincentives.

In spite of the gloomy economic conditions with which this session started, we did our job of balancing the budget and funding our priorities.

Many that have spoken before me have thanked all of the people that make this place function as well as it does. I will not repeat those thank yous, but will add my thanks and appreciation for all that you do. You know who you are. Thank you very much!!!

REMARKS BY SPEAKER RANTS

Speaker Rants offered the following remarks:

Representative Gipp, Representative Murphy, ladies and gentlemen of the House, today is day 100 of the 80th General Assembly. It may not feel like it, but we are adjourning right on time.

Two years ago when all of us campaigned for election to the House, I'm sure none of us campaigned for this job expecting that the Iowa Supreme Court would rule Iowa's tax code unconstitutional causing a 160 million dollar plus shortfall in our budget. None of us anticipated a 60 million drop in accruals reducing our revenue estimate for the fourth year in a row. Who would have thought that the Governor would enact yet another round of across the board budget cuts.

These were not conditions of our choosing or making. Yet Iowans have entrusted us to respond to these issues, and not just the ones we campaigned on. It is in the

handling of unforeseen circumstances that leadership is tested, and we passed that test.

Our session began with a steady drumbeat on the part of the Governor to raise taxes. Time and time again, Governor Vilsack called for Iowans to pay more, to take home less. Yet the Governor always ended his pitch for higher taxes with the caveat that if there is a better way, another way, he was willing to listen.

We found that better option. Rather than ask the taxpayers to dig deeper into their wallets, we used the state's cash currently in the bank to fund our priorities.

To Governor Vilsack I'd point out that the priorities we funded are shared by all Iowans. We all agree that education is our most valued public function in our state. Governor, for House Republicans, our commitment to educating our students is not measured solely in allowable growth percentages, and it is time to find another measuring stick. We may prize our community colleges a little more than you do. We think the state should honor our commitment to school districts that choose to participate in the infrastructure pool. We believe a lack of wealth should not be a barrier to attending the school of your choice. We want the state to assist families saving for a college education. These items may not have been on your agenda Governor, but these four bills should all receive your signature.

Governor, we corrected your action from last spring that would have caused every Iowan to pay more on their heating bill this fall. That too, deserves your signature.

This House worked to improve our business climate with changes to our product liability laws, addressed unreasonable supersedeas bonds, and modernized our drug testing laws. We also demonstrated that a body known for protracted debates can be nimble when the need arises, making changes to our NJIP economic development program to keep one of Iowa's best employers.

Assisting Iowa seniors was a key focus for the session. The prescription drug discount assistance program creates a hotline that will help Iowa seniors sign up for drug discount programs to help reduce the cost of prescriptions. HF 2554 should be signed by the Governor. We encouraged Iowans to purchase long term care insurance coverage, with the incentive of protecting assets that otherwise would be used to pay for nursing home care.

The House responded to the challenge rural Iowans are experiencing in finding doctors. The medical malpractice legislation is a modest step toward making our state a place where doctors can afford to practice medicine, and if the Governor is truly concerned about addressing the cost of health care in this state, he will sign that bill as well.

I hesitate to start naming legislators for the work they've done, but Representative Raecker, the work you and all the members of the subcommittee on gaming Representatives Jochum, Jones, Rasmussen, Roberts, Gaskill and Lykum did was just outstanding. Representative Raecker you set a new standard for subcommittee work, and created a process that made everyone; whether they be pro or anti; made everyone comfortable that there would be no surprises and everything was on the up and up.

But, none of us did it alone. We are blessed with great people who work with us. The folks in the well, the folks in all of the back rooms, the Chief Clerks Office, the people crunching numbers, the people drafting amendments, the people proofing the journal. They all continue to work when we walk out of here. I know I was tired leaving the capitol around midnight each night last week, but they were all still here getting things ready for us the next day.

I have to say a special thanks to the Republican Caucus staff. In twelve years, I've never had a better group of people to work with. You all put up with my spur of the moment ideas, and pleas for more information. You're an integral part of our team. As glad as I am to have the Kellies back from maternity leave; and Captain Coonan back from Iraq; I want to thank Marc, Amy and Bernardo for pitching in.

To Kirk, Becky, Tim and Allison, you are the best team I could ever ask for. Just keeping track of me, has to be a job in itself, let alone responding to my stream of consciousness requests.

To my fellow Republican leaders: Gene, Rod, Libby, Carmen, Danny and Ralph, thank you for helping to carry the burden, debating every option, listening to every theoretical and heretical idea out there. Most importantly, thank you for all of the extra time and effort you devoted to our caucus. Mr. Majority Leader, what a couple of years. That, by the way, is how we will all be measured – not just 100 days here, and 100 days there – but on the sum total of two years worth of work. You've been an excellent leader for our caucus and a great friend. A former majority leader once told me that office is the one that has the most fun, I hope you found that to be true. What he didn't say, however, is that it can also be one of the most lonely, and I hope you didn't experience too much of that.

To my fellow Republicans, what a privilege you have allowed me. To sit in this chair, well, it's indescribable. The only promise I made when I asked you for this job, was that I would make mistakes. I've upheld my part of that bargain, and no doubt a few of you are keeping a list. The highest on my own list is I spent too much time working in the capitol at night and haven't spent as much time as I'd like out at night getting to know all of you better.

I have, no doubt, pushed some of you to go in directions you'd prefer not to. Some of you too have prodded me to go in other directions. One of the best definitions of leadership I've heard is that leadership is the ability to disappoint those that have placed their trust in you at a rate they can absorb. I hope that I have not exceeded that limit with any of you.

It is at this point in the session that you look back and ask yourself, what could I have done differently. Probably a lot of things. The shut down of a session is always difficult, particularly in even numbered years.

Winston Churchill once said "The nose of the bulldog has been slanted backwards so he can breathe without letting go." Perhaps that describes me as well, and that is probably one of my mistakes. But its time to let go, and to find a new challenge to tackle.

As we head home let us remember the words of President Ronald Regan when he said, "We in government should learn to look at our country with the eyes of the

entrepreneur, seeing possibilities where others see only problems." Let us keep on the look out for new possibilities for Iowa.

May you all have safe travels home.

ADOPTION OF SENATE CONCURRENT RESOLUTION 118

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 118**, as follows and moved its adoption:

- 1 SENATE CONCURRENT RESOLUTION 118
- 2 By: Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved by the Senate, The House Concurring,*
- 6 *That* when adjournment is had on Tuesday, April 20,
- 7 2004, it be the final adjournment of the 2004 Regular
- 8 Session of the Eightieth General Assembly.

The motion prevailed and the resolution was adopted.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following corrections were made:

House File 2557

1. Page 65, line 16 – Change sections to section.
2. Page 114, line 8 – Should read “section and inserting” instead of “section the inserting”.

House File 2577

1. Page 6, line 10 – Renumber 6. to 7.
2. Page 6, line 35 – Renumber 7. to 8.
3. Page 11, line 17 – There needs to be two spaces between (4) and the word Notwithstanding.

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, April 15; Friday, April 16; Monday, April 19 and Tuesday, April 20, 2004. Had I been present, I would have voted “aye” on House Files 2200, 2302, 2390, 2418, 2434, 2455, 2555, 2571, 2574, 2577, 2578. I would have voted “nay” on amendment H-8585 to House File 2555 and “nay” on amendments H-8618 and H-8622 to House File 2578. I would have voted “aye” on Senate Joint Resolution 2010 and “aye” on Senate Files 2215, 2275, 2291, 2298, 2303, 2305, 2306, and 2308 and “aye” on amendments H-8636, H-8638, H-8640 and H-8643 to Senate File 2298 and “nay” on Senate File 2275 and amendment H-8622, and on amendment H-8641 to Senate File 2298.

BAUDLER of Adair

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 20th day of April, 2004: House Files 22, 250, 265, 561, 593, 2150, 2186, 2187, 2193, 2200, 2207, 2230, 2243, 2259, 2262, 2269, 2281, 2302, 2319, 2327, 2328, 2352, 2357, 2366, 2367, 2378, 2390, 2392, 2393, 2394, 2395, 2396, 2402, 2418, 2432, 2433, 2440, 2447, 2455, 2460, 2462, 2467, 2471, 2480, 2481, 2484, 2486, 2489, 2505, 2514, 2515, 2518, 2527, 2528, 2530, 2533, 2544, 2549, 2551, 2554, 2555, 2557, 2558, 2559, 2560, 2561, 2562, 2567, 2568, 2569, 2571, 2572, 2573, 2577 and 2579.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 7, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2138, an Act relating to payment of legal expenses for indigent persons by the state public defender.

House File 2149, an Act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

House File 2318, an Act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

House File 2350, an Act relating to Family Investment Program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

House File 2358, an Act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

House File 2452, an Act providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

House File 2520, an Act relating to purchasing preferences for Iowa-based products and services.

Also: the Governor announcing that on April 20, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2401, an Act relating to the Comprehensive Petroleum Underground Storage Tank Fund and providing an effective date.

House File 2475, an Act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

House File 2541, an Act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Senate File 2179, an Act relating to ethics laws and the Iowa Ethics Campaign Disclosure Board.

Senate File 2289, an Act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Senate File 2306, an Act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provisions.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF INSPECTIONS AND APPEALS
Iowa Racing and Gaming Commission

2003 Annual Report, pursuant to Chapter 99D.5, Code of Iowa.

IOWA COLLEGE STUDENT AID

Annual Report for the 2002-2003 fiscal year, pursuant to Chapter 261, Code of Iowa.

MARGARET A. THOMSON
Chief Clerk of the House

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2004\1517 | Bob and Faith Walters, Eldora – For celebrating their 55 th wedding anniversary. |
| 2004\1518 | Norma and Alvin Johnson, Ackley – For celebrating their 50 th wedding anniversary. |
| 2004\1519 | Shirley McCarthy, Eldora – For celebrating her 90 th birthday. |
| 2004\1520 | Leland Weuve, State Center – For celebrating his 90 th birthday. |
| 2004\1521 | Wilbur and Ida Mae Schultz, Elkader – For celebrating their 60 th wedding anniversary. |
| 2004\1522 | Bobbi Peake, Arlington – For celebrating her 90 th birthday. |
| 2004\1523 | Marvin Helmrichs, Manchester – For celebrating his 80 th birthday. |
| 2004\1524 | Eleanor Loftsgard, Elgin – For celebrating her 80 th birthday. |
| 2004\1525 | Willa Howson, DeWitt – For celebrating her 99 th birthday. |
| 2004\1526 | Helen Knoche, Grand Mound – For celebrating her 85 th birthday. |
| 2004\1527 | Glenn and Thelma Teisinger, Denver – For celebrating their 70 th wedding anniversary. |
| 2004\1528 | Harold Irwin, Calamus – For celebrating his 80 th birthday. |
| 2004\1529 | Ronald L. and Margery Meyer, Sumner – For celebrating their 58 th wedding anniversary. |

- 2004\1530 Lucile E. Woods, Sheldon – For celebrating her 100th birthday.
- 2004\1531 Caitlin Stewart, Sibley – For being selected as a U.S. National Award Winner in History and Government.
- 2004\1532 Herb and Marie Blum, Westphalia – For celebrating their 65th wedding anniversary.
- 2004\1533 Johanna Erickson, Spencer – For celebrating her 90th birthday.
- 2004\1534 Dick Hansen, Spencer – For celebrating his 90th birthday.
- 2004\1535 Leonard Meyer, Sheffield – For celebrating his 90th birthday.
- 2004\1536 Marilyn Bechtel, Hampton – For celebrating her 80th birthday.
- 2004\1537 Molly Steenhard, Hampton – For celebrating her 90th birthday.
- 2004\1538 Maryls Vulgamott, Webster City – For celebrating her 92nd birthday.
- 2004\1539 Dorothy Stearns, Webster City – For celebrating her 80th birthday.
- 2004\1540 Cathryn Powers, Duncombe – For celebrating her 80th birthday.
- 2004\1541 Phyllis Elwood, Eagle Grove – For celebrating her 80th birthday.
- 2004\1542 Larry and Carolyn Iles, Stratford – For celebrating their 50th wedding anniversary.
- 2004\1543 Leon Mosley, Waterloo – For being named “Ambassador for Peace” in Washington, D.C.
- 2004\1544 Jake and Janet Boelman, Belmond – For celebrating their 60th wedding anniversary.
- 2004\1545 Norma Schmidt, Amana – For celebrating her 90th birthday.
- 2004\1546 Rachael and Ross Kimm, Blairstown – For celebrating their 65th wedding anniversary.
- 2004\1547 Florence Stineford, Keystone – For celebrating her 98th birthday.
- 2004\1548 Midge and Bill Albert, East Amana – For celebrating their 50th wedding anniversary.
- 2004\1549 Lores and Orlin Hochstetler, Williamsburg – For celebrating their 50th wedding anniversary.
- 2004\1550 Hollis Moseley, Cedar Falls – For celebrating his 100th birthday.
- 2004\1551 Ronald Mason, Chariton – For celebrating his 90th birthday.

- 2004\1552 Dorothy Mason, Chariton – For celebrating her 80th birthday.
- 2004\1553 Lorraine Barfels, Belle Plaine – For celebrating her 90th birthday.
- 2004\1554 Evelyn Brockway, Brandon – For celebrating her 90th birthday.
- 2004\1555 Jesse and Arlene Craun, Toledo – For celebrating their 50th wedding anniversary.
- 2004\1556 Frank and Pat Kester, Grinnell – For celebrating their 50th wedding anniversary.
- 2004\1557 Marion and Marie Slagle, Fremont – For celebrating their 68th wedding anniversary.
- 2004\1558 Dan and Jean Grimes, Dubuque – For celebrating their 50th wedding anniversary.
- 2004\1559 Henry Lanser, Oskaloosa – For celebrating his 85th birthday.
- 2004\1560 Iva Keniston, Oelwein – For celebrating her 90th birthday.
- 2004\1561 Leo Fox, Oskaloosa – For celebrating his 90th birthday.
- 2004\1562 Loretta Treptow, Oelwein – For celebrating her 80th birthday.
- 2004\1563 Henrietta Groenenboom, Oskaloosa – For celebrating her 80th birthday.
- 2004\1564 Tom Jones, Oskaloosa – For celebrating his 80th birthday.
- 2004\1565 Oren James, Oskaloosa – For celebrating his 95th birthday.
- 2004\1566 Reba Kiefer, Oskaloosa – For celebrating her 90th birthday.
- 2004\1567 Evelyn and Tony Bentler, Mt. Pleasant – For celebrating their 50th wedding anniversary.

RESOLUTION FILED

HCR 127, by Rants and Murphy, a house concurrent resolution to provide for adjournment sine die.

Laid over under **Rule 25**.

The House stood at ease at 5:21 p.m., until the fall of the gavel.

The House resumed session at 2:08 p.m., Speaker Rants in the chair.

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to House Rule 73.7, the following motion to reconsider which remained on the House Calendar upon adjournment of the 2004 Regular Session of the Eightieth General Assembly will be considered to have failed:

By Gipp of Winneshiek to Senate File 2305, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions and amendment H-8602 (found on pages 1565 through 1566 of the House Journal) filed on April 19, 2004.

Gipp of Winneshiek moved that the Governor be notified that the House was ready to adjourn in accordance with Senate Concurrent Resolution 118, duly adopted.

The motion prevailed and the Governor was messaged.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 118, duly adopted, the day of April 20, 2004 having arrived, the Speaker of the House of Representatives declared the 2004 Regular Session of the Eightieth General Assembly adjourned sine die.

SUPPLEMENT TO HOUSE JOURNAL**BILLS APPROVED, VETOED, OR ITEM VETOED
SUBSEQUENT TO ADJOURNMENT**

The following is a record of the action of the Governor on bills passed by the 2004 Regular Session of the Eightieth General Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 22— Relating to the awarding of joint physical care of a child. Approved 5-19-04.
- H.F. 250— Relating to the criminal penalties for an assault on members of certain occupations. Approved 5-6-04.
- H.F. 265— Relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death. Approved 4-26-04.
- H.F. 561— Creating the crime of invasion of privacy, and providing a penalty. Approved 4-26-04.
- H.F. 593— Relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2150— Establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty. Approved 5-11-04.
- H.F. 2186— Increasing the damages payable upon conviction of certain unlawful activities involving antlered deer. Approved 5-3-04.
- H.F. 2187— Providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant. Vetoed 5-14-04. See Governor's Veto Message.

- H.F. 2193— Relating to determining compliance with course of study requirements regarding cosmetology licensure. Approved 4-26-04.
- H.F. 2200— Relating to fire safety issues, including the establishment of a fire extinguishing system contractor certification program in the office of the State Fire Marshal, the promulgation of administrative rules by the State Fire Marshal, and arson and simulated explosive related criminal offenses, and providing for fees and penalties and for the Act's applicability. Approved 5-3-04.
- H.F. 2207— Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions. Approved 4-26-04.
- H.F. 2230— Relating to safe deposit box access by a trustee of a trust created by the deceased owner of lessee of the safe deposit box. Approved 4-26-04.
- H.F. 2243— Regarding user responsibility and liability with respect to liquefied petroleum gas systems. Approved 5-3-04.
- H.F. 2259— Relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties. Approved 5-3-04.
- H.F. 2262— Relating to public retirement systems and other employee benefit related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa Public Employees' Retirement System, the state wide fire and police retirement system, and the judicial retirement system, and providing effective and retroactive applicability dates. Approved 4-26-04.
- H.F. 2269— Providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties. Approved 4/26/04.
- H.F. 2281— Relating to licensing of nonresident bait dealers and providing an effective date. Approved 4-26-04.
- H.F. 2302— Relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions. Approved 5-6-04.

- H.F. 2319— Relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs. Approved 4-28-04.
- H.F. 2327— Relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers. Approved 5-11-04.
- H.F. 2328— Relating to child protection confidentiality requirements involving the Department of Human Services. Approved 5-11-04.
- H.F. 2352— Relating to the appointment of illegal dumping enforcement officers and providing a penalty. Approved 5-3-04.
- H.F. 2357— Relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties. Approved 5-6-04.
- H.F. 2366— Relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty. Approved 4-28-04.
- H.F. 2367— Relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund. Approved 4-26-04.
- H.F. 2378— Relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care. Approved 5-17-04.
- H.F. 2390— Making technical changes to programs under the purview of the Department of Human Services. Approved 4-28-04.
- H.F. 2392— Relating to controlled burns of demolished buildings conducted by certain cities. Approved 5-6-04.
- H.F. 2393 Relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and proving an effective date. Approved 5-14-04.
- H.F. 2394— Relating to driver education by a teaching parent. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2395— Creating the criminal offense of intellectual property counterfeiting, and providing a penalty. Approved 4-27-04.
- H.F. 2396— Relating to recovery of prejudgment interest in relation to an offer to confess Judgment. Vetoed 5-14-04. See Governor's Veto Message.

- H.F. 2402— Restricting executive branch authority to transfer appropriations between departments. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2418— Relating to meeting dates by which the State Board of Regents must make final decisions on tuition increases for institutions of higher education under its control. Approved 5-3-04.
- H.F. 2432— Relating to the issuance of an additional free deer license to certain landowners and other persons. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2433— Relating to fees retained by county treasurers for the issuance of driver's licenses and non-operator identification cards. Approved 5-6-04.
- H.F. 2440— Relating to awards of non-economic damages against health care providers. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2447— Relating to equipment and installation safety programs administered by the division of labor services of the department of workforce development, and providing an effective date. Approved 4-26-04.
- H.F. 2455— Establishing marriage and domestic relations requirements and providing an effective date. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2460— Relating to school district enrollment of students listed on the sex offender registry. Approved 5-6-04.
- H.F. 2462— Directing the Department of Human Services to implement child welfare diversion and mediation pilot programs. Approved 5-3-04.
- H.F. 2467— Relating to the quorum requirement for the IowaAccess Advisory Council. Approved 4-26-04.
- H.F. 2471— Relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date. Approved 4-28-04.
- H.F. 2480— Prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty. Approved 4-26-04.
- H.F. 2481— Expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order. Approved 5-11-04.
- H.F. 2484— Relating to the regulation of financial and real property institutions and assets including banks, credit unions, real property loan lenders, and real property financial liability. Approved 5-6-04.

- H.F. 2486— Providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties. Approved 5-6-04.
- H.F. 2489— Relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance associations; refunds of unearned premium; coverage of federal trade adjustment act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties. Approved 4-26-04.
- H.F. 2505— Providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances. Approved 5-11-04.
- H.F. 2514— Relating to a pilot project for dementia-specific care alternatives. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2515— Relating to the keeping of farm deer. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2518— Relating to the duties of the Soil and Water Conservation Division of the Department of Agriculture and Land Stewardship. Approved 5-6-04.
- H.F. 2527— Relating to the provision of a copy of a certificate of birth to a biological parent. Approved 5-11-04.
- H.F. 2528— Relating to consideration of a juvenile court order by the district court in a custody proceeding. Approved 5-11-04.
- H.F. 2530— Relating to the assessment of surcharges in criminal proceedings. Approved 4-26-04.
- H.F. 2533— Relating to protective orders and court-approved consent agreements under the Domestic Abuse Act. Approved 5-3-04.
- H.F. 2544— Requiring identification numbers for all parcels of real estate, additional real estate transaction records, and making a fee applicable. Approved 5-6-04.
- H.F. 2549— Relating to expenditures from the Waste Tire Management Fund. Approved 5-14-04.
- H.F. 2551— Relating to programs under the authority of the Department of Public Health. Approved 5-17-04.

- H.F. 2554— Relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2555— Providing for specified changes regarding programs under the purview of the Department of Public Health, providing a penalty, and making an appropriation. Approved 5-17-04.
- H.F. 2557 Providing for the regulation of securities, providing for fees and penalties, and providing an effective date. Approved 5-14-04.
- H.F. 2558— Relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2559— Relating to the duties of the College Student Aid Commission and the approval and registration of postsecondary schools by the Commission, the Department of Education, and the Secretary of State, and the establishment and collection of fees and chargeable expenses by the State Board of Education and the Secretary of State. Approved 5-6-04.
- H.F. 2560— Relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions. Approved 5-6-04.
- H.F. 2561— Creating a job corps center new jobs credit and providing effective and retroactive applicability dates. Vetoed 5-14-04. See Governor's Veto Message.
- H.F. 2562— Relating to electrical and mechanical amusement devices that are required to be registered with the Department of Inspections and Appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision. Approved 4-28-04
- H.F. 2567 Regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date. Approved 5-14-04.
- H.F. 2568— Relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa Comprehensive Health Insurance Association; phase out of guaranteed basic and standard individual insurance plans; and coverage of Federal Trade Adjustment Act recipients under the Iowa Comprehensive Health Insurance Act; and providing effective dates. Approved 5-11-04.
- H.F. 2569— Establishing a county enforcement surcharge for citations issued by the county sheriff. Approved 4-28-04.

- H.F. 2571— Relating to agriculture by providing for reporting requirements. Approved 5-6-04.
- H.F. 2572— Relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee. Approved 4-28-04.
- H.F. 2573 Relating animal health by the Department of Agriculture and Land Stewardship, making an appropriation, and making penalties applicable. Approved 5-14-04.
- H.F. 2577— Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date. Approved 5-17-04 with the exception of Section 1, subsection 7, paragraph e. See Governor's Item Veto Message.
- H.F. 2579— Relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages. Approved 4-28-04.
- S.F. 297— Relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing an applicability date. Approved 5-6-04.
- S.F. 443— Relating to criteria for community-based seed capital funds and providing retroactive applicability dates. Approved 5-11-04.
- S.F. 2026— Relating to the phase out of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers. Approved 5-6-04.
- S.F. 2066— Modifying requirements for securing children transported in motor vehicles and making a penalty applicable. Approved 4-28-04.
- S.F. 2112— Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the Keep Iowa Beautiful Fund, and providing for the nonreversion of certain moneys. Approved 5-19-04.
- S.F. 2121— Exempting certain environmental test laboratory services from the state sales and use taxes. Vetoed 5-14-04. See Governor's Veto Message.
- S.F. 2153— Relating to the funding of efforts to alleviate a public health emergency or disaster. Approved 4-26-04.
- S.F. 2154— Relating to parties to whom traffic citations are issued for failure to obey school bus warning devices. Approved 5-15-04.

- S.F. 2183— Relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing contingent effective date. Vetoed 5-14-04. See Governor's Veto Message.
- S.F. 2190— Relating to the development of the long-term care system in Iowa. Vetoed 5-14-04. See Governor's Veto Message.
- S.F. 2215— Relating to the investment of moneys of the Iowa Finance Authority in funds within the office of the Treasurer of State. Approved 5-6-04.
- S.F. 2270— Relating to county records, including the fees for recorded and electronic transactions and the confidentiality of veterans' military records maintained by the county recorder and providing an effective date. Approved 5-11-04.
- S.F. 2275— Relating to criminal sentencing practice and procedure. Approved 5-11-04.
- S.F. 2282— Requiring a comprehensive study of the archaeological and paleontological significance and the significance of the flora and fauna of the Loess Hills and of the feasibility of creating a state native prairie preserve in the Loess Hills and of other various uses of the Loess Hills, and providing a contingent effective date. Approved 5-3-04.
- S.F. 2288— Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated. Approved 5-17-04.
- S.F. 2291— Relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions. Approved 5-17-04.
- S.F. 2295— Allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision. Vetoed 5-14-04. See Governor's Veto Message.
- S.F. 2298— Making, reducing, and transferring appropriations, providing for government and economic development-related taxation, surcharge, and fee matters, providing for other properly related matters, and including penalty and effective and retroactive and other applicability date provisions. Approved 5-17-04 with the exception of Division I, second unnumbered paragraph, Sections 2, 9, 10, 24; subsection 3, section 32; Division III, Section 49, Subsection 3; Section 58, subsection 2; Section 58, subsections 2 and 3, paragraph b; Section 59, subsection 2, paragraph b; Section 60, subsection 2, paragraph b; Section 67; Section 71; Division IV, Section 82, subsection 1; Section 86, subsection 1a, first unnumbered

paragraph; subsection 2a, second unnumbered paragraph; subsection 2b, paragraph 4; subsection 3a, second unnumbered paragraph; subsection 4a, second unnumbered paragraph; Section 96; Division V, Section 102, subsection 1, paragraph c; Section 106; Section 107, Section 111; Section 114; Section 116, subsection 1; Section 124, subsection 1, first unnumbered paragraph; Section 125, subsection 17; Section 135, subsection 2; Section 142; Section 147; Section 150; Section 162, subsection 3; Division VI, Section 166; Division IX, Section 186, subsection 2; Section 192, subsection 5, third unnumbered paragraph; Section 198; Section 201; Division X, Section 217; Section 225; Section 229; Section 230; Section 239; Section 240; Section 241; Section 242, subsections 2-4; Section 261; Section 263; Section 276; Section 278; Section 285; Section 287, subsection 4; Division XI, Section 288, subsection 1g; Section 288, subsection 8; Section 299; Division XII, Section 301, subsection 1c, second unnumbered paragraph; Division XIII, Section 304, subsection 1b, first unnumbered paragraph; Division XIV, Section 311, second unnumbered paragraph; Section 315; Division XV, Section 319; Division XVI, Section 322, subsection 4, paragraphs b, c, and d; Section 335; Section 336; Section 344; Division XVII, Section 354; Division XIX, Section 403; Division XX, Sections 404-418; Sections 440-441. See Governor's Item Veto Message.

S.F. 2303— Providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions. Vetoed 5-14-04. See Governor's Veto Message.

S.F. 2308— Relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions. Approved 5-3-04.

GOVERNOR'S VETO MESSAGE

A copy of the following communications were received and placed on file:

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 593, an Act relating to elections and voter registration. We should be looking for opportunities to increase participation in the electoral process. Therefore, our legislative efforts should not restrict opportunities to participate in the electoral process. Therefore, our legislative efforts should not restrict opportunities to participate in the electoral process. House File 593 originated as legislation put forth by the county auditors. Many of the sections make technical changes to the code that would allow auditors to improve the election process. I am supportive of these changes. However, a partisan amendment was added to this bill that restricts opportunities to vote by closing the polls at 8:00 p.m. instead of the current 9:00 p.m.

In the 2002 general election, it is estimated that over 10,000 Iowans voted during the last hour. Why make it more difficult for so many of our working Iowans and working single mothers – those who may not be able to vote early in the morning – to vote? Quite simply, we should not.

As President John F. Kennedy said, “The right to vote in a free American election is the most powerful and precious right in the world.” At a time when brave men and women put themselves in harms way to open up democracy in a troubled land, the right to vote becomes more precious. I recognize that some auditors may have some difficulty getting workers to put in an extra hour or two, but that seems a small sacrifice when others are going days, weeks, months, and years to save freedom and democracy.

For the above reasons, I hereby respectfully disapprove House File 593.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Speaker:

I hereby transmit House File 2187, an Act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

I am unable to approve House File 2187 for the following reasons. At the request of the legislature, the Dental Assistant Scope of Practice Review Committee was convened in October of 1998. The purpose of a scope of practice review committee is to conduct an impartial, analytical assessment of proposed changes in health regulation using established objective criteria in order to develop recommendations which help to ensure and protect the public's health, safety and welfare. The committee heard testimony and carefully reviewed arguments both for and against registration of dental assistants. The committee found that there was potential harm or danger to the public from untrained assistants in areas of infection control and hazardous materials. Four out of five voting committee members agreed that the potential harm was sufficient to warrant further regulatory oversight. The committee identified the least restrictive method of regulation that would achieve the desired public protection. Registration of dental assistants, with some minimal course or exam in infection control, hazardous materials, and jurisprudence, was identified as this method.

In response to the recommendation of the scope of practice review committee, legislation was proposed. This legislation arose from a compromise establishing an agreement between the Iowa Board of Dental Examiners, Iowa Department of Public Health, Iowa Dental Association, Iowa Dental Assistant Association and the Iowa Dental Hygiene Association. In February 2000, I signed the legislation into law. Since that time, the community colleges have expanded their dental assistant programs. To date, there are more applicants for the program than space allows. Since the bill establishing the registration by means of a competency exam was enacted, the number of dental assistants in Iowa has grown. Proponents of this bill argue that the competency exam is too hard and intimidates potential recruits. The dental assistant recruitment issues raised by those in favor of this measure have been linked, by those actually working as dental assistants, to low wages and lack of in office training by dentists. The competency exam provides uniformity in training across the state. This allows for consistency and confidence in the knowledge base of dental assistants statewide.

Dental assistance programs provide graduates the opportunity to enter a profession that affords them a respectable living. The typical student to enroll in a dental assistant training program is a single mother, age 25, with significant barriers to financial independence. We must not turn our back on the increasing number of women striving to improve their lives by pursuing education and training that will afford them financial independence and professional status. The advancement of women in the workforce is vital to the public and the economic health of Iowa.

There is an additional benefit found in the establishment of dental assistant programs at Iowa's Community Colleges. The community colleges have invested a substantial amount of money in dental clinics associated with the colleges. While being trained, dental assistant students serve the public at these clinics. Many of who are indigent or elderly. This is a service to those communities.

Dental assistants are the first line of defense in protecting Iowans from the spread of blood borne pathogens and infectious diseases. The dental assistant must not only perform infection control duties but must have a clear understanding of the risk to the patient and themselves, if there infection control responsibilities are not properly performed. In addition, the dental assistant must understand the legal scope of their job responsibilities, accurate recordkeeping, federal OSHA regulations and other competencies related to their profession.

I appreciate the concern of the proponents of this bill as it impacts access to dental care in rural Iowa. However, I am not convinced that this bill is the solution to that problem. I encourage all stakeholders in this matter to convene over the interim and seriously review areas where compromise may be reached. Some options may include:

- 1) Allow for the examination or some measure of competency.
- 2) Develop an alternative course of study with an assessment at the conclusion of the instruction.
- 3) Allow for a waiver for those practice situations where the examination is deemed to be detrimental to the dentists practice.

The Iowa Department of Public Health, the Iowa Board of Dental Examiners, the Iowa Dental Assistant Association, the Iowa Dental Assistance Council, the Iowa Dental Hygiene Association and the community colleges oppose this legislation. They recognize that at a time when other states are raising their dental standards, Iowa should not be lowering its standards. I remain committed to the protection of the public health of Iowans by requiring consistent health and safety standards in Iowa's dental offices. Recruitment issues raised by the proponents of this measure should not outweigh the overriding protection of the public health of Iowans.

For the above reasons, I hereby respectfully disapprove House File 2187.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2394, an Act relating to driver education by a teaching parent.

I am unable to approve House File 2394. This bill allows a parent to provide driver's education to a student-child. Public safety dictates a uniform system for making sure, to the extent possible, that all young drivers receive appropriate training in driving techniques for all possible driving circumstances. The proposal creates a

dual system that creates the risk of inconsistency in training. The current system ensures that educators are up-to-date with new techniques and are aware of pertinent law changes. The current system supports safety. The proposed exception undermines safety.

For the above reasons, I hereby respectfully disapprove House File 2394.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Secretary Culver:

I hereby transmit House File 2396, an Act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

House File 2396 is fundamentally flawed by giving leverage to defendants in settlement negotiations without affording similar leverage to plaintiffs in settlement negotiations. The alleged purpose of the bill – to encourage early settlement of disputed claims and minimize the cost of litigation – is defeated when only one party to the negotiations is afforded a mechanism for forcing the opposing party to evaluate their settlement position.

Fundamental fairness requires that settlement discussions take place on a level playing field. House File 2396 tilts the playing field in favor of defendants. I would favor a balanced bill that affords defendants the opportunity to confess judgment and plaintiffs the opportunity to accept/receive judgment, with equivalent penalties to those parties that refused to accept or receive these offers. This would be the best way to encourage parties to evaluate their cases early and avoid the cost of lengthy and expensive litigation.

For the above reasons, I hereby respectfully disapprove House File 2396.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2402, an Act restricting executive branch authority to transfer appropriations between departments.

By creating artificial limits on the use of transfers, House File 2402 would make it more difficult for the executive branch to function efficiently and effectively. Given the Legislature's unwillingness to adequately fund key services like education and health care, now is not the time to be reducing administrative flexibility in state government.

House File 2402 would add several new limits to the use of transfers of resources between appropriations. For example, it would limit the total of transfers to an appropriation to a total of \$1 million unless one of three conditions exists. These conditions are that a transfer occurs in the last thirty days of a fiscal year, is approved by a majority vote of the Legislative Council, or the Legislative Council chooses not to act on the transfer within 30 days of notice of the transfer. Each of these limitations could pose practical problems for little or no benefit.

At the outset, the \$1 million threshold is an arbitrary number with no specific relationship to the appropriations it limits. In a \$4.6 billion general fund budget, single appropriations range from as much as \$350 million to as little as \$10,000. Many large appropriations are entitlements, which are driven by utilization of services. While the current transfer statute exempts these entitlements (such as for foster care), House File 2402 does not. For these appropriations, a \$1 million limit is a very low threshold.

The Legislature has correctly recognized that many transfers must be made at the end of the fiscal year to ensure that budgets are balanced, and it is helpful to allow interdepartmental transfers without limits during the final 30 days of a fiscal year. However, because the State utilizes accrual accounting, the same problems exist at the end of the July and August "hold open" period. Because the bill would require those transfers to be put on hold for 30 days while the Legislative Council decides upon them, it is likely that they would not be able to be made in a timely fashion. This would likely lead to the State being out of compliance with Generally Accepted Accounting Principles.

Finally, while the bill's other exceptions, such as Legislative Council approval, may be acceptable, the fact is that this additional approval process would slow the ability of state government to respond to unforeseen budget events. Currently, it is necessary to provide two weeks notice before transfers are made, and during that time the Legislature may provide comments prior to the actual transfer. House File 2402 could more than double that time period – unless the Legislative Council chose to act, no transfer could occur until 30 days had passed. This could be extremely disruptive for state government and the services it provides.

Iowa law already provides several mechanisms to limit the use of interdepartmental transfers. These transfers may not be made while the Legislature is in session. They are also limited to adding 50% to the total of an appropriation in a fiscal year. This is a more acceptable limit because it recognizes the varying size of appropriation in the state budget. The current law also does not apply this limit to entitlements, which is also an improvement on the approach in House File 2402.

For the above reasons, I hereby respectfully disapprove House File 2402. There are already sufficient limits on transfers in Iowa's budget law. The bill has the potential to create budget problems for no real benefit.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2432, an Act relating to the issuance of an additional free deer license to certain landowners and other persons.

Although I am supportive of landowners receiving free deer and turkey license as current law provides, I am concerned that an additional free license for landowners and tenants would deplete much needed resource enhancement resources for Iowa sports men and women by way of the Fish and Game Trust Fund. Landowners, a family member, or a tenant can currently receive one free any sex deer license, one free antlerless deer license and one free wild turkey license. In addition, they can purchase two additional antlerless deer licenses at a substantially reduced rate of \$11.00.

Landowners and tenants currently receive approximately \$1.8 million worth of free or reduced licenses annually. Adding an additional antlerless only license to the existing two free and two \$11.00 licenses will result in a loss of an additional \$155,000 in revenue needed to enhance wildlife habitat and expand recreational opportunities for sports men and women throughout Iowa. It is these outdoor recreational activities that contribute to Iowa's overall quality of life and make our state even more appealing to outside visitors.

For the above reasons, I hereby disapprove House File 2432.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2440, an Act relating to awards of non-economic damages against health care providers.

I am unable to approve House File 2440 for the following reasons. This legislation purports to address a problem of the cost and availability of medical malpractice liability insurance. I recognize this is a real and growing problem for Iowa health care providers that requires a real solution. However, limiting quality of life damages will not appreciably reduce costs or increase availability of medical malpractice insurance.

The proponents of this legislation believe that it is necessary to prevent doctors from leaving Iowa, yet the statistics of the Iowa Medical Society show that the number of doctors in Iowa has been rising in recent years. For example, the number of obstetrician/gynecologists has increased from 158 in 1999 to 174 in 2003, and the number of family practitioners has increased from 1,008 in 1999 to 1,060 in 2003.

Some suggest that a cap is necessary to prevent frivolous lawsuits against doctors. Iowa has a tradition of fairness and reasonable results, which is why the U.S. Chamber of Commerce ranked Iowa as having one of the top four most favorable climates in the country for fair and reasonable jury awards. This proposal does nothing to discourage frivolous suits, and only penalizes those with legitimate claims who have the greatest injuries.

Others feel that this legislation is necessary because malpractice insurers will leave the state, yet statistics from the National Association of Insurance Commissioners demonstrate that medical malpractice insurance was one of the most profitable lines of insurance in Iowa during the past ten years. In fact, within the past ten years an Iowa insurer returned \$70 million in dividends to its policyholders.

Some point to other states that have placed a cap on quality of life damages where premiums have gone down, but in some states premiums were not reduced until insurance reforms were instituted that gave doctors and hospitals the right to object to unreasonable increases.

Malpractice insurance premiums have increased significantly in the last couple of years at the same time that payouts for claims dropped. Iowa's experience does not justify premium increases at the level charged to our doctors and hospitals.

I support a thorough examination of the factors contributing to the rise in medical malpractice insurance premiums for Iowa health care providers, and a thoughtful solution based on facts that balances the needs of doctors and hospitals with the rights of patients and interested third parties. I have invited interested stakeholders to participate in a process to develop a comprehensive solution and approach that makes sense for all of us.

For the above reasons, I hereby respectfully disapprove House File 2440.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver

Secretary of State
State Capitol Building
L O C A L

Dear Secretary Culver:

I hereby transmit House file 2455, an Act establishing marriage and domestic relations requirements and providing an effective date.

I see no harm in providing a different waiting period before a marriage license is issued based on obtaining appropriate marriage counseling. If that is all that was contained in House File 2455, I might sign it. However, the bill also contains a requirement of submitting a parenting plan in conjunction with dissolution of marriage action. I am very troubled by the requirement that the plan be provided within 30 days of service of the process commencing the action. This is not feasible and could create serious conflicts undermining reconciliation efforts.

For this reason, I hereby respectfully disapprove House File 2455.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2514, an Act relating to a pilot project for dementia-specific care alternatives. I am unable to approve House File 2514 for the following reasons.

House File 2514 requires the Department of Inspections and Appeals, in cooperation with the Department of Elder Affairs in consultation with representatives of the affected industry, to implement no more than two pilot projects for dementia-specific alternative living. Expanding alternative living arrangements under the guise of a pilot project places an Executive Branch regulatory agency in an advocacy role and provides state approval to programs that would otherwise be deemed unlicensed or uncertified.

Additionally, House File 2514 contains no specific standards or guidelines to those Executive Branch agencies involved in promulgating administrative rules for the pilot projects. Without adequate standards or guidelines, it is impossible to define dementia-specific alternative living, establish whether this category of alternative living is to be licensed or regulated, and set standards for the evaluation of the proposed pilot projects.

While I can appreciate the need to explore new and alternative living arrangements for Iowa's senior citizens, my overriding concern must be for the health, safety, and welfare of vulnerable individuals who would be impacted by a program of this kind. House file 2514 does not adequately address this concern.

For the above reasons, I hereby respectfully disapprove House File 2514.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2515, an Act relating to the keeping of farm deer.

This bill has the potential to create a domestic livestock disaster if transmissible diseases are introduced to our wild deer herds or domestic animals. This could lead to serious financial costs both for those pursuing new agricultural and recreational opportunities and the state agencies responsible for curtailing the diseases. Surrounding states have experienced Chronic Wasting Disease linked to the movement of captive farm elk and its impact. Wisconsin has spent over \$17 million trying to eradicate Chronic Wasting Disease, and Michigan has spent over \$47 million for the same. Both states have failed to rid their state of the disease.

This bill is an attempt to deregulate an industry that is only as good as its worst member. If unregulated sick animals were released to the wild in Iowa, it would have a disastrous affect on the \$88 million deer hunting industry. The state must have knowledge of and regulatory authority over businesses that have the potential to introduce transmissible diseases to our wildlife and domestic animals.

However, I understand that there is an important role in the agricultural and recreational sectors of the economy for deer farms and hunting preserves. I want to continue to foster economic diversity and opportunity and am therefore willing to explore sensible and reasonable standards that will keep our wild and domestic animals disease-free without creating barriers to new economic and recreational opportunities. I commit to working with legislators to strike this appropriate balance for the benefit of our state.

For the above reasons, I hereby respectfully disapprove House File 2515.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2554, an Act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

I am unable to approve House File 2554 for the following reasons. Assisting seniors and vulnerable Iowans with access to lower cost prescription drugs continues to be one of my priorities. House File 2554 fails to advance that priority, risks diversion of resources away from the Senior Living Trust, and duplicates the outreach effort of the federal government already funded with taxpayer dollars.

Information about the level and extent of possible discounts is available through the Internet at www.medicare.gov. A secondary information system creates the risk of conflicting and inaccurate information being provided to Iowans.

I believe this legislation will not meaningfully address this important priority. Instead, it will divert dollars from the Senior Living Trust, which does provide seniors vital health care and living option services. I cannot and will not support an unnecessary diversion of resources from the Senior Living Trust, nor will I support a process that could easily confuse seniors and others accessing the system.

For the above reasons, I hereby respectfully disapprove House File 2554.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2558, an Act relating to crimes against members of the species homo sapiens at any state of development and making penalties applicable.

I am sympathetic to efforts to protect women during their pregnancy.

Iowa law currently provides for greater accountability, responsibility and protection in cases of violent crimes against pregnant women. Iowa has had laws on the books dealing with violent crimes against pregnant women for more than five years. These can be found under Iowa Code sections 707.8(1)-(12). Iowa Code 707.8(1) specifically

deals with terminating a human pregnancy without the consent of the pregnant person during the commission of a forcible felony (murder, kidnapping, robbery, assault, arson). A person found guilty under 707.8(1) is guilty of a class "B" felony. The penalties for a class "B" felony provide for a maximum sentence of no more than 25 years, and two separate charges can be brought. In addition, Iowa Code section 707.7 sets out the crime of feticide as a class "C" felony.

If the intent of this bill is to provide for greater accountability for people committing crimes against a pregnant woman or to provide greater protection for pregnant women, then this objective could be accomplished by increasing existing penalties for these types of crimes.

House File 2558 creates a new crime that fails to promote greater accountability of wrongdoers and fails to afford greater protection for pregnant women. Under these circumstances there appears to be no reason to approve House File 2558.

For the above reasons, I hereby respectfully disapprove House File 2558.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2561, an Act creating a job corps center new jobs credit and providing effective and retroactive applicability dates.

I support Iowa's only Job Corps Center and efforts to link graduates to job opportunities within the state. However, I cannot support a reduction in general fund revenues despite the laudable goal. While the impact of granting a credit against tax of \$1,182 per graduate amounting to a reduction of \$170,000 in general fund revenue may appear minimal, the reduction comes at a time when other key needs and priorities in education, health care, public safety, and environmental protection remain unmet. It is neither prudent nor responsible to extend additional tax credits at this time while key priorities are left under funded.

For the above reasons, I hereby respectfully disapprove House File 2561.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver

Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2121, an Act exempting certain environmental test laboratory services from the state sales and use taxes.

Iowa's personal and sales tax rates rank near the middle when compared with other states. Our corporate income tax rate is one of the most competitive in the nation; and in fact, environmental testing labs benefit from Iowa's single factor apportionment formula regarding corporate income tax liability. However, we score lower when compared with other states in tax fairness because we have a large number of sales tax exemptions that have been enacted in the last decade. Our sales tax burden is heavier on the average Iowan and grows considerably unfair when additional exemptions are included.

This is why, in my Condition of the State address in January, I called on the legislature to modernize the sales tax structure to more fairly and accurately reflect Iowa's new economy where services represent the fastest growing segment. Broadening the sales tax base while lowering the overall sales tax rate over time would bring a larger degree of fairness while insuring necessary resources to fund our priorities. This bill would work counter to that effort by providing an additional sales tax exemption.

This bill would also reduce resources available for the Iowa Values Fund. This year, I proposed a permanent funding source for that fund, but the legislature failed to enact it. As a result, the Iowa Values fund will only receive additional resources if sales tax revenue grows by more than 2% each year. This bill, by reducing sales tax collections, would make it all that much more difficult to provide resources for economic development.

The environmental test laboratory services are an important industry, especially in Iowa as we value safe and clean water. Several Iowa environmental labs compete nationally with labs from other states. Many of the out of state labs do not charge Iowa sales tax on business in Iowa. This places our labs in a non-competitive situation; therefore, I direct the Department of Revenue to vigorously enforce our sales tax laws on all out of state lab companies that offer services in Iowa so as to level the playing field with Iowa-based labs.

For the above reasons, I hereby respectfully disapprove Senate File 2121. Iowa remains a competitive state to do business, and our Department of Economic Development is committed to providing support to the environmental test labs businesses interested in creating jobs in Iowa.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2183, an Act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing contingent effective date.

I am unable to approve Senate File 2183 for the following reasons. The policy behind this legislation is very sound and one which I support. However, there are numerous problems in the drafting of this bill. Senate File 2183 proposes to recast and amend current Iowa Code Chapter 249G (Long-term Care Asset Preservation Program) as new Iowa Code Chapter 249J. Iowa Code 249G was adopted in 1993 to take advantage of a waiver from the U.S. Department of Health and Human Services (HHS) which allowed states to offer incentive programs for long-term care insurance. Iowa is one of five states that have such a waiver. States obtained initial grants from various sources to launch these programs and all are now state-funded. However, no grants or appropriations are provided for this program in Iowa.

In addition to a lack of funding, there are several provisions in this bill that make it difficult for the Iowa Insurance Division (IID) to administer.

1. Section 5: Subsections 249J.5(1)(a) and (b) appear to conflict. Subsection (1)(a) calls for purchase of a policy that is roughly equivalent to the current cost of a three-year stay in a nursing home in Iowa. This subsection sets one standard for policies purchased before January 1, 2004 and another for policies purchased after that date. Subsection (1)(b) appears to be copied directly from Indiana law, which amended its law in 1998. There is no legal reason for Iowa to focus on the date January 1, 1998. The variance in minimum policy benefit levels between sub (a) and sub (b) and, i.e. \$100,00 vs. \$140,000 is not explained. At a minimum, these differences will create consumer confusion and make drafting of administrative rules difficult.
2. Effective Date: If Senate File 2183 becomes law, it will take effect on July 1, 2004. As a practical matter, this program cannot take effect until the State Medicaid plan is amended. This requires DHS to obtain approval by the federal government. It is unknown how long this process could take. The IID is directed to adopt rules to implement the program. Rulemaking cannot commence until the Medicaid amendments are in place. To allow time for this process, the legislation should not take effect until at least six months after the Medicaid plan amendments are approved.
3. Funding: Section 13 of the bill states that the program is established only if funding is specifically appropriated. The initial version of this bill called for the IID to promote this program, and to conduct consumer education. That version contained an appropriation of \$300,000. The appropriation was stricken, but the language in Section 13 remains. It thus appears that this legislation cannot become effective unless funds are appropriated through some other mechanism.

4. Administration: This program would be easier to administer if it contained some mechanism for the minimum policy face amount to increase over time. For example, a chart that presumes a certain level of inflation could be adopted for the first five years or the Insurance Commissioner could be directed to make a finding every two years of the cost of a three-year stay.
5. Waiver: Iowa Code 249G.2(1) directs the DHS to obtain a waiver from HHS. This waiver has been obtained. Senate File 2183 repeals Code Section 249G and does not include any reference to the waiver provisions in the proposed new Section 249J.

In addition to these technical and administrative problems there is a significant unintended fiscal impact to Iowa's Medicaid program, specifically as it impacts the medically needy. Currently applicants must spend their assets down to less than \$2,000 before they qualify for payment of nursing facility services. By covering nursing facility services under the medically needy program, applicants will only be required to spend their assets down to less than \$10,000. This higher resource limit will result in approximately 6,000 applicants each year that will qualify for coverage of nursing facility services two months earlier than they would under the current rules. This results in Medicaid covering an additional 12,000 months of nursing facility services per year. The fiscal impact is estimated to be about \$12 million to the state general fund and about \$32.4 million in state and federal funds.

There is some additional confusion. The bill directs the Department of Human Services to amend the state plan to cover nursing facility services using the special income rule (three times the SSI limit) for the medically needy without requiring the individual to establish a qualifying income trust. Using the special income rule for nursing facility coverage under medically needy is in conflict with federal law. However, it appears that this legislation would still require us to cover nursing facility services under the medically needy program using the current income limit.

This legislation in its current form creates significant administrative and fiscal problems. I encourage the legislature to revisit this issue next year and propose workable legislation that fixes the problems with Section 249G and thus make available to consumers an incentive to plan for their own long-term care needs.

For the above reasons, I hereby respectfully disapprove Senate File 2183.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2190, an Act relating to the development of the long-term care system in Iowa.

With the establishment of the Senior Living Trust, Iowa began the formation of a three pronged long-term care system. Today, in-home care, assisted living, and skilled nursing care are available to Iowans. Iowa must continue the course begun with the Senior Living Trust.

Another task force, especially one that does not draw on the expertise of those providing care or the executive branch department employees involved in elder care, will not improve our current system. The legislation establishes a task force, which is not designed to make meaningful recommendations; and for that reason, I cannot and will not approve Senate File 2190.

What is needed is continued evaluations between the Department of Elder Affairs, Department of Human Services, and Department of Inspections and Appeals with the assistance of experts in the field of long-term care to make recommendations as to how Iowa could build upon the system already in place. With this veto message, I am directing the department heads from the aforementioned agencies to prepare a joint and agreed upon report with recommendations for improvements to our current long-term care system. I expect that report no later than October 1, 2004. The directors should seek to comply with the spirit of Senate File 2190 by outlining practices and benchmarks by which to gauge short-term and long-term success.

For the above reasons, I hereby respectfully disapprove Senate File 2190.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2295, an Act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

I am unable to approve Senate File 2295. This bill allows a tax credit for contributions to school tuition organizations for educational scholarships or tuition grants to children in nonpublic accredited schools. The bill provides an income tax credit of 75% of voluntary cash contributions, up to \$700 per single individual or \$800 for a married couple. No cap on the annual total was implemented and the

contributions could be substantial. This bill does not allow an equal tax credit for contributions to public schools.

I understand the rationale behind Senate File 2295. Proponents urge approval predicted on the alternative they believe private schools provide to public education. Proponents also urge that the proposal, while costing the general fund initially, will save the state resources in the long term as fewer children will attend public schools thereby relieving state aid.

Despite the best intentions behind Senate File 2295, I cannot and will not approve it at this time. If anything is certain this year in Iowa, it is that resources available to support public education were inadequate. The legislature neither provided full funding for allowable growth nor did the legislature provide resources to move beyond the status quo of our groundbreaking teacher compensation and student achievement effort. As long as our public school system needs resources, priorities dictate that incentives to encourage support for private schools should not be encouraged – particularly when they reduce future available resources.

In the next two years, more than \$65 million of tax cuts authorized but not yet implemented must be covered by revenue growth or cuts in education, health care and public safety. Senate File 2295 conservatively would add another \$3.6 million to that total and might be substantially more if other states' experiences with this mechanism to support private schools is replicated in Iowa. We should not add to that total until revenues stabilize and priorities are adequately funded.

For the above reason, I hereby respectfully disapprove Senate File 2295.

Sincerely,
Thomas J. Vilsack
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2303, an Act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

I am unable to approve Senate File 2303. This bill allows Iowa income tax deductions for contributions made to qualified tuition programs established by educational institutions, namely the Independent 529 Plan. The Independent 529 Plan is a counterpart to College Savings Iowa which was established five years ago and is recognized as one of the nation's best plans. No other state has broadened the state tax deductibility to Independent 529 Plans.

Independent 529 Plans require the schools to offer pre-paid plans. Many states that have sponsored similar plans across the country have suspended offering these plans to new students or participants because they are not financially sound.

The bill reduces state revenue at a time when the legislature is struggling to find adequate resources for the education, health care, and public safety that Iowans value. I recognize that the amount of reduction appears minimal, but common sense suggests that you do not reduce revenue by any amount until you have adequate revenue to meet priority needs.

For the above reasons, I hereby respectfully disapprove Senate File 2303.

Sincerely,
Thomas J. Vilsack
Governor

GOVERNOR'S ITEM VETO MESSAGE

May 17, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit House File 2577, an Act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

House File 2577 is approved on this date with the following exceptions, which I hereby disapprove.

I approve Section 8, which requires the Department of Public Health to provide a separate division administrator for the Division of Tobacco Use Prevention and Control. I fully recognize the importance of focusing on the importance of preventing and reducing tobacco use and appreciate the interest of stakeholders in maintaining a separate division administrator. However, I retain this language with some reservation. I am concerned that this new position may not be the most efficient use of tobacco prevention dollars. The tobacco division consists of nine employees and two vacant positions, which does not meet the span-of-control goal of 1:12. The next smallest division in the Department has four times as many employees, and all of the other divisions have multiple programs. Over the last two years, the Legislature has decreased the budget of the tobacco division by 40 percent. I am hopeful that this language marks a shift in legislative priorities and that the Legislature will restore these funds and provide a strong fiscal commitment to reducing tobacco use. Without an accompanying financial commitment, this language and the new division administrator are primarily a symbolic act.

I am unable to approve the item designated as a portion of Section 1, subsection 7, paragraph e. This language requires allocation of funds for the implementation of a treatment program at the Iowa Correctional Institution for Women in Mitchellville. A

similar value-based treatment program at the Newton Correctional Facility is the subject of a constitutional challenge currently before the U.S. District Court. In order to avoid expansion of potential liability, state appropriations for value-based treatment programming should not be expanded to other correctional institutions until the courts resolve this issue.

I approve the items designated as Section 14 and Section 15, which direct the Department of Public Health to issue a \$400,000 contract to a specific program targeted towards prevention efforts with Iowa youth. I support mentoring programs that focus on violence prevention and efforts to reduce the illegal use of alcohol, tobacco, and other substances among our youth. By preventing such acts, we save kids from a lot of pain and we save lives. However, I retain this language with some reservation. First, it is difficult to justify a sole source contract when there are other qualified organizations that would be denied any opportunity to bid on such a large contract. Furthermore, I expect this program to demonstrate its effectiveness through an independent evaluation. Certified mentoring programs in Iowa are required to meet standards of effective practice, and I expect the same of this program.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in House File 2577 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

May 17, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2298, an Act making, reducing, and transferring appropriations, providing for government and economic development-related taxation, surcharge, and fee matters, providing for other properly related matters, and including penalty and effective and retroactive and other applicability date provisions.

During my Condition of the State address in January, I asked the Legislature to join me in honoring the spirit of service and sacrifice of Iowans serving in harm's way. As important decisions affecting our state's future presented a significant challenge, I felt it was crucial to put these challenges in perspective to guide our work in shaping the future of Iowa. At that time, I remarked, "Today, and for the foreseeable future, Iowans will be placed in harms way in the service of liberty and freedom. Their task of improving the world in which we all live is our task as well. In our work at home we should draw inspiration from them to do our duty. They sacrifice to transform a nation and open up opportunity for someone else's child. We sacrifice to transform a state and open up opportunity for their children and all of our children."

We strived to fund initiatives and operations of state government that allowed these values to strengthen our homes, neighborhoods and communities. As a state, we have the responsibility to create classrooms of extraordinary learning. Technology should replace worn out textbooks of yesterday to engage youngster's interests ultimately leading to a workforce of unmatched talent. As a state, the Iowa Values Fund has created tremendous economic opportunity by investing in good paying jobs. Of course, security for all Iowans remains the centerpiece of state government. Seniors deserve the dignity of remaining in their homes longer through assistance of the Senior Living Trust. Vulnerable Iowans deserve health care and social service when they have nowhere else to turn.

Despite continued anemic revenue growth, I renewed my pledge to work with majority party legislative leaders to put together a budget that reflected these important Iowa values. The Legislature, at the direction of Republican leaders, chose a different route. During the closing days of the session, they sent my office a massive 337-page omnibus spending bill. In reviewing this legislation, it became clear to me that Legislative leaders chose a path that had the potential to make Iowa less than it must be. I voiced these concerns. Sadly, majority party leaders made it clear that returning to the Capitol to reach compromise was not an option. I must take them at their word.

The Executive Branch of this government will rise up and manage-as best we can-the challenge of providing state services in the absence of adequate resources. So now, the difficult work begins. We will go about this work with a clear sense of duty. We will do this because Iowans expect us to do our jobs. And we will do this because we have a promise to keep. I have not forgotten the promise I made to these very brave Iowans.

Senate File 2298 is approved on this date, with the following exceptions, which I hereby disapprove:

Division I

I am unable to approve the item designated as Section 2, subsection 1, second unnumbered paragraph in its entirety. This paragraph requires the Department of Administrative Services to refund \$1,889,610 to the State's general fund at the end of fiscal year 2005. The Department needs these start-up funds for more than a single year to ensure economic viability as it moves to an entrepreneurial business model.

I am unable to approve the item designated as Section 9 in its entirety. This section prohibits the Alcoholic Beverages Division from adding new positions for the purpose of the State assuming the state liquor warehouse functions currently being done by a private contractor. The language also requires the Division to hire a new private contractor to operate the warehouse using a competitive bidding process. This language prevents the State from considering the opportunity to manage its own resources, including the possibility of achieving cost savings and improving customer service. I support using a competitive bidding process but want to have flexibility for the state to participate in that process.

I am unable to approve the item designated as Section 10 in its entirety. This section is contingent upon the enactment of House File 2521, which was not approved by the Legislature. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 24, subsection 3 in its entirety. This would appropriate \$50,000 to the Department of Revenue for a study of the entire state and local government tax structure and services they support. As noted later in this message, the resources and the time frame are inadequate to accomplish a study of this magnitude.

I am unable to approve the item designated as Section 32 in its entirety. This section provides the enactment clause for Section 9, relating to the state liquor warehouse, which is vetoed. Therefore, this section is unnecessary.

Division III

I am unable to approve the item designated as Section 49, subsection 3 in its entirety. As I indicated the last two years, the Accountable Government Act establishes a comprehensive, enterprise-wide process for setting program goals and establishing results measures. These measures have been developed with data currently being compiled. This section would create redundancies in the development and reporting of goals and results measurements for the Department of Economic Development.

I am unable to approve the item designated as a portion of Section 58, subsection 2. This would require that small business development centers be located equally throughout the different regions of the state. This bill contains no instruction as to the legislative meaning or intent of "located equally throughout the different regions of the state." As such, the bill is terminally vague making compliance impossible.

I am unable to approve the items designated as Section 58, subsection 3, paragraph b; Section 59, subsection 2, paragraph b; and Section 60, subsection 2, paragraph b in their entirety. These sections would require any business or individual receiving benefits from specified Regent programs to have a commercially viable service or product. This legislative mandate would have an unacceptable stifling effect on innovation. Iowa should be encouraging entrepreneurship. These sections would have the opposite impact.

I am unable to approve the item designated as Section 67 in its entirety. This section implies that Iowa's community colleges would give funding priority to the training and retraining needs of the information technology sector of Iowa's economy. While the information technology sector represents a very important component of the Iowa economy, it is just one of three sectors targeted by the Iowa Values Fund. Singling out one sector for possible preference could create conflicting expectations both between the information technology businesses and the community colleges and between other targeted industry sectors. Under the Iowa Values Fund legislation the community colleges and the Iowa Department of Economic Development are charged with administering training funds and the Iowa Values Fund Board is responsible for business incentive funding. The addition of a perceived funding preference for one industry sector diminishes the authority vested in these entities by the Iowa Values Fund legislation.

I am unable to approve the item designated as Section 71 in its entirety. Expenditure information for executive branch agencies of state government is currently available to the economic development appropriations subcommittees and the

Legislative Services Agency on a daily basis through the Iowa financial and Accounting System. The Legislative Services Agency also has the authority to request expenditure information from Regent universities. The reporting requirement in this section would duplicate existing data and place an unnecessary and unprecedented requirement on limited staff resources.

Division IV

I am unable to approve the item designated as Section 82, subsection 1 in its entirety. This section requires the Department of Education, the Board of Regents, and other accredited postsecondary institutions to study the feasibility of offering a teacher intern program that would be available statewide. This study is unnecessary, as the State Board of Education has already provided authority through administrative rules for the development and implementation of this type of program.

I am unable to approve the item designated as Section 86, subsection 1a, first unnumbered paragraph in its entirety. This sentence specifies that the Board of Regents, the Department of Management, and the Legislative Services Agency shall cooperate to determine the amount to be appropriated for tuition replacement. This language is outdated and unnecessary as the Board of Regents now relies on a financial advisor to calculate figures for tuition replacement.

I am unable to approve the item designated as Section 86, subsection 2a, second unnumbered paragraph in its entirety. This paragraph restricts spending on the School of Public Health and the Public Health Initiative at the University of Iowa. As we face a growing need for workers trained in these health professions and for the services provided by this program, it is appropriate to allow reallocations of funds to the School of Public Health from other areas, rather than single this out as the one area at the University of Iowa to have its budget capped at its previous level.

I am unable to approve the item designated as Section 86, subsection 2b, paragraph (4) in its entirety. This language changes a long-standing agreement on the definition of “medically necessary” as applied to conditions for the termination of pregnancy under the Indigent Patient Care Program at the University of Iowa Hospitals. While the prior language may not have satisfied anyone completely, the terminology was based on a process of mutual discussion and agreement that struck a careful balance among people with deeply held convictions. Because this subsection alters that language and disrupts the balance that was previously agreed to without going through a similar process of mutual discussion and agreement, this paragraph is unacceptable.

I am unable to approve the item designated as a portion of Section 86, subsection 3a, second unnumbered paragraph in its entirety. This paragraph restricts spending on the Center for Excellence in Fundamental Plant Sciences at Iowa State University and does not permit this program to receive either its share of dollars for salary increases or internal reallocations of funds from other university programs. If we are committed to making Iowa a leader in plant sciences technologies, then it is unreasonable to single this out as the one center at Iowa State University to have its budget capped at its previous level.

I am unable to approve the item designated as a portion of Section 86, subsection 4a, second unnumbered paragraph in its entirety. This paragraph restricts spending

on the Masters in Social Work Program, the roadside vegetation project, and the Iowa Office for Staff Development at the University of Northern Iowa. There is no reason to single these three areas out to be treated differently from all the other programs and activities at the University of Northern Iowa.

I am unable to approve the item designated as Section 96 in its entirety. This section delays by one year, until July 1, 2006, implementation of an evaluator training certification renewal program. We must continue to support the teacher quality initiative started a few years ago. In addition to increasing minimum teacher salaries and providing mentors, this initiative includes training programs for administrators who must evaluate teacher performance. Private foundation funds may be available to develop this training. The evaluator training certification renewal program also aids the Department's efforts to meet federal No Child Left Behind highly qualified teacher expectations.

Division V

I am unable to approve the item designated as a portion of Section 102, subsection 1, paragraph c. This sentence would require the Department of Public Health to produce a report of all organizations that applied for substance abuse treatment funds, the amounts awarded, and the basis for refusal to award funds to any of the organizations that applied. In accordance with the Accountable Government Act, all substance abuse treatment and prevention grants are awarded on a competitive basis. The Healthy Iowans Tobacco Trust bill already requires the Department to report on the success rates of substance abuse treatment programs. This item is duplicative and an unfunded mandate that takes time away from customers and communities for unnecessary reporting.

I am unable to approve the item designated as a portion of Section 106. This sentence directs the Department of Public Health to submit a report regarding a collaborative effort with the Department of Human Services to identify funding to leverage federal funds. The service to Iowans would be enhanced if Department staff spent time identifying additional ways for the State to obtain all available federal matching funds and applying for other federal and private grants rather than drafting an unnecessary report.

I am unable to approve the item designated as Section 107 in its entirety. This section, relating to employment of a division administrator in the Department of Public Health for tobacco prevention efforts, is a duplication of language, although not identical, in House File 2577. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 111 in its entirety. This section provides additional language for an Iowa Marriage Initiative Grant Fund, and the language directs the Department of Human Services to initiate grants by specifying deadlines for issuing grants and reporting requirements where no fund are available for this purpose. The prior year funding referred to in the bill has been spent, and the Legislature did not appropriate additional funding for this purpose. Therefore, this section is unnecessary.

I am unable to approve the item designated as a portion of Section 114. This sentence directs the Department of Public Health and Human Services to submit a report regarding utilization of the food stamp program. Requiring a report will utilize

additional resources that could be used for administering the program. This is an unnecessary reporting requirement at a time when funding for staff has been reduced.

I am unable to approve the item designated as Section 116, subsection 1 in its entirety. This language changes a long-standing agreement on the definition of “medically necessary” as applied to conditions for the termination of pregnancy under the Medical Assistance Program. While the prior language may not have satisfied anyone completely, the terminology was based on a process of mutual discussion and agreement that struck a careful balance among people with deeply held convictions. Because this subsection alters that language and disrupts the balance that was previously agreed to without going through a similar process of mutual discussion and agreement, this paragraph is unacceptable. Federal regulations outline the conditions for the termination of pregnancy that qualify under the Medical Assistance Program and shall provide guidance to the Department in administering this program.

I am unable to approve the item designated as Section 124, subsection 1, first unnumbered paragraph in its entirety. This language directs the Department of Human Services to convene a group to review the Iowa Juvenile Home. Many previous studies have made recommendations and generally require additional funds to implement. I have, in fact, recommended funding to implement recommendations of previous studies that the Legislature has chosen not to fund. It seems pointless to conduct another study when the issue is funding.

I am unable to approve the item designated as Section 125, subsection 17 in its entirety. This paragraph directs the Department of Human Services to develop a plan to privatize the administration of foster care and adoption programs. Given the fact that no additional funds were provided for this purpose and the child welfare redesign effort is already underway, implementation of this section is counter-productive.

I am unable to approve the item designated as a portion of Section 135, subsection 2. This sentence requires the Department of Human Services to submit proposed legislation to correct Code references related to service areas. This effort has already been completed with the enactment of House File 2390 – technical changes to programs under the purview of the Department of Human Services. Therefore, this sentence is unnecessary.

I am unable to approve the item designated as Section 142 in its entirety. This section would require unspent funds remaining in the Medical Assistance Program account to carry forward into the next fiscal year. This language does not provide the Executive Branch the flexibility necessary to deal with the fiscal year 2004 budget that is needed. Additionally, it provides the use of one-time funding for on-going purposes.

I am unable to approve the item designated as Section 147 in its entirety. This section creates a new network of faith-based and community-based organizations by taking nine staff away from their current work of providing child abuse assessments or managing services to families where abuse, neglect, or behavioral problems are present. If the Legislature is serious about this effort, then additional funds should be appropriated and the program should provide for the coordination of all groups in Iowa providing community services that aid families.

I am unable to approve the item designated as Section 150 in its entirety. This section establishes a new Medical Assistance Mental Health Quality of Care

Improvement Committee. The committee is directed to advise the Department of Human Services on the required implementation of clinical treatment algorithms for schizophrenia, major depressive disorder and bipolar disorder, and a mental health polypharmacy review process. The Legislature is sending mixed and contrary messages on drug utilization. Legislation already enacted contains costs through preferred drug lists, prior authorization, and state maximum allowable costs for generic drugs. This proposal seems to countermand those efforts with an alternate methodology. Additionally, the State is recognized nationally for its mental health/substance abuse treatment contract. This proposal would put the current waiver and contract at risk and that is unacceptable.

I approve Section 151, which establishes a Medical Assistance Crisis Intervention Team and directs the team to analyze the Medical Assistance Program and provide recommendations to reduce costs or provide revenue enhancements for the program. With the current federal government stance on eliminating intergovernmental transfers in the Medical Assistance Program, I am directing this team to examine options with and without the continuance of intergovernmental transfers as they conduct their work.

I am unable to approve the item designated as Section 162, subsection 3 in its entirety. This section provides the enactment clause for Section 142, subsection 3 in its entirety. This section provides the enactment clause for Section 142, relating to non-reversion and prohibited transfer of appropriations to the Medical Assistance Program, which is vetoed. Therefore, this section is unnecessary.

Division VI

I am unable to approve the item designated as Section 166 in its entirety. This section appropriates funds to the Insurance Division of the Department of Commerce to administer a long-term care insurance partnership program. This appropriation is linked to Senate File 2183 that makes changes to long-term care insurance provisions and providing asset and income disregards for Medicaid. While I am supportive of people incorporating long-term care insurance into their financial plans and future health needs, Senate File 2183, as drafted, expands the proposed benefit beyond those individuals accessing long-term care insurance. This language needs further legislative review, and I am directing the Department of Human Services and Insurance Division to work with the Legislature to achieve an appropriate solution.

Division IX

I am unable to approve the item designated as a portion of Section 186, subsection

2. This sentence grants immunity from civil or employer liability for a government entity or nonprofit agency using inmate labor. While I support the use of inmate labor for nonprofit and governmental entities, this language provides blanket immunity even in extreme cases. For example, if an inmate were to harm or even take the life of a person while working, regardless of whether it was accidental or intentional and regardless of negligence on the part of the employer, this provision would provide no mechanism for the victim's family to claim compensation for damages inflicted on the victim's spouse, children, or other family members. With the use of inmate labor comes the responsibility to exercise great care to protect the safety of the public, those who employ prison labor, and the inmates themselves.

I am unable to approve the item designated as a portion of Section 192, subsection 5, third unnumbered paragraph in its entirety. This language redirects funds credited to the motor pool depreciation fund, a portion of which is federal funds, to the Department of Public Safety vehicle replacement. While a laudable goal, the impact is that other State employees will face consequences including unreliable vehicles for activities such as investigating child abuse complaints, transporting residents of resource centers to their work, transporting juveniles residing at the Iowa Juvenile Home or Training Center to health care appointments, or the myriad of inspections such as food inspections, medical complaints and others that keep Iowans safe. Merely shifting the funds around does not preclude the needed resources for all programs.

I am unable to approve the item designated as Section 198 in its entirety. This section has the potential to provide private drives through many state-owned recreational properties. Parceling off or dividing sections of recreational land from the public trust undermines the role and responsibilities as stewards of public land. Many state recreational lands have restrictions placed on them as a result of utilizing federal funds for management, development or acquisition. Relinquishing control of this land requires federal coordination and precious state resources to replace it. State recreational areas are for public use and the benefit of everyone. They have never been intended and never should be considered for permanent private use by individuals.

I am unable to approve the item designated as Section 201 in its entirety. This section changes the income level guidelines from “at or below 125 percent” to “at or below 100 percent” of the U.S. poverty level for a person who is entitled to an attorney appointed by the court. Everyone is afforded the constitutional right to counsel, and we should not be attempting to restrict this right by lowering income guidelines. Instead, the Legislature should focus its attention on providing adequate funding for indigent defense and the State Public Defenders Office.

Division X

I am unable to approve the item designated as Section 217 in its entirety. This section requires state departments return to the general fund at the end of the fiscal year any part of an appropriation associated with a full-time position that is vacant during the fiscal year. This gives departments very few options other than cutting services to balance their operations budgets. For example, once an employee leaves, departments make a lump-sum payout for the value of the employee’s unused vacation. In practice, departments generally hold positions open for the amount of time necessary to make those payouts. Under this language, that practice would trigger a reversion of the amount to the general fund at the end of the year. In essence, the department must pay twice. The language also limits the ability of departments to utilize the Early Out program or other employee attrition to cover budget reductions. Given that department budgets have been reduced on numerous occasions over the past three years, this section is unworkable and unwise micromanagement of Executive Branch operations.

I am unable to approve the item designated as Section 225 in its entirety. The Iowa Supreme Court, in Meyer v. Employment Appeal Board 441 N.W.2d 766 and Area Education Agency 7 v. Bauch, 646N.W.2d 398, has determined that deferred wages are actually payable when earned. The court has held that once the school year ends, a school district employee is no longer drawing ‘a wage,’ but rather collecting ‘past

earnings due.' Gross earnings should be calculated by using the amount earned rather than the amount actually paid. Section 225 significantly diminishes established property rights that accrue to a school district employee by redrafting a statutory provision clearly interpreted by the Court. Workers' compensation weekly benefits are intended to replace earnings that are lost while the employee is disabled and is based upon the rate at which the employee earns. Earning capacity is best reflected by what an employer is willing to pay an employee in return for services performed. Since the Court has already determined that the proper rate at which the employee earns should be based on the time during which services are provided and because Section 225 would unfairly alter the property rights that accrue to school district employees, I am unable to approve this section.

I am unable to approve the items designated as Sections 229, 239 and 240 in their entirety. These three sections require the Department of Education, local school boards and Area Education Agencies to submit data annually on the salaries and benefits of administrators and increases for employees' salaries and group health insurance plans. The reporting required in these sections duplicates information already collected by the Department and the level of detail specified is not necessary to support policy development and decision-making.

I am unable to approve the item designated as Section 230 in its entirety. This section requires the Department of Education to report in detail on class size/early intervention expenditures. The Department already provides a lengthy report on this topic. The additional data collection and reporting required in this section is unnecessary.

I am unable to approve the item designated as Section 241 in its entirety. This section requires local school boards to examine expenditures and identify potential cost savings. I believe every school board in the state understands its responsibilities to the citizens of Iowa to be sound stewards of tax dollars. With the limited state aid funding provided to school districts in recent years, school boards already study these items and look for opportunities to reduce operating expenditures. The directive in this legislation goes far beyond what is necessary for prudent management of school districts and incorporates reporting requirements that will create an onerous burden on already strapped administrators.

I am unable to approve the items designated as Section 242, subsections 2 through 4, and the items designated as Sections 243 through 246 in their entirety. These sections create an Iowa Learning Technology Initiative. While I am supportive of providing technology training and learning opportunities for Iowa's children, there is no state funding available for this initiative. If private funds are raised, I am committed to directing the Department of Education to work with the donors to advance the plan. In the meantime, the Department will coordinate a committee effort to study teacher and student technology needs across the educational system so that Iowa-specific information is available on this subject.

I am unable to approve the item designated as Section 261 in its entirety. The proposed exemption under this section sets a precedent contrary to Iowa's waste management hierarchy, by reducing the cost of disposal for one specific waste stream. Shredder fluff has no inherent characteristics that would lead to its exemption from tonnage fees.

I am unable to approve the item designated as Section 263 in its entirety. This section is contingent upon the enactment of House File 2440, which was vetoed. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 276 in its entirety. This section requires the Board of Regents to develop and implement a policy for “addressing the budget ramifications associated with unfilled vacant positions.” Regent institutions are not provided appropriations based on specific positions and full-time equivalent caps, so this policy would serve no useful purpose. Regent institutions require the flexibility to, among other things, use positions to meet student demand and to address patient volumes at the University of Iowa Hospital and Clinics. This is further micromanaging that will serve no useful purpose and drain resources from more productive responsibilities.

I am unable to approve the item designated as Section 278 in its entirety. This section provides for a refund to an individual that exhausted the administrative appeals process and is not entitled to a refund from the State. Judgments on issues such as this should be made based on the facts of the circumstances and the process established by law; not on political connections with individual legislators.

I am unable to approve the item designated as Section 285 in its entirety. This section eliminates the 30-day deadline for enacting the School Foundation Aid allowable growth percentage and the requirement that the allowable growth rate be the only subject matter of the bill for the 2004 legislative session. The Legislature included this language because they failed to comply with Iowa law by failing to set the growth rate for Iowa’s school districts until months after the deadline. This delay is unacceptable and hinders the ability of Iowa’s school districts to plan for future years. It is difficult to expect our school children to respect and follow the law when lawmakers are unwilling or unable to do the same.

I am unable to approve the item designated as Section 287, subsection 4 in its entirety. This section provides the enactment clause for Section 278, relating to refund for commercial vehicle registration fees, which is vetoed. Therefore, this section is unnecessary.

Division XI

I am unable to approve the item designated as Section 288, subsection 1g in its entirety. This subsection appropriates \$1,770,000 from the Rebuild Iowa Infrastructure Fund for capitol interior restoration. The Legislature’s approval of funding for this project at the expense of fully funding the Secure an Advanced Vision for Education Fund in Section 299 validates that they are more interested in spending money to remodel their chambers and offices than they are in meeting their obligation to provide funds for critical repairs and improvements to local schools. In taking this action, I am putting schools first.

I am unable to approve the item designated as Section 288, subsection 8 in its entirety. This subsection provides \$250,000 to construct a new residential treatment facility for youth. I am unable to support providing funds for this type of special interest pork barrel project. This is not a prudent expenditure of taxpayer dollars for the construction of a new facility when existing facilities are closing because the Legislature failed to provide sufficient child welfare funds for the beds that currently exist.

I am unable to approve the item designated as Section 299 in its entirety. This section caps the amount of Rebuild Iowa Infrastructure Fund moneys appropriated to the Secure an Advanced Vision for Education Fund in fiscal year 2005 at \$8,160,000 instead of the \$10 million in current law. The actions being taken in this bill to eliminate less important projects will allow Iowa schools to receive the full \$10 million for local school infrastructure projects. Iowa voters in 88 counties have approved the local option sales tax for school infrastructure improvements, and they are counting on the State to provide the necessary matching money to fully fund these critical projects. In taking this action, I am keeping my commitment to fund school infrastructure even if the Legislature failed to do so.

Division XII

I approve the item designated as Section 301, subsection 1c, second unnumbered paragraph. However, I am concerned that this section specifies a single organization to conduct these efforts, given the complaints expressed to the Executive Branch by the Legislature's Oversight Committee regarding sole source contracting. I caution the Legislature that this form of sole source contracting does not follow good business practices. Competitive bidding for state contracts ensures accountability and efficient use of public resources. I encourage the Department of Agriculture and Land Stewardship to conduct a detailed review of the expenditure of these funds to ensure proper accountability.

Division XIII

I am unable to approve the item designated as Section 304, subsection 1b, first unnumbered paragraph in its entirety. This language requires the Department of Administrative Services to consult with legislative leadership prior to planning or implementing any capitol interior restoration project or other activity. This language represents the Legislature's attempt to micromanage a function of the Executive Branch. This paragraph contains language that is unnecessary and prescribes burdensome requirements on the Department which can, at times, be very difficult to fulfill.

Division XIV

I am unable to approve the item designated as Section 311, second unnumbered paragraph in its entirety. The federal Help America Vote Act (HAVA) legislation requires the chief state election official to distribute HAVA funds to Iowa's 99 counties. It is unnecessary and burdensome to place specific restrictions on the Secretary of State's office in implementing HAVA requirements. Additional State legislation mandates only create another level of bureaucratic red tape and are detrimental to the effective, statewide implementation of HAVA.

I am unable to approve the item designated as Section 315 in its entirety. This section requires the Iowa Finance Authority Board to declare a surplus from bond proceed reserves and transfer this surplus to the State Housing Trust Fund. Such a legislative mandate has a very negative impact on the Authority's bond ratings. National credit rating agencies such as Moody's and Standard and Poor's have suggested such mandates could result in downgrades or negative watches on future Authority bond offerings. Lower bond ratings would drive up interest rates and increase the cost of loans made to first time homebuyers and other bonding programs

operated by the Authority. The Iowa Finance Authority is committed to finding additional resources for the State Housing Trust Fund that will not negatively impact their bond rating.

Division XV

I am unable to approve the item designated as Section 319 in its entirety. This section amends Code Section 80.9, subsection 2, paragraph f, by placing sole responsibility for Executive Branch Capitol Complex security in the Department of Public Safety. The State would be better served by a cooperative, joint security effort between the Departments of Public Safety and Administrative Services and the Homeland Security/Emergency Management Division. Proper competitive procedures can be followed as well as the proper placement of functions and staff.

Division XVI

I am unable to approve the items designated as Section 322, subsection 4, paragraphs b, c, and d in their entirety. These paragraphs appropriate money from the Rebuild Iowa Infrastructure Fund account to the new Vertical Infrastructure Fund. I have maintained the allocation of \$15 million in fiscal year 2006 to this fund. Beyond that, the designated paragraphs appropriate \$50 million in fiscal year 2007, \$75 million in fiscal year 2008, and \$100 million in fiscal year 2009 and thereafter. This session, the legislature approved and I signed into law House File 2302, a bill making comprehensive changes to Iowa's gaming laws. The gaming law changes approved will provide the State with additional resources from gambling activities; however, the additional amount that will be generated by these changes is difficult to project absent more information about expanding facilities and products. It is not prudent to put into law, at this time, significant future allocations from the Rebuild Iowa Infrastructure Fund given the absence of revenue to meet those expenditures. I am willing to revisit this issue when more accurate information on projected gaming receipts is available.

I am unable to approve the item designated as Section 335 in its entirety. This section pertains to county agreements with the Iowa Department of Transportation related to disposition of county property. There is a question of precision in defining the application of this section.

I am unable to approve the item designated as Section 336 in its entirety. This section is contingent upon the enactment of Senate File 2295, which was vetoed. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 344 in its entirety. This section requires Cherokee Mental Health Institute to leave space vacant if vacated by current tenants. This directive hampers the institution's ability to gain revenues from leasing available space or utilizing space in the most efficient way. This section further requires the department to develop a plan to address treatment needs of persons with a developmental disability who exhibit sexually violent behavior; however, no funding is provided for developing such a plan.

Division XVII

I am unable to approve the item designated as Section 354 in its entirety. This section is contingent upon the enactment of House File 2434, which was not approved by the Legislature. Therefore, this section is unnecessary.

Division XIX

I am unable to approve the item designated as Section 403 in its entirety. This section establishes a Regulatory Efficiency Commission. Creating such a commission is duplicative of efforts already underway to comprehensively review regulatory rules as well as regulatory processes of state government and implement business process improvement techniques to enhance efficiency and improve service. This is a collaborative effort including a number of state departments, private industry representatives, and the Iowa Business Council. Iowa companies have already reaped the benefits of this process through a reduction in the time it takes to process an air quality permit. Similar efforts are underway with wastewater permits and a variety of other regulatory processes throughout state government. Appointing a new commission will slow this progress down and divert efforts away from actually improving Iowa's regulatory assistance and creating a more streamlined government.

Division XX

I approve the items designated as Section 404 through 418 in their entirety, even though the Legislature made a mistake in the drafting of this language resulting in no incentive for wind energy production. I am willing to work with the Legislature next year to ensure that wind energy grows, but not at the risk of other priorities of Iowans. We must ensure that local governments and schools are not hurt by unintended consequences. Therefore, I ask legislative leaders to work with me over the interim to strike the appropriate balance of providing economic incentives for wind energy without devastating other priorities at the state and local level.

I am unable to approve the items designated as Sections 440 and 441 in their entirety. These sections establish and repeal a new state tax implementation committee. Two years ago, I recommended that the Department of Revenue conduct a two-year tax fairness study and provided \$400,000 for staff and support. In contrast, the Legislature continually fails to devote sufficient time or resources to make this study workable. Under the framework devised, in less than a year's time, the Committee and the Departments of Revenue and Management are charged with reviewing and analyzing all revenue sources available to the State; all current exemptions, credits and exclusions; all revenue sources available to local governments; all services provided by local government; the role of property taxes in funding local government, including examining the state school aid formula; alternative systems of property taxation, protesting property assessments; and methods of controlling property tax revenues and expenditures. To accomplish all this, the Legislature appropriated a meager \$50,000.

In the past, the Legislature has devoted as much as two years to tax studies that were not nearly as board as this one. Last year, the Legislature assembled a similar group charged with making recommendations for changes to the property tax system alone; and after a year of study and meeting, the group has yet to make substantive recommendations for reform. Iowa's tax structure must be reviewed and reformed. Our property tax system is outdated and unfair. Until the Legislature gets serious about tax reform, these insufficient attempts to study the issue are a waste of limited time and resources.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2298 are hereby approved as of this date.

Sincerely,
Thomas J. Vilsack
Governor

State of Iowa
2004

JOURNAL OF THE HOUSE

2004
EXTRAORDINARY SESSION
EIGHTIETH
GENERAL ASSEMBLY

Convened September 7, 2004
Adjourned September 7, 2004

THOMAS J. VILSACK, Governor
CHRISTOPHER RANTS, Speaker of the House
JEFF LAMBERTI, President of the Senate

Published by the
STATE OF IOWA
Des Moines

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, September 7, 2004

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Eightieth General Assembly in Extraordinary Session, the House was called to order at 10:06 a.m., by the Honorable Christopher Rants, Speaker of the House.

Prayer was offered by the Honorable Ralph Klemme, state representative from Plymouth County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

COMMUNICATION FROM THE GOVERNOR

Pursuant to Article IV, section XI of the Constitution of the State of Iowa, the following communication from Governor Thomas J. Vilsack was presented and read to the House of Representatives:

August 27, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol
L O C A L

The Honorable Christopher Rants
Speaker of the House
State Capitol
L O C A L

Dear Legislative Leaders:

The Iowa Supreme Court filed a decision on a case nullifying the Iowa Values Fund on June 16, 2004. The last few weeks have created a sense of uncertainty about the future of the Fund and the existing obligations as we have worked to reach a compromise. It is essential that we continue the success of this economic growth effort and bring quick resolution to this issue. As a result, I am outlining for you today my list of items that I am willing to sign into law. I expect a single-day special session with no other bills or topics.

In an effort to avoid further litigation, I respectfully suggest the following be drafted to comply with the Iowa State Constitution.

- 1. Reinstate banking provisions (Division XVII in HF 692).**

2. **Reinstate supersedeas bond (as approved in section 115, in HF 692 and SF 2306).**
3. **Eliminate Unemployment Insurance surcharge and credit the surcharge paid in 2004 back to employers. Provide general fund appropriation to fund Workforce Development field offices through December 2006.**
4. **Appropriate resources from federal stimulus grant in the amount of \$100 million to fund Iowa Values as outlined in HF 692.**
5. **Allow corporations to couple with the federal accelerated depreciation schedule in the federal stimulus packages; the 50 percent depreciation and the Section 179 expensing deduction change, and increase from \$25,000 to \$100,000, the amount that can be deducted.**
6. **I am willing to accept the full recommendation made by Worker's compensation Commissioner, Mike Trier, in his communication to leaders August 24, 2004.**

Now is the time to move forward in aggressively pursuing economic opportunities for all Iowans. Iowans have an expectation that state policy leaders will work together for the good of every citizen. Together, through our determined efforts, we have shown to our citizens that it is possible for compromise and consensus to prevail, even in an election year.

I hereby submit the Proclamation setting the Extraordinary Session of the Iowa Legislature to convene at 10:00 AM, Tuesday, September 7, 2004.

Sincerely,
Thomas J. Vilsack
Governor

cc: The Honorable Stewart Iverson, Senate Majority Leader
The Honorable Chuck Gipp, House Majority Leader
The Honorable Mike Gronstal, Senate Minority Leader
The Honorable Pat Murphy, House Minority Leader
Members of the Eightieth General Assembly

State of Iowa

Executive Department

In The Name And By The Authority Of The State Of Iowa

Proclamation

Whereas, the 2004 regular session of the Eightieth General Assembly adjourned pursuant to Senate Concurrent Resolution 118, and

Whereas, the Iowa Supreme Court filed a decision on a case nullifying the Iowa Values Fund on June 16, 2004, and

Whereas, Iowa has entered a new era of economic and social competition from around the globe. With our action on the legislation of this extraordinary session, Iowa will strengthen its standing in the marketplace as a focused and dedicated state of opportunity. Further, Iowa is a state that remains a leader in education and health care and an outstanding quality of life, and

Whereas, economic opportunity and security is in the best interest of all Iowans. The Iowa Values Fund establishes our state as an even better place to do business and focuses our ability to recruit the life sciences, information solutions and advanced manufacturing companies of the next generation, and

Whereas, it is essential that we continue the success of this economic growth effort and bring quick resolution to this issue, and

Now, Therefore, I, Thomas J. Vilsack, Governor of the State of Iowa, in accordance with Article IV, Section XI, of the Constitution of the State of Iowa, do hereby proclaim that the Eightieth General Assembly shall convene in extraordinary session in Des Moines, Iowa at 10:00 a.m., on the 7th day of September, 2004, and to that end I do call up and direct the members of the House of Representatives to convene in the House chamber at the State Capitol and members of the Senate to convene in the Senate chamber at the State Capitol at 10:00 a.m., on the 7th of September, 2004, for the purpose which the Assembly is convened, namely the matter of the Iowa Values Fund, that is essential for the economic security of our state, and matters properly related thereto.

(Seal) IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the great seal of the State of Iowa to be affixed. Done at Des Moines, Iowa, this 27th day of August in the year of our Lord two thousand four.

THOMAS J. VILSACK
Governor

Attest:
CHESTER J. CULVER
Secretary of State

INTRODUCTION OF BILLS

House File 2581, by Rants, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 2582, by Rants, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

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

ORGANIZATION OF THE HOUSE

Gipp of Winneshiek moved that all organization matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 2004 Regular Session of the Eightieth General Assembly.

The motion prevailed.

Gipp of Winneshiek moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House was duly organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has pursuant to the August 27, 2004, proclamation of the Governor, duly organized for the 2004 Extraordinary Session of the Eightieth General Assembly and is ready to receive communications from the House.

Michael E. Marshall, Secretary

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the consideration of House Files 2581 and 2582.

The motion prevailed.

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for meetings of the committee on commerce and regulation and labor, the committee on ways and means and the committee on appropriations.

The motion prevailed.

On motion by Gipp of Winneshiek, the House was recessed at 10:15 a.m., until completion of the meeting for the committees on appropriations and the committee on ways and means.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON COMMERCE, REGULATION AND LABOR

House File 2581, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** September 7, 2004.

Pursuant to Rule 31.7, House File 2581 was referred to the committee on ways and means.

COMMITTEE ON WAYS AND MEANS

House File 2581, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employers surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** September 7, 2004.

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2581, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, and applicability, and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Wise of Lee offered amendment H-8648 filed by Wise, Thomas of Clayton, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Wendt Of Woodbury, Whitaker of Van Buren, Whitead of Woodbury and Winckler of Scott, from the floor as follows:

H-8648

- 1 Amend House File 2581 as follows:
- 2 1. Page 1, by inserting after line 16 the
- 3 following:
- 4 "DIVISION

5 GROW IOWA VALUES BOARD AND FUND

6 Sec.____. GROW IOWA VALUES BOARD AND FUND. The
7 following provisions, as published in Iowa Code
8 Supplement 2003, pertaining to the grow Iowa values
9 board and fund, are reaffirmed and reenacted:

- 10 1. Section 15.108, subsection 9, paragraph "g".
- 11 2. Section 15G.101.
- 12 3. Section 15G.102.
- 13 4. Section 15G.103.
- 14 5. Section 15G.104.
- 15 6. Section 15G.105.
- 16 7. Section 15G.106.
- 17 8. Section 15G.107.
- 18 9. Section 15G.108.
- 19 10. Section 15G.109.
- 20 11. Section 15G.110.

21 12. Section 292.4, including the amendment made in
22 2004 Iowa Acts, House File 2208, section 59.

23 Sec.____. Section 15G.107, Code Supplement 2003,
24 as reaffirmed and reenacted by this division of this
25 Act, is amended by adding the following new
26 subsection:

27 NEW SUBSECTION. 6. Notwithstanding subsection 3,
28 paragraph "a", it is the policy of this state to
29 expand and stimulate the state economy by advancing,
30 promoting, and expanding the biotechnology industry in
31 this state. To implement this policy, the board shall
32 consider projects that increase income to individuals
33 or organizations involved in value-added agribusiness
34 or biotechnology. In making such considerations, the
35 board shall not limit job creation criteria to one
36 specific project site.

37 Sec.____. Section 15.108, subsection 9, paragraph
38 g, Code Supplement 2003, as reaffirmed and reenacted
39 by this division of this Act, is amended by adding the
40 following new unnumbered paragraph:

41 NEW UNNUMBERED PARAGRAPH. This paragraph "g" is
42 repealed effective July 1, 2010.

43 Sec.____. Section 15G.110, Code Supplement 2003,
44 as reaffirmed and reenacted by this division of this
45 Act, is amended by adding the following new unnumbered
46 paragraph:

47 NEW UNNUMBERED PARAGRAPH. This chapter is repealed
48 effective July 1, 2010.

49 Sec.____. 2004 Iowa Acts, House File 2207, section
50 101, is repealed.

Page 2

1 Sec.____. EFFECTIVE DATE AND RETROACTIVE
2 APPLICABILITY PROVISIONS. This division of this Act,
3 being deemed of immediate importance, takes effect

upon enactment, and, other than the repeal of 2004 Iowa Acts, House File 2207, section 101, is retroactively applicable to July 1, 2003.

DIVISION

VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL ASSISTANCE PROGRAM (VAAPPFAP)

Sec. _____. The amendments to section 15E.111, subsection 1, contained in 2003 Iowa Acts, First Extraordinary Session, chapter 1, sections 87 and 133, as published in Code Supplement 2003, pertaining to the value-added agricultural products and processes financial assistance program, are reaffirmed and reenacted.

Sec. _____. Section 15E.111, subsection 1, paragraph a, subparagraph (5), Code Supplement 2003, as reaffirmed and reenacted in this division of this Act, is amended to read as follows:

(5) Producer-owned, value-added businesses, education of producers and management boards in value-added businesses, and other activities that would support the infrastructure in the development of value-added agriculture. ~~Public and public~~ and private joint ventures involving an institution of higher learning under the control of the state board of regents or a private college or university ~~to~~ acquire acquiring assets, research facilities, and leverage moneys in a manner that meets the goals of the grow Iowa values fund. For purposes of this subsection, "producer-owned, valued-added business" means a person who holds an equity interest in the agricultural business and is personally involved in the production of crops or livestock on a regular, continuous, and substantial basis.

Sec. _____. Section 15E.111, subsection 1, as reaffirmed and reenacted in this division of this Act, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. The amendments to this subsection, as reaffirmed and reenacted in this Act, are repealed effective July 1, 2010.

Sec. _____. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS. This division of this Act, being deemed of immediate importance, takes effect upon enactment, and is retroactively applicable to July 1, 2003."

2. By striking page 10, line 14, through page 12, line 14, and inserting the following:

"6. Section 15E.226.

Page 3

7. Section 15E.227, subsection 2, paragraph "c".

Sec. _____. NEW SECTION. 15E.228 LOAN AND CREDIT

3 GUARANTEE FUND – REPEAL.

4 This division is repealed effective July 1, 2010."

5 3. By striking page 13, line 5, through page 14,
6 line 6.

7 4. Page 16, by striking lines 16 through 30, and
8 inserting the following:

9 "DIVISION

10 REHABILITATION PROJECT TAX CREDITS

11 Sec. _____. Section 404A.4, subsection 4, as
12 published in Code Supplement 2003, is reaffirmed and
13 reenacted, including the amendments in 2004 Iowa Acts,
14 House File 401, section 1, and Senate File 2298,
15 section 395.

16 Sec. _____. Section 404A.4, subsection 4, as
17 reaffirmed and reenacted by this division of this Act,
18 is amended by adding the following new unnumbered
19 paragraph:

20 NEW UNNUMBERED PARAGRAPH. This subsection is
21 repealed effective July 1, 2010."

22 5. By renumbering as necessary.

The House stood at ease at 2:55 p.m., until the fall of the gavel.

The House resumed session at 3:05 p.m., Speaker Rants in the chair.

Wise of Lee moved the adoption of amendment H-8648.

Roll call was requested by Wise of Lee and Murphy of Dubuque.

On the question "Shall amendment H-8648 be adopted?" (H.F. 2581)

The ayes were, 43:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Foege
Ford	Frevert	Gaskill	Greimann
Heddens	Hogg	Hunter	Huser
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Osterhaus
Petersen	Quirk	Reasoner	Shomshor
Smith	Stevens	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Whitaker
Whitead	Winckler	Wise	

The nays were, 54:

Alons	Arnold	Baudler	Boal
Boddicker	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Mr. Speaker		
	Rants		

Absent or not voting, 3:

Bogges	Miller	Shoultz
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Amendment H-8648 lost.

Wise of Lee offered amendment H-8650 filed by Wise, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Fallon of Polk, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott, from the floor as follows:

H-8650

- 1 Amend House File 2581 as follows:
- 2 1. By striking page 3, line 18, through page 9,
- 3 line 26.
- 4 2. Title page, line 3, by striking the words
- 5 "workers' compensation,".
- 6 3. By renumbering as necessary.

Roberts of Carroll in the chair at 4:00 p.m.

Speaker Rants in the chair at 4:15 p.m.

Roll call was requested by Wise of Lee and Murphy of Dubuque.

On the question "Shall amendment H-8650 be adopted?" (H.F. 2581)

The ayes were, 45:

Bell	Berry	Bukta	Cohoon
Connors	Dandekar	Davitt	Eichhorn
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 52:

Arnold	Baudler	Boal	Boddicker
Bogges	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Freeman	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Maddox	Manternach	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Struyk	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Mr. Speaker
			Rants

Absent or not voting, 3:

Alons	Miller	Shoultz
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Amendment H-8650 lost.

Hogg of Linn offered amendment H-8651 filed by him from the floor as follows:

H-8651

- 1 Amend House File 2581 as follows:
- 2 1. Page 5, lines 10 and 11, by striking the words
- 3 "or from causes unrelated to employment".

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment H-8651 lost.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-8645 filed by him from the floor.

Wise of Lee offered the following amendment H-8646 filed by him from the floor and moved its adoption:

H-8646

- 1 Amend House File 2581 as follows:
- 2 1. Page 16, line 17, by striking the word
- 3 "ADVISORY".
- 4 2. Page 16, line 18, by striking the word
- 5 "ADVISORY".
- 6 3. Page 16, by striking lines 24 and 25 and
- 7 inserting the following: "validated."

A non-record roll call was requested.

The ayes were 38, nays 48.

Amendment H-8646 lost.

Oldson of Polk offered amendment H-8649 filed by Oldson, Thomas of Clayton, Hogg of Linn, Smith of Marshall, Winckler of Scott, D. Olson of Boone, Lykam of Scott, Foege of Linn, Lensing of Johnson, Bukta of Clinton, Kuhn of Floyd, Connors of Polk, Reasoner of Union, Stevens of Dickinson, Jacoby of Johnson, Whitead of Woodbury and Wendt of Woodbury from the floor as follows:

H-8649

- 1 Amend House File 2581 as follows:
- 2 1. Page 16, by inserting after line 30 the

3 following:

4 "DIVISION
5 CULTURAL AND ENTERTAINMENT DISTRICTS
6 Sec.____. Section 303.3B, as published in Iowa
7 Code Supplement 2003, pertaining to cultural and
8 entertainment districts, is reaffirmed and reenacted.
9 Sec.____. Section 303.3B, Code Supplement 2003, as
10 reaffirmed and reenacted by this division of this Act,
11 is amended by adding the following new subsection:
12 NEW SUBSECTION. 4. This section is repealed
13 effective June 30, 2010.
14 Sec.____. EFFECTIVE DATE AND RETROACTIVE
15 APPLICABILITY PROVISIONS. This division of this Act,
16 being deemed of immediate importance, takes effect
17 upon enactment, and is retroactively applicable to
18 July 1, 2003."
19 2. By renumbering as necessary.

Amendment H-8649 lost.

The House stood at ease at 4:45 p.m., until the fall of the gavel.

The House resumed session at 5:04 p.m., Speaker Rants in the chair.

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

On the question "Shall the bill pass?" (H.F. 2581)

The ayes were, 60:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dennis
Dix	Dolecheck	Drake	Elgin
Freeman	Frevert	Gipp	Granzow
Greiner	Hahn	Hanson	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kurtenbach	Lalk	Lukan
Maddox	Manternach	Mertz	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Wise	Mr. Speaker
			Rants

The nays were, 38:

Bell	Berry	Bukta	Connors
Davitt	Eichhorn	Fallon	Foege
Ford	Gaskill	Greimann	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kuhn	Lensing	Lykam
Mascher	McCarthy	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Reasoner
Shomshor	Smith	Stevens	Struyk
Taylor, D.	Taylor, T.	Wendt	Whitaker
Whitead	Winckler		

Absent or not voting, 2:

Miller Shoultz

Hogg of Linn rose on a point of order and objected to the title.

Gipp of Winneshiek moved the adoption of the title.

The motion prevailed.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2581** be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 5:23 p.m., until 6:30 p.m.

EVENING SESSION

The House reconvened at 6:33 p.m., Speaker Rants in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on September 7, 2004, passed the following bill in which the concurrence of the House is asked:

Senate File 2311, an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

SENATE MESSAGE CONSIDERED

Senate File 2311, by committee on appropriations, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

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

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

House File 2582, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended: **Do Pass** September 7, 2004.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 2582, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll in the chair at 7:04 p.m.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-8644 filed by him from the floor.

Wise of Lee asked and received unanimous consent to withdraw amendment H-8647 filed by him, Thomas of Clayton, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Connors of Polk, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Greimann of Story, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Murphy of Dubuque, Oldson of Polk, D. Olson of Boone, Osterhaus of Jackson, Petersen of Polk, Quirk of Chickasaw, Reasoner of Union, Shomshor of Pottawattamie, Smith of Marshall, Stevens of Dickinson, Swaim of Davis, D. Taylor of Linn, T. Taylor of Linn, Wendt of Woodbury, Whitaker of Van Buren, Whitead of Woodbury and Winckler of Scott, from the floor.

Speaker Rants in the chair at 7:12 p.m.

Thomas of Clayton offered the following amendment H-8652 filed by Thomas, Wise of Lee, Quirk of Chickasaw, Whitaker of Van Buren, D. Olson of Boone, Reasoner of Union, Gaskill of Wapello, Swaim of Davis, Mertz of Kossuth, Kuhn of Floyd, Frevert of Palo Alto and Bell of Jasper from the floor and moved its adoption:

H-8652

- 1 Amend House File 2582 as follows:
- 2 1. Page 6, by inserting after line 6 the

following:

"DIVISION

ECONOMIC DEVELOPMENT AREAS

Sec. ____, NEW SECTION. 15E.231 ECONOMIC
DEVELOPMENT AREAS.

1. In order for an economic development area to receive financial assistance from the department, the organization of an economic development area must be approved by the department. The department shall approve an economic development area that establishes a single, focused economic development effort, approved by the department, that shall include the development of an area development plan and area marketing strategies. Area marketing strategies must be focused on marketing the area collectively.

2. An approved economic development area may apply to the department for financial assistance to assist with physical infrastructure needs related to a specific business partner. In order to receive financial assistance pursuant to this subsection, the economic development area must demonstrate all of the following:

a. The ability to provide matching moneys on a one-to-one basis.

b. The commitment of the specific business partner.

c. That all other funding alternatives have been exhausted.

3. An approved economic development area may apply to the department for financial assistance to assist an existing business located in the economic development area impacted by business consolidation actions. Business consolidation actions include a substantial or total closure of an existing business due to consolidating the existing business out of state. In order to receive financial assistance pursuant to this subsection, the economic development area must demonstrate the ability to provide matching moneys on a one-to-one basis.

4. An approved economic development area may apply to the department for financial assistance to implement economic development initiatives unique to the area. In order to receive financial assistance pursuant to this subsection, the economic development area must demonstrate the ability to provide matching moneys on a one-to-one basis.

5. An approved economic development area may apply to the department for financial assistance to

2 for assistance under subsection 4.
3 6. The department may establish and administer an
4 area economic development revenue sharing pilot
5 project for one or more areas. The department shall
6 take into consideration the geographical disbursement
7 of the pilot projects. The department shall provide
8 technical assistance to the areas participating in a
9 pilot project.
10 7. The amount of financial assistance available
11 under subsections 2, 3, 4, and 5 and section 15E.232
12 shall be determined by the department.
13 Sec.____. NEW SECTION. 15E.232 ECONOMICALLY
14 ISOLATED AREAS.
15 1. An approved economic development area may apply
16 to the department for approval to be designated as an
17 economically isolated area based on criteria as
18 determined by the department. An economically
19 isolated area must consist of at least one county
20 meeting the county distress criteria provided in
21 section 15E.194. The department shall approve no more
22 than five areas as economically isolated areas.
23 2. An approved economically isolated area may
24 apply to the department for financial assistance for
25 purposes of economic development-related marketing
26 assistance for the area. In order to receive
27 financial assistance pursuant to this subsection, the
28 economically isolated area must demonstrate the
29 ability to provide matching moneys on a one-to-one
30 basis.
31 Sec.____. EFFECTIVE DATE PROVISION. This division
32 of this Act, being deemed of immediate importance,
33 takes effect upon enactment."
34 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Thomas of Clayton.

On the question "Shall amendment H-8652 be adopted?" (H.F. 2582)

The ayes were, 45:

Baudler	Bell	Berry	Bukta
Cohoon	Connors	Dandekar	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Greimann	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Osterhaus	Petersen	Quirk

Reasoner	Shomshor	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Whitaker	Whitead	Winckler
Wise			

The nays were, 53:

Alons	Arnold	Boal	Boddicker
Boguess	Carroll	Chambers	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Klemme	Kramer	Kurtenbach	Lalk
Lukan	Maddox	Manternach	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyeke
Mr. Speaker			
Rants			

Absent or not voting, 2:

Huser	Shoultz
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Amendment H-8652 lost.

SENATE FILE 2311 SUBSTITUTED FOR HOUSE FILE 2582

Jenkins of Black Hawk asked and received unanimous consent to substitute Senate File 2311 for House File 2582.

Senate File 2311, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions, was taken up for consideration.

Klemme of Plymouth in the chair at 7:44 p.m.

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

On the question "Shall the bill pass?" (S.F. 2311)

The ayes were, 97:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shomshor
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 2:

Eichhorn Fallon

Absent or not voting, 1:

Shoultz

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2311** be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on September 7, 2004, passed the following bill in which the concurrence of the Senate was asked:

House File 2581, an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Also: that the Senate has on September 7, 2004, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 119, a Senate Concurrent Resolution to provide for adjournment sine die.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF SENATE CONCURRENT RESOLUTION 119

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of **Senate Concurrent Resolution 119** as follows, and moved its adoption.

- 1 Senate Concurrent Resolution 119
- 2 By Committee on Rules and Administration
- 3 A Senate Concurrent Resolution to provide for
- 4 adjournment sine die.
- 5 *Be It Resolved By The Senate, The House of*
- 6 *Representatives Concurring,* That when adjournment is
- 7 had on Tuesday, September 7, 2004, it shall be the final
- 8 adjournment of the 2004 Extraordinary Session of the
- 9 Eightieth General Assembly.

The motion prevailed and the resolution was adopted.

MESSAGE TO THE GOVERNOR AND TO THE SENATE

Gipp of Winneshiek moved that the Chief Clerk of the House be directed to send a written message to the Governor and to the Senate informing them that the House of Representatives was prepared to adjourn sine die pursuant to Senate Concurrent Resolution 119.

The motion prevailed.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report.

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7th day of September, 2004: House File 2581.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on September 7, 2004, he approved and transmitted to the Secretary of State the following bills:

House File 2581, an Act concerning regulatory, taxation, and statutory requirements relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Senate File 2311, an Act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

Semi-annual report on progress in Value-Added Agriculture Products and Processes Financial Assistance Program, pursuant to Chapter 15.203(2), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Systems Redesign Progress Report, pursuant to Chapter 35(1), Code of Iowa.

DEPARTMENT OF JUSTICE
Office of Consumer Advocate

Annual Report, pursuant to Chapter 476.98, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

2003 Public Drinking Water Program Annual Compliance Report, pursuant to Chapter 455B.105(5), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Vital Statistics of Iowa for 2002, pursuant to Chapter 144.5(5), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Report on Highways, Roads and Streets. For study years 2002-2021. Second Annual Update, pursuant to Chapter 307.10(1), Code of Iowa.

IOWA CIVIL RIGHTS COMMISSION

Iowa Communication Network Annual Savings Report, pursuant to Chapter 8D.10, Code of Iowa.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 119, duly adopted, the day of September 7, 2004 having arrived the Speaker of the House, Christopher Rants, declared the 2004 Extraordinary Session of the House of Representatives of the Eightieth General Assembly adjourned sine die at 8:06 p.m.

H—8009

1 Amend House File 2038 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 423.3, as enacted by 2003 Iowa
5 Acts, First Extraordinary Session, chapter 2, section
6 96, is amended by adding the following new subsection:

7 NEW SUBSECTION. 84. a. Subject to paragraph "b",
8 the sales price from the sale or furnishing of metered
9 gas, electricity, and fuel, including propane and
10 heating oil, to residential customers which is used to
11 provide energy for residential dwellings and units of
12 apartment and condominium complexes used for human
13 occupancy.

14 b. The exemption in this subsection shall be
15 phased in by means of a reduction in the tax rate as
16 follows:

17 (1) If the date of the utility billing or meter
18 reading cycle of the residential customer for the sale
19 or furnishing of metered gas and electricity is on or
20 after July 1, 2004, through June 30, 2008, or if the
21 sale or furnishing of fuel for purposes of residential
22 energy and the delivery of the fuel occurs on or after
23 July 1, 2004, through June 30, 2008, the rate of tax
24 is three percent of the sales price.

25 (2) If the date of the utility billing or meter
26 reading cycle of the residential customer for the sale
27 or furnishing of metered gas and electricity is on or
28 after July 1, 2008, through June 30, 2009, or if the
29 sale or furnishing of fuel for purposes of residential
30 energy and the delivery of the fuel occurs on or after
31 July 1, 2008, through June 30, 2009, the rate of tax
32 is two percent of the sales price.

33 (3) If the date of the utility billing or meter
34 reading cycle of the residential customer for the sale
35 or furnishing of metered gas and electricity is on or
36 after July 1, 2009, through June 30, 2010, or if the
37 sale or furnishing of fuel for purposes of residential
38 energy and the delivery of the fuel occurs on or after
39 July 1, 2009, through June 30, 2010, the rate of tax
40 is one percent of the sales price.

41 (4) If the date of the utility billing or meter
42 reading cycle of the residential customer for the sale
43 or furnishing of metered gas and electricity is on or
44 after July 1, 2010, or if the sale, furnishing, or
45 service of fuel for purposes of residential energy and
46 the delivery of the fuel occurs on or after July 1,
47 2010, the rate of tax is zero percent of the sales
48 price.

49 c. The exemption in this subsection does not apply
50 to local option sales and services tax imposed

Page 2

1 pursuant to chapters 423B and 423E."

JENKINS of Black Hawk
TJEPKES of Webster
WILDERDYKE of Harrison
DRAKE of Pottawattamie

H—8010

1 Amend House File 2134 as follows:

2 1. Page 1, by striking lines 17 through 19, and
3 inserting the following: "community-based services,
4 other than nursing care, as defined by this chapter
5 and departmental rule, are provided. For the purposes
6 of this definition, the home and community-based
7 services to be provided are limited to the type
8 included under the medical assistance program provided
9 pursuant to chapter 249A, are subject to cost
10 limitations established by the department of human
11 services under the medical assistance program, and
12 except as otherwise provided by the department of
13 inspections and appeals with the concurrence of the
14 department of human services are limited to residents
15 admitted to a residential care facility on or before
16 December 1, 2003."

17 2. By striking page 1, line 34, through page 2,
18 line 1, and inserting the following: "than nursing
19 care, as defined by this chapter and departmental
20 rule, are provided. For the purposes of this section,
21 the home and community-based services to be provided
22 shall be limited to the type included under the
23 medical assistance program provided pursuant to
24 chapter 249A, shall be subject to cost limitations
25 established by the department of human services under
26 the medical assistance program, and except as
27 otherwise provided by the department of inspections
28 and appeals with the concurrence of the department of
29 human services shall be limited to residents admitted
30 to a residential care facility on or before December
31 1, 2003."

CARROLL of Poweshiek

H—8022

1 Amend Senate File 399, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 1, and inserting the
4 following:
5 "Sec. ____ Section 602.8108, subsection 3,

6 paragraph b, Code Supplement 2003, is amended to read
7 as follows:

8 b. Of the amount received from the clerk, the
9 state court administrator shall allocate ~~eighteen~~ six
10 percent to be deposited in the criminalistics
11 laboratory fund established in subsection 7, seventeen
12 percent to be deposited in the victim compensation
13 fund established in section 915.94, and ~~eighty-two~~
14 seventy-seven percent to be deposited in the general
15 fund."

16 2. Page 1, line 2, by inserting after the word
17 "Code" the following: "Supplement".

18 3. Page 1, by striking lines 9 and 10 and
19 inserting the following: "the fund, including moneys
20 received from the criminal penalty surcharge pursuant
21 to subsection 3, paragraph "b". All moneys in".

22 4. By striking page 1, line 17, through page 5,
23 line 26, and inserting the following:
24 "Sec. _____. Section 911.2, unnumbered paragraph 1,
25 Code 2003, is amended to read as follows:

26 When a court imposes a fine or forfeiture for a
27 violation of a state law, or of a city or county
28 ordinance except an ordinance regulating the parking
29 of motor vehicles, the court shall assess an
30 additional penalty in the form of a surcharge equal to
31 ~~thirty~~ thirty-two percent of the fine or forfeiture
32 imposed. An additional drug abuse resistance
33 education surcharge of ten dollars shall be assessed
34 by the clerk of the district court if the violation
35 arose out of a violation of an offense provided for in
36 chapter 321J or chapter 124, division IV. In the
37 event of multiple offenses, the surcharge shall be
38 based upon the total amount of fines or forfeitures
39 imposed for all offenses. When a fine or forfeiture
40 is suspended in whole or in part, the surcharge shall
41 be reduced in proportion to the amount suspended."

42 5. Title page, by striking line 1, and inserting
43 the following: "An Act".

44 6. Title page, line 2, by inserting after the
45 word "fund," the following: "increasing the criminal
46 penalty surcharge,".

47 7. By renumbering as necessary.

Committee on Judiciary

H—8027

1 Amend House File 2264 as follows:

2 1. Page 2, by inserting after line 28 the
3 following:

4 "Sec. 4. 2003 Iowa Acts, First Extraordinary
5 Session, chapter 2, section 66, subsection 1,

6 unnumbered paragraph 2, is amended to read as follows:

7 For programs administered by the department of
8 economic development:

9	FY 2003-2004	\$ 45,000,000
10	FY 2004-2005	\$ 41,000,000
11	.....	<u>0</u>
12	FY 2005-2006	\$ 44,000,000
13	FY 2006-2007	\$ 48,000,000

14 Sec. 5. EDUCATION FUNDING – APPROPRIATION. There
15 is appropriated from the grow Iowa values fund created
16 in section 15G.108 to the department of education for
17 the fiscal year beginning July 1, 2004, and ending
18 June 30, 2005, the following amount, or so much
19 thereof as is necessary, to be used for the purpose
20 designated:

21 To supplement amounts appropriated pursuant to
22 section 257.16 from the general fund of the state to
23 pay the foundation aid and supplementary aid under
24 section 257.4, subsection 2:

25	\$ 41,000,000
----	-------	---------------

26 Amounts appropriated pursuant to this section shall
27 be in addition to, and shall not replace, funds
28 otherwise appropriated pursuant to section 257.16 for
29 the fiscal year beginning July 1, 2004, and ending
30 June 30, 2005.

31 Notwithstanding section 8.33, moneys appropriated
32 in this section that remain unencumbered or
33 unobligated at the close of the fiscal year shall not
34 revert but shall remain available for expenditure for
35 the purposes designated."

36 2. Page 2, by inserting after line 32 the
37 following:

38 "EFFECTIVE DATE. Sections 4 and 5 of this Act,
39 being deemed of immediate importance, take effect upon
40 enactment."

41 3. Title page, line 5, by inserting after the
42 word "applicability" the following: "and an
43 effective".

FALLON of Polk

H-8028

1 Amend House File 421 as follows:

2 1. Page 1, by inserting after line 33, the
3 following:

4 "Sec. 2. NEW SECTION. 483A.29 DEER POPULATION
5 MANAGEMENT PLAN.

6 A person who holds an interest in land, including a
7 titleholder or tenant, and charges hunters a fee to
8 hunt deer on the land, shall prepare and adhere to a
9 deer population management plan approved by the

10 department. The primary purpose of a deer population
 11 management plan shall be to manage deer populations on
 12 land where deer hunting for a fee is allowed so that
 13 damage by deer to agricultural crops on adjacent land
 14 is minimized. The department shall adopt rules
 15 prescribing the format and content of such plans.
 16 This section does not apply to licensed hunting
 17 preserves.”

18 2. Title page, line 2, by inserting after the
 19 word “guides” the following: “, and to deer
 20 population management,”.

BAUDLER of Adair

H—8029

1 Amend the amendment, H—8024, to House File 2264, as
 2 follows:

3 "1. Page 1, by striking lines 2 through 46 and
 4 inserting the following:

5 _____. Page 2, by inserting after line 28 the
 6 following:

7 "Sec. 100. 2003 Iowa Acts, First Extraordinary
 8 Session, chapter 2, section 66, subsection 1,
 9 unnumbered paragraph 2, is amended to read as follows:

10 For programs administered by the department of
 11 economic development:

12 FY 2003-2004	\$ 45,000,000
13 FY 2004-2005	\$ 41,000,000
14	<u>0</u>
15 FY 2005-2006	\$ 44,000,000
16 FY 2006-2007	\$ 48,000,000

17 Sec. 101. EDUCATION FUNDING – APPROPRIATION.

18 There is appropriated from the grow Iowa values fund
 19 created in section 15G.108 to the department of
 20 education for the fiscal year beginning July 1, 2004,
 21 and ending June 30, 2005, the following amount, or so
 22 much thereof as is necessary, to be used for the
 23 purpose designated:

24 To supplement amounts appropriated pursuant to 25 section 257.16 from the general fund of the state to 26 pay the foundation aid and supplementary aid under 27 section 257.4, subsection 2: 28	\$ 41,000,000
--	---------------

29 Amounts appropriated pursuant to this section shall
 30 be in addition to, and shall not replace, funds
 31 otherwise appropriated pursuant to section 257.16 for
 32 the fiscal year beginning July 1, 2004, and ending
 33 June 30, 2005.

34 Notwithstanding section 8.33, moneys appropriated
 35 in this section that remain unencumbered or
 36 unobligated at the close of the fiscal year shall not

37 revert but shall remain available for expenditure for
38 the purposes designated."
39 _____. Page 2, by inserting after line 32 the
40 following:
41 "EFFECTIVE DATE. Sections 100 and 101 of this Act,
42 being deemed of immediate importance, take effect upon
43 enactment."
44 _____. Title page, line 5, by inserting after the
45 word "applicability" the following: "and an
46 effective".

FALLON of Polk

H—8030

1 Amend the amendment, H—8024, to House File 2264 as
2 follows:

3 1. Page 1, by striking lines 4 through 46 and
4 inserting the following:
5 "Section 1. Section 257.8, subsection 1, Code
6 Supplement 2003, is amended to read as follows:
7 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
8 ~~growth for the budget year beginning July 1, 2003, is~~
9 ~~two percent.~~ The state percent of growth for the
10 budget year beginning July 1, 2004, is two percent.
11 The state percent of growth for the budget year
12 beginning July 1, 2005, is six percent. The state
13 percent of growth for each subsequent budget year
14 shall be established by statute which shall be enacted
15 within thirty days of the submission in the year
16 preceding the base year of the governor's budget under
17 section 8.21. The establishment of the state percent
18 of growth for a budget year shall be the only subject
19 matter of the bill which enacts the state percent of
20 growth for a budget year.

21 Sec. 2. Notwithstanding the thirty-day deadline
22 and restrictions for the enactment of the state
23 percent of growth provided in section 257.8,
24 subsection 1, such deadline and restrictions shall not
25 apply to the Act enacted which establishes the state
26 percent of growth during the 2004 Regular Session of
27 the Eightieth General Assembly.

28 Sec. 3. APPLICABILITY. This Act is applicable for
29 computing state aid under the state school foundation
30 program for the school budget year beginning July 1,
31 2005."

32 _____. Title page, by striking lines 1 through 5
33 and inserting the following: "An Act providing for
34 the establishment of the state percent of growth for
35 purposes of the state school foundation program, and
36 providing an applicability date."

FALLON of Polk

H—8031

- 1 Amend House File 2135 as follows:
- 2 1. Page 1, by inserting after line 21, the
- 3 following:
- 4 “c. Establish minimum safety and sanitation
- 5 criteria for the operation of body piercing
- 6 establishments.”
- 7 2. Page 1, line 35, by inserting after the word
- 8 “person” the following: “or establishment”.
- 9 3. Page 2, line 2, by inserting after the word
- 10 “person” the following: “or establishment”.
- 11 4. By renumbering as necessary.

SHOULTZ of Black Hawk

H—8035

- 1 Amend House File 2151 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 “section” the following: “unless the context
- 4 otherwise requires”.
- 5 2. Page 1, by striking lines 14 through 16, and
- 6 inserting the following:
- 7 “b. “Use” means to take a photograph.”
- 8 3. Page 1, by inserting after line 35, the
- 9 following:
- 10 “5. A political subdivision of the state or a
- 11 private business or organization may set standards and
- 12 requirements which are higher or more stringent than
- 13 the standards and requirements imposed by this
- 14 section.”

MCCARTHY of Polk
KLEMME of Plymouth
HORBACH of Tama
HUNTER of Polk
TJEPKES of Webster
T. TAYLOR of Linn
FORD of Polk
J.R. VAN FOSSEN of Scott

H—8039

- 1 Amend House Joint Resolution 2005 as follows:
- 2 1. Title page, line 24, by striking the word
- 3 “RESOLVED” and inserting the following: “ENACTED”.

Committee on Administration and Rules

H—8041

1 Amend House File 2302 as follows:

- 2 1. Page 29, by striking lines 27 through 29 and
3 inserting the following: "subsection 10, paragraph
4 "e", takes effect July 1, 2004, and is only applicable
5 to referendums held on or after July 1, 2004."

D. TAYLOR of Linn

H—8042

1 Amend House File 2302 as follows:

- 2 1. Page 20, by inserting after line 10 the
3 following:
4 "Sec.____. Section 99F.7, subsection 6, Code 2003,
5 is amended to read as follows:
6 6. It is the intent of the general assembly that
7 employees be paid at least twenty-five percent above
8 the federal minimum wage level. However, full-time
9 employees at a facility of a licensee issued a license
10 on or after July 1, 2004, shall be paid wages no less
11 than one hundred ten percent of the average regional
12 wage where the facility is located, as determined by
13 the department of economic development."
14 2. By renumbering as necessary.

LUKAN of Dubuque

H—8043

1 Amend House File 2302 as follows:

- 2 1. Page 25, by inserting after line 6 the
3 following:
4 "e. One-half of one percent of the adjusted gross
5 receipts shall be deposited in the Paul Ryan memorial
6 fire fighter safety training fund created in section
7 100B.12."
8 2. Page 25, line 7, by striking the letter "e."
9 and inserting the following: "f."
10 3. Title page, line 6, by inserting after the
11 words "treatment fund" the following: ", fire
12 training fund."
13 4. By renumbering as necessary.

LUKAN of Dubuque

HUSER of Polk

CONNORS of Polk

HORBACH of Tama

MANTERNACH of Jones

HANSON of Benton

H—8044

- 1 Amend House File 2302 as follows:
2 1. Page 7, by inserting before line 17, the
3 following:
4 "Sec. _____. Section 99D.9, Code 2003, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 6A. A license shall not be
7 granted to a nonprofit corporation if the number of
8 members of the governing board of the nonprofit
9 corporation representing or having a financial
10 interest in a particular horse breed that would race
11 at the licensee's facility exceeds the number of
12 members of the governing board representing or having
13 a financial interest in another particular horse breed
14 that would race at the licensee's facility."
15 2. By renumbering as necessary.

FREVERT of Palo Alto
SANDS of Louisa

H—8045

- 1 Amend House File 2302 as follows:
2 1. Page 7, by striking lines 31 through 34, and
3 inserting the following: "racetrack, plus any direct
4 and indirect support costs for".
5 2. Page 13, lines 3 and 4, by striking the words:
6 "unless otherwise authorized by this chapter".
7 3. By striking page 15, line 31, through page 16,
8 line 12, and inserting the following: "amended by
9 striking the subsection."
10 4. Page 24, lines 3 and 4, by striking the words
11 and figure "without a table games license issued
12 pursuant to section 99F.4A".
13 5. Page 24, by striking lines 6 through 8.
14 6. Page 24, line 9, by striking the letter "c."
15 and inserting the following: "b."
16 7. By renumbering as necessary.

HORBACH of Tama

H—8046

- 1 Amend House File 2302 as follows:
2 1. Page 20, by inserting after line 8 the
3 following:
4 "Sec. _____. Section 99F.7, subsection 4, Code 2003,
5 is amended to read as follows:
6 4. The commission shall require that an applicant
7 utilize Iowa resources, goods and services in the
8 operation of an excursion gambling boat and shall

9 require each licensee to submit a yearly report to the
10 commission documenting the percentage of Iowa
11 purchases made by the licensee. The commission shall
12 develop standards to assure that a substantial amount
13 of all resources and goods used in the operation of an
14 excursion gambling boat ~~come~~ emanate from and are made
15 in Iowa and that a substantial amount of all services
16 and entertainment be provided by Iowans.”
17 2. By renumbering as necessary.

KUHN of Floyd
GASKILL of Wapello
JOCHUM of Dubuque
MASCHER of Johnson
BERRY of Black Hawk
BUKTA of Clinton
T. TAYLOR of Linn
SHOULTZ of Black Hawk
MERTZ of Kossuth

H-8047

1 Amend House File 2302 as follows:
2 1. Page 7, by inserting before line 17 the
3 following:
4 “Sec.____. Section 99D.9, Code 2003, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 8. The commission shall require
7 that a licensee utilize Iowa resources, goods, and
8 services in the operation of a racetrack enclosure.
9 The commission shall develop standards to assure that
10 a substantial amount of all resources and goods used
11 in the operation of a racetrack enclosure emanate from
12 and are made in Iowa and that a substantial amount of
13 all services and entertainment are provided by
14 Iowans.”
15 2. Page 20, by inserting after line 8 the
16 following:
17 “Sec.____. Section 99F.7, subsection 4, Code 2003,
18 is amended to read as follows:
19 4. The commission shall require that an applicant
20 utilize Iowa resources, goods and services in the
21 operation of an excursion gambling boat. The
22 commission shall develop standards to assure that a
23 substantial amount of all resources and goods used in
24 the operation of an excursion gambling boat ~~come~~
25 emanate from and are made in Iowa and that a
26 substantial amount of all services and entertainment
27 ~~be~~ are provided by Iowans.”
28 3. By renumbering as necessary.

ROBERTS of Carroll

H-8048

- 1 Amend House File 2302 as follows:
2 1. Page 24, by striking lines 9 through 13.

HORBACH of Tama

H-8049

- 1 Amend House File 2302 as follows:
2 1. Page 2, line 18, by striking the words and
3 figures "subsections 1, 2, 3, and", and inserting the
4 following: "subsection".
5 2. Page 2, line 19, by striking the word "are",
6 and inserting the following: "is".
7 3. By striking page 2, line 20 through page 3,
8 line 21, and inserting the following:
9 "4. Commission members are each entitled to
10 receive an annual salary of six thousand dollars.
11 Members shall also be reimbursed for actual expenses
12 incurred in the performance of their duties to a
13 maximum of thirty thousand dollars per year for the
14 commission. Each member shall ~~post a bond in the~~
15 ~~amount of ten thousand dollars, with sureties to be~~
16 ~~approved by the governor, to guarantee the proper~~
17 ~~handling and accounting of moneys and other properties~~
18 ~~required in the administration of this chapter. The~~
19 ~~premiums on the bonds shall be paid as other expenses~~
20 ~~of the commission be covered by the blanket surety~~
21 ~~bond of the state purchased pursuant to section~~
22 ~~8A.321, subsection 12."~~
23 4. Page 3, line 27, by striking the word
24 "voting".
25 5. Title page, line 5, by striking the words
26 "membership and".

ROBERTS of Carroll

H-8050

- 1 Amend House File 2302 as follows:
2 1. By striking page 23, line 26, through page 24,
3 line 13, and inserting the following: "authorized
4 under this chapter ~~at the rate of five percent on the~~
5 ~~first one million dollars of adjusted gross receipts,~~
6 ~~at the rate of ten percent on the next two million~~
7 ~~dollars of adjusted gross receipts, and at the rate of~~
8 ~~twenty percent on any amount of adjusted gross~~
9 ~~receipts over three million dollars. However,~~
10 ~~beginning January 1, 1997, the rate on any amount of~~
11 ~~adjusted gross receipts over three million dollars~~
12 ~~from gambling games at racetrack enclosures is twenty-~~

13 ~~two percent and shall increase by two percent each~~
14 ~~succeeding calendar year until the rate is thirty six~~
15 ~~percent pursuant to the requirements of this section.~~
16 The tax rate imposed each fiscal year on adjusted
17 gross receipts shall be as follows:
18 a. On the first thirty million dollars of adjusted
19 gross receipts, twenty percent.
20 b. On the next forty million dollars of adjusted
21 gross receipts, twenty-two percent.
22 c. On any amount of adjusted gross receipts over
23 seventy million dollars, twenty-six percent."
24 2. Page 24, line 14, by striking the figure "3."
25 and inserting the following: "2."

WISE of Lee
COHOON of Des Moines

H—8051

1 Amend House File 2302 as follows:
2 1. Page 7, line 26, by inserting before the words
3 "A licensee" the following: "a."
4 2. Page 8, by inserting after line 2 the
5 following:
6 "b. A licensee shall pay to the commission an
7 admission fee of fifty cents for each person entering
8 the grounds or enclosure of the licensee. The
9 admission revenue received by the commission pursuant
10 to this paragraph is appropriated to the department of
11 education for the Iowa early intervention block grant
12 program created in chapter 256D."
13 3. Page 15, line 25, by striking the words
14 "regulatory fee" and inserting the following: "fee
15 fees".
16 4. Page 15, line 28 by striking the words
17 "regulatory fee", and inserting the following: "fee
18 fees".
19 5. Page 21, line 17, by striking the words
20 "ADMISSION REGULATORY FEE" and inserting the
21 following: "ADMISSION AND REGULATORY FEE FEES".
22 6. Page 21, line 21, by inserting after the
23 figure "2." the following: "a."
24 7. Page 21, line 29, by striking the letter "b."
25 and inserting the following: "b."
26 8. Page 21, line 32, by striking the word "rate."
27 and inserting the following: "rate In addition to the
28 admission fee charged under subsection 3, an excursion
29 gambling boat licensee shall pay to the commission an
30 admission fee of fifty cents for each person embarking
31 on an excursion gambling boat. The admission revenue
32 received by the commission pursuant to this paragraph
33 is appropriated to the department of education for the

34 Iowa early intervention block grant program created in
35 chapter 256D."

36 9. Page 27, by inserting after line 21 the
37 following:

38 "Sec. _____. Section 256D.4, subsection 1, Code
39 Supplement 2003, are amended by striking the
40 subsection.

41 Sec. _____. Section 256D.4, subsections 2 and 3,
42 Code Supplement 2003, are amended to read as follows:

43 2. 1. Moneys collected from admission fees by the
44 racing and gaming commission pursuant to sections
45 99D.14, 99F.4A, and 99F.10 and appropriated pursuant
46 to section 256D.5, subsection 3 to the department of
47 education for the Iowa early education block grant
48 program in a fiscal year, shall be allocated to school
49 districts as follows:

50 a. Allocation of ~~the sum of twenty million two-~~

Page 2

1 thirds of the dollars appropriated shall be based upon
2 the proportion that the kindergarten through grade
3 three enrollment of a district bears to the sum of the
4 kindergarten through grade three enrollments of all
5 school districts in the state as reported for the base
6 year.

7 b. Allocation of ~~the sum of ten million one-third~~
8 of the dollars appropriated shall be based upon the
9 proportion that the number of children who are
10 eligible for free or reduced price meals under the
11 federal National School Lunch Act and the federal
12 Child Nutrition Act of 1966, 42 U.S.C. § 1751-1785, in
13 grades one through three of a school district bears to
14 the sum of the number of children who are eligible for
15 free or reduced price meals under the federal National
16 School Lunch Act and the federal Child Nutrition Act
17 of 1966, 42 U.S.C. § 1751-1785, in grades one through
18 three in all school districts in the state for the
19 base year.

20 ~~3. 2.~~ For each year in which an appropriation is
21 made to the Iowa early intervention block grant
22 program, the department of education shall notify the
23 department of administrative services of the amount of
24 the allocation to be paid to each school district as
25 provided in ~~subsections 1 and 2~~ this section. The
26 allocation to each school district shall be made in
27 one payment on or about October 15 of the fiscal year
28 for which the appropriation is made, taking into
29 consideration the relative budget and cash position of
30 the state resources. Moneys received under this
31 section shall not be commingled with state aid
32 payments made under section 257.16 to a school

33 district and shall be accounted for by the local
 34 school district separately from state aid payments.
 35 Payments made to school districts under this section
 36 are miscellaneous income for purposes of chapter 257.
 37 A school district shall maintain a separate listing
 38 within its budget for payments received and
 39 expenditures made pursuant to this section. A school
 40 district shall certify to the department of education
 41 that moneys received under this section were used to
 42 supplement, not supplant, moneys otherwise received
 43 and used by the school district."

44 10. Page 28, by inserting after line 11 the
 45 following:

46 "Sec.____. Sections 256D.5 and 256D.9, Code
 47 Supplement 2003, are repealed."

48 11. Page 29, by inserting after line 29 the
 49 following:

50 "____. The portion of the section of this Act that

Page 3

1 repeals section 256D.9, being deemed of immediate
 2 importance, takes effect upon enactment."

3 12. Title page, line 6, by inserting after the
 4 words "treatment fund" the following: ", early
 5 intervention block grant program,".

6 13. By renumbering as necessary.

MASCHER of Johnson

H—8052

1 Amend House File 2302 as follows:

2 1. Page 23, by striking lines 7 through 20.

GASKILL of Wapello
 JOCHUM of Dubuque
 MASCHER of Johnson
 BUKTA of Clinton
 T. TAYLOR of Linn
 MURPHY of Dubuque
 SHOULTZ of Black Hawk

H—8053

1 Amend House File 2302 as follows:

2 1. Page 1, by inserting before line 34 the
 3 following:

4 "Sec.____. Section 35A.13, subsection 3, Code
 5 Supplement 2003, is amended by adding the following
 6 new paragraph:

7 NEW PARAGRAPH. C. Admission fees credited to the

8 trust fund pursuant to sections 99D.14, 99F.4A, and
9 99F.10.”

10 2. Page 7, line 26, by inserting before the words
11 “A licensee” the following: “a.”

12 3. Page 8, by inserting after line 2 the
13 following:

14 “b. A licensee shall pay to the commission an
15 admission fee of fifty cents for each person entering
16 the grounds or enclosure of the licensee. The
17 admission revenue received by the commission pursuant
18 to this paragraph shall be credited to the veterans
19 trust fund created in section 35A.13. The admission
20 fee established under this paragraph shall continue to
21 be paid until a total of fifty million dollars has
22 been credited to the veterans trust fund under this
23 paragraph, section 99F.4A, subsection 4, and section
24 99F.10, subsection 2.”

25 4. Page 15, line 25, by striking the words
26 “regulatory fee” and inserting the following: “fee
27 fees”.

28 5. Page 15, line 28 by striking the words
29 “regulatory fee” and inserting the following: “fee
30 fees”.

31 6. Page 21, line 17, by striking the words
32 “ADMISSION REGULATORY FEE” and inserting the
33 following: “ADMISSION AND REGULATORY FEE FEES”.

34 7. Page 21, line 21, by inserting after the
35 figure “2.” The following: “a.”

36 8. Page 21, line 29, by striking the letter “b.”
37 and inserting the following: “b.”

38 9. Page 21, line 32, by striking the word “rate.”
39 and inserting the following: “rate In addition to the
40 admission fee charged under subsection 3, an excursion
41 gambling boat licensee shall pay to the commission an
42 admission fee of fifty cents for each person embarking
43 on an excursion gambling boat. The admission revenue
44 received by the commission pursuant to this paragraph
45 shall be credited to the veterans trust fund created
46 in section 35A.13. The admission fee established
47 under this paragraph shall continue to be paid until a
48 total of fifty million dollars has been credited to
49 the veterans trust fund under this paragraph, section
50 99D.14, subsection 2, and section 99F.4A, subsection

Page 2

1 4.”

2 10. Title page, line 6, by inserting after the
3 words “treatment fund” the following: “, veterans
4 trust fund.”

5 11. By renumbering as necessary.

H-8054

- 1 Amend House File 2302 as follows:
- 2 1. Page 29, by inserting after line 8 the
- 3 following:
- 4 "Sec. ____ GOVERNOR'S OFFICE OF DRUG CONTROL
- 5 POLICY — ANHYDROUS AMMONIA LOCKS.
- 6 1. There is appropriated from the general fund of
- 7 the state from moneys deposited in the general fund
- 8 pursuant to sections 8.57, 99D.17, and 99F.11, to the
- 9 governor's office of drug control policy for the
- 10 fiscal year beginning July 1, 2004, and ending June
- 11 30, 2005, the following amount, or so much thereof as
- 12 is necessary, to be used for the purpose designated:
- 13 For allocations to counties which have not received
- 14 federal funding for locks on anhydrous ammonia tanks:
- 15\$ 661,500"
- 16 2. Title page, line 6, by inserting after the
- 17 words "treatment fund" the following: ", drug control
- 18 policy,".
- 19 3. By renumbering as necessary.

KUHN of Floyd
BAUDLER of Adair

H-8055

- 1 Amend House File 2302 as follows:
- 2 1. Page 18, line 8, by inserting after the word
- 3 "dollars," The following: "In addition, each
- 4 agreement concerning purses for horse racing covering
- 5 any time period within the time period beginning
- 6 January 1, 2006, and ending December 31, 2020, shall
- 7 provide that no less than twenty percent of total
- 8 annual purses for horse racing shall be used to
- 9 supplement purses for Iowa-foaled and registered
- 10 horses and that the total annual purses for each horse
- 11 breed that races shall be the greater of the total
- 12 annual purse for that breed for calendar year 2005 or
- 13 sixteen percent of the total annual purses for horse
- 14 racing."

SANDS of Louisa
RASMUSSEN of Buchanan
GASKILL of Wapello
JOCHUM of Dubuque
MERTZ of Kossuth
STEVENS of Dickinson
QUIRK of Chickasaw
THOMAS of Clayton
OSTERHAUS of Jackson
D. TAYLOR of Linn

WENDT of Woodbury
ALONS of Sioux
DAVITT of Warren
HEATON of Henry
CARROLL of Poweshiek
BOGGESE of Page
DE BOEF of Keokuk
GREINER of Washington
RAYHONS of Hancock
CHAMBERS of O'Brien

FREVERT of Palo Alto
 BUKTA of Clinton
 HAHN of Muscatine
 WHITEAD of Woodbury
 SMITH of Marshall
 HUSEMAN of Cherokee

FREEMAN of Buena Vista
 KLEMME of Plymouth
 HANSON of Benton
 GRANZOW of Hardin
 DENNIS of Black Hawk

H—8056

- 1 Amend House File 2302 as follows:
- 2 1. Page 25, by inserting after line 6 the
- 3 following:
- 4 "e. Two percent of the adjusted gross receipts
- 5 shall be deposited in the per capita expenditure
- 6 target pool created in section 426B.5, subsection 1,
- 7 to be used as provided in that subsection."
- 8 2. Page 25, line 7, by striking the letter "e."
- 9 and inserting the following: "f."
- 10 3. Title page, line 6, by inserting after the
- 11 words "treatment fund" the following: ", county
- 12 mental health and developmental disabilities property
- 13 tax relief fund,".
- 14 4. By renumbering as necessary.

VAN ENGELENHOVEN of Marion
 KRAMER of Polk
 STEVENS of Dickinson
 GREIMANN of Story
 DE BOEF of Keokuk

H—8057

- 1 Amend House File 2302 as follows:
- 2 1. Page 7, by inserting after line 16 the
- 3 following:
- 4 "Sec. ____ NEW SECTION. 99D.9A MORATORIUM.
- 5 The commission shall not issue a license to conduct
- 6 pari-mutuel wagering at a racetrack pursuant to this
- 7 chapter as provided in section 99F.4C."
- 8 2. Page 7, by striking lines 31 through 34, and
- 9 inserting the following: "racetrack, plus any direct
- 10 and indirect support costs for".
- 11 3. Page 13, lines 3 and 4, by striking the words
- 12 "unless otherwise authorized by this chapter".
- 13 4. By striking page 15, line 31, through page 16,
- 14 line 12, and inserting the following: "amended by
- 15 striking the subsection."
- 16 5. Page 16, by inserting before line 13 the
- 17 following:
- 18 "Sec. ____ NEW SECTION. 99F.4C MORATORIUM FOR
- 19 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
- 20 MUTUEL WAGERING.

- 21 1. Commencing with the effective date of this
22 section of this Act, the commission shall not issue a
23 license to conduct pari-mutuel wagering at a racetrack
24 pursuant to chapter 99D or to conduct gambling games
25 on an excursion boat or at a pari-mutuel racetrack
26 pursuant to this chapter.
- 27 2. This section does not affect the validity of a
28 license issued by the commission pursuant to chapter
29 99D or this chapter before the effective date of this
30 section of this Act or the authority of the commission
31 to suspend, revoke, transfer, or renew a license
32 issued before the effective date of this section of
33 this Act pursuant to chapter 99D or this chapter."
- 34 6. By striking page 18, line 28, through page 19,
35 line 1, and inserting the following: "to operate an
36 excursion gambling boat. The commission shall decide
37 which".
- 38 7. Page 23, by striking lines 7 through 20.
- 39 8. Page 24, lines 3 and 4, by striking the words
40 and figure "without a table games license issued
41 pursuant to section 99F.4A".
- 42 9. Page 24, by striking lines 6 through 8.
- 43 10. Page 24, line 9, by striking the letter "c."
44 and inserting the following: "b."
- 45 11. Page 29, by inserting after line 22 the
46 following:
47 "2A. The section of this Act enacting section
48 99F.4C, being deemed of immediate importance, takes
49 effect upon enactment."
- 50 12. Title page, line 3, by inserting after the

Page 2

- 1 word "boats," the following: "imposing a moratorium
2 for issuance of licenses for gambling games and pari-
3 mutuel wagering,".
- 4 13. By renumbering and correcting internal
5 references as necessary.

LUKAN of Dubuque

H-8059

- 1 Amend House File 2302 as follows:
- 2 1. Page 12, line 31, by striking the words "or
3 moored barge".
- 4 2. Page 13, by striking lines 17 through 20.
- 5 3. Page 15, line 15, by striking the words "a
6 moored barge,".
- 7 4. Page 15, line 16, by striking the word
8 "cruise," and inserting the following: "cruise".
- 9 5. Page 19, lines 24 and 25, by striking the

- 10 words "a moored barge".
- 11 6. Page 19, line 25, by striking the word
- 12 "cruise," and inserting the following: "cruise".
- 13 7. Page 19, line 27, by striking the words "a
- 14 moored barge or".
- 15 8. Page 20, by striking lines 3 through 8.
- 16 9. Page 24, by striking lines 9 through 13.
- 17 10. Page 29, line 1, by striking the words "a
- 18 moored barge,".
- 19 11. Page 29, line 2, by striking the word
- 20 "cruise," and inserting the following: "cruise".
- 21 12. Page 29, line 5, by striking the words "a
- 22 moored barge or".
- 23 13. By renumbering as necessary.

MCCARTHY of Polk

H-8060

- 1 Amend House File 2302 as follows:
- 2 1. Page 7, by striking lines 31 through 34, and
- 3 inserting the following: "racetrack, plus any direct
- 4 and indirect support costs for".
- 5 2. By striking page 12, line 33, through page 13,
- 6 line 5.
- 7 3. By striking page 15, line 31, through page 16,
- 8 line 12, and inserting the following: "amended by
- 9 striking the subsection."
- 10 4. Page 24, lines 3 and 4, by striking the words
- 11 and figure "without a table games license issued
- 12 pursuant to section 99F.4A".
- 13 5. Page 24, by striking lines 6 through 8.
- 14 6. Page 24, line 9, by striking the letter "c."
- 15 and inserting the following: "b."
- 16 7. By renumbering as necessary.

MCCARTHY of Polk

H-8061

- 1 Amend House File 2302 as follows:
- 2 1. Page 18, by striking lines 1 through 8 and
- 3 inserting the following: "representatives of the dog
- 4 or horse owners. A qualified".
- 5 2. Page 18, line 15, by striking the word "For".
- 6 3. Page 18, by striking lines 16 through 20.
- 7 4. Title page, line 4, by striking the words
- 8 "horse purses and".

MCCARTHY of Polk

H-8062

- 1 Amend House File 2302 as follows:
- 2 1. Page 2, by striking lines 11 through 17.
 - 3 2. Page 7, by striking lines 1 through 16.
 - 4 3. Page 20, by striking lines 11 through 26.
 - 5 4. By renumbering as necessary.

MCCARTHY of Polk

H-8063

- 1 Amend House File 2302 as follows:
- 2 1. Page 23, line 21, by inserting after the
 - 3 figure "99F.11," the following: "subsection 3."
 - 4 2. By striking page 23, line 23, through page 24,
 - 5 line 34.
 - 6 3. Page 24, line 35, by striking the number and
 - 7 letter "~~3. a~~," and inserting the following: "3. a."
 - 8 4. Page 25, line 4, by striking the letter "d,"
 - 9 and inserting the following: "b."
 - 10 5. Page 25, by striking lines 7 and 8.
 - 11 6. Title page, line 2, by striking the words "fee
 - 12 assessment, and taxation" and inserting the following:
 - 13 "and fee assessment".
 - 14 7. By renumbering as necessary.

MCCARTHY of Polk

H-8064

- 1 Amend House File 2302 as follows:
- 2 1. Page 12, line 25, by striking the words "or
 - 3 has been previously".
 - 4 2. Page 12, by striking lines 28 through 32.
 - 5 3. Page 13, by striking lines 17 through 20.
 - 6 4. Page 15, by striking lines 14 through 17.
 - 7 5. Page 15, line 18, by striking the figure "25."
 - 8 and inserting the following: "24."
 - 9 6. Page 19, line 20, by striking the word "~~The~~"
 - 10 and inserting the following: "The".
 - 11 7. Page 19, by striking lines 21 through 31.
 - 12 8. Page 20, by striking lines 3 through 8.
 - 13 9. Page 24, by striking lines 9 through 13.
 - 14 10. By striking page 28, line 31, through page
 - 15 29, line 8.
 - 16 11. Page 29, by striking lines 33 through 35.
 - 17 12. By renumbering as necessary.

MCCARTHY of Polk

H-8065

- 1 Amend House File 2302 as follows:
- 2 1. Page 28, by inserting after line 28 the
- 3 following:
- 4 "e. The impact of gambling on the criminal justice
- 5 system."
- 6 2. Page 28, line 29, by striking the letter "e.",
- 7 and inserting the following: "f."
- 8 3. By renumbering as necessary.

FALLON of Polk

H-8066

- 1 Amend House File 2302 as follows:
- 2 1. Page 1, by striking lines 1 through 33.
- 3 2. Page 25, by striking lines 4 through 6.
- 4 3. Page 25, line 7, by striking the letter "e",
- 5 and inserting the following: "d."
- 6 4. Page 27, by striking lines 22 through 25.
- 7 5. Title page, line 6, by striking the words "and
- 8 community endowment fund".
- 9 6. By renumbering as necessary.

BODDICKER of Cedar

H-8067

- 1 Amend House File 2302 as follows:
- 2 1. Page 19, line 1, by inserting after the word
- 3 "chapter," the following: "In addition, a license
- 4 shall not be issued for a facility to be located in
- 5 the same county as, or within fifty miles of, a gaming
- 6 facility operated under the authority of the federal
- 7 Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et
- 8 seq."

HORBACH of Tama

H-8068

- 1 Amend House File 2302 as follows:
- 2 1. Page 1, by inserting after line 33 the
- 3 following:
- 4 "4. However, notwithstanding any provision of this
- 5 section to the contrary, if a gaming facility operated
- 6 under the authority of the federal Indian Gaming
- 7 Regulatory Act, 25 U.S.C. § 2701 et seq., is located
- 8 in a county eligible to receive moneys pursuant to
- 9 this section, moneys in the account for that county
- 10 shall be paid to the county treasurer for that county

11 for deposit in the general fund of the county."

12 2. By renumbering as necessary.

HORBACH of Tama

H—8069

1 Amend House File 2302 as follows:

2 1. Page 15, by inserting after line 22 the
3 following:

4 "Sec. _____. Section 99F.4A, subsection 2, Code
5 2003, is amended by striking the subsection."

6 2. Page 20, by inserting after line 26 the
7 following:

8 "Sec. _____. Section 99F.7, subsection 10, paragraph
9 c, Code 2003, is amended to read as follows:

10 c. If a licensee of a pari-mutuel racetrack who
11 held a valid license issued under chapter 99D ~~as of~~
12 ~~January 1, 1994~~, requests a license to operate
13 gambling games as provided in this chapter, the board
14 of supervisors of a county in which the licensee of a
15 pari-mutuel racetrack requests a license to operate
16 gambling games shall submit to the county electorate a
17 proposition to approve or disapprove the operation of
18 gambling games at pari-mutuel racetracks at a special
19 election at the earliest practicable time. If the
20 operation of gambling games at the pari-mutuel
21 racetrack is not approved by a majority of the county
22 electorate voting on the proposition at the election,
23 the commission shall not issue a license to operate
24 gambling games at the racetrack."

25 3. By renumbering as necessary.

DRAKE of Pottawattamie

H—8070

1 Amend House File 2302 as follows:

2 1. Page 7, by striking lines 31 through 34, and
3 inserting the following: "racetrack, plus any direct
4 and indirect support costs for".

5 2. Page 13, lines 3 and 4, by striking the words
6 "unless otherwise authorized by this chapter".

7 3. By striking page 15, line 31, through page 16,
8 line 12, and inserting the following: "amended by
9 striking the subsection."

10 4. Page 24, lines 3 and 4, by striking the words
11 and figure "without a table games license issued
12 pursuant to section 99F.4A".

13 5. Page 24, by striking lines 6 through 8.

14 6. Page 24, line 9, by striking the letter "c."
15 and inserting the following: "b."

16 7. By renumbering as necessary.

CARROLL of Poweshiek
ALONS of Sioux
CHAMBERS of O'Brien
VAN ENGELNHOVEN of Marion
KRAMER of Polk

HORBACH of Tama
GREIMANN of Story
DE BOEF of Keokuk
BOAL of Polk

H—8071

- 1 Amend House File 2302 as follows:
- 2 1. Page 7, line 10, by striking the words "in the
- 3 wagering area" and inserting the following: "on the
- 4 licensed premises".
- 5 2. Page 7, by striking lines 11 through 16.
- 6 3. Page 20, line 20, by striking the words
- 7 "gaming floor" and inserting the following: "licensed
- 8 premises".
- 9 4. Page 20, by striking lines 21 through 26.

CARROLL of Poweshiek
FALLON of Polk
DE BOEF of Keokuk
BOAL of Polk
VAN ENGELNHOVEN of Marion

KRAMER of Polk
STEVENS of Dickinson
HORBACH of Tama
CHAMBERS of O'Brien
ALONS of Sioux

H—8073

- 1 Amend House File 2302 as follows:
- 2 1. Page 18, line 32, by inserting after the word
- 3 "issued" the following: "on or after July 1, 2005,
- 4 and only".

GREIMANN of Story
CARROLL of Poweshiek
DE BOEF of Keokuk
BOAL of Polk

VAN ENGELNHOVEN of Marion
KRAMER of Polk
STEVENS of Dickinson

H—8074

- 1 Amend House File 2302 as follows:
- 2 1. Page 20, by inserting after line 10 the
- 3 following:
- 4 "Sec.____. Section 99F.7, subsection 6, Code 2003,
- 5 is amended to read as follows:
- 6 6. It is the intent of the general assembly that
- 7 employees be paid at least twenty-five percent above
- 8 the federal minimum wage level. However, full-time
- 9 employees at a facility of a licensee issued a license
- 10 on or after July 1, 2004, shall be paid wages no less
- 11 than one hundred percent of the average regional wage
- 12 where the facility is located, as determined by the

13 department of economic development."

14 2. By renumbering as necessary.

T. TAYLOR of Linn
GASKILL of Wapello
GREIMANN of Story
JOCHUM of Dubuque

MASCHER of Johnson
LENSING of Johnson
BUKTA of Clinton
MURPHY of Dubuque

H-8075

1 Amend House File 2302 as follows:

2 1. Page 20, by inserting after line 10 the
3 following:

4 "Sec.____. Section 99F.7, subsection 6, Code 2003,
5 is amended to read as follows:

6 6. It is the intent of the general assembly that
7 employees be paid at least twenty-five percent above
8 the federal minimum wage level. However, full-time
9 employees at a facility of a licensee shall be paid
10 wages no less than one hundred percent of the average
11 regional wage where the facility is located, as
12 determined by the department of economic development."

13 2. By renumbering as necessary.

T. TAYLOR of Linn
GASKILL of Wapello
GREIMANN of Story
JOCHUM of Dubuque

MASCHER of Johnson
LENSING of Johnson
BUKTA of Clinton
MURPHY of Dubuque

H-8076

1 Amend House File 2302 as follows:

2 1. Page 16, line 10, by inserting after the word
3 "commission" the following: "which table games
4 license fee may be offset by the licensee against
5 taxes imposed on the licensee by section 99F.11, to
6 the extent of twenty percent of the table taxes
7 license fee paid pursuant to this subsection for each
8 of the five years following the year in which the
9 table games license fee was paid".

10 2. Page 23, line 11, by inserting after the word
11 "commission" the following: "which license fee may be
12 offset by the licensee against taxes imposed on the
13 licensee by section 99F.11, to the extent of twenty
14 percent of the licensee fee paid pursuant to this
15 subsection for each of the five years following the
16 year in which the initial license fee was paid".

FREVERT of Palo Alto
MERTZ of Kossuth
JOCHUM of Dubuque

H-8077

1 Amend House File 2302 as follows:

2 1. Page 7, by inserting after line 16 the
3 following:

4 "Sec.____. NEW SECTION. 99D.9A MORATORIUM.

5 The commission shall not issue a license to conduct
6 pari-mutuel wagering at a racetrack pursuant to this
7 chapter as provided in section 99F.4C."

8 2. Page 7, by striking lines 31 through 34, and
9 inserting the following: "racetrack, plus any direct
10 and indirect support costs for".

11 3. Page 13, lines 3 and 4, by striking the words
12 "unless otherwise authorized by this chapter".

13 4. By striking page 15, line 31, through page 16,
14 line 12, and inserting the following: "amended by
15 striking the subsection."

16 5. Page 16, by inserting before line 13 the
17 following:

18 "Sec.____. NEW SECTION. 99F.4C MORATORIUM FOR
19 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
20 MUTUEL WAGERING.

21 1. Commencing with the effective date of this
22 section of this Act, the commission shall not issue a
23 license to conduct pari-mutuel wagering at a racetrack
24 pursuant to chapter 99D or to conduct gambling games
25 on an excursion boat or at a pari-mutuel racetrack
26 pursuant to this chapter.

27 2. This section does not affect the validity of a
28 license issued by the commission pursuant to chapter
29 99D or this chapter before the effective date of this
30 section of this Act or the authority of the commission
31 to suspend, revoke, transfer, or renew a license
32 issued before the effective date of this section of
33 this Act pursuant to chapter 99D or this chapter."

34 6. By striking page 18, line 28, through page 19,
35 line 1, and inserting the following: "to operate an
36 excursion gambling boat. The commission shall decide
37 which".

38 7. Page 23, by striking lines 7 through 20.

39 8. Page 24, lines 3 and 4, by striking the words
40 and figure "without a table games license issued
41 pursuant to section 99F.4A".

42 9. Page 24, by striking lines 6 through 8.

43 10. Page 24, line 9, by striking the letter "c."
44 and inserting the following: "b."

45 11. Page 29, by inserting after line 22 the
46 following:

47 "2A. The sections of this Act enacting sections
48 99D.9A and 99F.4C, being deemed of immediate
49 importance, take effect upon enactment."

50 12. Title page, line 3, by inserting after the

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1 word "boats," the following: "imposing a moratorium
2 for issuance of licenses for gambling games and pari-
3 mutuel wagering,".
4 13. By renumbering and correcting internal
5 references as necessary.

WISE of Lee

H-8078

1 Amend House File 2302 as follows:
2 1. Page 7, by inserting after line 16 the
3 following:
4 "Sec.____. NEW SECTION. 99D.9A MORATORIUM.
5 The commission shall not issue a license to conduct
6 pari-mutuel wagering at a racetrack pursuant to this
7 chapter as provided in section 99F.4C."
8 2. Page 7, by striking lines 31 through 34, and
9 inserting the following: "racetrack, plus any direct
10 and indirect support costs for".
11 3. Page 13, lines 3 and 4, by striking the words
12 "unless otherwise authorized by this chapter".
13 4. By striking page 15, line 31, through page 16,
14 line 12, and inserting the following: "amended by
15 striking the subsection."
16 5. Page 16, by inserting before line 13 the
17 following:
18 "Sec.____. NEW SECTION. 99F.4C MORATORIUM FOR
19 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
20 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
21 SLOT MACHINES.
22 1. Commencing with the effective date of this
23 section of this Act, the commission shall not issue a
24 license to conduct pari-mutuel wagering at a racetrack
25 pursuant to chapter 99D or to conduct gambling games
26 on an excursion boat or at a pari-mutuel racetrack
27 pursuant to this chapter.
28 2. Commencing with the effective date of this
29 section of this Act, the commission shall not
30 authorize any of the following:
31 a. An increase in the number of gambling games or
32 the number of slot machines on an excursion gambling
33 boat.
34 b. An increase in the number of slot machines at a
35 pari-mutuel racetrack.
36 3. This section does not affect the validity of a
37 license issued by the commission pursuant to chapter
38 99D or this chapter before the effective date of this
39 section of this Act or the authority of the commission
40 to suspend, revoke, transfer, or renew a license

41 issued before the effective date of this section of
42 this Act pursuant to chapter 99D or this chapter."
43 6. By striking page 18, line 28, through page 19,
44 line 1, and inserting the following: "to operate an
45 excursion gambling boat. The commission shall decide
46 which".
47 7. Page 23, by striking lines 7 through 20.
48 8. Page 24, lines 3 and 4, by striking the words
49 and figure "without a table games license issued
50 pursuant to section 99F.4A".

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1 9. Page 24, by striking lines 6 through 8.
2 10. Page 24, line 9, by striking the letter "c."
3 and inserting the following: "b."
4 11. Page 29, by inserting after line 22 the
5 following:
6 "2A. The section of this Act enacting section
7 99F.4C, being deemed of immediate importance, takes
8 effect upon enactment."
9 12. Title page, line 3, by inserting after the
10 word "boats," the following: "imposing a moratorium
11 for issuance of licenses for gambling games and pari-
12 mutuel wagering,".
13 13. By renumbering and correcting internal
14 references as necessary.

CARROLL of Poweshiek
DE BOEF of Keokuk
BOAL of Polk
VAN ENGELNHOVEN of Marion

KRAMER of Polk
STEVENS of Dickinson
GREIMANN of Story

H-8079

1 Amend House File 2302 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 8.57, subsection 5, paragraph
5 e, Code Supplement 2003, is amended by adding the
6 following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. If the total amount of
8 moneys directed to be deposited in the general fund of
9 the state under sections 99D.17 and 99F.11 in a fiscal
10 year is more than the total amount of moneys estimated
11 to be deposited under those sections for that fiscal
12 year by the revenue estimating conference as of the
13 last meeting of the conference prior to that fiscal
14 year, the first two million dollars of the difference
15 shall be credited to the Iowa empowerment fund created
16 in section 28.9 and used for grants to child care
17 centers licensed under chapter 237A."

- 18 2. Title page, line 6, by inserting after the
19 words "treatment funds" the following: ", Iowa
20 empowerment fund,".
21 3. By renumbering as necessary.

D. OLSON of Boone

H-8080

- 1 Amend House File 2302 as follows:
2 1. Page 18, line 5, by striking the words "within
3 Polk county" and inserting the following: "a
4 including any other racing facility, that is subject
5 to the agreement".

SANDS of Louisa

H-8081

- 1 Amend House File 2302 as follows:
2 1. Page 1, line 1, by striking the word
3 "COMMUNITY" and inserting the following: "COUNTY".
4 2. Page 1, by inserting after line 2 the
5 following:
6 "1. The purpose of this section is to enhance the
7 quality of life for citizens of Iowa by providing
8 moneys to new or existing citizen groups of this state
9 organized to establish county affiliate funds or
10 community foundations that will address countywide
11 needs."
12 3. Page 1, line 3, by striking the words and
13 figures "1. A community" and inserting the following:
14 "2. A county".
15 4. Page 1, line 8, by striking the figure "2."
16 and inserting the following: "3. a."
17 5. Page 1, line 15, by striking the words
18 "community foundation" and inserting the following:
19 "county recipient".
20 6. Page 1, lines 16 and 17, by striking the words
21 "community foundation" and inserting the following:
22 "county recipient".
23 7. Page 1, line 18, by striking the word
24 "recipients" and inserting the following: "charitable
25 organizations for educational, civic, public,
26 charitable, patriotic, or religious uses, as defined
27 in section 99B.7, subsection 3, paragraph "b",".
28 8. Page 1, lines 19 and 20, by striking the words
29 "as an endowment for that foundation" and inserting
30 the following: "in establishing a permanent endowment
31 fund for the benefit of charitable organizations for
32 educational, civic, public, charitable, patriotic, or
33 religious uses, as defined in section 99B.7,

- 34 subsection 3, paragraph "b".
- 35 9. Page 1, line 20, by inserting before the words
- 36 "If a county" the following: "b."
- 37 10. Page 1, lines 20 and 21, by striking the
- 38 words "community foundation" and inserting the
- 39 following: "county recipient".
- 40 11. Page 1, line 22, by striking the words
- 41 "community foundation" and inserting the following:
- 42 "county recipient".
- 43 12. Page 1, line 23, by inserting after the word
- 44 "established." the following:
- 45 "c."
- 46 13. Page 1, line 24, by striking the words
- 47 "community foundation" and inserting the following:
- 48 "county recipient".
- 49 14. Page 1, line 25, by inserting after the word
- 50 "foundation" the following: "or community affiliate

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- 1 organization".
- 2 15. Page 1, lines 25 and 26, by striking the
- 3 words and figure "designated by the board, as defined
- 4 in section 15E.303," and inserting the following:
- 5 "selected, in accordance with the procedures described
- 6 in section 15E.304,".
- 7 16. Page 1, line 28, by inserting after the word
- 8 "county." the following: "To be selected as an
- 9 eligible county recipient, a community affiliate
- 10 organization shall establish a county affiliate fund
- 11 to receive moneys as provided by this section."
- 12 17. Page 1, line 29, by striking the figure "3."
- 13 and inserting the following: "4."
- 14 18. Page 1, line 30, by striking the word
- 15 "community" and inserting the following: "county".
- 16 19. Page 1, line 31, by striking the word
- 17 "community" and inserting the following: "county".
- 18 20. Page 1, line 32, by striking the word
- 19 "community" and inserting the following: "county".
- 20 21. Page 25, line 5, by striking the word
- 21 "community" and inserting the following: "county".
- 22 22. Page 27, line 24, by striking the word
- 23 "community" and inserting the following: "county".
- 24 23. Title page, line 6, by striking the word
- 25 "community" and inserting the following: "county".

RAECKER of Polk
JOCHUM of Dubuque

H-8082

- 1 Amend House File 2302 as follows:

- 2 1. By striking page 1, line 34, through page 16,
- 3 line 12.
- 4 2. By striking page 18, line 21, through page 23,
- 5 line 20.
- 6 3. Page 23, line 31, by striking the word
- 7 "dollars-" and inserting the following: "dollars
- 8 shall be twenty-five percent."
- 9 4. Page 24, line 1, by striking the words "shall
- 10 be as follows:"
- 11 5. Page 24, by striking lines 2 through 13.
- 12 6. Page 25, by striking lines 2 and 3 and
- 13 inserting the following: "fund specified in section
- 14 99G.39, subsection 1, paragraph "a"."
- 15 7. By striking page 25, line 9, through page 29,
- 16 line 35.
- 17 8. Title page, by striking lines 1 through 9 and
- 18 inserting the following: "An Act relating to
- 19 gambling, concerning the taxation of racetracks and
- 20 excursion gambling boats, charitable distributions of
- 21 gaming revenue, and community endowment fund
- 22 appropriations."
- 23 9. By renumbering as necessary.

SWAIM of Davis

H-8083

- 1 Amend House File 2302 as follows:
- 2 1. Page 18, line 31, by striking the words and
- 3 figure "2004, and such" and inserting the following:
- 4 "2004."
- 5 2. By striking page 18, line 32, through page 19,
- 6 line 1 and inserting the following: "The commission
- 7 shall decide which".

JONES of Mills

H-8084

- 1 Amend House File 2302 as follows:
- 2 1. Page 19, line 1, by inserting after the word
- 3 "chapter." The following: "In issuing up to five
- 4 additional licenses pursuant to this subsection, the
- 5 commission shall only consider one application per
- 6 county in any two-year period. If multiple applicants
- 7 from the same county wish to apply for such a license
- 8 within the same two-year period, the board of
- 9 supervisors for that county shall institute a
- 10 screening process, the end result of which shall be to
- 11 only forward one application per two-year period to
- 12 the commission for the commission's consideration."

FALLON of Polk

H-8085

1 Amend House File 2302 as follows:

2 1. Page 20, by inserting after line 26, the
3 following:

4 "Sec. ____ Section 99F.7, subsection 10,
5 paragraphs a and c, Code 2003, are amended to read as
6 follows:

7 a. A license to conduct gambling games on an
8 excursion gambling boat in a county shall be issued
9 only if the county electorate approves the conduct of
10 the gambling games as provided in this subsection.
11 The board of supervisors, upon receipt of a valid
12 petition meeting the requirements of section 331.306,
13 shall direct the commissioner of elections to submit
14 to the registered voters of the county a proposition
15 to approve or disapprove the conduct of gambling games
16 on an excursion gambling boat in the county. The
17 proposition shall be submitted at a general election
18 or at a special election called for that purpose. To
19 be submitted at a general election, the petition must
20 be received by the board of supervisors at least five
21 working days before the last day for candidates for
22 county offices to file nomination papers for the
23 general election pursuant to section 44.4. A bond in
24 an amount fixed and with sureties approved by the
25 auditor and conditioned upon the payment of all costs
26 and expenses incurred in the election shall be filed
27 with the petition. In case it is necessary to incur
28 any expense in excess of the amount of the bond, the
29 board of supervisors shall require the filing of an
30 additional bond by the petitioners, and an election
31 shall not be held until the additional bond is filed
32 in a sufficient amount to cover such expense. If a
33 majority of the county voters voting on the
34 proposition favor the conduct of gambling games, the
35 commission may issue one or more licenses as provided
36 in this chapter, only after the first licensee has
37 reimbursed the petitioners the actual costs of the
38 election. If a majority of the county voters voting
39 on the proposition do not favor the conduct of
40 gambling games, a license to conduct gambling games in
41 the county shall not be issued.

42 c. If a licensee of a pari-mutuel racetrack who
43 held a valid license issued under chapter 99D as of
44 January 1, 1994, requests in writing a license to
45 operate gambling games as provided in this chapter,
46 the board of supervisors of a county in which the
47 licensee of a pari-mutuel racetrack requests a license
48 to operate gambling games shall submit to the county
49 electorate a proposition to approve or disapprove the
50 operation of gambling games at pari-mutuel racetracks

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1 at a special election at the earliest practicable
2 time. A bond in an amount fixed and with sureties
3 approved by the auditor and conditioned upon the
4 payment of all costs and expenses incurred in the
5 election shall be filed with the written request. In
6 case it is necessary to incur any expense in excess of
7 the amount of the bond, the board of supervisors shall
8 require the filing of an additional bond by the pari-
9 mutuel licensee, and an election shall not be held
10 until the additional bond is filed in a sufficient
11 amount to cover such expense. If the operation of
12 gambling games at the pari-mutuel racetrack is not
13 approved by a majority of the county electorate voting
14 on the proposition at the election, the commission
15 shall not issue a license to operate gambling games at
16 the racetrack."
17 2. By renumbering as necessary.

STEVENS of Dickinson

H-8086

1 Amend House File 2302 as follows:
2 1. Page 16, by inserting before line 13 the
3 following:
4 "Sec. _____. Section 99F.4A, Code 2003, is amended
5 by adding the following new subsection:
6 **NEW SUBSECTION.** 9. If a license issued pursuant
7 to this chapter or chapter 99D is transferred, an
8 existing collective bargaining agreement or the impact
9 of an employee representation election shall be
10 transferred and shall apply to the new licensee."
11 2. By renumbering as necessary.

T. TAYLOR of Linn

H-8087

1 Amend House File 2302 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 8.57, subsection 5, paragraph
5 e, Code Supplement 2003, is amended to read as
6 follows:
7 e. (1) Notwithstanding provisions to the contrary
8 in sections 99D.17 and 99F.11, for the fiscal year
9 beginning July 1, 2000, and for each fiscal year
10 thereafter, not more than a total of ~~sixty million~~
11 ~~dollars~~ the applicable general fund amount shall be
12 deposited in the general fund of the state in any

13 fiscal year pursuant to sections 99D.17 and 99F.11.
14 The next fifteen million dollars of the moneys
15 directed to be deposited in the general fund of the
16 state in a fiscal year pursuant to sections 99D.17 and
17 99F.11 shall be deposited in the vision Iowa fund
18 created in section 12.72 for the fiscal year beginning
19 July 1, 2000, and for each fiscal year through the
20 fiscal year beginning July 1, 2019. The next five
21 million dollars of the moneys directed to be deposited
22 in the general fund of the state in a fiscal year
23 pursuant to sections 99D.17 and 99F.11 shall be
24 deposited in the school infrastructure fund created in
25 section 12.82 for the fiscal year beginning July 1,
26 2000, and for each fiscal year thereafter until the
27 principal and interest on all bonds issued by the
28 treasurer of state pursuant to section 12.81 are paid,
29 as determined by the treasurer of state. The total
30 moneys in excess of the moneys deposited in the
31 general fund of the state, the vision Iowa fund, and
32 the school infrastructure fund in a fiscal year shall
33 be deposited in the rebuild Iowa infrastructure fund
34 and shall be used as provided in this section,
35 notwithstanding section 8.60.

36 (2) If the total amount of moneys directed to be
37 deposited in the general fund of the state under
38 sections 99D.17 and 99F.11 in a fiscal year is less
39 than the total amount of moneys directed to be
40 deposited in the vision Iowa fund and the school
41 infrastructure fund in the fiscal year pursuant to
42 this paragraph “e”, the difference shall be paid from
43 lottery revenues in the manner provided in section
44 99G.39, subsection 3.

45 (3) For purposes of this paragraph “e”, the
46 “applicable general fund amount” shall be as follows:

47 (a) For each fiscal year in the fiscal period
48 beginning July 1, 2004, and ending June 30, 2006,
49 sixty million dollars.

50 (b) For the fiscal year beginning July 1, 2007,

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1 fifty-four million dollars.

2 © For each fiscal year beginning on or after
3 July 1, 2008, until the applicable general fund amount
4 is zero dollars, an amount equal to the applicable
5 general fund amount for the previous fiscal year less
6 six million dollars.

7 (d) For the fiscal year beginning July 1, 2014,
8 and each fiscal year thereafter, zero dollars.”

9 2. By renumbering as necessary.

H-8088

1 Amend House File 2302 as follows:

2 1. Page 16, line 10, by inserting after the word
3 "However," the following: "a licensee shall not be
4 required to pay the ten million dollar fee if the
5 licensee is located in a county in which another
6 licensee from that county has indicated it will
7 operate an excursion gambling boat that does not
8 cruise or is a moored barge. In addition,".

JOCHUM of Dubuque

H-8089

1 Amend House File 2302 as follows:

2 1 Page 19, line 26, by inserting after the word
3 "cruise." the following: "However, an applicant or
4 licensee shall not be authorized to operate a moored
5 barge or an excursion boat that will not cruise unless
6 all other licensees that are located in the same
7 county have agreed in writing to such authorization."
8 2. Page 29, line 2, by inserting after the words
9 "will not cruise." the following: "However, a
10 licensee shall not be authorized to notify the
11 commission that it intends to operate a moored barge
12 or an excursion boat that will not cruise unless all
13 other licensees that are located in the same county
14 have agreed in writing to such authorization."

JOCHUM of Dubuque

H-8090

1 Amend House File 2302 as follows:

2 1. By striking page 23, line 26, through page 24,
3 line 13, and inserting the following: "authorized
4 under this chapter ~~at the rate of five percent on the~~
5 ~~first one million dollars of adjusted gross receipts,~~
6 ~~at the rate of ten percent on the next two million~~
7 ~~dollars of adjusted gross receipts, and at the rate of~~
8 ~~twenty percent on any amount of adjusted gross~~
9 ~~receipts over three million dollars. However,~~
10 ~~beginning January 1, 1997, the rate on any amount of~~
11 ~~adjusted gross receipts over three million dollars~~
12 ~~from gambling games at racetrack enclosures is twenty-~~
13 ~~two percent and shall increase by two percent each~~
14 ~~succeeding calendar year until the rate is thirty six~~
15 ~~percent pursuant to the requirements of this section.~~
16 The tax rate imposed each fiscal year on adjusted
17 gross receipts shall be as follows:
18 a. On the first fifteen million dollars of

- 19 adjusted gross receipts, twenty-one percent.
20 b. On the next fifteen million dollars of adjusted
21 gross receipts, twenty-two percent.
22 c. On the next fifteen million dollars of adjusted
23 gross receipts, twenty-three percent.
24 d. On the next fifteen million dollars of adjusted
25 gross receipts, twenty-four percent.
26 e. On any amount of adjusted gross receipts over
27 sixty million dollars, twenty-five percent."
28 2. Page 24, line 14, by striking the figure "3."
29 and inserting the following: "2."

JOCHUM of Dubuque
GREIMANN of Story

H-8091

- 1 Amend House File 2302 as follows:
2 1. Page 16, by striking lines 8 through 12 and
3 inserting the following: "economically viable."

JOCHUM of Dubuque

H-8092

- 1 Amend House File 2302 as follows:
2 1. Page 24, line 11, by striking the words "of an
3 excursion gambling boat".
4 2. Page 24, line 12, by inserting after the words
5 "county is" the following: "an excursion gambling
6 boat".
7 3. Page 24, line 12, by inserting after the word
8 "barge" the following: "or is a racetrack enclosure
9 conducting gambling games that has been issued a table
10 games license pursuant to section 99F.4A in the prior
11 fiscal year".

JOCHUM of Dubuque

H-8093

- 1 Amend House File 2302 as follows:
2 1. Page 24, line 11, by striking the words "of an
3 excursion gambling boat".
4 2. Page 24, line 12, by inserting after the words
5 "county is" the following: "an excursion gambling
6 boat".
7 3. Page 24, line 12, by inserting after the word
8 "barge" the following: "or is a racetrack enclosure
9 conducting gambling games".

JOCHUM of Dubuque

H-8094

1 Amend House File 2302 as follows:

2 1. Page 18, line 6, by striking the words “two
3 hundred”, and inserting the following: “one hundred
4 ninety-five”.

5 2. Page 18, line 8, by striking the words “two
6 hundred”, and inserting the following: “one hundred
7 ninety-five”.

8 3. Page 18, line 20, by inserting after the
9 figure “2004” the following: “, and less an amount,
10 for each year during the period beginning January 1,
11 2006, and ending before January 1, 2011, equal to
12 fifty percent of the operational costs of conducting
13 pari-mutuel racing for a year as determined by the
14 commission pursuant to audit”.

PETERSEN of Polk

H-8095

1 Amend House File 2302 as follows:

2 1. Page 12, by inserting after line 21 the
3 following:

4 “Sec. ____ Section 99F.1, Code Supplement 2003, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 1A. “Applicable charitable
7 percentage” means the percentage rate applicable to a
8 licensee or qualified sponsoring organization and
9 determined as follows:

10 a. If the highest tax rate applicable to the
11 licensee or qualified sponsoring organization under
12 section 99F.11 is less than twenty-two percent, four
13 percent.

14 b. If the highest tax rate applicable to the
15 licensee or qualified sponsoring organization under
16 section 99F.11 is twenty-two percent or more, but less
17 than twenty-six percent, three and one-half percent.

18 c. If the highest tax rate applicable to the
19 licensee or qualified sponsoring organization under
20 section 99F.11 is twenty-six percent or more, three
21 percent.”

22 2. Page 16, line 26, by striking the words “three
23 percent” and inserting the following: “the applicable
24 charitable percentage”.

25 3. Page 17, line 19, by striking the words “three
26 percent” and inserting the following: “the applicable
27 charitable percentage”.

28 4. By renumbering as necessary.

JOCHUM of Dubuque

H-8096

1 Amend House File 2302 as follows:

2 1. Page 7, by inserting before line 16, the
3 following:

4 “Sec.____. Section 99D.9, Code 2003, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 6A. A license shall not be
7 granted to a nonprofit corporation unless the
8 nonprofit corporation adopts bylaws, which shall be
9 filed with the commission, establishing conflicts-of-
10 interest provisions governing the nonprofit
11 corporation substantially similar to section 68B.2A.
12 A license shall also not be granted to a nonprofit
13 corporation if substantial evidence exists that the
14 officers and members of the board of directors of the
15 nonprofit corporation have not complied with the
16 conflicts-of-interest provisions adopted by the
17 nonprofit corporation.”

18 2. Page 21, by inserting before line 2 the
19 following:

20 “Sec.____. Section 99F.7, Code 2003, is amended by
21 adding the following new subsection:

22 NEW SUBSECTION. 14A. A license shall not be
23 granted to a qualifying sponsoring organization unless
24 the qualified sponsoring organization adopts bylaws,
25 which shall be filed with the commission, establishing
26 conflicts-of-interest provisions governing the
27 qualified sponsoring organization substantially
28 similar to section 68B.2A. A license shall also not
29 be granted to a qualified sponsoring organization if
30 substantial evidence exists that the officers and
31 members of the board of directors of the qualified
32 sponsoring organization have not complied with the
33 conflicts-of-interest provisions adopted by the
34 qualified sponsoring organization.”

35 3. By renumbering as necessary.

JOCHUM of Dubuque

H-8097

1 Amend House File 2302 as follows:

2 1. Page 29, by inserting after line 25 the
3 following:

4 “3A. The section of this Act amending section
5 99F.6, subsection 4, paragraph “a”, being deemed of
6 immediate importance, takes effect upon enactment.”

7 2. By renumbering and correcting internal
8 references as necessary.

JOCHUM of Dubuque

H-8098

1 Amend House File 2302 as follows:

2 1. Page 27, line 5, by inserting after the word
3 “services,” the following: “information on the
4 availability of mental health coverage as provided by
5 section 514C.21,”.

6 2. Page 27, by inserting after line 25 the
7 following:

8 “Sec. ____ NEW SECTION. 514C.21 MANDATED
9 COVERAGE FOR MENTAL HEALTH CONDITIONS.

10 1. For purposes of this section, unless the
11 context otherwise requires:

12 a. “Mental health condition” means a condition or
13 disorder involving mental illness, gambling addiction,
14 or alcohol or substance abuse, including those that
15 fall under any of the diagnostic categories listed in
16 the mental disorders section of the international
17 classification of disease, as periodically revised.

18 b. “Rates, terms, and conditions” means any
19 lifetime payment limits, deductibles, copayments,
20 coinsurance, and any other cost-sharing requirements,
21 out-of-pocket limits, visit limitations, and any other
22 financial component of benefits coverage that affects
23 the covered individual.

24 2. a. Notwithstanding section 514C.6, a policy or
25 contract providing for third-party payment or
26 prepayment of health or medical expenses shall provide
27 coverage benefits for mental health conditions based
28 on rates, terms, and conditions which are no more
29 restrictive than the rates, terms, and conditions for
30 coverage benefits provided for other health or medical
31 conditions under the policy or contract.

32 Additionally, any rates, terms, and conditions
33 involving deductibles, copayments, coinsurance, and
34 any other cost-sharing requirements shall be
35 cumulative for coverage of both mental health
36 conditions and other health or medical conditions
37 under the policy or contract.

38 b. Coverage required under this subsection shall
39 be as follows:

40 (1) For the treatment of mental illness, coverage
41 shall be for services provided by a licensed mental
42 health professional, or services provided in a
43 licensed hospital or health facility.

44 (2) For the treatment of alcohol or substance
45 abuse, coverage shall be for services provided by a
46 substance abuse counselor, as approved by the
47 department of human services, a licensed health
48 facility providing a program for the treatment of
49 alcohol or substance abuse approved by the department
50 of human services, or a substance abuse treatment and

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1 rehabilitation facility, as licensed by the department
2 of public health pursuant to chapter 125.

3 3. This section applies to the following classes
4 of third-party payment provider contracts or policies
5 delivered, issued for delivery, continued, or renewed
6 in this state on or after January 1, 2005:

7 a. Individual or group accident and sickness
8 insurance providing coverage on an expense-incurred
9 basis.

10 b. An individual or group hospital or medical
11 service contract issued pursuant to chapter 509, 514,
12 or 514A.

13 c. A plan established pursuant to chapter 509A for
14 public employees.

15 d. An individual or group health maintenance
16 organization contract regulated under chapter 514B.

17 e. An individual or group Medicare supplemental
18 policy, unless coverage pursuant to such policy is
19 preempted by federal law.

20 f. Any other entity engaged in the business of
21 insurance, risk transfer, or risk retention, which is
22 subject to the jurisdiction of the commissioner.

23 g. An organized delivery system licensed by the
24 director of public health.

25 4. The commissioner shall adopt rules to
26 administer this section after consultation with the
27 mental health insurance advisory committee.

28 a. The commissioner shall appoint members to a
29 mental health insurance advisory committee. Members
30 shall include all sectors of society impacted by
31 issues associated with coverage of mental health
32 treatment by third-party payors including, but not
33 limited to, representatives of the insurance industry,
34 small and large employers, employee representatives
35 including labor, individual consumers, health care
36 providers, and other groups and individuals that may
37 be identified by the insurance division of the
38 department of commerce.

39 b. The committee shall meet upon the request of
40 the commissioner to review rules proposed under this
41 section by the commissioner, and to make suggestions
42 as appropriate."

43 3. By renumbering as necessary.

JOCHUM of Dubuque
GASKILL of Wapello
KUHN of Floyd
GREIMANN of Story
MASCHER of Johnson
WINCKLER of Scott

T. TAYLOR of Linn
BUKTA of Clinton
MURPHY of Dubuque
SHOULTZ of Black Hawk
MERTZ of Kossuth
DAVITT of Warren

LENSING of Johnson
BERRY of Black Hawk

OSTERHAUS of Jackson
MILLER of Webster

H-8099

- 1 Amend House File 2302 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 99F.11, Code Supplement 2003,
- 5 is amended to read as follows:
- 6 99F.11 WAGERING TAX – RATE – ALLOCATIONS.
- 7 1. A tax is imposed on the adjusted gross receipts
- 8 received ~~annually~~ each fiscal year from gambling games
- 9 authorized under this chapter at the rate of five
- 10 percent on the first one million dollars of adjusted
- 11 gross receipts; ~~and~~ at the rate of ten percent on the
- 12 next two million dollars of adjusted gross receipts; ~~and~~
- 13 ~~and at the rate of twenty percent~~
- 14 2. The tax rate imposed each fiscal year on any
- 15 amount of adjusted gross receipts over three million
- 16 dollars. ~~However, beginning January 1, 1997, the rate~~
- 17 ~~on any amount of adjusted gross receipts over three~~
- 18 ~~million dollars from gambling games at racetrack~~
- 19 ~~enclosures is twenty two percent and shall increase by~~
- 20 ~~two percent each succeeding calendar year until the~~
- 21 ~~rate is thirty six percent.~~ shall be as follows:
- 22 a. On the next fifteen million dollars of adjusted
- 23 gross receipts, twenty-one percent.
- 24 b. On the next fifteen million dollars of adjusted
- 25 gross receipts, twenty-two percent.
- 26 c. On the next fifteen million dollars of adjusted
- 27 gross receipts, twenty-three percent.
- 28 d. On the next fifteen million dollars of adjusted
- 29 gross receipts, twenty-four percent.
- 30 e. On any amount of adjusted gross receipts over
- 31 sixty-three million dollars, twenty-five percent.
- 32 3. The taxes imposed by this section shall be paid
- 33 by the licensee to the treasurer of state within ten
- 34 days after the close of the day when the wagers were
- 35 made and shall be distributed as follows:
- 36 ~~1. a.~~ If the gambling excursion originated at a
- 37 dock located in a city, one-half of one percent of the
- 38 adjusted gross receipts shall be remitted to the
- 39 treasurer of the city in which the dock is located and
- 40 shall be deposited in the general fund of the city.
- 41 Another one-half of one percent of the adjusted gross
- 42 receipts shall be remitted to the treasurer of the
- 43 county in which the dock is located and shall be
- 44 deposited in the general fund of the county.
- 45 ~~2. b.~~ If the gambling excursion originated at a
- 46 dock located in a part of the county outside a city,
- 47 one-half of one percent of the adjusted gross receipts

48 shall be remitted to the treasurer of the county in
 49 which the dock is located and shall be deposited in
 50 the general fund of the county. Another one-half of

Page 2

1 one percent of the adjusted gross receipts shall be
 2 remitted to the treasurer of the Iowa city nearest to
 3 where the dock is located and shall be deposited in
 4 the general fund of the city.
 5 ~~3. c.~~ Three-tenths of one percent of the adjusted
 6 gross receipts shall be deposited in the gambling
 7 treatment fund specified in section 99G.39, subsection
 8 1, paragraph "a".
 9 ~~4. d.~~ The remaining amount of the adjusted gross
 10 receipts tax shall be credited to the general fund of
 11 the state."
 12 2. Title page, by striking lines 1 through 9 and
 13 inserting the following: "An Act relating to the
 14 payment of taxes from adjusted gross receipts from
 15 gambling games on excursion gambling boats and at
 16 racetrack enclosures."

JOCHUM of Dubuque

H-8100

1 Amend House File 2302 as follows:
 2 1. Page 29, by inserting after line 8 the
 3 following:
 4 "Sec. ____ REVENUE ESTIMATING CONFERENCE –
 5 GAMBLING REVENUE. The revenue estimating conference
 6 shall not consider, in making any revenue projections
 7 for the fiscal year beginning July 1, 2004, any
 8 additional revenues that may be derived from any
 9 increases in fees or taxes as provided by this Act,
 10 unless the department of revenue can quantify the
 11 amount of such additional revenues."
 12 2. Page 29, by inserting after line 35 the
 13 following:
 14 " _____. The section of this Act concerning the
 15 revenue estimating conference's determination of
 16 gambling revenue, being deemed of immediate
 17 importance, takes effect upon enactment."
 18 3. By renumbering as necessary.

QUIRK of Chickasaw
 GASKILL of Wapello
 MASCHER of Johnson
 WINCKLER of Scott
 BERRY of Black Hawk

T. TAYLOR of Linn
 BUKTA of Clinton
 MURPHY of Dubuque
 SHOULTZ of Black Hawk

H-8101

1 Amend House File 2302 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 99F.11, Code Supplement 2003,
5 is amended to read as follows:

6 99F.11 WAGERING TAX – RATE – ALLOCATIONS.

7 1. A tax is imposed on the adjusted gross receipts
8 received annually each fiscal year from gambling games
9 authorized under this chapter at the rate of five
10 percent on the first one million dollars of adjusted
11 gross receipts, at the rate of ten percent on the next
12 two million dollars of adjusted gross receipts, and at
13 the rate of twenty percent on any amount of adjusted
14 gross receipts over three million dollars. However,
15 beginning January 1, 1997, the rate on any amount of
16 adjusted gross receipts over three million dollars
17 from gambling games at racetrack enclosures is twenty-
18 two percent and shall increase by two percent each
19 succeeding calendar year until the rate is thirty-six
20 percent pursuant to the requirements of this section.

21 The tax rate imposed each fiscal year on adjusted
22 gross receipts shall be as follows:

23 a. On the first fifteen million dollars of
24 adjusted gross receipts, twenty-one percent.

25 b. On the next fifteen million dollars of adjusted
26 gross receipts, twenty-two percent.

27 c. On the next fifteen million dollars of adjusted
28 gross receipts, twenty-three percent.

29 d. On the next fifteen million dollars of adjusted
30 gross receipts, twenty-four percent.

31 e. On any amount of adjusted gross receipts over
32 sixty million dollars, twenty-five percent.

33 2. The taxes imposed by this section shall be paid
34 by the licensee to the treasurer of state within ten
35 days after the close of the day when the wagers were
36 made and shall be distributed as follows:

37 4- a. If the gambling excursion originated at a
38 dock located in a city, one-half of one percent of the
39 adjusted gross receipts shall be remitted to the
40 treasurer of the city in which the dock is located and
41 shall be deposited in the general fund of the city.
42 Another one-half of one percent of the adjusted gross
43 receipts shall be remitted to the treasurer of the
44 county in which the dock is located and shall be
45 deposited in the general fund of the county.

46 2- b. If the gambling excursion originated at a
47 dock located in a part of the county outside a city,
48 one-half of one percent of the adjusted gross receipts
49 shall be remitted to the treasurer of the county in
50 which the dock is located and shall be deposited in

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1 the general fund of the county. Another one-half of
2 one percent of the adjusted gross receipts shall be
3 remitted to the treasurer of the Iowa city nearest to
4 where the dock is located and shall be deposited in
5 the general fund of the city.
6 ~~3. c.~~ Three-tenths of one percent of the adjusted
7 gross receipts shall be deposited in the gambling
8 treatment fund specified in section 99G.39, subsection
9 1, paragraph "a".
10 ~~4. d.~~ The remaining amount of the adjusted gross
11 receipts tax shall be credited to the general fund of
12 the state."
13 2. Title page, by striking lines 1 through 9 and
14 inserting the following: "An Act relating to the
15 payment of taxes from adjusted gross receipts from
16 gambling games on excursion gambling boats and at
17 racetrack enclosures."

JOCHUM of Dubuque

H-8102

1 Amend House File 2302 as follows:
2 1. Page 21, by inserting after line 1 the
3 following:
4 "Sec. _____. Section 99F.7, Code 2003, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 17. The commission shall require
7 each licensee operating gambling games to develop a
8 process for showing accountability of the moneys they
9 have donated to a charitable organization and for
10 evaluating if the moneys donated to the charitable
11 organization were used in a manner consistent with the
12 licensee's guidelines."
13 2. By renumbering as necessary.

FORD of Polk

H-8103

1 Amend House File 2302 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 8.57, subsection 5, paragraph
5 e, Code Supplement 2003, is amended by adding the
6 following new unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
8 provision of this lettered paragraph to the contrary,
9 if the total amount of moneys directed to be deposited
10 in the general fund of the state under sections 99D.17

- 11 and 99F.11 in a fiscal year is more than the total
 12 amount of moneys directed to be deposited under those
 13 sections for the fiscal year beginning July 1, 2003,
 14 and ending July 1, 2004, one-half of the difference,
 15 if positive, shall be credited to the grow Iowa values
 16 fund created in section 15G.108."
 17 2. Title page, line 6, by inserting after the
 18 words "treatment fund" the following: ", grow Iowa
 19 values fund,".
 20 3. By renumbering as necessary.

QUIRK of Chickasaw
 GASKILL of Wapello
 GREIMANN of Story
 MASCHER of Johnson
 LENSING of Johnson
 BERRY of Black Hawk
 BUKTA of Clinton

T. TAYLOR of Linn
 MURPHY of Dubuque
 WINCKLER of Scott
 STRUYK of Pottattamie
 WISE of Lee
 SHOULTZ of Black Hawk

H-8104

- 1 Amend House File 2302 as follows:
 2 1. Page 16, by inserting after line 12 the
 3 following:
 4 "Sec. ____ NEW SECTION. 99F.4B COUNTY
 5 DISTRIBUTION OF REVENUES.
 6 If a county receives a portion of revenues from
 7 gambling games from a licensee of a racetrack
 8 enclosure that conducts gambling games, the county,
 9 subject to any agreement in existence as of the
 10 effective date of this section of this Act, shall
 11 redistribute funds received in excess of funds needed
 12 to retire the annual bond debt for an event center in
 13 that county, to all the cities in the county on a per
 14 capita basis. In the event that any item other than
 15 cash is given to the county in excess of that needed
 16 to retire the annual events center debt, an equivalent
 17 cash amount shall be distributed to the cities of the
 18 county on a per capita basis."
 19 2. Page 29, by inserting after line 35 the
 20 following:
 21 "____. The section of this Act enacting section
 22 99F.4B, being deemed of immediate importance, takes
 23 effect upon enactment."
 24 3. By renumbering as necessary.

DIX of Butler
 HUSER of Polk
 BAUDLER of Adair

H-8105

1 Amend House File 2302 as follows:

2 1. Page 16, by inserting after line 12 the
3 following:

4 "Sec. ____ NEW SECTION. 99F.4B COUNTY
5 DISTRIBUTION OF REVENUES.

6 If a county receives a portion of revenues from
7 gambling games from a licensee of a racetrack
8 enclosure that conducts gambling games, the county
9 shall distribute to each city in the county an amount
10 equal to ten percent of the annual payment to be made
11 at the end of each fiscal year to the owner of the
12 facility by the lessee of the facility, to be
13 distributed to the cities based upon the proportion of
14 the total actual value of all tax-exempt property in
15 the county which is located within cities in the
16 county. The distribution to each city in the county
17 shall be determined by the county assessor by
18 multiplying the total amount to be paid by the owner
19 of the facility to all cities in the county by the
20 percentage of the value of tax-exempt property located
21 in each city as a proportion of the total actual value
22 of all tax-exempt property located in all cities in
23 the county".

24 2. Page 18, line 20, by inserting after the
25 figure "2004" the following: "and less an amount
26 equal to ten percent of the annual payment to be made
27 at the end of each fiscal year to the owner of the
28 facility by the lessee of the facility".

29 3. By renumbering as necessary.

PETERSEN of Polk
OLDSON of Polk
FALLON of Polk

H-8106

1 Amend House File 2302 as follows:

2 1. Page 7, line 26, by inserting before the words
3 "A licensee" the following: "a."

4 2. Page 8, by inserting after line 2 the
5 following:

6 "b. A licensee shall pay to the commission an
7 admission fee of fifty cents for each person entering
8 the grounds or enclosure of the licensee. The
9 admission revenue received by the commission pursuant
10 to this paragraph is appropriated to the department of
11 education for the school technology fund created in
12 chapter 256G."

13 3. Page 15, line 25, by striking the words
14 "regulatory fee" and inserting the following: "fee

15 fees".

16 4. Page 15, line 28 by striking the words
17 "regulatory fee", and inserting the following: "fee
18 fees".

19 5. Page 21, line 17, by striking the words
20 "ADMISSION REGULATORY FEE" and inserting the
21 following: "ADMISSION AND REGULATORY ~~FE~~ FEES".

22 6. Page 21, line 21, by inserting after the
23 figure "2." the following: "a."

24 7. Page 21, line 29, by striking the letter "b."
25 and inserting the following: "b."

26 8. Page 21, line 32, by striking the word "rate."
27 and inserting the following: "rate In addition to the
28 admission fee charged under subsection 3, an excursion
29 gambling boat licensee shall pay to the commission an
30 admission fee of fifty cents for each person embarking
31 on an excursion gambling boat. The admission revenue
32 received by the commission pursuant to this paragraph
33 is appropriated to the department of education for the
34 school technology fund created in chapter 256G."

35 9. Page 27, by inserting after line 21 the
36 following:

37 "Sec. _____. NEW SECTION. 256G.1 SCHOOL TECHNOLOGY
38 FUND.

39 Moneys collected from admission fees by the racing
40 and gaming commission pursuant to sections 99D.14,
41 99F.4A, and 99F.10, and appropriated to the department
42 of education for the school technology fund in a
43 fiscal year, shall be allocated to school districts
44 and accredited nonpublic schools as follows:

45 1. To school districts in the proportion that the
46 basic enrollment of the school district bears to the
47 sum of the basic enrollments of all school districts
48 in the state.

49 2. For purposes of this section, the basic
50 enrollment of a school district shall include the

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1 basic enrollment of a participating accredited
2 nonpublic school that certifies its actual enrollment
3 to the department of education by October 1 and the
4 department of education shall promptly forward the
5 information to the department of management. An
6 accredited nonpublic school's enrollment count shall
7 include only students who are residents of Iowa. The
8 department of education shall notify the school
9 district of the maximum allocation to be made to a
10 participating accredited nonpublic school located in
11 the school district. The school technology made
12 available shall only be used for purchasing
13 nonsectarian, nonreligious technology.

14 3. The costs of providing technology to
15 participating accredited nonpublic schools as provided
16 in this section shall not be included in the
17 computation of district cost under chapter 257, but
18 shall be shown in the budget as an expense from
19 miscellaneous income. Technology expenditures made in
20 accordance with this section shall be kept on file in
21 the school district.

22 4. A school technology fund is created in the
23 state treasury under the control of the department of
24 management. The department of management shall
25 allocate moneys from the fund to school districts and
26 accredited nonpublic schools pursuant to the
27 requirements of this section."

28 10. Title page, line 6, by inserting after the
29 words "treatment fund" the following: ", school
30 technology fund,".

31 11. By renumbering as necessary.

MASCHER of Johnson

H-8107

1 Amend House File 2302 as follows:

2 1. Page 20, by inserting after line 10, the
3 following:

4 "Sec. _____. Section 99F.7, subsection 6, Code 2003,
5 is amended to read as follows:

6 6. It is the intent of the general assembly that
7 employees be paid at least twenty-five percent above
8 the federal minimum wage level. Each licensee shall
9 submit a yearly report to the commission listing the
10 position and compensation of each officer, employee,
11 or contractor of the licensee earning thirty thousand
12 dollars or more for that year and listing, by salary
13 and position but not by name, those employees earning
14 less than thirty thousand dollars."

15 2. By renumbering as necessary.

OSTERHAUS of Jackson

H-8109

1 Amend House File 2304 as follows:

2 1. Page 1, by inserting after line 29 the
3 following:

4 "Sec. _____. Section 85.36, Code 2003, is amended by
5 adding the following new subsection:

6 NEW SECTION. 5A. In the case of an employee who
7 is employed pursuant to a contract for a specified
8 period of time, but is paid on a pay period basis
9 where the pay periods extend beyond the contract

10 period, the employee's weekly gross earnings shall be
11 computed by dividing the total amount paid to the
12 employee pursuant to the contract by fifty-two."

HORBACH of Tama

H-8110

1 Amend the amendment, H-8045, to House File 2302 as
2 follows:
3 1. Page 1, by striking lines 2 through 16, and
4 inserting the following:
5 "____. Page 16, line 10, by inserting after the
6 word "commission." The following: "However, the
7 commission shall require that a licensee issued a
8 table games license under this subsection shall reduce
9 the number of slot machines by the same number of
10 tables the licensee adds to conduct table games.""
11 2. By renumbering as necessary.

REASONER of Union

H-8111

1 Amend, the amendment, H-8045, to House File 2302 as
2 follows:
3 1. Page 1, by striking lines 2 through 16, and
4 inserting the following:
5 "____. Page 16, line 10, by inserting after the
6 word "commission." The following: "However, a table
7 games license shall only be issued if the facility of
8 the licensee is located more than sixty miles from a
9 facility for which a license to conduct gambling games
10 has been granted under this chapter.""
11 2. By renumbering as necessary.

REASONER of Union

H-8114

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
3 1. By striking page 17, line 41, through page 18,
4 line 4, and inserting the following: "officers for
5 each excursion gambling boat for the division of
6 criminal investigation's excursion gambling boat
7 activities and an amount for all licensees, not to
8 exceed one hundred twenty-five thousand dollars,
9 representing other associated costs of the division,
10 as the basis for determining the amount of revenue to
11 be raised from the license fees and admission fees.
12 The division's salary costs shall be limited to eighty

13 percent of the salary costs for special agents and
14 eighty percent of the salary costs for gaming
15 enforcement for personnel assigned to excursion
16 gambling boats who enforce laws and rules adopted by
17 the commission.”

WISE of Lee

H-8115

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
3 1. Page 5, lines 48 and 49, by striking the words
4 “dispense cash or credit” and inserting the following:
5 “loan money on the basis of a credit card to a
6 person”.
7 2. Page 16, lines 11 and 12, by striking the
8 words “dispense cash or credit” and inserting the
9 following: “loan money on the basis of a credit card
10 to a person”.

WISE of Lee

H-8118

1 Amend the amendment, H-8080, to House File 2302 as
2 follows:
3 1. Page 1, line 4, by striking the words “racing
4 facility” and inserting the following: “qualified
5 harness racing track facility as may be approved or as
6 approved by the commission”.

SANDS of Louisa

H-8119

1 Amend the amendment, H-8102, to House File 2302 as
2 follows:
3 1. Page 1, by striking lines 8 through 12 and
4 inserting the following: “procedure for reviewing and
5 evaluating recipients of grants from the licensee once
6 the grant recipient has received funds from the
7 licensee. The procedure shall also provide that
8 recipients of grants show how the grant has been spent
9 according to the objective in the grant application
10 prior to any new grants being awarded to them from the
11 licensee.””

FORD of Polk

H-8126

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 13, by inserting after line 5 the
4 following:

5 “Sec. ____ NEW SECTION. 99F.4D COUNTY
6 DISTRIBUTION OF REVENUES.

7 If a county receives a portion of revenues from
8 gambling games from a licensee of a racetrack
9 enclosure that conducts gambling games, the county,
10 subject to any agreement in existence as of the
11 effective date of this section of this Act, shall
12 redistribute funds received in excess of funds needed
13 to retire the annual bond debt for an event center in
14 that county, to all the cities in the county on a per
15 capita basis. In the event that any item other than
16 cash is given to the county in excess of that needed
17 to retire the annual events center debt, an equivalent
18 cash amount shall be distributed to the cities of the
19 county on a per capita basis.”

20 2. Page 23, by inserting after line 2 the
21 following:

22 “____. The section of this Act enacting section
23 99F.4D, being deemed of immediate importance, takes
24 effect upon enactment.”

25 3. By renumbering as necessary.

HUSER of Polk
DIX of Butler

H-8128

1 Amend the amendment, H-8105, to House File 2302 as
2 follows:

3 1. Page 1, line 4, by striking the figure
4 “99F.4B” and inserting the following: “99F.4C”.

5 2. Page 1, line 8, by inserting after the word
6 “county” the following: “, subject to any agreement
7 in existence as of the effective date of this section
8 of this Act.”.

9 3. Page 1, line 9, by striking the words “each
10 city” and inserting the following: “cities”.

11 4. Page 1, line 10, by striking the words “annual
12 payment” and inserting the following: “payments”.

13 5. Page 1, line 11, by striking the words “at the
14 end of”.

15 6. Page 1, line 20, by inserting after the words
16 “of the” the following: “actual”.

17 7. Page 1, line 26, by striking the words “annual
18 payment” and inserting the following: “payments”.

19 8. Page 1, line 27, by striking the words “at the
20 end of”.

21 9. Page 1, by inserting after line 28 the
22 following:
23 “____. Page 29, by inserting after line 22 the
24 following:
25 “____. The section of this Act enacting section
26 99F.4C, being deemed of immediate importance, takes
27 effect upon enactment.””

PETERSEN of Polk
OLDSON of Polk
FALLON of Polk

H-8129

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 13, by inserting after line 5 the
4 following:
5 “Sec. _____. NEW SECTION. 99F.4D COUNTY
6 DISTRIBUTION OF REVENUES.

7 If a county receives a portion of revenues from
8 gambling games from a licensee of a racetrack
9 enclosure that conducts gambling games, the county,
10 subject to any agreement in existence as of the
11 effective date of this section of this Act, shall
12 distribute to cities in the county an amount equal to
13 ten percent of the payments to be made each fiscal
14 year to the owner of the facility by the lessee of the
15 facility, to be distributed to the cities based upon
16 the proportion of the total actual value of all tax-
17 exempt property in the county which is located within
18 cities in the county. The distribution to each city
19 in the county shall be determined by the county
20 assessor by multiplying the total amount to be paid by
21 the owner of the facility to all cities in the county
22 by the percentage of the actual value of tax-exempt
23 property located in each city as a proportion of the
24 total actual value of all tax-exempt property located
25 in all cities in the county”.

26 2. Page 18, line 20, by inserting after the
27 figure “2004” the following: “and less an amount
28 equal to ten percent of the payments to be made each
29 fiscal year to the owner of the facility by the lessee
30 of the facility”.

31 3. Page 23, by inserting after line 2 the
32 following:

33 “____. The section of this Act enacting section
34 99F.4D, being deemed of immediate importance, takes
35 effect upon enactment.”

36 4. By renumbering as necessary.

PETERSEN of Polk
OLDSON of Polk

FALLON of Polk
CONNORS of Polk

H-8130

1 Amend the amendment, H-8082, to House File 2302 as
2 follows:

3 1. Page 1, by striking lines 1 through 5 and
4 inserting the following:

5 " _____. Page 2, by striking lines 11 through 17.

6 _____. Page 2, line 18, by striking the words and
7 figures "subsections 1, 2, 3, and", and inserting the
8 following: "subsection".

9 _____. Page 2, line 19, by striking the word "are",
10 and inserting the following: "is".

11 _____. By striking page 2, line 20 through page 3,
12 line 21, and inserting the following:

13 "4. Commission members are each entitled to
14 receive an annual salary of six thousand dollars.
15 Members shall also be reimbursed for actual expenses
16 incurred in the performance of their duties to a
17 maximum of thirty thousand dollars per year for the
18 commission. Each member shall ~~post a bond in the~~
19 ~~amount of ten thousand dollars, with sureties to be~~
20 ~~approved by the governor, to guarantee the proper~~
21 ~~handling and accounting of moneys and other properties~~
22 ~~required in the administration of this chapter. The~~
23 ~~premiums on the bonds shall be paid as other expenses~~
24 ~~of the commission be covered by the blanket surety~~
25 ~~bond of the state purchased pursuant to section~~
26 ~~8A.321, subsection 12."~~

27 _____. Page 3, line 27, by striking the word
28 "voting".

29 _____. Page 5, by striking lines 7 through 24.

30 _____. Page 7, by striking lines 1 through 16.

31 _____. Page 8, by striking lines 7 through 13.

32 _____. By striking page 12, line 22, through page
33 13, line 20.

34 _____. By striking page 14, line 31, through page
35 15, line 22.

36 _____. By striking page 15, line 31, through page
37 16, line 12, and inserting the following: "amended by
38 striking the subsection."

39 _____. Page 18, by striking lines 1 through 8 and
40 inserting the following: "representatives of the dog
41 or horse owners. A qualified".

42 _____. Page 18, line 15, by striking the word
43 "For".

44 _____. Page 18, by striking lines 16 through 20.

45 _____. By striking page 18, line 21, through page
46 21, line 1.

47 _____. Page 23, by striking lines 7 through 20."

48 2. Page 1, by striking lines 15 and 16 and
49 inserting the following:

50 " _____. Page 26, by striking lines 22 and 23 and

Page 2

1 inserting the following: "in ~~a~~ the gambling treatment
2 fund in the office of the treasurer of state."
3 _____. By striking page 26, line 24, through page
4 27, line 21.
5 _____. By striking page 28, line 12, through page
6 29, line 8.
7 _____. Page 29, by striking lines 26 through 35."
8 3. Page 1, line 19, by inserting after the words
9 "concerning the" the following: "operation,
10 licensure, regulation, fee assessment, and".

RAECKER of Polk

H-8131

1 Amend the amendment, H-8104, to House File 2302 as
2 follows:
3 1. Page 1, by striking lines 2 through 23 and
4 inserting the following:
5 "_____. Page 13, by inserting after line 5 the
6 following:
7 "Sec.____. NEW SECTION. 99F.4D COUNTY
8 DISTRIBUTION OF REVENUES.
9 If a county receives a portion of revenues from
10 gambling games from a licensee of a racetrack
11 enclosure that conducts gambling games, the county,
12 subject to any agreement in existence as of the
13 effective date of this section of this Act, shall
14 distribute to cities in the county an amount equal to
15 ten percent of the payments to be made each fiscal
16 year to the owner of the facility by the lessee of the
17 facility, to be distributed to the cities based upon
18 the proportion of the total actual value of all tax-
19 exempt property in the county which is located within
20 cities in the county. The distribution to each city
21 in the county shall be determined by the county
22 assessor by multiplying the total amount to be paid by
23 the owner of the facility to all cities in the county
24 by the percentage of the actual value of tax-exempt
25 property located in each city as a proportion of the
26 total actual value of all tax-exempt property located
27 in all cities in the county".
28 _____. Page 18, line 20, by inserting after the
29 figure "2004" the following: "and less an amount
30 equal to ten percent of the payments to be made each
31 fiscal year to the owner of the facility by the lessee
32 of the facility".
33 _____. Page 23, by inserting after line 2 the
34 following:
35 "_____. The section of this Act enacting section

36 99F.4D, being deemed of immediate importance, takes
37 effect upon enactment.""
38 2. By renumbering as necessary.

PETERSEN of Polk
OLDSON of Polk

FALLON of Polk
CONNORS of Polk

H-8134

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
3 1. Page 6, by striking lines 3 through 6.
4 2. By striking page 12, line 31, through page 13,
5 line 5.
6 3. Page 15, line 3, by inserting after the word
7 "boat." The following: "However, the commission shall
8 not issue more than five additional licenses to
9 conduct gambling games under this chapter in addition
10 to the number of licenses issued as of January 1,
11 2004, and such licenses shall only be issued for a
12 facility to be located in a county in which no other
13 licenses under this chapter have been granted and to
14 be located more than fifty miles from a facility to
15 which a license to conduct gambling games has been
16 granted under this chapter."
17 4. Page 23, by striking lines 22 through 24 and
18 inserting the following: "and excursion gambling
19 boats, including pari-mutuel wagering, horse".
20 5. By renumbering as necessary.

SHOULTZ of Black Hawk
GASKILL of Wapello
FREVERT of Palo Alto

H-8135

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
3 1. Page 6, by striking lines 3 through 6.
4 2. Page 6, by striking line 23 and inserting the
5 following: "racetrack that has not been issued a
6 table games license under chapter 99F or no more than
7 three special agents for each racetrack that has been
8 issued a table games license under chapter 99F, plus
9 any direct and indirect support costs".
10 3. Page 10, line 24, by inserting after the word
11 "chance" the following: ", unless otherwise
12 authorized by this chapter".
13 4. Page 12, by striking line 30 and inserting the
14 following: "is amended by striking the subsection and
15 inserting in lieu thereof the following:
16 8. The commission shall, upon application of a

17 licensee of a pari-mutuel dog or horse racetrack
 18 licensed to conduct gambling games at a pari-mutuel
 19 racetrack enclosure, issue a license to the licensee
 20 to conduct table games of chance, including video
 21 machines that simulate table games of chance, at the
 22 pari-mutuel racetrack enclosure subject to the
 23 requirements of this subsection. The licensee shall
 24 be granted a table games license by the commission
 25 without conducting a separate referendum authorizing
 26 table games upon a determination by the commission
 27 that granting the license is economically viable and
 28 otherwise consistent with the requirements of this
 29 chapter and upon payment of a license fee of ten
 30 million dollars to the commission. However, a
 31 licensee shall not be required to pay a fee to renew a
 32 table games license issued pursuant to this
 33 subsection."

34 5. By striking page 12, line 31, through page 13,
 35 line 5.

36 6. Page 18, by striking lines 33 through 41 and
 37 inserting the following:

38 "a. If the licensee is an excursion gambling boat
 39 or a racetrack enclosure conducting gambling games
 40 without a table games license issued pursuant to
 41 section 99F.4A, twenty-two percent.
 42 b. If the licensee is a racetrack enclosure
 43 conducting gambling games and has been issued a table
 44 games license pursuant to section 99F.4A, twenty-six
 45 percent.
 46 c. Notwithstanding paragraph "a", if the licensee
 47 is an excursion gambling boat that is licensed to
 48 operate a moored barge and another licensee of an
 49 excursion gambling boat in the same county is not
 50 licensed to operate a moored barge, twenty-six

Page 2

1 percent."

2 7. Page 23, by striking lines 22 through 24 and
 3 inserting the following: "and excursion gambling
 4 boats, including pari-mutuel wagering, horse".

5 8. By renumbering as necessary.

JOCHUM of Dubuque
 HUSER of Polk

H-8136

1 Amend the amendment, H-8099, to House File 2302, as
 2 follows:

3 1. By striking page 1, line 1, through page 2,
 4 line 16, and inserting the following:

5 "Amend House File 2302 as follows:

6 _____. By striking everything after the enacting
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 15E.311 COUNTY
9 ENDOWMENT FUND.

10 1. The purpose of this section is to enhance the
11 quality of life for citizens of Iowa by providing
12 moneys to new or existing citizen groups of this state
13 organized to establish county affiliate funds or
14 community foundations that will address countywide
15 needs.

16 2. A county endowment fund is created in the state
17 treasury under the control of the department of
18 revenue. The fund consists of all moneys appropriated
19 to the fund. Moneys in the fund shall be distributed
20 by the department as provided in this section.

21 3. a. At the end of each fiscal year, moneys in
22 the fund shall be transferred into separate accounts
23 within the fund and designated for use by each county
24 in which no licensee authorized to conduct gambling
25 games under chapter 99F was located during that fiscal
26 year. Moneys transferred to county accounts shall be
27 divided equally among the counties. Moneys
28 transferred into an account for a county shall be
29 transferred by the department to an eligible county
30 recipient for that county. Of the moneys transferred,
31 an eligible county recipient shall distribute eighty
32 percent of the moneys as grants to charitable
33 organizations for educational, civic, public,
34 charitable, patriotic, or religious uses, as defined
35 in section 99B.7, subsection 3, paragraph "b", in that
36 county and shall retain twenty percent of the moneys
37 for use in establishing a permanent endowment fund for
38 the benefit of charitable organizations for
39 educational, civic, public, charitable, patriotic, or
40 religious uses, as defined in section 99B.7,
41 subsection 3, paragraph "b".

42 b. If a county does not have an eligible county
43 recipient, moneys in the account for that county shall
44 remain in that account until an eligible county
45 recipient for that county is established.

46 c. For purposes of this subsection, an "eligible
47 county recipient" means a qualified community
48 foundation or community affiliate organization, as
49 defined in section 15E.303, that is selected, in
50 accordance with the procedures described in section

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1 15E.304, to receive moneys from an account created in
2 this section for a particular county. To be selected
3 as an eligible county recipient, a community affiliate

organization shall establish a county affiliate fund to receive moneys as provided by this section.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the county endowment fund shall be credited to the county endowment fund. Notwithstanding section 8.33, moneys credited to the county endowment fund shall not revert at the close of a fiscal year.

Sec. 2. Section 99D.2, subsection 8, Code 2003, is amended to read as follows:

8. "Racetrack enclosure" means all real property utilized for the conduct of a race meeting, including the racetrack, grandstand, clubhouse, turf club or other Active reas of a licensed racetrack which a person may enter only upon payment of an admission fee, or upon payment by another, at any time, based upon the person's admittance, or upon presentation of authorized credentials. "Racetrack enclosure" also means concession stands, offices, barns, kennels and barn areas, employee housing facilities, parking lots, and any additional areas designated by the commission.

Sec. 3. Section 99D.2, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 9. "Wagering area" means that portion of a racetrack in which a licensee may receive wagers of money from a person present in a licensed racing enclosure on a horse or dog in a race selected by the person making the wager as designated by the commission.

Sec. 4. Section 99D.5, subsection 4, Code 2003, is amended to read as follows:

4. Commission members are each entitled to receive an annual salary of six thousand dollars. Members shall also be reimbursed for actual expenses incurred in the performance of their duties to a maximum of thirty thousand dollars per year for the commission. Each member shall ~~post a bond in the amount of ten thousand dollars, with sureties to be approved by the governor, to guarantee the proper handling and accounting of moneys and other properties required in the administration of this chapter. The premiums on the bonds shall be paid as other expenses of the commission be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 12.~~

Sec. 5. Section 99D.6, Code 2003, is amended to read as follows:

Page 3

3 The commission shall elect in July of each year one
4 of its ~~members as~~ chairperson for the succeeding year.
5 The commission shall appoint an administrator of the
6 commission subject to confirmation by the senate. The
7 administrator shall serve a four-year term. The term
8 shall begin and end in the same manner as set forth in
9 section 69.19. A vacancy shall be filled for the
10 unexpired portion of the term in the same manner as a
11 full-term appointment is made. The administrator may
12 hire other assistants and employees as necessary to
13 carry out the commission's duties. Employees in the
14 positions of equine veterinarian, canine veterinarian,
15 and equine steward shall be exempt from the merit
16 system provisions of chapter 8A, subchapter IV, and
17 shall not be covered by a collective bargaining
18 agreement. Some or all of the information required of
19 applicants in section 99D.8A, subsections 1 and 2, may
20 also be required of employees of the commission if the
21 commission deems it necessary. The administrator
22 shall keep a record of the proceedings of the
23 commission, and preserve the books, records, and
24 documents entrusted to the administrator's care. The
25 ~~commission shall require the administrator to post a~~
26 ~~bond in a sum it may fix, conditioned upon the~~
27 ~~faithful performance of the administrator's duties~~
28 shall be covered by the blanket surety bond of the
29 state purchased pursuant to section 8A.321, subsection
30 12. Subject to the approval of the governor, the
31 commission shall fix the compensation of the
32 administrator within the salary range as set by the
33 general assembly. The commission shall have its
34 headquarters in the city of Des Moines, and shall meet
35 in July of each year and at other times and places as
36 it finds necessary for the discharge of its duties.
37 Sec. 6. Section 99D.7, subsection 8, Code 2003, is
38 amended to read as follows:
39 8. To investigate alleged violations of this
40 chapter or the commission rules, orders, or final
41 decisions and to take appropriate disciplinary action
42 against a licensee or a holder of an occupational
43 license for the violation, or institute appropriate
44 legal action for enforcement, or both. Information
45 gathered during an investigation is confidential
46 during the pendency of the investigation. Decisions
47 by the commission are final agency actions pursuant to
48 chapter 17A.
49 Sec. 7. Section 99D.7, subsection 19, Code 2003,
50 is amended to read as follows:

2 racing programs those horses which are treated with
3 the legal medication ~~lasix~~ furosemide or
4 phenylbutazone. The program shall also indicate if it
5 is the first or subsequent time that a horse is racing
6 with ~~lasix~~ furosemide, or if the horse has previously
7 raced with ~~lasix~~ furosemide and the present race is
8 the first race for the horse without ~~lasix~~ furosemide
9 following its use.

10 Sec. 8. Section 99D.7, Code 2003, is amended by
11 adding the following new subsection:
12 NEW SUBSECTION. 23. To require licensees to
13 establish a process to allow a person to be
14 voluntarily excluded for life from a racetrack
15 enclosure and all other licensed facilities under this
16 chapter and chapter 99F. The process established
17 shall require that a licensee disseminate information
18 regarding persons voluntarily excluded to all
19 licensees under this chapter and chapter 99F. The
20 state and any licensee under this chapter or chapter
21 99F shall not be liable to any person for any claim
22 which may arise from this process. In addition to any
23 other penalty provided by law, any money or thing of
24 value that has been obtained by, or is owed to, a
25 voluntarily excluded person by a licensee as a result
26 of wagers made by the person after the person has been
27 voluntarily excluded shall not be paid to the person
28 but shall be deposited into the gambling treatment
29 fund created in section 135.150.

30 Sec. 9. Section 99D.9, subsections 1 and 2, Code
31 2003, are amended to read as follows:

32 1. If the commission is satisfied that its rules
33 and sections 99D.8 through 99D.25 applicable to
34 licensees have been or will be complied with, it may
35 issue a license for a period of not more than three
36 years. The commission may decide which types of
37 racing it will permit. The commission may permit dog
38 racing, horse racing of various types, or both dog and
39 horse racing. The commission shall decide the number,
40 location, and type of all racetracks licensed under
41 this chapter. The license shall set forth the name of
42 the licensee, the type of license granted, the place
43 where the race meeting is to be held, and the time and
44 number of days during which racing may be conducted by
45 the licensee. ~~The commission shall not approve the~~
46 ~~licenses for racetracks in Dubuque county and Black~~
47 ~~Hawk county if the proposed racing schedules of the~~
48 ~~two tracks conflict.~~ The commission shall not approve
49 a license application if any part of the racetrack is
50 to be constructed on prime farmland outside the city

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limits of an incorporated city. As used in this subsection, "prime farmland" means as defined by the United States department of agriculture in 7 C.F.R. ~~see~~ § 657.5(a). A license is not transferable or assignable. The commission may revoke any license issued for good cause upon reasonable notice and hearing. The commission shall conduct a neighborhood impact study to determine the impact of granting a license on the quality of life in neighborhoods adjacent to the proposed racetrack facility. The applicant for the license shall reimburse the commission for the costs incurred in making the study. A copy of the study shall be retained on file with the commission and shall be a public record. The study shall be completed before the commission may issue a license for the proposed facility.

2. A license shall only be granted to a nonprofit corporation or association upon the express condition that:

~~a. The the~~ nonprofit corporation or association shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of a race meeting licensed under this section or of the pari-mutuel system of wagering described in section 99D.11. This section does not prohibit a management contract approved by the commission.

~~b. The nonprofit corporation shall not in any manner permit a person other than the licensee to have a share, percentage, or proportion of the money received for admissions to the race or race meeting.~~

Sec. 10. Section 99D.9, subsection 6, Code 2003, is amended to read as follows:

(1) A licensee ~~may~~ shall not loan to any person money or any other thing of value for the purpose of permitting that person to wager on any race.

(2) A licensee shall not permit a financial institution, vendor, or other person to dispense cash or credit through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2, that is located in the wagering area.

(3) A licensee shall ensure that a person may voluntarily bar the person's access to receive cash or credit from a financial institution, vendor, or other person through an electronic or mechanical device including but not limited to a satellite terminal as defined in section 527.2, that is located on the licensed premises.

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Sec. 11. Section 99D.9, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. A license shall not be granted to a nonprofit corporation unless the nonprofit corporation adopts bylaws, which shall be filed with the commission, establishing conflicts-of-interest provisions governing the nonprofit corporation substantially similar to section 68B.2A. A license shall also not be granted to a nonprofit corporation if substantial evidence exists that the officers and members of the board of directors of the nonprofit corporation have not complied with the conflicts-of-interest provisions adopted by the nonprofit corporation.

Sec. 12. Section 99D.9, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The commission shall require that a licensee utilize Iowa resources, goods, and services in the operation of a racetrack enclosure. The commission shall develop standards to assure that a substantial amount of all resources and goods used in the operation of a racetrack enclosure emanate from and are made in Iowa and that a substantial amount of all services and entertainment are provided by Iowans.

Sec. 13. Section 99D.11, subsection 7, Code 2003, is amended to read as follows:

7. A person under the age of twenty-one years shall not make or attempt to make a pari-mutuel wager. A person who violates this subsection commits a scheduled violation under section 805.8C, subsection 4.

Sec. 14. Section 99D.14, subsection 2, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

2. A licensee shall pay a regulatory fee to be charged as provided in this section. In determining the regulatory fee to be charged as provided under this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than two special agents for each racetrack that has not been issued a table games license under chapter 99F or no more than three special agents for each racetrack that has been issued a table games license under chapter 99F, plus any direct and indirect support costs for the agents, for the division of criminal investigation's racetrack activities, as the basis for determining the amount of revenue to be raised from the regulatory fee.

Sec. 15. Section 99D.14, subsection 7, Code 2003, is amended by striking the subsection.

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Sec. 16. Section 99D.15, subsection 3, paragraph d, Code 2003, is amended by striking the paragraph.

Sec. 17. Section 99D.15, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 5. An amount equal to one-half of one percent of the gross sum wagered by the pari-mutuel method shall be deposited into the gambling treatment fund created in section 135.150 from the tax revenue received by the commission pursuant to subsections 1, 3, and 4.

Sec. 18. Section 99D.19, Code 2003, is amended to read as follows:

99D.19 HORSE OR DOG RACING – LICENSEES – RECORDS – REPORTS – SUPERVISION.

1. A licensee shall keep its books and records so as to clearly show the following:

~~1. a. The total number of admissions to races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets for each day of operation.~~

~~2. b. The amount received daily from admission fees.~~

~~3. The total amount of money wagered during the race meet for each day of operation.~~

2. The licensee shall furnish to the commission reports and information as the commission may require with respect to its activities. The commission may designate a representative to attend a licensed race meeting, who shall have full access to all places within the enclosure of the meeting and who shall supervise and check the admissions. The compensation of the representative shall be fixed by the commission but shall be paid by the licensee.

Sec. 19. Section 99D.23, subsection 1, Code 2003, is amended to read as follows:

1. The commission shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood, or other excretions or body fluids whether a substance or drug has been introduced which may affect the outcome of a race or whether an action has been taken or a substance or drug has been introduced which may interfere with the testing procedure. The commission shall adopt rules under chapter 17A concerning procedures and actions taken on positive drug reports. The commission may adopt by reference the standards of the national association of state racing commissioners, the association of official racing chemists, and New York jockey club, or the United States trotting

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~~association, nationally recognized standards as~~
~~determined by the commission~~ or may adopt any other
procedure or standard. The commission has the
authority to retain and preserve by freezing, test
samples for future analysis.

Sec. 20. Section 99D.25, subsection 1, paragraph
a, Code 2003, is amended to read as follows:

a. "Drugging" means administering to a horse or
dog any substance foreign to the natural horse or dog
prior to the start of a race. However, in counties
with a population of two hundred fifty thousand or
more, "drugging" does not include administering to a
horse the drugs ~~lasix~~ furosemide and phenylbutazone in
accordance with section 99D.25A and rules adopted by
the commission.

Sec. 21. Section 99D.25, subsection 5, Code 2003,
is amended to read as follows:

5. Every horse which suffers a breakdown on the
racetrack, in training, or in competition, and is
destroyed, and every other horse which expires while
stabled on the racetrack under the jurisdiction of the
commission, shall undergo a postmortem examination by
a veterinarian or a veterinary pathologist at a time
and place acceptable to the commission veterinarian to
determine the injury or sickness which resulted in
euthanasia or natural death. ~~The postmortem~~
~~examination shall be conducted by a veterinarian~~
~~employed by the owner or the owner's trainer in the~~
~~presence of and in consultation with the commission~~
~~veterinarian.~~ Test samples shall be obtained from the
carcass upon which the postmortem examination is
conducted and shall be sent to a laboratory approved
by the commission for testing for foreign substances
and natural substances at abnormal levels. When
practical, blood and urine test samples should be
procured prior to euthanasia. The owner of the
deceased horse is responsible for payment of any
charges due ~~the veterinarian employed~~ to conduct the
postmortem examination. ~~The services of the~~
~~commission veterinarian and the laboratory testing of~~
~~postmortem samples shall be made available by the~~
~~commission without charge to the owner.~~ A record of
every postmortem shall be filed with the commission by
the owner's veterinarian or veterinary pathologist who
performed the postmortem within seventy-two hours of
the death ~~and shall be submitted on a form supplied by~~
~~the commission.~~ Each owner and trainer accepts the
responsibility for the postmortem examination provided
herein as a requisite for maintaining the occupational
license issued by the commission.

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1 Sec. 22. Section 99D.25, subsection 9, Code 2003,
2 is amended to read as follows:

3 9. The commission shall conduct random tests of
4 bodily substances of horses entered to race each day
5 of a race meeting to aid in the detection of any
6 unlawful drugging. The tests ~~shall~~ may be conducted
7 both prior to and after a race. The commission shall
8 also test any horse that breaks down during a race and
9 shall perform an autopsy on any horse that is killed
10 or subsequently destroyed as a result of an accident
11 during a race.

12 Sec. 23. Section 99D.25A, subsections 3 through 7,
13 Code 2003, are amended to read as follows:

14 3. If a horse is to race with phenylbutazone in
15 its system, the trainer, or trainer's designee, shall
16 be responsible for marking the information on the
17 entry blank for each race in which the horse shall use
18 phenylbutazone. Changes made after the time of entry
19 must be submitted on the prescribed form to the
20 commission veterinarian no later than scratch time.

21 4. If a test detects concentrations of
22 phenylbutazone in the system of a horse in excess of
23 the level permitted in this section, the commission
24 shall assess a civil penalty against the trainer of at
25 least two hundred dollars for the first offense and at
26 least five hundred dollars for a second offense. The
27 penalty for a third or subsequent offense shall be in
28 the discretion of the commission. A penalty assessed
29 under this subsection shall not affect the placing of
30 the horse in the race.

31 5. ~~Lasix~~ Furosemide may be administered to
32 certified bleeders. Upon request, any horse placed on
33 the bleeder list shall, in its next race, be permitted
34 the use of ~~lasix~~ furosemide. Once a horse has raced
35 with ~~lasix~~ furosemide, it must continue to race with
36 ~~lasix~~ furosemide in all subsequent races unless a
37 request is made to discontinue the use. If the use of
38 ~~lasix~~ furosemide is discontinued, the horse shall be
39 prohibited from again racing with ~~lasix~~ furosemide
40 unless it is later observed to be bleeding. Requests
41 for the use of or discontinuance of ~~lasix~~ furosemide
42 must be made to the commission veterinarian by the
43 horse's trainer or assistant trainer on a form
44 prescribed by the commission on or before the day of
45 entry into the race for which the request is made.

46 6. Once a horse has been permitted the use of
47 ~~lasix~~ furosemide, the horse must be treated with ~~lasix~~
48 furosemide in the horse's stall, unless the commission
49 provides that a horse must be brought to the detention
50 barn for treatment. After the ~~lasix~~ furosemide

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1 treatment, the commission, by rule, may authorize the
2 release of the horse from the horse's stall or
3 detention barn before the scheduled post time. If a
4 horse is brought to the detention barn late, the
5 commission shall assess a civil penalty of one hundred
6 dollars against the trainer.

7 7. A horse entered to race with ~~lasix~~ furosemide
8 must be treated at least four hours prior to post
9 time. The ~~lasix~~ furosemide shall be administered
10 intravenously by a veterinarian employed by the owner
11 or trainer of the horse. The commission shall adopt
12 rules to ensure that ~~lasix~~ furosemide is administered
13 as provided in this section. The commission shall
14 require that the practicing veterinarian deliver an
15 affidavit signed by the veterinarian which certifies
16 information regarding the treatment of the horse. The
17 affidavit must be delivered to a commission
18 veterinarian within twenty minutes following the
19 treatment. The statement must at least include the
20 name of the practicing veterinarian, the tattoo number
21 of the horse, the location of the barn and stall where
22 the treatment occurred, the race number of the horse,
23 the name of the trainer, and the time that the ~~lasix~~
24 furosemide was administered. ~~Lasix~~ Furosemide shall
25 only be administered in a dose level of two hundred
26 fifty milligrams.

27 Sec. 24. Section 99F.1, Code Supplement 2003, is
28 amended by adding the following new subsection:
29 NEW SUBSECTION. 7A. "Excursion boat" means a
30 self-propelled, floating vessel that is or has been
31 previously certified by the United States coast guard
32 for operation as a vessel.

33 Sec. 25. Section 99F.1, subsection 8, Code
34 Supplement 2003, is amended to read as follows:
35 8. "Excursion gambling boat" means ~~a self-~~
36 ~~propelled an~~ excursion boat or moored barge on which
37 lawful gambling is authorized and licensed as provided
38 in this chapter.

39 Sec. 26. Section 99F.1, subsection 10, Code
40 Supplement 2003, is amended to read as follows:
41 10. "Gambling game" means any game of chance
42 authorized by the commission. However, for racetrack
43 enclosures, "gambling game" does not include table
44 games of chance or video machines which simulate table
45 games of chance, unless otherwise authorized by this
46 chapter. "Gambling game" does not include sports
47 betting.

48 Sec. 27. Section 99F.1, Code Supplement 2003, is
49 amended by adding the following new subsection:
50 NEW SUBSECTION. 10A. "Gaming floor" means that

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1 portion of an excursion gambling boat or racetrack
2 enclosure in which gambling games are conducted as
3 designated by the commission.

4 Sec. 28. Section 99F.1, subsection 12, Code
5 Supplement 2003, is amended to read as follows:

6 12. "Holder of occupational license" means a
7 person licensed by the commission to perform an
8 occupation which the commission has identified as
9 requiring a license to engage in the excursion
10 ~~gambling~~ boat ~~gambling industry~~ in Iowa.

11 Sec. 29. Section 99F.1, Code Supplement 2003, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 14A. "Moored barge" means a
14 floating barge or vessel that is not self-propelled.

15 Sec. 30. Section 99F.1, subsection 16, Code
16 Supplement 2003, is amended to read as follows:

17 16. "Racetrack enclosure" means all real property
18 utilized for the conduct of a race meeting, including
19 the racetrack, grandstand, clubhouse, turf club, or
20 other areas of a licensed racetrack which an
21 individual may enter only upon payment of an admission
22 fee, or upon payment by another, at any time, based
23 upon the individual's admittance, or upon presentation
24 of authorized credentials. "Racetrack enclosure" also
25 means concession stands, offices, barns, kennels and
26 barn areas, employee housing facilities, parking lots,
27 and any additional areas designated by the commission.

28 Sec. 31. Section 99F.4, subsection 2, Code 2003,
29 is amended to read as follows:

30 2. To license qualified sponsoring organizations,
31 to license the operators of excursion gambling boats,
32 to identify occupations within the excursion gambling
33 boat operations which require licensing, and to adopt
34 standards for licensing the occupations including
35 establishing fees for the occupational licenses and
36 licenses for qualified sponsoring organizations. The
37 fees shall be paid to the commission and deposited in
38 the general fund of the state. All revenue received
39 by the commission under this chapter from license fees
40 and ~~admission regulatory~~ fees shall be deposited in
41 the general fund of the state and shall be subject to
42 the requirements of section 8.60.

43 Sec. 32. Section 99F.4, subsection 6, Code 2003,
44 is amended to read as follows:

45 6. To investigate alleged violations of this
46 chapter or the commission rules, orders, or final
47 decisions and to take appropriate disciplinary action
48 against a licensee or a holder of an occupational
49 license for a violation, or institute appropriate
50 legal action for enforcement, or both. Information

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gathered during an investigation is confidential
during the pendency of the investigation.

Sec. 33. Section 99F.4, subsection 18, Code 2003,
is amended to read as follows:

18. To provide for the continuous videotaping of
all gambling activities on an excursion gambling boat.
The videotaping shall be performed under guidelines
set by rule of the division of criminal investigation
and the rules may require that all or part of the
original tapes be submitted to the division on a
timely schedule.

Sec. 34. Section 99F.4, subsection 20, Code 2003,
is amended by striking the subsection.

Sec. 35. Section 99F.4, Code 2003, is amended by
adding the following new subsections:

NEW SUBSECTION. 23. To require licensees to
establish a process to allow a person to be
voluntarily excluded for life from an excursion
gambling boat and all other licensed facilities under
this chapter and chapter 99D. The process established
shall require that a licensee disseminate information
regarding persons voluntarily excluded to all
licensees under this chapter and chapter 99D. The
state and any licensee under this chapter or chapter
99D shall not be liable to any person for any claim
which may arise from this process. In addition to any
other penalty provided by law, any money or thing of
value that has been obtained by, or is owed to, a
voluntarily excluded person by a licensee as a result
of wagers made by the person after the person has been
voluntarily excluded shall not be paid to the person
but shall be deposited into the gambling treatment
fund created in section 135.150.

NEW SUBSECTION. 24. To approve a licensee's
application to operate as a moored barge, an excursion
boat that will cruise, or an excursion boat that will
not cruise, as submitted pursuant to section 99F.7.

NEW SUBSECTION. 25. To conduct a socioeconomic
study on the impact of gambling on Iowans, every eight
years beginning in calendar year 2008, and issue a
report on that study. The commission shall ensure
that the results of each study are readily accessible
to the public.

Sec. 36. Section 99F.4A, subsection 4, Code 2003,
is amended to read as follows:

4. The regulatory fee imposed in section 99D.14,
subsection 2, shall be collected for admission to from
a licensee of a racetrack enclosure where gambling
games are licensed to operate in lieu of the admission
regulatory fee imposed in section 99F.10.

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Sec. 37. Section 99F.4A, subsection 8, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

8. The commission shall, upon application of a licensee of a pari-mutuel dog or horse racetrack licensed to conduct gambling games at a pari-mutuel racetrack enclosure, issue a license to the licensee to conduct table games of chance, including video machines that simulate table games of chance, at the pari-mutuel racetrack enclosure subject to the requirements of this subsection. The licensee shall be granted a table games license by the commission without conducting a separate referendum authorizing table games upon a determination by the commission that granting the license is economically viable.

Sec. 38. NEW SECTION. 99F.4D COUNTY DISTRIBUTION OF REVENUES.

If a county receives a portion of revenues from gambling games from a licensee of a racetrack enclosure that conducts gambling games, the county, subject to any agreement in existence as of the effective date of this section of this Act, shall distribute to cities in the county an amount equal to ten percent of the payments to be made each fiscal year to the owner of the facility by the lessee of the facility, to be distributed to the cities based upon the proportion of the total actual value of all tax-exempt property in the county which is located within cities in the county. The distribution to each city in the county shall be determined by the county assessor by multiplying the total amount to be paid by the owner of the facility to all cities in the county by the percentage of the actual value of tax-exempt property located in each city as a proportion of the total actual value of all tax-exempt property located in all cities in the county.

Sec. 39. Section 99F.5, subsection 1, Code 2003, is amended to read as follows:

1. A qualified sponsoring organization may apply to the commission for a license to conduct gambling games on an excursion gambling boat as provided in this chapter. A person may apply to the commission for a license to operate an excursion gambling boat. An operating agreement entered into on or after the effective date of this section of this Act between a qualified sponsoring organization and an operator shall provide for a minimum distribution by the qualified sponsoring organization for educational, civic, public, charitable, patriotic, or religious uses as defined in section 99B.7, subsection 3.

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1 paragraph "b", that averages at least three percent of
2 the adjusted gross receipts for each license year.
3 The application shall be filed with the administrator
4 of the commission at least ninety days before the
5 first day of the next excursion season as determined
6 by the commission, shall identify the excursion
7 gambling boat upon which gambling games will be
8 authorized, shall specify the exact location where the
9 excursion gambling boat will be docked, and shall be
10 in a form and contain information as the commission
11 prescribes. The minimum passenger capacity of an
12 excursion gambling boat is two hundred fifty persons.
13 Sec. 40. Section 99F.6, subsection 4, paragraph a,
14 Code Supplement 2003, is amended to read as follows:
15 a. Before a license is granted, the division of
16 criminal investigation of the department of public
17 safety shall conduct a thorough background
18 investigation of the applicant for a license to
19 operate a gambling game operation on an excursion
20 gambling boat. The applicant shall provide
21 information on a form as required by the division of
22 criminal investigation. A qualified sponsoring
23 organization licensed to operate gambling games under
24 this chapter shall distribute the receipts of all
25 gambling games, less reasonable expenses, charges,
26 taxes, fees, and deductions allowed under this
27 chapter, as winnings to players or participants or
28 shall distribute the receipts for educational, civic,
29 public, charitable, patriotic, or religious uses as
30 defined in section 99B.7, subsection 3, paragraph "b".
31 However, a licensee to conduct gambling games under
32 this chapter shall, unless an operating agreement for
33 an excursion gambling boat otherwise provides,
34 distribute at least three percent of the adjusted
35 gross receipts for each license year for educational,
36 civic, public, charitable, patriotic, or religious
37 uses as defined in section 99B.7, subsection 3,
38 paragraph "b". However, if a licensee who is also
39 licensed to conduct pari-mutuel wagering at a horse
40 racetrack has unpaid debt from the pari-mutuel
41 racetrack operations, the first receipts of the
42 gambling games operated within the racetrack enclosure
43 less reasonable operating expenses, taxes, and fees
44 allowed under this chapter shall be first used to pay
45 the annual indebtedness. The commission shall
46 authorize, subject to the debt payments for horse
47 racetracks and the provisions of paragraph "b" for dog
48 racetracks, a licensee who is also licensed to conduct
49 pari-mutuel dog or horse racing to use receipts from
50 gambling games within the racetrack enclosure to

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1 supplement purses for races particularly for Iowa-bred
2 horses pursuant to an agreement which shall be
3 negotiated between the licensee and representatives of
4 the dog or horse owners. For each agreement
5 concerning purses for horse racing beginning on or
6 after January 1, 2006, and ending before January 1,
7 2013, the agreement shall provide that total annual
8 purses for horse racing at every racetrack enclosure
9 within Polk county shall be no less than eleven
10 percent of the first one hundred ninety-five million
11 dollars of net receipts, and six percent of net
12 receipts above one hundred ninety-five million
13 dollars. In addition, each agreement concerning
14 purses for horse racing covering any time period
15 within the time period beginning January 1, 2006, and
16 ending December 31, 2020, shall provide that no less
17 than twenty percent of total annual purses for horse
18 racing shall be used to supplement purses for Iowa-
19 foaled and registered horses and that the total annual
20 purses for each horse breed that races shall be the
21 greater of the total annual purse for that breed for
22 calendar year 2005 or sixteen percent of the total
23 annual purses for horse racing. A qualified
24 sponsoring organization shall not make a contribution
25 to a candidate, political committee, candidate's
26 committee, state statutory political committee, county
27 statutory political committee, national political
28 party, or fund-raising event as these terms are
29 defined in section 68A.102. The membership of the
30 board of directors of a qualified sponsoring
31 organization shall represent a broad interest of the
32 communities. For purposes of this paragraph, "net
33 receipts" means the annual adjusted gross receipts
34 from all gambling games less the annual amount of
35 money pledged by the owner of the facility to fund a
36 project approved to receive vision Iowa funds as of
37 July 1, 2004, and less an amount equal to ten percent
38 of the payments to be made each fiscal year to the
39 owner of the facility by the lessee of the facility,
40 and less ten million dollars.

41 Sec. 41. Section 99F.7, subsection 1, Code 2003,
42 is amended to read as follows:

43 1. If the commission is satisfied that this
44 chapter and its rules adopted under this chapter
45 applicable to licensees have been or will be complied
46 with, the commission shall issue a license for a
47 period of not more than three years to an applicant to
48 own a gambling game operation and to an applicant to
49 operate an excursion gambling boat. However, the
50 commission shall not issue more than five additional

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1 licenses to conduct gambling games under this chapter
2 in addition to the number of licenses issued as of
3 January 1, 2004, and such licenses shall only be
4 issued for a facility to be located in a county in
5 which no other licenses under this chapter have been
6 granted and to be located more than fifty miles from a
7 facility to which a license to conduct gambling games
8 has been granted under this chapter. The commission
9 shall decide which of the gambling games authorized
10 under this chapter ~~is~~ the commission will permit. The
11 commission shall decide the number, location, and type
12 of excursion gambling boats licensed under this
13 chapter for operation on the rivers, lakes, and
14 reservoirs of this state. An excursion gambling boat
15 may be located or operated on a natural or man-made
16 lake or reservoir if the lake or reservoir is of
17 sufficient size to accommodate recreational activity.
18 An excursion gambling boat may also be located on a
19 body of water adjacent to a river, provided it is
20 located no more than one thousand feet from the
21 closest edge of the river, as established by the
22 commission in consultation with the United States army
23 corps of engineers, the department of natural
24 resources, or other appropriate regulatory agency.
25 The license shall set forth, as applicable, the name
26 of the licensee, the type of license granted, the
27 place where the excursion gambling boats will operate
28 and dock, and the time and number of days during the
29 excursion season and the off season when gambling may
30 be conducted by the licensee. ~~The~~
31 1A. An applicant for a license to conduct gambling
32 games on an excursion gambling boat, and each licensee
33 by June 30 of each year thereafter, shall indicate and
34 have noted on the license whether the applicant or
35 licensee will operate a moored barge, an excursion
36 boat that will cruise, or an excursion boat that will
37 not cruise. However, an applicant or licensee shall
38 not be authorized to operate a moored barge or an
39 excursion boat that will not cruise unless all other
40 licensees that are located in the same county have
41 agreed in writing to such authorization. If the
42 applicant or licensee will operate a moored barge or
43 an excursion boat that will not cruise, the
44 requirements of this chapter concerning cruising shall
45 not apply. If the applicant's or licensee's excursion
46 boat will cruise, the applicant or licensee shall
47 comply with the cruising requirements of this chapter
48 and the commission shall not allow such a licensee to
49 conduct gambling games on an excursion gambling boat
50 while docked during the off season if the licensee

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1 does not operate gambling excursions for a minimum
2 number of days during the excursion season. The
3 commission may delay the commencement of the excursion
4 season at the request of a licensee.

5 Sec. 42. Section 99F.7, subsection 3, Code 2003,
6 is amended to read as follows:

7 3. The commission shall require, as a condition of
8 granting a license, that an applicant to operate an
9 excursion gambling boat develop, and as nearly as
10 practicable, recreate boats or moored barges that
11 resemble Iowa's riverboat history.

12 Sec. 43. Section 99F.7, subsection 4, Code 2003,
13 is amended to read as follows:

14 4. The commission shall require that an applicant
15 utilize Iowa resources, goods and services in the
16 operation of an excursion gambling boat. The
17 commission shall develop standards to assure that a
18 substantial amount of all resources and goods used in
19 the operation of an excursion gambling boat ~~come~~
20 emanate from and are made in Iowa and that a
21 substantial amount of all services and entertainment
22 ~~be~~ are provided by Iowans.

23 Sec. 44. Section 99F.7, subsection 5, paragraph b,
24 Code 2003, is amended by striking the paragraph.

25 Sec. 45. Section 99F.7, subsection 6, Code 2003,
26 is amended to read as follows:

27 6. It is the intent of the general assembly that
28 employees be paid at least twenty-five percent above
29 the federal minimum wage level. However, full-time
30 employees at a facility of a licensee issued a license
31 on or after July 1, 2004, shall be paid wages no less
32 than one hundred percent of the average regional wage
33 where the facility is located, as determined by the
34 department of economic development.

35 Sec. 46. Section 99F.7, subsection 9, Code 2003,
36 is amended to read as follows:

37 9. a. A licensee shall not loan to any person
38 money or any other thing of value for the purpose of
39 permitting that person to wager on any game of chance.

40 b. A licensee shall not permit a financial
41 institution, vendor, or other person to dispense cash
42 or credit through an electronic or mechanical device
43 including but not limited to a satellite terminal, as
44 defined in section 527.2, that is located on the
45 gaming floor.

46 c. A licensee shall ensure that a person may
47 voluntarily bar the person's access to receive cash or
48 credit from a financial institution, vendor, or other
49 person through an electronic or mechanical device
50 including but not limited to a satellite terminal as

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1 defined in section 527.2 that is located on the
2 licensed premises.

3 Sec. 47. Section 99F.7, subsection 10, paragraph
4 e, Code 2003, is amended to read as follows:
5 e. After a referendum has been held which defeated
6 a proposal to conduct gambling games on excursion
7 gambling boats or which defeated a proposal to conduct
8 gambling games at a licensed pari-mutuel racetrack
9 enclosure as provided in this section, another
10 referendum on a proposal to conduct gambling games on
11 an excursion gambling boat or at a licensed pari-
12 mutuel racetrack shall not be held for at least ~~two~~
13 eight years.

14 Sec. 48. Section 99F.7, Code 2003, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 14A. A license shall not be
17 granted to a qualifying sponsoring organization unless
18 the qualified sponsoring organization adopts bylaws,
19 which shall be filed with the commission, establishing
20 conflicts-of-interest provisions governing the
21 qualified sponsoring organization substantially
22 similar to section 68B.2A. A license shall also not
23 be granted to a qualified sponsoring organization if
24 substantial evidence exists that the officers and
25 members of the board of directors of the qualified
26 sponsoring organization have not complied with the
27 conflicts-of-interest provisions adopted by the
28 qualified sponsoring organization.

29 Sec. 49. Section 99F.9, subsection 5, Code 2003,
30 is amended to read as follows:

31 5. A person under the age of twenty-one years
32 shall not make or attempt to make a wager on an
33 excursion gambling boat or in a racetrack enclosure
34 and shall not be allowed in the area on the gaming
35 floor of the an excursion gambling boat where gambling
36 is being conducted or of a racetrack enclosure.

37 However, a person eighteen years of age or older may
38 be employed to work in a gambling area on the gaming
39 floor of an excursion gambling boat or a racetrack
40 enclosure. A person who violates this subsection with
41 respect to making or attempting to make a wager
42 commits a scheduled violation under section 805.8C,
43 subsection 4.

44 Sec. 50. Section 99F.10, Code 2003, is amended to
45 read as follows:

46 99F.10 ADMISSION REGULATORY FEE – TAX – LOCAL
47 FEES.

48 1. A qualified sponsoring organization conducting
49 gambling games on an excursion gambling boat licensed
50 under section 99F.7 shall pay the tax imposed by

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section 99F.11.

2. An excursion gambling boat licensee shall pay to the commission ~~an admission~~ a regulatory fee for each person embarking on an excursion gambling boat with a ticket of admission to be charged as provided in this section. ~~The admission fee shall be set by the commission.~~

a. If tickets are issued which are good for more than one excursion, the admission fee shall be paid for each person using the ticket on each excursion that the ticket is used.

b. If free passes or complimentary admission tickets are issued, the licensee shall pay the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate.

c. However, the excursion boat licensee may issue fee free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat.

d. ~~The issuance of fee free passes is subject to the rules of the commission, and a list of all persons to whom the fee free passes are issued shall be filed with the commission.~~

3. ~~In addition to the admission fee charged under subsection 2 and subject~~ Subject to approval of excursion gambling boat docking by the voters, a city may adopt, by ordinance, an admission fee not exceeding fifty cents for each person embarking on an excursion gambling boat docked within the city or a county may adopt, by ordinance, an admission fee not exceeding fifty cents for each person embarking on an excursion gambling boat docked outside the boundaries of a city. The admission revenue received by a city or a county shall be credited to the city general fund or county general fund as applicable.

4. In determining the license fees and state ~~admission~~ regulatory fees to be charged as provided under section 99F.4 and this section, the commission shall use the amount appropriated to the commission plus the cost of salaries for no more than two special agents and no more than four gaming enforcement officers for each excursion gambling boat, plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat activities ~~and an amount for all licensees, not to exceed one hundred twenty five thousand dollars, representing other associated costs of the division,~~ as the basis for determining the amount of revenue to be raised from the license fees

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1 and ~~admission regulatory fees. The division's salary~~
2 ~~costs shall be limited to eighty percent of the salary~~
3 ~~costs for special agents and eighty percent of the~~
4 ~~salary costs for gaming enforcement for personnel~~
5 ~~assigned to excursion gambling boats who enforce laws~~
6 ~~and rules adopted by the commission.~~

7 5. No other license tax, permit tax, occupation
8 tax, excursion fee, or taxes on fees shall be levied,
9 assessed, or collected from a licensee by the state or
10 by a political subdivision, except as provided in this
11 chapter.

12 6. No other excise tax shall be levied, assessed,
13 or collected from the licensee relating to gambling
14 excursions or admission charges by the state or by a
15 political subdivision, except as provided in this
16 chapter.

17 7. In addition to any other fees required by this
18 chapter, a person awarded a new license to conduct
19 gambling games pursuant to section 99F.7 on or after
20 January 1, 2004, shall pay an initial license fee of
21 ten million dollars to the commission which license
22 fee may be offset by the licensee against taxes
23 imposed on the licensee by section 99F.11, to the
24 extent of twenty percent of the licensee fee paid
25 pursuant to this subsection for each of the five years
26 following the year in which the initial license fee
27 was paid. If the commission determines, pursuant to
28 rules adopted by the commission, that insufficient
29 progress has been made by the licensee in constructing
30 a facility, the licensee shall either pay an annual
31 renewal fee of ten million dollars until sufficient
32 progress has been made or forfeit the license.
33 However, the license fee provided for in this
34 subsection shall not apply when a licensed facility is
35 sold and a new license is issued to the purchaser.
36 Fees paid pursuant to this subsection are not
37 refundable to the licensee.

38 Sec. 51. Section 99F.11, Code Supplement 2003, is
39 amended to read as follows:

40 99F.11 WAGERING TAX – RATE – ALLOCATIONS.

41 1. A tax is imposed on the adjusted gross receipts
42 received annually each fiscal year from gambling games
43 authorized under this chapter at the rate of five
44 percent on the first one million dollars of adjusted
45 gross receipts, and at the rate of ten percent on the
46 next two million dollars of adjusted gross receipts,
47 and at the rate of twenty percent

48 2. The tax rate imposed each fiscal year on any
49 amount of adjusted gross receipts over three million
50 dollars. However, beginning January 1, 1997, the rate

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~~on any amount of adjusted gross receipts over three million dollars from gambling games at racetrack enclosures is twenty-two percent and shall increase by two percent each succeeding calendar year until the rate is thirty-six percent.~~ shall be as follows:

a. On the next fifteen million dollars of adjusted gross receipts, twenty-one percent.

b. On the next fifteen million dollars of adjusted gross receipts, twenty-two percent.

c. On the next fifteen million dollars of adjusted gross receipts, twenty-three percent.

d. On the next fifteen million dollars of adjusted gross receipts, twenty-four percent.

e. On any amount of adjusted gross receipts over sixty-three million dollars, twenty-five percent.

3. The taxes imposed by this section shall be paid by the licensee to the treasurer of state within ten days after the close of the day when the wagers were made and shall be distributed as follows:

~~4.~~ a. If the gambling excursion originated at a dock located in a city, one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the city in which the dock is located and shall be deposited in the general fund of the city. Another one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the county in which the dock is located and shall be deposited in the general fund of the county.

~~2.~~ b. If the gambling excursion originated at a dock located in a part of the county outside a city, one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the county in which the dock is located and shall be deposited in the general fund of the county. Another one-half of one percent of the adjusted gross receipts shall be remitted to the treasurer of the Iowa city nearest to where the dock is located and shall be deposited in the general fund of the city.

~~3.~~ c. ~~Three tenths~~ One-half of one percent of the adjusted gross receipts shall be deposited in the gambling treatment fund ~~specified in section 99G.39, subsection 1, paragraph "a" created in section 135.150.~~

d. One-half of one percent of the adjusted gross receipts shall be deposited in the county endowment fund created in section 15E.311.

~~4.~~ e. The remaining amount of the adjusted gross receipts tax shall be credited to the general fund of the state.

Sec. 52. Section 99F.12, Code 2003, is amended to

Page 22

read as follows:

99F.12 LICENSEES – RECORDS – REPORTS –
SUPERVISION.

1. A licensee shall keep its books and records so
as to clearly show all of the following:

~~1. a. The total number of admissions to gambling
excursions conducted by the licensee on each day,
including the number of admissions upon free passes or
complimentary tickets for each day of operation.~~

~~2. b. The amount received daily from admission
fees.~~

~~3. The total amount of money wagered during each
excursion day and the adjusted gross receipts for the
each day of operation.~~

2. The licensee shall furnish to the commission
reports and information as the commission may require
with respect to its activities. The gross receipts
and adjusted gross receipts from gambling shall be
separately handled and accounted for from all other
moneys received from operation of an excursion
gambling boat. The commission may designate a
representative to board a licensed excursion gambling
boat, who shall have full access to all places within
the enclosure of the boat, who shall directly
supervise the handling and accounting of all gross
receipts and adjusted gross receipts from gambling,
and who shall supervise and check the admissions. The
compensation of a representative shall be fixed by the
commission but shall be paid by the licensee.

3. The books and records kept by a licensee as
provided by this section are public records and the
examination, publication, and dissemination of the
books and records are governed by the provisions of
chapter 22.

Sec. 53. Section 99F.17, subsections 5 and 6, Code
2003, are amended to read as follows:

5. The manufacturer or distributor of gambling
games or implements of gambling shall provide the
commission with ~~a copy of the invoice~~ written notice
showing the items shipped to the licensee ~~and a copy
of the bill of lading.~~

6. Subsection 2 does not apply in the following
cases, if approved by the commission:

a. Gambling games or implements of gambling
previously installed ~~on an excursion gambling boat in~~
a gambling location licensed in another jurisdiction.

b. Gambling games or implements of gambling
previously installed ~~on an excursion gambling boat in~~
a gambling location licensed in this state.

Sec. 54. Section 99G.39, subsection 1, paragraph

Page 23

1 a, Code Supplement 2003, is amended to read as
2 follows:

3 a. An amount equal to ~~three tenths~~ one-half of one
4 percent of the gross lottery revenue for the year
5 shall be deposited in ~~a~~ the gambling treatment fund ~~in~~
6 ~~the office of the treasurer of state created in~~
7 section 135.150.

8 Sec. 55. NEW SECTION. 135.150 GAMBLING TREATMENT
9 FUND.

10 1. A gambling treatment fund is created in the
11 state treasury under the control of the department.
12 The fund consists of all moneys appropriated to the
13 fund. However, if moneys appropriated to the fund in
14 a fiscal year exceed six million dollars, the amount
15 exceeding six million dollars shall be transferred to
16 the general fund of the state. Moneys in the fund are
17 appropriated to the department for the purposes
18 described in this section.

19 2. Moneys appropriated to the department under
20 this section shall be for the purpose of operating a
21 gambling treatment program and shall be used for
22 funding of administrative costs and to provide
23 programs which may include, but are not limited to,
24 outpatient and follow-up treatment for persons
25 affected by problem gambling, rehabilitation and
26 residential treatment programs, information and
27 referral services, information on the availability of
28 mental health coverage as provided by section 514C.21,
29 crisis call access, education and preventive services,
30 and financial management and credit counseling
31 services.

32 3. Notwithstanding section 12C.7, subsection 2,
33 interest or earnings on moneys deposited in the
34 gambling treatment fund shall be credited to the
35 gambling treatment fund. Notwithstanding section
36 8.33, moneys credited to the gambling treatment fund
37 shall not revert to the fund from which appropriated
38 at the close of a fiscal year.

39 4. The department shall report semiannually to the
40 legislative government oversight committees regarding
41 the operation of the gambling treatment fund and
42 program. The report shall include, but is not limited
43 to, information on revenues and expenses related to
44 the fund for the previous period, fund balances for
45 the period, and moneys expended and grants awarded for
46 operation of the gambling treatment program.

47 Sec. 56. Section 421.17, Code Supplement 2003, is
48 amended by adding the following new subsection:

49 NEW SUBSECTION. 28. To administer the county
50 endowment fund created in section 15E.311.

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Sec. 57. NEW SECTION. 514C.21 MANDATED COVERAGE
FOR MENTAL HEALTH CONDITIONS.

1. For purposes of this section, unless the context otherwise requires:

a. "Mental health condition" means a condition or disorder involving mental illness, gambling addiction, or alcohol or substance abuse, including those that fall under any of the diagnostic categories listed in the mental disorders section of the international classification of disease, as periodically revised.

b. "Rates, terms, and conditions" means any lifetime payment limits, deductibles, copayments, coinsurance, and any other cost-sharing requirements, out-of-pocket limits, visit limitations, and any other financial component of benefits coverage that affects the covered individual.

2. a. Notwithstanding section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for mental health conditions based on rates, terms, and conditions which are no more restrictive than the rates, terms, and conditions for coverage benefits provided for other health or medical conditions under the policy or contract. Additionally, any rates, terms, and conditions involving deductibles, copayments, coinsurance, and any other cost-sharing requirements shall be cumulative for coverage of both mental health conditions and other health or medical conditions under the policy or contract.

b. Coverage required under this subsection shall be as follows:

(1) For the treatment of mental illness, coverage shall be for services provided by a licensed mental health professional, or services provided in a licensed hospital or health facility.

(2) For the treatment of alcohol or substance abuse, coverage shall be for services provided by a substance abuse counselor, as approved by the department of human services, a licensed health facility providing a program for the treatment of alcohol or substance abuse approved by the department of human services, or a substance abuse treatment and rehabilitation facility, as licensed by the department of public health pursuant to chapter 125.

3. This section applies to the following classes of third-party payment provider contracts or policies delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2005:

a. Individual or group accident and sickness

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1 insurance providing coverage on an expense-incurred
2 basis.

3 b. An individual or group hospital or medical
4 service contract issued pursuant to chapter 509, 514,
5 or 514A.

6 c. A plan established pursuant to chapter 509A for
7 public employees.

8 d. An individual or group health maintenance
9 organization contract regulated under chapter 514B.

10 e. An individual or group Medicare supplemental
11 policy, unless coverage pursuant to such policy is
12 preempted by federal law.

13 f. Any other entity engaged in the business of
14 insurance, risk transfer, or risk retention, which is
15 subject to the jurisdiction of the commissioner.

16 g. An organized delivery system licensed by the
17 director of public health.

18 4. The commissioner shall adopt rules to
19 administer this section after consultation with the
20 mental health insurance advisory committee.

21 a. The commissioner shall appoint members to a
22 mental health insurance advisory committee. Members
23 shall include all sectors of society impacted by
24 issues associated with coverage of mental health
25 treatment by third-party payors including, but not
26 limited to, representatives of the insurance industry,
27 small and large employers, employee representatives
28 including labor, individual consumers, health care
29 providers, and other groups and individuals that may
30 be identified by the insurance division of the
31 department of commerce.

32 b. The committee shall meet upon the request of
33 the commissioner to review rules proposed under this
34 section by the commissioner, and to make suggestions
35 as appropriate.

36 Sec. 58. NEW SECTION. 725.19 GAMBLING BY MINORS.

37 1. Any person under the age of twenty-one years
38 shall not make or attempt to make a gambling wager,
39 except as permitted under chapter 99B. A person who
40 violates this subsection commits a scheduled violation
41 under section 805.8C, subsection 4.

42 2. A person who knowingly permits a person under
43 the age of twenty-one years to make or attempt to make
44 a gambling wager, except as permitted under chapter
45 99B, is guilty of a simple misdemeanor.

46 Sec. 59. Section 805.8C, Code 2003, is amended by
47 adding the following new subsection:

48 NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For
49 violations of legal age for gambling wagering under
50 section 99D.11, subsection 7, section 99F.9,

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subsection 5, and section 725.19, subsection 1, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

Sec. 60. Sections 99D.14A and 99F.10A, Code 2003, are repealed.

Sec. 61. SOCIOECONOMIC STUDY OF GAMBLING.

1. The legislative council shall commission a study by an independent entity to study the socioeconomic impact of gambling on Iowans. The legislative council is authorized to expend up to one hundred thousand dollars to complete the study. The legislative council shall make the report available by July 1, 2005.

2. The study shall be an empirical study and include, but not be limited to, the following matters:

a. The economic impact of gambling on communities and other businesses.

b. The impact of gambling, if any, on family finances and family relations in general.

c. Demographic information on gamblers.

d. An assessment of the impact, if any, of pathological or problem gambling on individuals, families, social institutions, criminal activity, and the economy.

e. Other relevant issues to fully examine the socioeconomic impact of gambling.

Sec. 62. TRANSITION PROVISIONS – EXCURSION GAMBLING BOAT CRUISING. A licensee authorized to conduct gambling games on an excursion gambling boat pursuant to chapter 99F as of January 1, 2004, shall, no later than June 1, 2004, notify the racing and gaming commission in writing if the licensee intends to operate a moored barge, an excursion boat that will cruise, or an excursion boat that will not cruise. However, a licensee shall not be authorized to notify the commission that it intends to operate a moored barge or an excursion boat that will not cruise unless all other licensees that are located in the same county have agreed in writing to such authorization. The racing and gaming commission shall make the election of each licensee under this section public by June 7, 2004. A licensee who initially elects to operate a moored barge or an excursion boat that will not cruise may, no later than June 30, 2004, change its election and elect to operate an excursion boat that will cruise.

Sec. 63. EFFECTIVE DATE – RETROACTIVE APPLICABILITY.

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- 1 1. The section of this Act amending section 99D.6
2 takes effect April 1, 2004. If this Act is enacted
3 after April 1, 2004, the section of this Act amending
4 section 99D.6, being deemed of immediate importance,
5 takes effect upon enactment and is retroactively
6 applicable to April 1, 2004, and is applicable on and
7 after that date.
- 8 2. The section of this Act amending section
9 99D.25, subsection 5, takes effect April 1, 2004. If
10 this Act is enacted after April 1, 2004, the section
11 of this Act amending section 99D.25, subsection 5,
12 being deemed of immediate importance, takes effect
13 upon enactment and is retroactively applicable to
14 April 1, 2004, and is applicable on and after that
15 date.
- 16 3. The section of this Act enacting section
17 99F.4D, being deemed of immediate importance, takes
18 effect upon enactment.
- 19 4. The section of this Act amending section 99F.5,
20 subsection 1, being deemed of immediate importance,
21 takes effect upon enactment.
- 22 5. The section of this Act amending section 99F.7,
23 subsection 10, paragraph "e", takes effect July 1,
24 2004, and is only applicable to referendums held on or
25 after July 1, 2004.
- 26 6. The section of this Act requiring a
27 socioeconomic study of gambling, being deemed of
28 immediate importance, takes effect upon enactment.
- 29 7. The section of this Act establishing transition
30 provisions concerning excursion gambling boat
31 cruising, being deemed of immediate importance, takes
32 effect upon enactment."
- 33 ____. Title page, line 5, by striking the words
34 "membership and".
- 35 ____. Title page, line 6, by inserting after the
36 word "gambling" the following: "and mental health
37 treatment, gambling".

JOCHUM of Dubuque

H-8137

- 1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
- 3 1. Page 18, by striking lines 33 through 41 and
4 inserting the following:
5 "a. On the next fifteen million dollars of
6 adjusted gross receipts, twenty-one percent.
7 b. On the next fifteen million dollars of adjusted
8 gross receipts, twenty-two percent.

- 9 c. On the next fifteen million dollars of adjusted
 10 gross receipts, twenty-three percent.
 11 d. On the next fifteen million dollars of adjusted
 12 gross receipts, twenty-four percent.
 13 e. On any amount of adjusted gross receipts over
 14 sixty-three million dollars, twenty-five percent."

JOCHUM of Dubuque
 HUSER of Polk

H-8138

1 Amend the amendment, H-8072, to House File 2302 as
 2 follows:

3 1. Page 6, lines 1 and 2, by striking the words
 4 "on the licensed premises" and inserting the
 5 following: "in the wagering area.
 6 (3) A licensee shall ensure that a person may
 7 voluntarily bar the person's access to receive cash or
 8 credit from a financial institution, vendor, or other
 9 person through an electronic or mechanical device
 10 including but not limited to a satellite terminal as
 11 defined in section 527.2, that is located on the
 12 licensed premises".

13 2. Page 16, line 15, by striking the words
 14 "licensed premises" and inserting the following:
 15 "gaming floor.

16 c. A licensee shall ensure that a person may
 17 voluntarily bar the person's access to receive cash or
 18 credit from a financial institution, vendor, or other
 19 person through an electronic or mechanical device
 20 including but not limited to a satellite terminal as
 21 defined in section 527.2 that is located on the
 22 licensed premises".

STRUYK of Pottawattamie
 J.K. VAN FOSSEN of Scott

SHOMSHOR of Pottawattamie
 HORBACH of Tama

H-8140

1 Amend the amendment, H-8072, to House File 2302 as
 2 follows:

3 1. Page 12, by inserting after line 21 the
 4 following:

5 "Sec. _____. Section 99F.4A, subsection 2, Code
 6 2003, is amended by striking the subsection."

7 2. Page 16, by inserting after line 15 the
 8 following:

9 "Sec. _____. Section 99F.7, subsection 10, paragraph
 10 c, Code 2003, is amended to read as follows:

11 c. If a licensee of a pari-mutuel racetrack who
 12 held a valid license issued under chapter 99D ~~as of~~

13 ~~January 1, 1994~~, requests a license to operate
14 gambling games as provided in this chapter, the board
15 of supervisors of a county in which the licensee of a
16 pari-mutuel racetrack requests a license to operate
17 gambling games shall submit to the county electorate a
18 proposition to approve or disapprove the operation of
19 gambling games at pari-mutuel racetracks at a special
20 election at the earliest practicable time. If the
21 operation of gambling games at the pari-mutuel
22 racetrack is not approved by a majority of the county
23 electorate voting on the proposition at the election,
24 the commission shall not issue a license to operate
25 gambling games at the racetrack.”
26 3. By renumbering as necessary.

DRAKE of Pottawattamie

H-8141

1 Amend the amendment, H-8099, to House File 2302 as
2 follows:
3 1. By striking page 1, line 1, through page 2,
4 line 16, and inserting the following:
5 “Amend House File 2302 as follows:
6 _____. By striking everything after the enacting
7 clause and inserting the following:
8 “Section 1. NEW SECTION. 99D.9A MORATORIUM.
9 The commission shall not issue a license to conduct
10 pari-mutuel wagering at a racetrack pursuant to this
11 chapter as provided in section 99F.4C.
12 Sec. 2. NEW SECTION. 99F.4C MORATORIUM FOR
13 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
14 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
15 SLOT MACHINES.
16 1. Commencing with the effective date of this
17 section of this Act, the commission shall not issue a
18 license to conduct pari-mutuel wagering at a racetrack
19 pursuant to chapter 99D or to conduct gambling games
20 on an excursion boat or at a pari-mutuel racetrack
21 pursuant to this chapter.
22 2. Commencing with the effective date of this
23 section of this Act, the commission shall not
24 authorize any of the following:
25 a. An increase in the number of gambling games or
26 the number of slot machines on an excursion gambling
27 boat.
28 b. An increase in the number of slot machines at a
29 pari-mutuel racetrack.
30 3. This section does not affect the validity of a
31 license issued by the commission pursuant to chapter
32 99D or this chapter before the effective date of this
33 section of this Act or the authority of the commission

34 to suspend, revoke, transfer, or renew a license
35 issued before the effective date of this section of
36 this Act pursuant to chapter 99D or this chapter.
37 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
38 immediate importance, takes effect upon enactment.”
39 2. Title page, by striking lines 1 through 9 and
40 inserting the following: “An Act imposing a
41 moratorium for issuance of licenses for gambling games
42 and pari-mutuel wagering and providing an effective
43 date.””

FALLON of Polk

H-8142

1 Amend the amendment, H-8101, to House File 2302 as
2 follows:
3 1. By striking page 1, line 1, through page 2,
4 line 17, and inserting the following:
5 “Amend House File 2302 as follows:
6 _____. By striking everything after the enacting
7 clause and inserting the following:
8 “Section 1. NEW SECTION. 99D.9A MORATORIUM.
9 The commission shall not issue a license to conduct
10 pari-mutuel wagering at a racetrack pursuant to this
11 chapter as provided in section 99F.4C.
12 Sec. 2. NEW SECTION. 99F.4C MORATORIUM FOR
13 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
14 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
15 SLOT MACHINES.
16 1. Commencing with the effective date of this
17 section of this Act, the commission shall not issue a
18 license to conduct pari-mutuel wagering at a racetrack
19 pursuant to chapter 99D or to conduct gambling games
20 on an excursion boat or at a pari-mutuel racetrack
21 pursuant to this chapter.
22 2. Commencing with the effective date of this
23 section of this Act, the commission shall not
24 authorize any of the following:
25 a. An increase in the number of gambling games or
26 the number of slot machines on an excursion gambling
27 boat.
28 b. An increase in the number of slot machines at a
29 pari-mutuel racetrack.
30 3. This section does not affect the validity of a
31 license issued by the commission pursuant to chapter
32 99D or this chapter before the effective date of this
33 section of this Act or the authority of the commission
34 to suspend, revoke, transfer, or renew a license
35 issued before the effective date of this section of
36 this Act pursuant to chapter 99D or this chapter.
37 Sec. 3. EFFECTIVE DATE. This Act, being deemed of

38 immediate importance, takes effect upon enactment.”
39 2. Title page, by striking lines 1 through 9 and
40 inserting the following: “An Act imposing a
41 moratorium for issuance of licenses for gambling games
42 and pari-mutuel wagering and providing an effective
43 date.””

FALLON of Polk

H-8143

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:
3 1. By striking page 1, line 1, through page 23,
4 line 31, and inserting the following:
5 “Amend House File 2302 as follows:
6 _____. By striking everything after the enacting
7 clause and inserting the following:
8 “Section 1. NEW SECTION. 99D.9A MORATORIUM.
9 The commission shall not issue a license to conduct
10 pari-mutuel wagering at a racetrack pursuant to this
11 chapter as provided in section 99F.4C.
12 Sec. 2. NEW SECTION. 99F.4C MORATORIUM FOR
13 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
14 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
15 SLOT MACHINES.
16 1. Commencing with the effective date of this
17 section of this Act, the commission shall not issue a
18 license to conduct pari-mutuel wagering at a racetrack
19 pursuant to chapter 99D or to conduct gambling games
20 on an excursion boat or at a pari-mutuel racetrack
21 pursuant to this chapter.
22 2. Commencing with the effective date of this
23 section of this Act, the commission shall not
24 authorize any of the following:
25 a. An increase in the number of gambling games or
26 the number of slot machines on an excursion gambling
27 boat.
28 b. An increase in the number of slot machines at a
29 pari-mutuel racetrack.
30 3. This section does not affect the validity of a
31 license issued by the commission pursuant to chapter
32 99D or this chapter before the effective date of this
33 section of this Act or the authority of the commission
34 to suspend, revoke, transfer, or renew a license
35 issued before the effective date of this section of
36 this Act pursuant to chapter 99D or this chapter.
37 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
38 immediate importance, takes effect upon enactment.”
39 2. Title page, by striking lines 1 through 9 and
40 inserting the following: “An Act imposing a
41 moratorium for issuance of licenses for gambling games

42 and pari-mutuel wagering and providing an effective
43 date.””

FALLON of Polk

H-8145

1 Amend the amendment, H-8072, to House File 2302 as
2 follows:

3 1. Page 18, line 15, by inserting after the
4 figure “99F.11” the following: “, subsection 3”.

5 2. By striking page 18, line 17, through page 19,
6 line 14.

7 3. Page 19, line 15, by striking the figure and
8 letter “~~2~~. c.”, and inserting the following: “3.

9 a.”

10 4. Page 19, line 20, by striking the letter “d”,
11 and inserting the following: “b.”

12 5. Page 19, by striking lines 23 through 25.

13 6. Page 23, line 21, by striking the words “fee
14 assessment, and taxation”, and inserting the
15 following: “and fee assessment”.

16 7. By renumbering as necessary.

CARROLL of Poweshiek

H-8152

1 Amend House File 2294 as follows:

2 1. Page 3, by striking lines 3 and 4, and
3 inserting the following: “owner of a parcel of land
4 access to a public road if any of the”.

5 2. Page 3, by striking lines 9 through 15, and
6 inserting the following:

7 “____. The parcel is otherwise surrounded by land
8 with a topography that makes access unreasonable.”

9 3. Page 3, by inserting after line 17, the
10 following:

11 “____. A person entitled to access as provided in
12 this section may construct a road for automobile
13 traffic from the parcel to the public road. The owner
14 shall be responsible for constructing and maintaining
15 any private road from the parcel to the public road
16 which shall not be more than twenty feet in width
17 unless otherwise agree to by the parties.”

18 4. By relettering and renumbering as necessary.

BOGGESS of Page

H-8159

1 Amend House File 2394 as follows:

- 2 1. Page 1, line 32, by striking the word "two"
3 and inserting the following: "four".

MASCHER of Johnson

H-8164

- 1 Amend House File 2394 as follows:
2 1. Page 2, line 30, by inserting before the word
3 "affidavit" the following: "a notarized".

MASCHER of Johnson

H-8165

- 1 Amend House File 2170 as follows:
2 1. Page 1, line 34, by striking the words "by a"
3 and inserting the following: "by an understandable
4 and clearly visible".
5 2. Page 2, line 3, by inserting after the word
6 "instruct," the following: "When reasonable minds may
7 differ as to whether a warning or instruction is
8 understandable and clearly visible, the issues shall
9 be decided by the trier of fact."
10 3. By renumbering as necessary.

HUSER of Polk

H-8166

- 1 Amend House File 2170 as follows:
2 1. Page 2, by striking lines 11 through 13, and
3 inserting the following: "668.2. shall be compared
4 only if it is shown to be a proximate cause of the
5 enhanced injury. If such fault was a proximate cause
6 of the underlying accident, but not the enhanced
7 injury, the trier of fact may award up to five percent
8 of the damages attributable to the enhanced injury to
9 the state department of transportation for safety belt
10 and safety harness educational programs established
11 under section 321.445, subsection 2."
12 2. By renumbering as necessary.

HUSER of Polk

H-8167

- 1 Amend House File 2170 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 613.18, Code 2003, is amended
5 to read as follows:

6 613.18 LIMITATION ON PRODUCTS LIABILITY OF
7 ~~NONMANUFACTURERS WHOLESALERS, RETAILERS, DISTRIBUTORS,~~
8 ~~AND SELLERS OF PRODUCTS.~~

9 1. A person who is not the assembler, designer, or
10 manufacturer, and who wholesales, retails,
11 distributes, or otherwise sells a product is:
12 a. Immune from any suit based upon strict
13 liability in tort or breach of implied warranty of
14 merchantability which arises solely from an alleged
15 defect in the original design or manufacture of the
16 product but only if the assembler, designer, or
17 manufacturer is either domiciled in the United States
18 or is subject to the jurisdiction of the courts of
19 this state and has not been judicially declared
20 insolvent.

21 b. Not liable for damages based upon strict
22 liability in tort or breach of implied warranty of
23 merchantability for the product upon proof that the
24 assembler, designer, or manufacturer is domiciled in
25 the United States or is subject to the jurisdiction of
26 the courts of this state and has not been judicially
27 declared insolvent.

28 2. A person who is a retailer of a product and who
29 assembles a product, such assembly having no causal
30 relationship to the injury from which the claim
31 arises, is not liable for damages based upon strict
32 liability in tort or breach of implied warranty of
33 merchantability which arises from an alleged defect in
34 the original design or manufacture of the product upon
35 proof that the assembler, designer, or manufacturer is
36 domiciled in the United States or is subject to the
37 jurisdiction of the courts of this state and has not
38 been judicially declared insolvent.

39 3. An action brought pursuant to this section,
40 where the claimant certifies that the assembler,
41 designer, or manufacturer of the product is not yet
42 identifiable, tolls the statute of limitations against
43 such assembler, designer, or manufacturer until such
44 time as discovery in the case has identified the
45 assembler, designer, or manufacturer.

46 4. Any person entitled to immunity or limited
47 liability under this section, who knowingly
48 misrepresents to the public that the product at issue
49 is assembled, designed, or manufactured in the United
50 States shall not be entitled to immunity or limited

Page 2

1 liability."

2 2. By renumbering as necessary.

H-8168

- 1 Amend House File 2170 as follows:
- 2 1. Page 1, line 34, by striking the words "by a"
- 3 and inserting the following: "by an understandable
- 4 and clearly visible".
- 5 2. Page 2, line 3, by inserting after the word
- 6 "instruct." the following: "When reasonable minds may
- 7 differ as to whether a warning or instruction is
- 8 understandable and clearly visible, the issues shall
- 9 be decided by the trier of fact."
- 10 3. Page 2, by striking lines 11 through 13 and
- 11 inserting the following: "668.2, shall be compared
- 12 only if it is shown to be a proximate cause of the
- 13 enhanced injury."
- 14 4. By renumbering as necessary.

HUSER of Polk

H-8169

- 1 Amend House File 2380 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and inserting
- 3 the following: "section 668.13, except for interest
- 4 due pursuant to section 85.30 ~~for which the rate shall~~
- 5 ~~be ten percent per year~~ which shall be calculated from
- 6 the date each payment is due, at the highest rate
- 7 calculable pursuant to section 668.13 that occurs
- 8 during the period of time from the date payment is due
- 9 until the date of judgment".

HUSER of Polk

H-8170

- 1 Amend House File 2305:
- 2 1. Page 1, by inserting after line 19, the
- 3 following:
- 4 "3. Notwithstanding subsection 2, attorney fees
- 5 for services rendered under this chapter and chapters
- 6 85, 85A, 85B, and 87 on behalf of an employee, may be
- 7 paid by an employee on an hourly basis for those
- 8 services rendered for which payment by a contingent
- 9 fee agreement is not appropriate. The commissioner,
- 10 by rule, shall identify those services rendered by an
- 11 attorney that may be paid on an hourly basis by an
- 12 employee."

HUSER of Polk

H-8171

1 Amend House File 2305 as follows:

2 1. Page 1, by inserting after line 19 the
3 following:

4 "Sec. ____ **NEW SECTION. 87.10A WORKERS'**
5 **COMPENSATION INSURANCE COMMISSIONS.**

6 The commissioner of insurance, in consultation with
7 the workers' compensation commissioner, shall adopt a
8 commission schedule for licensed insurance agents who
9 write workers' compensation policies, including
10 commissions received for renewal of such policies.

11 The schedule shall provide that a commission shall not
12 exceed eight percent of the total premium charged to
13 the employer."

14 2. By renumbering as necessary.

HUSER of Polk

H-8172

1 Amend House File 2305 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. ____ Section 85.27, subsection 3, Code 2003,
5 is amended to read as follows:

6 3. Notwithstanding section 85.26, subsection 4,
7 charges believed to be excessive or unnecessary may be
8 referred by the employer, insurance carrier, or health
9 service provider to the workers' compensation
10 commissioner for determination, and the commissioner
11 may utilize the procedures provided in sections 86.38
12 and 86.39, or set by rule, and conduct such inquiry as
13 the commissioner deems necessary. Any health service
14 provider charges not in dispute shall be paid directly
15 to the health service provider prior to utilization of
16 procedures provided in sections 86.38 and 86.39 or set
17 by rule. A health service provider rendering
18 treatment to an employee whose injury is compensable
19 under this section agrees to be bound by such charges
20 as allowed by the workers' compensation commissioner
21 and shall not recover in law or equity any amount in
22 excess of charges set by the commissioner. When a
23 dispute under chapter 85, 85A, or 85B regarding
24 reasonableness of a fee for medical services arises
25 between a health service provider and an employer or
26 insurance carrier, the health service provider,
27 employer, or insurance carrier shall not seek payment
28 from the injured employee. The workers' compensation
29 commissioner, in consultation with the insurance
30 commissioner, shall adopt a fee schedule for medical

31 services provided as described in this section. The
32 fee schedule shall be set to ensure that workers'
33 compensation premiums charged to employers in this
34 state shall be kept at a minimum and to avoid
35 substantial increases due to increases in the cost of
36 medical services. In addition, the fee schedule shall
37 be set, if applicable, at an amount that does not
38 exceed the rates set for similar services for purposes
39 of Medicaid as approved by the department of human
40 services."

41 2. By renumbering as necessary.

HUSER of Polk

H-8180

1 Amend House File 2396 as follows:

2 1. Page 1, by inserting after line 6 the
3 following:

4 "This section shall apply to both a plaintiff and a
5 defendant. A plaintiff shall have the right to offer
6 to confess judgment in the same manner as a
7 defendant."

HOGG of Linn

H-8182

1 Amend House File 2440 as follows:

2 1. Page 1, line 25, by striking the word
3 "actual".

SWAIM of Davis

H-8183

1 Amend House File 2473 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 229.1B, Code 2003, is amended
5 to read as follows:

6 229.1B SINGLE ENTRY POINT PROCESS.

7 1. Notwithstanding any provision of this chapter
8 to the contrary, any person whose hospitalization
9 expenses are payable in whole or in part by a county
10 shall be subject to all requirements of the single
11 entry point process.

12 2. The county single entry point process
13 administrator shall develop a plan for addressing
14 emergency examinations and placements made under this
15 chapter. The plan shall be developed in consultation
16 with representatives of the community mental health

17 centers and hospitals providing emergency services in
18 that county. The plan shall include but is not
19 limited to a process for the administrator or the
20 administrator's designee to provide the court with a
21 placement recommendation as required by this chapter."

SMITH of Marshall

H-8187

1 Amend House File 2440 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 519A.14 GOOD LICENSED
5 HEALTH CARE PROVIDER DISCOUNT PLAN.
6 1. A licensed health care provider who is
7 successful in defending all medical malpractice cases
8 filed against the licensed health care provider for a
9 period of five years shall receive a twenty percent
10 discounted rate from what the licensed health care
11 provider would otherwise have been charged from the
12 same coverage.
13 2. A licensed health care provider who is
14 successful in defending all medical malpractice cases
15 filed against the licensed health care provider for a
16 period of ten years shall receive a forty percent
17 discounted rate from what the licensed health care
18 provider would otherwise have been charged from the
19 same coverage."
20 2. Title page, line 1, by striking the words
21 "noneconomic damages against" and inserting the
22 following: "damages against and related premiums
23 charged to".

HOGG of Linn

H-8189

1 Amend House File 2440 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. Section 147.136, Code 2003, is amended
5 to read as follows:
6 147.136 SCOPE OF RECOVERY.
7 In an action for damages for personal injury
8 against a physician and surgeon, osteopath,
9 osteopathic physician and surgeon, dentist, podiatric
10 physician, optometrist, pharmacist, chiropractor, or
11 nurse licensed to practice that profession in this
12 state, or against a hospital licensed for operation in
13 this state, based on the alleged negligence of the
14 practitioner in the practice of the profession or

15 occupation, or upon the alleged negligence of the
16 hospital in patient care, in which liability is
17 admitted or established, the damages awarded shall not
18 include actual economic losses incurred or to be
19 incurred in the future by the claimant by reason of
20 the personal injury, including but not limited to, the
21 cost of reasonable and necessary medical care,
22 rehabilitation services, and custodial care, and the
23 loss of services and loss of earned income, to the
24 extent that those losses are replaced or are
25 indemnified by insurance, ~~or by governmental,~~
26 ~~employment, or service benefit programs~~ or from any
27 other source except the assets of the claimant or of
28 the members of the claimant's immediate family.
29 However, this section shall not bar recovery of such
30 economic losses to the extent those losses are
31 replaced or indemnified by any benefits provided by an
32 employer through a qualified self-funded health
33 benefit plan, workers' compensation plan, or Medicaid,
34 Medicare, or other governmental benefit program."
35 2. Title page, line 1, by striking the words
36 "awards of noneconomic damages against".

HOGG of Linn

H—8192

1 Amend House File 2170 as follows:
2 1. Page 2, by inserting after line 13 the
3 following:
4 "6. As a condition for writing product liability
5 and other liability coverage in this state, and in an
6 effort to determine the fairness of premiums being
7 charged to Iowa manufacturers and businesses, the
8 commissioner of insurance shall require insurance
9 carriers issuing such coverage to provide and document
10 their claims experience in this state. Insurance
11 carriers writing product liability coverage and other
12 liability coverage for Iowa manufacturers and
13 businesses shall be required to document and report to
14 the insurance division the number of claims made and
15 lawsuits filed in this state against Iowa
16 manufacturers and businesses on a yearly basis. The
17 commissioner of insurance shall determine the total
18 premiums collected from Iowa manufacturers and
19 businesses during the five-year period preceding the
20 effective date of this Act, and the total amount of
21 moneys paid for claims by settlement or judgment for
22 Iowa cases, excluding administration costs. The cost
23 of claims adjustments and administration shall be
24 accounted for separately. The commissioner of
25 insurance shall also determine the investment income

26 of each company writing product liability coverage and
27 other liability coverage during the five-year period
28 preceding the effective date of this Act."

HOGG of Linn

H-8193

1 Amend House File 2442 as follows:
2 1. Page 1, by inserting after line 19, the
3 following:
4 "Sec. ____ Section 602.1304, subsection 2,
5 paragraph a, Code Supplement 2003, is amended to read
6 as follows:
7 a. The enhanced court collections fund is created
8 in the state treasury under the authority of the
9 supreme court. The fund shall be separate from the
10 general fund of the state and the balance in the fund
11 shall not be considered part of the balance of the
12 general fund of the state. Notwithstanding section
13 8.33, moneys in the fund shall not revert to the
14 general fund, unless and to the extent the total
15 amount of moneys deposited into the fund in a fiscal
16 year would exceed the maximum annual deposit amount
17 established for the collections fund by the general
18 assembly. The initial maximum annual deposit amount
19 for a fiscal year is ~~four~~ six million dollars.
20 Notwithstanding section 12C.7, subsection 2, interest
21 or earnings on moneys in the collections fund shall
22 remain in the collections fund and any interest and
23 earnings shall be in addition to the maximum annual
24 deposit amount."
25 2. Title page, line 2, by inserting after the
26 word "branch," the following: "increasing an
27 appropriation,".

WINCKLER of Scott
JOCHUM of Dubuque

LENSING of Johnson
BERRY of Black Hawk

H-8194

1 Amend House File 2440 as follows:
2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:
4 "Sec. ____ NEW SECTION. 519A.14 RATES –
5 ROLLBACK.
6 For any coverage for a policy for medical
7 malpractice insurance subject to this chapter which is
8 issued or renewed on or after July 1, 2004, the
9 insurer shall reduce its rates to levels which are ten
10 percent less than the rates for the same coverage
11 which were in effect on July 1, 2003. Rates may be

12 increased except upon an application to the
13 commissioner and a determination by the commissioner
14 that the proposed rates are fair and reasonable. An
15 insurer may not apply for a rate increase until after
16 July 1, 2006.

17 Sec.____. NEW SECTION. 519A.15 NONECONOMIC
18 DAMAGE LIMIT.

19 The commissioner may adopt by rule a noneconomic
20 damage limit schedule for medical malpractice cases
21 based upon the life expectancy of the plaintiff, if
22 the commissioner determines that such a schedule would
23 reduce medical malpractice insurance rates."

24 2. By renumbering as necessary.

HOGG of Linn

H-8197

1 Amend House File 2440 as follows:

2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:

4 "Sec.____. NEW SECTION. 519A.14 RATES –
5 ROLLBACK.

6 For any coverage for a policy for medical
7 malpractice insurance underwritten by an insurer
8 subject to this chapter which is issued or renewed on
9 or after July 1, 2004, the insurer shall reduce its
10 rates to levels which are ten percent less than the
11 rates for the same coverage which were in effect on
12 July 1, 2003. Rates shall not be increased except
13 upon an application to the commissioner and a
14 determination by the commissioner that the proposed
15 rates are fair and reasonable. An insurer shall not
16 apply for a rate increase until after July 1, 2006.

17 Sec.____. NEW SECTION. 519A.15 NONECONOMIC
18 DAMAGE LIMIT.

19 The commissioner may adopt by rule a noneconomic
20 damage limit schedule for medical malpractice
21 insurance cases based upon the life expectancy of the
22 plaintiff, if the commissioner determines that such a
23 schedule would reduce medical malpractice insurance
24 rates."

25 2. By renumbering as necessary.

HOGG of Linn

H-8198

1 Amend House File 2458 as follows:

2 1. Page 2, by inserting after line 35 the
3 following:

4 "Sec.____. Section 602.6301, subsection 3, as

5 enacted by this Act, is amended by striking the
6 subsection."

7 2. Page 7, by inserting after line 1, the
8 following:

9 "Sec. _____. Section 602.7103B, subsection 5B, as
10 enacted by this Act, is amended by striking the
11 subsection."

12 3. Page 7, by inserting after line 11 the
13 following:

14 "Sec. _____. EFFECTIVE DATE. The sections of this
15 Act striking section 602.6301, subsection 3, and
16 section 602.7103B, subsection 5B, take effect July 1,
17 2008."

18 4. Title page, line 3, by inserting after the
19 word "magistrates" the following: ", and providing an
20 effective date".

EICHHORN of Hamilton

H-8199

1 Amend House File 2440 as follows:

2 1. Page 1, by striking lines 1 through 26 and
3 inserting the following:

4 "Sec. _____. NEW SECTION. 519A.14 RATES –
5 ROLLBACK.

6 For any coverage for a policy for medical
7 malpractice insurance underwritten by an insurer
8 subject to this chapter which is issued or renewed on
9 or after July 1, 2004, the insurer shall reduce its
10 rates to levels which are ten percent less than the
11 rates for the same coverage which were in effect on
12 July 1, 2003. Rates shall not be increased except
13 upon an application to the commissioner and a
14 determination by the commissioner that the proposed
15 rates are fair and reasonable. An insurer shall not
16 apply for a rate increase until after July 1, 2006.

17 Sec. _____. NEW SECTION. 519A.15 NONECONOMIC
18 DAMAGE LIMIT.

19 The commissioner may adopt by rule a noneconomic
20 damage limit schedule for medical malpractice
21 insurance cases based upon the life expectancy of the
22 plaintiff, if the commissioner determines that such a
23 schedule would reduce medical malpractice insurance
24 rates."

25 2. Title page, line 1, by striking the word
26 "against" and inserting the following: "and medical
27 malpractice insurance policies involving".

28 3. By renumbering as necessary.

HOGG of Linn

H-8201

1 Amend House Resolution 127 as follows:

2 1. Page 1, line 25, by striking the word
3 "children" and inserting the following: "students".

4 2. Page 1, line 26, by inserting after the word
5 "schools" the following: "and community colleges".

6 3. Page 2, by striking lines 1 and 2 and
7 inserting the following: "integrating technology to
8 improve student outcomes at the public school and
9 community college education levels; and".

10 4. Page 2, line 8, by inserting after the word
11 "system," the following: "the community college
12 system,".

13 5. Page 2, line 17, by striking the words
14 "elementary and secondary" and inserting the
15 following: "public school and community college".

STEVENS of Dickinson

H-8204

1 Amend House File 2508 as follows:

2 1. Page 2, by striking lines 21 through 24 and
3 inserting the following: "rental agreements
4 concerning personal property. However, this section
5 shall not apply to personal property purchased
6 pursuant to a consumer rental purchase agreement
7 subject to chapter 537, article 3, part 6, or to a
8 lease which constitutes a security interest pursuant
9 to section 554.1201, subsection 37, paragraph "b"."

SWAIM of Davis

H-8205

1 Amend House File 2473 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 229.1B, Code 2003, is amended
5 to read as follows:

6 229.1B SINGLE ENTRY POINT PROCESS.

7 Notwithstanding any provision of this chapter to
8 the contrary, any person whose hospitalization
9 expenses are payable in whole or in part by a county
10 shall be subject to all requirements of the single
11 entry point process. A person who receives
12 confidential information under this chapter due to the
13 person's responsibilities relating to the single entry
14 point process is subject to the requirements of
15 chapter 228, the federal Health Insurance Portability

- 16 and Accountability Act of 1996, Pub. L. No. 104-191,
 17 and other applicable requirements intended to protect
 18 the confidentiality of information pertaining to a
 19 respondent or person subject to a commitment order
 20 under this chapter."
 21 2. Page 1, by striking line 5 and inserting the
 22 following: "advocate of".
 23 3. Page 1, line 8, by inserting after the number
 24 "3." the following: "If an order is issued, the clerk
 25 shall also provide a copy of the order to the single
 26 entry point process administrator of the respondent's
 27 county of legal settlement."
 28 4. By renumbering as necessary.

SMITH of Marshall

H-8211

- 1 Amend House File 2444 as follows:
 2 1. Page 5, by inserting after line 16 the
 3 following:
 4 "Sec. _____. Section 322A.11, subsection 4, Code
 5 2003, is amended by striking the subsection."
 6 2. Title page, line 1, by inserting after the
 7 word "to" the following: "the transfer and sale of
 8 motor vehicles including regulation of motor vehicle
 9 dealers,".
 10 3. Title page, line 2, by striking the words "and
 11 providing penalties" and inserting the following: ",
 12 and making penalties applicable".
 13 4. By renumbering as necessary.

HUSER of Polk
 RAECKER of Polk

H-8212

- 1 Amend House File 2390 as follows:
 2 1. Page 2, by inserting after line 2, the
 3 following:
 4 "Sec. _____. Section 237.20, unnumbered paragraph 1,
 5 Code Supplement 2003, is amended to read as follows:
 6 A local board shall, ~~except in delinquency cases,~~
 7 ~~do the following:"~~
 8 2. By renumbering as necessary.

JENKINS of Black Hawk
 FOEGE of Linn

HEATON of Henry
 OSTERHAUS of Jackson

H-8214

- 1 Amend House File 2508 as follows:

- 2 1. Page 1, line 19, by inserting after the word
- 3 "another" the following: ", other than a motor
- 4 vehicle,".
- 5 2. Page 1, line 28, by striking the words "leased
- 6 or".
- 7 3. Page 1, line 30, by striking the words "lessor
- 8 or".
- 9 4. Page 1, line 31, by striking the words "lessor
- 10 or".
- 11 5. Page 1, line 32, by striking the words "lease
- 12 or".
- 13 6. Page 1, line 32, by inserting after the word
- 14 "agreement" the following: ", or the fact that a
- 15 person who has leased a motor vehicle willfully fails
- 16 to return or make arrangements to return the motor
- 17 vehicle to the lessor within ten days after the
- 18 expiration of the lease,".

HEATON of Henry

H-8215

- 1 Amend House File 2380 as follows:
- 2 1. Page 1, by striking lines 5 and 6, and
- 3 inserting the following: "section 668.13, ~~except,~~
- 4 However, for interest due pursuant to section 85.30
- 5 for which the interest shall accrue from the date each
- 6 compensation payment is due at a yearly rate shall be
- 7 ten percent per year equal to the one-year treasury
- 8 constant maturity published by the federal reserve in
- 9 the H15 report settled immediately prior to or on July
- 10 1 plus two percent, applicable to all compensation
- 11 payments due during the fiscal year beginning on that
- 12 July 1 and ending the following June 30."
- 13 2. Page 1, by inserting after line 6, the
- 14 following:
- 15 "Sec. ____ . APPLICABILITY DATE. This Act is
- 16 applicable to each compensation payment due for
- 17 personal injuries arising out of and in the course of
- 18 employment under chapters 85, 85A, and 85B that occur
- 19 on or after July 1, 2004."
- 20 3. Title page, line 2, by inserting after the
- 21 word "benefits" the following: "and providing an
- 22 applicability date".

FREEMAN of Buena Vista

H-8217

- 1 Amend the amendment, H-8196, to House File 2440 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 10.

- 4 2. Page 1, by striking lines 44 through 46 and
5 inserting the following:
6 “____. Title page, by striking lines 1 and 2 and
7 inserting the following: “An Act providing for a
8 study relating to medical malpractice awards and
9 insurance premiums.””
10 3. By renumbering as necessary.

WISE of Lee
HOGG of Linn

H-8219

- 1 Amend House File 2534 as follows:
2 1. Page 3, by striking line 23 and inserting the
3 following: “action to recover actual damages. The
4 action shall be tried to the court in equity. The
5 court may order”.
6 2. Page 4, line 14, by striking the words “a
7 preponderance of the” and inserting the following:
8 “clear and convincing”.
9 3. By renumbering as necessary.

EICHHORN of Hamilton

H-8220

- 1 Amend House File 2497 as follows:
2 1. Page 1, by striking lines 14 through 16, and
3 inserting the following: “this state.”.
4 2. By striking page 3, line 29, through page 4,
5 line 1, and inserting the following:
6 “5. If an employer, as defined in section 70A.38,
7 determines that it is necessary to employ a person to
8 fill a vacancy created as a result of employee
9 participation in a program established pursuant to
10 this section, the employer shall not offer employment
11 to an individual”.
12 3. Page 4, by inserting after line 6, the
13 following:
14 “Sec.____. SPAN OF CONTROL. The department of
15 administrative services, in consultation with the
16 department of management and after discussion and
17 collaboration with executive branch agencies, shall
18 pursue a goal of increasing the ratio of the number of
19 employees per supervisor for executive branch agencies
20 in the aggregate to twelve employees for one
21 supervisor by December 31, 2005.”
22 4. By renumbering as necessary.

ELGIN of Linn

H-8225

- 1 Amend House File 2475 as follows:
 2 1. Page 2, line 26, by striking the word "less"
 3 and inserting the following: "later".

S. OLSON of Clinton

H-8228

- 1 Amend House File 2504 as follows:
 2 1. Page 1, line 24, by striking the letter "a",
 3 and inserting the following: "a".
 4 2. Page 1, by striking line 28, and inserting the
 5 following: "person benefiting from the fraud within
 6 five years after the cause accrues, or afterwards
 7 within one year of the".

BOAL of Polk

H-8231

- 1 Amend House File 2500 as follows:
 2 1. Page 1, line 2, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 1, by inserting after line 9 the
 6 following:
 7 "NEW SUBSECTION. 49. Individually identifiable
 8 client information contained in the records of
 9 municipal housing agencies created pursuant to section
 10 403A.5."
 11 3. Title page, line 2, by inserting after the
 12 word "individuals" the following: "and municipal
 13 housing".

GASKILL of Wapello
 WHITAKER of Van Buren
 ARNOLD of Luas
 SWAIM of Davis

GREINER of Washington
 DE BOEF of Keokuk
 CARROLL of Poweshieck

H-8232

- 1 Amend House File 2391 as follows:
 2 1. Page 4, by striking lines 17 through 32 and
 3 inserting the following:
 4 "3. A caretaker who intentionally commits
 5 dependent adult abuse on a dependent adult in
 6 violation of this section is guilty of a class "C"
 7 felony if the intentional dependent adult abuse
 8 results in serious injury.
 9 4. A caretaker who recklessly commits dependent

10 adult abuse on a dependent adult in violation of this
11 section is guilty of a class “D” felony if the
12 reckless dependent adult abuse results in serious
13 injury.
14 5. A caretaker who intentionally commits dependent
15 adult abuse on a dependent adult in violation of this
16 section is guilty of a class “C” felony if the
17 intentional dependent adult abuse results in physical
18 injury.
19 6. A caretaker who commits dependent adult abuse
20 by exploiting a dependent adult in violation of this
21 section is guilty of a class “D” felony if the value
22 of the property, assets, or resources exceeds one
23 hundred dollars.
24 7. A caretaker who recklessly commits dependent
25 adult abuse on a person in violation of this section
26 is guilty of an aggravated misdemeanor if the reckless
27 dependent adult abuse results in physical injury.
28 8. A caretaker who commits dependent adult abuse
29 by exploiting a dependent adult in violation of this
30 section is guilty of a simple misdemeanor if the value
31 of the property, assets, or resources is one hundred
32 dollars or less.”
33 2. By renumbering as necessary.

UPMEYER of Hancock

H-8235

1 Amend House File 2391 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 96.5, subsection 2, Code 2003,
5 is amended by adding the following new unnumbered
6 paragraph:
7 NEW PARAGRAPH. D. A rebuttable presumption exists
8 that an individual was discharged for misconduct if
9 the individual was the subject of a founded dependent
10 adult abuse record under chapter 235B or if the
11 individual has been convicted of dependent adult abuse
12 pursuant to section 726.9.”
13 2. Page 2, by inserting after line 13 the
14 following:
15 “Sec.____. Section 235B.6, subsection 2, paragraph
16 d, Code Supplement 2003, is amended by adding the
17 following new subparagraph:
18 NEW SUBPARAGRAPH. (4) An administrative agency or
19 court making a determination regarding an unemployment
20 compensation claim pursuant to section 96.6.”
21 3. By renumbering as necessary.

UPMEYER of Hancock

H-8236

1 Amend Senate File 2112, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. There is appropriated from the general
6 fund of the state to the state department of
7 transportation for the fiscal year beginning July 1,
8 2004, and ending June 30, 2005, the following amount,
9 or so much thereof as is necessary, to be used for the
10 purpose designated:

11 For the rail assistance program and to provide
12 economic development project funding:
13\$ 100,000"

14 2. Title page, line 4, by inserting after the
15 words "tax fund," the following: "the general fund of
16 the state,".

17 3. By renumbering as necessary.

D. OLSON of Boone

H-8241

1 Amend House File 2470 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I – REGULATORY EFFICIENCY COMMISSION
5 Section 1. REGULATORY EFFICIENCY COMMISSION.

6 1. A regulatory efficiency commission is
7 established for purposes of identifying unneeded
8 regulations, fines, and fees that hinder business
9 development. The commission shall also identify
10 methods for streamlining access to regulatory
11 information.

12 2. The commission shall consist of seven voting
13 members appointed by the governor and four ex officio
14 members.

15 a. The seven voting members appointed by the
16 governor are subject to the requirements of sections
17 69.16, 69.16A, and 69.19. The seven members shall
18 consist of the following:

19 (1) Two members shall be economic development
20 representatives from two different chambers of
21 commerce. One shall be from a metropolitan area with
22 more than fifty thousand people and one shall be from
23 a metropolitan area with fifty thousand people or
24 less.

25 (2) Two members representing agricultural
26 interests.

27 (3) One member representing the Iowa association
28 of business and industry.

29 (4) Two members representing commercial-based and
30 manufacturing-based businesses.

31 b. The four ex officio members shall be members of
32 the general assembly. Two members shall be from the
33 senate and two members shall be from the house of
34 representatives, with not more than one member from
35 each chamber being from the same political party. The
36 two senators shall be designated by the president of
37 the senate after consultation with the majority and
38 minority leaders of the senate. The two
39 representatives shall be designated by the speaker of
40 the house of representatives after consultation with
41 the majority and minority leaders of the house of
42 representatives. Legislative members shall serve in
43 an ex officio, nonvoting capacity.

44 3. Meetings of the commission are subject to the
45 provisions of chapter 21.

46 4. By January 10, 2005, the commission shall
47 submit a written report to the governor and the
48 general assembly. The report shall include the
49 findings and legislative recommendations of the
50 commission. The report shall be distributed by the

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1 secretary of the senate and the chief clerk of the
2 house of representatives to the chairpersons and
3 members of the administrative rules review committee
4 and the economic growth committees in the senate and
5 the house of representatives.

6 DIVISION II – PARTNERSHIP COMMISSION

7 Sec. 2. PARTNERSHIP COMMISSION.

8 1. A partnership commission is established for
9 purposes of identifying unnecessary public mandates
10 for elimination and providing recommendations designed
11 to encourage city and county governments to share
12 services.

13 2. The commission shall consist of seven voting
14 members appointed by the governor and four ex officio
15 members.

16 a. The seven voting members appointed by the
17 governor are subject to the requirements of sections
18 69.16, 69.16A, and 69.19. The seven members shall
19 consist of representatives from various sized cities
20 and counties.

21 b. The four ex officio members shall be members of
22 the general assembly. Two members shall be from the
23 senate and two members shall be from the house of
24 representatives, with not more than one member from
25 each chamber being from the same political party. The
26 two senators shall be designated by the president of
27 the senate after consultation with the majority and

28 minority leaders of the senate. The two
29 representatives shall be designated by the speaker of
30 the house of representatives after consultation with
31 the majority and minority leaders of the house of
32 representatives. Legislative members shall serve in
33 an ex officio, nonvoting capacity.

34 3. Meetings of the commission are subject to the
35 provisions of chapter 21.

36 4. By January 10, 2005, the commission shall
37 submit a written report to the governor and the
38 general assembly. The report shall include the
39 findings and legislative recommendations of the
40 commission. The report shall be distributed by the
41 secretary of the senate and the chief clerk of the
42 house of representatives to the chairpersons and
43 members of the administrative rules review committee
44 and the state government committees in the senate and
45 the house of representatives.

46 DIVISION III – REGIONAL ECONOMIC DEVELOPMENT –
47 APPROPRIATIONS

48 Sec. 3. NEW SECTION. 15E.231 ECONOMIC
49 DEVELOPMENT REGIONS.

50 1. In order for an economic development region to

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1 receive moneys from the grow Iowa values fund created
2 in section 15G.108, the organization of an economic
3 development region must be approved by the grow Iowa
4 values board established in section 15G.102. The
5 board shall approve an economic development region
6 that meets the following criteria:

7 a. The region consists of not less than three
8 contiguous counties. Upon the recommendation of the
9 director of the department of economic development,
10 this paragraph may be waived by the board.

11 b. The region establishes a single, focused
12 economic development effort, approved by the board,
13 that shall include the development of a regional
14 development plan and regional marketing strategies.
15 Regional marketing strategies must be focused on
16 marketing the region collectively.

17 2. An approved economic development region may
18 create an economic development region revolving fund
19 as provided in section 15E.232.

20 Sec. 4. NEW SECTION. 15E.232 ECONOMIC
21 DEVELOPMENT REGION REVOLVING FUNDS – TAX CREDITS.

22 1. An economic development region approved
23 pursuant to section 15E.231 may create an economic
24 development region revolving fund.

25 2. a. A nongovernmental entity making a
26 contribution to an economic development region

27 revolving fund at any time prior to July 1, 2009, may
28 claim a tax credit equal to twenty percent of the
29 amount contributed to the revolving fund. The tax
30 credit shall be allowed against taxes imposed in
31 chapter 422, divisions II, III, and V, and in chapter
32 432, and against the moneys and credits tax imposed in
33 section 533.24. An individual may claim under this
34 subsection the tax credit of a partnership, limited
35 liability company, S corporation, estate, or trust
36 electing to have income taxed directly to the
37 individual. The amount claimed by the individual
38 shall be based upon the pro rata share of the
39 individual's earnings from the partnership, limited
40 liability company, S corporation, estate, or trust.
41 Any tax credit in excess of the taxpayer's liability
42 for the tax year may be credited to the tax liability
43 for the following seven years or until depleted,
44 whichever occurs first. A tax credit shall not be
45 carried back to a tax year prior to the tax year in
46 which the taxpayer redeems the tax credit. A tax
47 credit under this section is not transferable.
48 b. The aggregate amount of tax credits authorized
49 pursuant to this subsection shall not total more than
50 twenty million dollars. The total amount of tax

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1 credits authorized during a fiscal year shall not
2 exceed four million dollars plus any unused tax
3 credits carried over from previous years. Any tax
4 credits which remain unused for a fiscal year may be
5 carried forward to the succeeding fiscal year. The
6 maximum amount of tax credits that may be authorized
7 in a fiscal year for contributions made to a specific
8 economic development region revolving fund is equal to
9 four million dollars plus any unused tax credits
10 carried over from previous years divided by the number
11 of economic development region revolving funds
12 existing in the state.
13 c. The department of economic development shall
14 administer the authorization of tax credits under this
15 section and shall, in cooperation with the department
16 of revenue and finance, adopt rules pursuant to
17 chapter 17A necessary for the administration of this
18 section.
19 3. An approved economic development region may
20 apply for financial assistance from the Iowa values
21 fund to assist with physical infrastructure needs
22 related to a specific business partner. In order to
23 receive financial assistance pursuant to this
24 subsection, the economic development region must
25 demonstrate all of the following:

- 26 a. The ability to provide matching moneys on a one
27 to one basis.
- 28 b. The commitment of the specific business
29 partner.
- 30 c. That all other funding alternatives have been
31 exhausted.
- 32 4. An approved economic development region may
33 apply for financial assistance from the Iowa values
34 fund to assist an existing business located in the
35 economic development region impacted by business
36 consolidation actions. Business consolidation actions
37 include a substantial or total closure of an existing
38 business due to consolidating the existing business
39 out of state. In order to receive financial
40 assistance pursuant to this subsection, the economic
41 development region must demonstrate the ability to
42 provide matching moneys on a one-to-one basis.
- 43 5. An approved economic development region may
44 apply for financial assistance to implement economic
45 development initiatives unique to the region. In
46 order to receive financial assistance pursuant to this
47 subsection, the economic development region must
48 demonstrate the ability to provide matching moneys on
49 a one-to-one basis.
- 50 6. An approved economic development region may

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- 1 apply for financial assistance to implement innovative
2 initiatives that do not qualify for assistance under
3 subsection 5.
- 4 7. The board may establish and administer a
5 regional economic development revenue sharing pilot
6 project for one or more regions. Not more than three
7 pilot projects shall be established. The department
8 of economic development shall provide technical
9 assistance to the regions participating in a pilot
10 project.
- 11 8. Financial assistance under subsections 3, 4, 5,
12 and 6 and section 15E.233 shall be limited to a total
13 of twenty million dollars.
- 14 Sec. 5. NEW SECTION. 15E.233 ECONOMICALLY
15 ISOLATED AREAS.
- 16 1. An approved economic development region may
17 apply to the Iowa values board for approval to be
18 designated as an economically isolated area. In order
19 to be considered an economically isolated area, the
20 region must have at least one county that meets all of
21 the following criteria:
- 22 a. A majority of the land area of the county is
23 located at least forty miles away from a major
24 commercial area, as determined by the board. Major

25 commercial areas include all of the following:

- 26 (1) Burlington.
- 27 (2) Carroll.
- 28 (3) Cedar Rapids.
- 29 (4) Clinton.
- 30 (5) Council Bluffs.
- 31 (6) Davenport.
- 32 (7) Des Moines.
- 33 (8) Dubuque.
- 34 (9) Fort Dodge.
- 35 (10) Iowa City.
- 36 (11) Marshalltown.
- 37 (12) Mason City.
- 38 (13) Ottumwa.
- 39 (14) Sioux City.
- 40 (15) Spencer.
- 41 (16) Storm Lake.
- 42 (17) Waterloo.

43 b. The county has at least one of the following:

- 44 (1) Per capita income that ranks in the lowest
- 45 twenty-five counties in the state based on the 2000
- 46 census.
- 47 (2) An annualized average weekly wage for
- 48 employees in private business that ranks in the lowest
- 49 twenty-five counties in the state in calendar year
- 50 2000.

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1 2. An approved economically isolated area may
2 apply to the department of economic development for up
3 to seven hundred fifty thousand dollars over a five-
4 year period for purposes of economic-development-
5 related marketing assistance for the area. In order
6 to receive financial assistance pursuant to this
7 subsection, the economic development region must
8 demonstrate the ability to provide matching moneys on
9 a one-to-one basis.

10 Sec. 6. NEW SECTION. 422.11J ECONOMIC
11 DEVELOPMENT REGION REVOLVING FUND TAX CREDIT.

12 The taxes imposed under this division, less the
13 credits allowed under sections 422.12 and 422.12B,
14 shall be reduced by an economic development region
15 revolving fund contribution tax credit authorized
16 pursuant to section 15E.232.

17 Sec. 7. Section 422.33, Code Supplement 2003, is
18 amended by adding the following new subsection:
19 NEW SUBSECTION. 16. The taxes imposed under this
20 division shall be reduced by an economic development
21 region revolving fund contribution tax credit
22 authorized pursuant to section 15E.232.

23 Sec. 8. Section 422.60, Code Supplement 2003, is

24 amended by adding the following new subsection:
25 NEW SUBSECTION. 8. The taxes imposed under this
26 division shall be reduced by an economic development
27 region revolving fund contribution tax credit
28 authorized pursuant to section 15E.232.
29 Sec. 9. NEW SECTION. 432.12E ECONOMIC
30 DEVELOPMENT REGION REVOLVING FUND CONTRIBUTION TAX
31 CREDITS.
32 The tax imposed under this chapter shall be reduced
33 by an economic development region tax credit
34 authorized pursuant to section 15E.232.
35 Sec. 10. Section 533.24, Code Supplement 2003, is
36 amended by adding the following new subsection:
37 NEW SUBSECTION. 6. The moneys and credits tax
38 imposed under this section shall be reduced by an
39 economic development region revolving fund
40 contribution tax credit authorized pursuant to section
41 15E.232.
42 Sec. 11. ECONOMIC DEVELOPMENT REGION FINANCIAL
43 ASSISTANCE APPROPRIATION.
44 1. There is appropriated from the grow Iowa values
45 fund created in section 15G.108 to the department of
46 economic development for the fiscal year beginning
47 July 1, 2004, and ending June 30, 2005, the following
48 amount, or so much thereof as is necessary, to be used
49 for the purpose designated:
50 For providing financial assistance under section

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1 15E.232, subsections 3, 4, 5, and 6 and under section
2 15E.233:
3 \$ 20,000,000
4 2. Notwithstanding section 8.33, moneys that
5 remain unexpended at the end of a fiscal year shall
6 not revert to any fund but shall remain available for
7 expenditure for the designated purposes during the
8 succeeding fiscal year.
9 Sec. 12. ECONOMIC DEVELOPMENT REGION REVOLVING
10 FUND CONTRIBUTION TAX CREDITS APPROPRIATION.
11 1. There is appropriated from the grow Iowa values
12 fund created in section 15G.108 to the general fund of
13 the state, for the fiscal period beginning July 1,
14 2004, and ending June 30, 2008, the following amounts,
15 or so much thereof as is necessary, to be used for the
16 purpose designated:
17 For payment of tax credits approved pursuant to
18 section 15E.232:
19 FY 2004-2005 \$ 4,000,000
20 FY 2005-2006 \$ 4,000,000
21 FY 2006-2007 \$ 4,000,000
22 FY 2007-2008 \$ 4,000,000

23 FY 2008-2009 \$ 4,000,000

24 2. Notwithstanding section 8.33, moneys that
25 remain unexpended at the end of a fiscal year shall
26 not revert to any fund but shall remain available for
27 expenditure for the designated purposes during the
28 succeeding fiscal year.

29 3. Any moneys appropriated under this section that
30 remain unexpended on June 30, 2009, are appropriated
31 from the general fund of the state to the department
32 of economic development for the fiscal year beginning
33 July 1, 2009, and ending June 30, 2010, to be used for
34 providing financial assistance under section 15E.232,
35 subsections 3, 4, 5, and 6.

36 Sec. 13. RETROACTIVE APPLICABILITY. The section
37 of this Act enacting section 15E.232, relating to the
38 economic development region revolving fund
39 contribution tax credit, is retroactively applicable
40 to January 1, 2004, and is applicable on and after
41 that date.

42 DIVISION IV – APPROPRIATIONS

43 Sec. 14. Section 404A.4, subsection 4, Code
44 Supplement 2003, is amended to read as follows:

45 4. The total amount of tax credits that may be
46 approved for a fiscal year under this chapter shall
47 not exceed two million four hundred thousand dollars.
48 For the fiscal years beginning July 1, 2005, and year
49 beginning July 1, 2004, an additional one million five
50 hundred thousand dollars of tax credits may be

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1 approved for purposes of projects located in cultural
2 and entertainment districts certified pursuant to
3 section 303.3B. For the fiscal year beginning July 1,
4 2005, an additional two million dollars of tax credits
5 may be approved for purposes of projects located in
6 cultural and entertainment districts certified
7 pursuant to section 303.3B. For the fiscal year
8 beginning July 1, 2006, an additional five hundred
9 thousand dollars of tax credits may be approved each
10 fiscal year for purposes of projects located in
11 cultural and entertainment districts certified
12 pursuant to section 303.3B. Any of the additional tax
13 credits allocated for projects located in certified
14 cultural and entertainment districts that are not
15 approved during a fiscal year may be carried over to
16 the succeeding fiscal year. Tax credit certificates
17 shall be issued on the basis of the earliest awarding
18 of certifications of completion as provided in
19 subsection 1. The departments of economic development
20 and revenue shall each adopt rules to jointly
21 administer this subsection and shall provide by rule

22 for the method to be used to determine for which
23 fiscal year the tax credits are approved.
24 Sec. 15. REHABILITATION PROJECT TAX CREDITS
25 APPROPRIATION.

26 1. There is appropriated from the grow Iowa values
27 fund to the general fund of the state for each fiscal
28 year of the fiscal period beginning July 1, 2004, and
29 ending June 30, 2006, the following amounts, or so
30 much thereof as is necessary, to be used for the
31 purpose designated:
32 For payment of tax credits approved pursuant to
33 section 404A.4 for projects located in certified
34 cultural and entertainment districts:
35 FY 2004-2005 \$ 1,500,000
36 FY 2005-2006 \$ 1,500,000

37 2. Notwithstanding section 8.33, moneys that
38 remain unexpended at the end of a fiscal year shall
39 not revert to any fund but shall remain available for
40 expenditure for the designated purposes during the
41 succeeding fiscal year.

42 Sec. 16. COMMUNITY ATTRACTION AND TOURISM PROGRAM.

43 1. There is appropriated from the grow Iowa values
44 fund to the office of the treasurer of state for each
45 fiscal year of the fiscal period beginning July 1,
46 2004, and ending June 30, 2007, the following amounts,
47 or so much thereof as is necessary, to be used for the
48 purpose designated:
49 For deposit in the community attraction and tourism
50 fund:

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1 FY 2004-2005 \$ 15,000,000
2 FY 2005-2006 \$ 15,000,000
3 FY 2006-2007 \$ 15,000,000

4 2. Notwithstanding section 8.33, moneys that
5 remain unexpended at the end of a fiscal year shall
6 not revert to any fund but shall remain available for
7 expenditure for the designated purposes during the
8 succeeding fiscal year.

9 Sec. 17. STATE PARKS.

10 1. There is appropriated from the grow Iowa values
11 fund to the grow Iowa values board for each fiscal
12 year of the fiscal period beginning July 1, 2004, and
13 ending June 30, 2006, the following amounts, or so
14 much thereof as is necessary, to be used for the
15 purpose designated:
16 For the purpose of providing financial assistance
17 for projects in targeted state parks and destination
18 parks:
19 FY 2004-2005 \$ 3,000,000
20 FY 2005-2006 \$ 3,000,000

2. Notwithstanding section 8.33, moneys that remain unexpended at the end of a fiscal year shall not revert to any fund but shall remain available for expenditure for the designated purposes during the succeeding fiscal year.

Sec. 18. IOWA CULTURAL TRUST FUND.

1. There is appropriated from the grow Iowa values fund to the office of the treasurer of state for each fiscal year of the fiscal period beginning July 1, 2004, and ending June 30, 2006, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

For deposit in the Iowa cultural trust fund created in section 303A.4:

FY 2004-2005	\$ 2,000,000
FY 2005-2006	\$ 2,000,000

2. Notwithstanding section 8.33, moneys that remain unexpended at the end of a fiscal year shall not revert to any fund but shall remain available for expenditure for the designated purposes during the succeeding fiscal year.

DIVISION V – GROW IOWA VALUES FUND FUNDING

Sec. 19. Section 8.57, subsection 5, paragraph e, Code Supplement 2003, is amended to read as follows:

e. Notwithstanding provisions to the contrary in sections 99D.17 and 99F.11, for the fiscal year beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year thereafter ending June 30, 2004~~, not more than a total of sixty million dollars shall be deposited in the general fund of the state in ~~any~~ the fiscal year

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pursuant to sections 99D.17 and 99F.11; for the fiscal period beginning July 1, 2004, and ending June 30, 2030, not more than a total of thirty-eight million three hundred thousand dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the grow Iowa values fund created in section 15G.108 in any fiscal year, and not more than a total of twenty-one million seven hundred thousand dollars shall be deposited in the general fund in any fiscal year; and for the fiscal year beginning July 1, 2030, and for each fiscal year thereafter, not more than a total of sixty million dollars shall be deposited in the general fund of the state in any fiscal year pursuant to sections 99D.17 and 99F.11. The next fifteen million dollars of the moneys directed to be deposited in the general fund of the state in a fiscal year pursuant to sections 99D.17 and 99F.11 shall be deposited in the vision Iowa fund

20 created in section 12.72 for the fiscal year beginning
21 July 1, 2000, and for each fiscal year through the
22 fiscal year beginning July 1, 2019. The next five
23 million dollars of the moneys directed to be deposited
24 in the general fund of the state in a fiscal year
25 pursuant to sections 99D.17 and 99F.11 shall be
26 deposited in the school infrastructure fund created in
27 section 12.82 for the fiscal year beginning July 1,
28 2000, and for each fiscal year thereafter until the
29 principal and interest on all bonds issued by the
30 treasurer of state pursuant to section 12.81 are paid,
31 as determined by the treasurer of state. The total
32 moneys in excess of the moneys deposited in the
33 general fund of the state, the grow Iowa values fund,
34 the vision Iowa fund, and the school infrastructure
35 fund in a fiscal year shall be deposited in the
36 rebuild Iowa infrastructure fund and shall be used as
37 provided in this section, notwithstanding section
38 8.60.

39 If the total amount of moneys directed to be
40 deposited in the general fund of the state under
41 sections 99D.17 and 99F.11 in a fiscal year is less
42 than the total amount of moneys directed to be
43 deposited in the grow Iowa values fund, the vision
44 Iowa fund, and the school infrastructure fund in the
45 fiscal year pursuant to this paragraph "e", the
46 difference shall be paid from lottery revenues in the
47 manner provided in section 99G.39, subsection 3.
48 Sec. 20. NEW SECTION. 12.91 GENERAL AND SPECIFIC
49 BONDING POWERS.

50 1. The treasurer of state may issue bonds for the

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1 purpose of funding the grow Iowa values fund created
2 in section 15G.108. The treasurer of state shall have
3 all of the powers which are necessary to issue and
4 secure bonds and carry out the purposes of the fund.
5 The treasurer of state may issue bonds in principal
6 amounts which are necessary to provide sufficient
7 funds for the grow Iowa values fund, the payment of
8 interest on the bonds, the establishment of reserves
9 to secure the bonds, the costs of issuance of the
10 bonds, other expenditures of the treasurer of state
11 incident to and necessary or convenient to carry out
12 the bond issue for the fund, and all other
13 expenditures of the board necessary or convenient to
14 administer the fund. The bonds are investment
15 securities and negotiable instruments within the
16 meaning of and for purposes of the uniform commercial
17 code.

18 2. Bonds issued under this section are payable

19 solely and only out of the moneys, assets, or revenues
20 of the grow Iowa values fund and any bond reserve
21 funds established pursuant to section 12.92, all of
22 which may be deposited with trustees or depositories
23 in accordance with bond or security documents and
24 pledged to the payment thereof. Bonds issued under
25 this section shall contain on their face a statement
26 that the bonds do not constitute an indebtedness of
27 the state. The treasurer of state shall not pledge
28 the credit or taxing power of this state or any
29 political subdivision of the state or make bonds
30 issued pursuant to this section payable out of any
31 moneys except those in the grow Iowa values fund.
32 3. The proceeds of bonds issued by the treasurer
33 of state and not required for immediate disbursement
34 may be deposited with a trustee or depository as
35 provided in the bond documents and invested or
36 reinvested in any investment as directed by the
37 treasurer of state and specified in the trust
38 indenture, resolution, or other instrument pursuant to
39 which the bonds are issued without regard to any
40 limitation otherwise provided by law.
41 4. The bonds shall be:
42 a. In a form, issued in denominations, executed in
43 a manner, and payable over terms and with rights of
44 redemption, and be subject to the terms, conditions,
45 and covenants providing for the payment of the
46 principal of, redemption premiums, if any, interest
47 which may be fixed or variable during any period the
48 bonds are outstanding, and such other terms and
49 conditions as prescribed in the trust indenture,
50 resolution, or other instrument authorizing their

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1 issuance.
2 b. Negotiable instruments under the laws of the
3 state and may be sold at prices, at public or private
4 sale, and in a manner, as prescribed by the treasurer
5 of state. Chapters 73A, 74, 74A, and 75 do not apply
6 to the sale or issuance of the bonds.
7 c. Subject to the terms, conditions, and covenants
8 providing for the payment of the principal, redemption
9 premiums, if any, interest, and other terms,
10 conditions, covenants, and protective provisions
11 safeguarding payment, not inconsistent with this
12 section and as determined by the trust indenture,
13 resolution, or other instrument authorizing their
14 issuance.
15 5. The bonds are securities in which public
16 officers and bodies of this state, political
17 subdivisions of this state, insurance companies and

18 associations and other persons carrying on an
19 insurance business, banks, trust companies, savings
20 associations, savings and loan associations, and
21 investment companies; administrators, guardians,
22 executors, trustees, and other fiduciaries; and other
23 persons authorized to invest in bonds or other
24 obligations of the state may properly and legally
25 invest funds, including capital, in their control or
26 belonging to them.

27 6. Bonds must be authorized by a trust indenture,
28 resolution, or other instrument of the treasurer of
29 state.

30 7. Neither the resolution, trust indenture, nor
31 any other instrument by which a pledge is created
32 needs to be recorded or filed under the Iowa uniform
33 commercial code to be valid, binding, or effective.

34 8. Bonds issued under the provisions of this
35 section are declared to be issued for a general public
36 and governmental purpose and all bonds issued under
37 this section shall be exempt from taxation by the
38 state of Iowa and the interest on the bonds shall be
39 exempt from the state income tax and the state
40 inheritance and estate tax.

41 9. Subject to the terms of any bond documents,
42 moneys in the grow Iowa values fund may be expended
43 for administration expenses.

44 10. The treasurer of state may issue bonds for the
45 purpose of refunding any bonds issued pursuant to this
46 section then outstanding, including the payment of any
47 redemption premiums thereon and any interest accrued
48 or to accrue to the date of redemption of the
49 outstanding bonds. Until the proceeds of bonds issued
50 for the purpose of refunding outstanding bonds are

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1 applied to the purchase or retirement of outstanding
2 bonds or the redemption of outstanding bonds, the
3 proceeds may be placed in escrow and be invested and
4 reinvested in accordance with the provisions of this
5 section. The interest, income, and profits earned or
6 realized on an investment may also be applied to the
7 payment of the outstanding bonds to be refunded by
8 purchase, retirement, or redemption. After the terms
9 of the escrow have been fully satisfied and carried
10 out, any balance of proceeds and interest earned or
11 realized on the investments may be returned to the
12 treasurer of state for deposit in the grow Iowa values
13 fund established in section 15G.108. All refunding
14 bonds shall be issued and secured and subject to the
15 provisions of this chapter in the same manner and to
16 the same extent as other bonds issued pursuant to this

17 section.

18 11. The treasurer of state shall have all of the
19 powers which are necessary to issue and secure bonds,
20 including but not limited to the power to procure
21 insurance, other credit enhancements, and other
22 financing arrangements, and to execute instruments and
23 contracts and to enter into agreements convenient or
24 necessary to facilitate financing arrangements with
25 respect to the bonds and to carry out the purposes of
26 the fund, including but not limited to such
27 arrangements, instruments, contracts, and agreements
28 as municipal bond insurance, self-insurance or
29 liquidity trusts, accounts, pools or other
30 arrangements, liquidity facilities or covenants,
31 letters of credit, and interest rate agreements.

32 12. For purposes of this section and sections
33 12.92 through 12.95, the term "bonds" means bonds,
34 notes, and other obligations and financing
35 arrangements issued or entered into by the treasurer
36 of state and the term "interest rate agreement" means
37 an interest rate swap or exchange agreement, an
38 agreement establishing an interest rate floor or
39 ceiling or both, or any similar agreement. Any such
40 agreement may include the option to enter into or
41 cancel the agreement or to reverse or extend the
42 agreement.

43 Sec. 21. NEW SECTION. 12.92 GROW IOWA VALUES
44 FUND ACCOUNTS AND RESERVE FUNDS.

45 1. The treasurer of state shall establish such
46 accounts within the grow Iowa values fund created in
47 section 15G.108 as may be appropriate, including debt
48 service accounts for the purpose of paying the
49 principal of, redemption premium, if any, and interest
50 on bonds payable therefrom. Moneys in the debt

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1 service accounts shall not be subject to appropriation
2 for any other purpose by the general assembly, but
3 shall be used only for the purposes of paying the
4 principal of, redemption premium, if any, and interest
5 on the bonds payable therefrom.

6 2. Revenue for the grow Iowa values fund shall
7 include, but is not limited to, the following, which
8 shall be deposited with the treasurer of state or its
9 designee as provided by any bond or security documents
10 and credited to the debt service account:

11 a. The proceeds of bonds issued to capitalize and
12 pay the costs of the fund and investment earnings on
13 the proceeds.

14 b. Interest attributable to investment of moneys
15 in the fund or an account of the fund.

16 c. Moneys in the form of a devise, gift, bequest,
17 donation, federal or other grant, reimbursement,
18 repayment, judgment, transfer, payment, or
19 appropriation from any source intended to be used for
20 the purposes of the fund or account.

21 3. a. The treasurer of state may create and
22 establish one or more special funds, to be known as
23 "bond reserve funds", to secure one or more issues of
24 bonds issued pursuant to section 12.91. The treasurer
25 of state shall pay into each bond reserve fund any
26 moneys appropriated and made available by the state or
27 treasurer of state for the purpose of the fund, any
28 proceeds of sale of bonds to the extent provided in
29 the resolutions or trust indentures authorizing their
30 issuance, and any other moneys which may be available
31 to the treasurer of state for the purpose of the fund
32 from any other sources. All moneys held in a bond
33 reserve fund, except as otherwise provided in this
34 chapter, shall be used as required solely for the
35 payment of the principal of bonds secured in whole or
36 in part by the fund or of the sinking fund payments
37 with respect to the bonds, the purchase or redemption
38 of the bonds, the payment of interest on the bonds, or
39 the payments of any redemption premium required to be
40 paid when the bonds are redeemed prior to maturity.

41 b. Moneys in a bond reserve fund shall not be
42 withdrawn from it at any time in an amount that will
43 reduce the amount of the fund to less than the bond
44 reserve fund requirement established for the fund, as
45 provided in this subsection, except for the purpose of
46 making, with respect to bonds secured in whole or in
47 part by the fund, payment when due of principal,
48 interest, redemption premiums, and the sinking fund
49 payments with respect to the bonds for the payment of
50 which other moneys of the treasurer of state are not

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1 available.
2 Any income or interest earned by, or incremental
3 to, a bond reserve fund due to the investment of it
4 may be transferred by the treasurer of state to other
5 funds or accounts to the extent the transfer does not
6 reduce the amount of that bond reserve fund below the
7 bond reserve fund requirement for it.

8 c. The treasurer of state shall not at any time
9 issue bonds, secured in whole or in part by a bond
10 reserve fund, if, upon the issuance of the bonds, the
11 amount in the bond reserve fund will be less than the
12 bond reserve fund requirement for the fund, unless the
13 treasurer of state at the time of issuance of the
14 bonds deposits in the fund from the proceeds of the

15 bonds issued or from other sources an amount which,
16 together with the amount then in the fund, will not be
17 less than the bond reserve fund requirement for the
18 fund. For the purposes of this subsection, the term
19 "bond reserve fund requirement" means, as of any
20 particular date of computation, an amount of money, as
21 provided in the resolutions or trust indentures
22 authorizing the bonds with respect to which the fund
23 is established.

24 d. To assure the continued solvency of any bonds
25 secured by the bond reserve fund, provision is made in
26 paragraph "a" for the accumulation in each bond
27 reserve fund of an amount equal to the bond reserve
28 requirement for the fund. In order to further assure
29 maintenance of the bond reserve funds, the treasurer
30 of state shall, on or before January 1 of each
31 calendar year, make and deliver to the governor the
32 treasurer of state's certificate stating the sum, if
33 any, required to restore each bond reserve fund to the
34 bond reserve fund requirement for that fund. Within
35 thirty days after the beginning of the session of the
36 general assembly next following the delivery of the
37 certificate, the governor shall submit to both houses
38 printed copies of a budget including the sum, if any,
39 required to restore each bond reserve fund to the bond
40 reserve fund requirement for that fund. Any sums
41 appropriated by the general assembly and paid to the
42 treasurer of state pursuant to this subsection shall
43 be deposited by the treasurer of state in the
44 applicable bond reserve fund.

45 Sec. 22. NEW SECTION. 12.93 PLEDGES.

46 1. It is the intention of the general assembly
47 that a pledge made in respect of bonds shall be valid
48 and binding from the time the pledge is made, that the
49 moneys or property so pledged and received after the
50 pledge by the treasurer of state shall immediately be

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1 subject to the lien of the pledge without physical
2 delivery or further act, and that the lien of the
3 pledge shall be valid and binding as against all
4 parties having claims of any kind in tort, contract,
5 or otherwise against the treasurer of state whether or
6 not the parties have notice of the lien.

7 2. The moneys set aside in a fund or funds pledged
8 for any series or issue of bonds shall be held for the
9 sole benefit of the series or issue separate and apart
10 from moneys pledged for another series or issue of
11 bonds of the treasurer of state. Bonds may be issued
12 in series under one or more resolutions or trust
13 indentures and may be fully open-ended, thus providing

14 for the unlimited issuance of additional series, or
15 partially open-ended, limited as to additional series.
16 Sec. 23. NEW SECTION. 12.94 LIMITATIONS.
17 Bonds issued pursuant to section 12.91 are not
18 debts of the state, or of any political subdivision of
19 the state, and do not constitute a pledge of the faith
20 and credit of the state or a charge against the
21 general credit or general fund of the state. The
22 issuance of any bonds pursuant to section 12.91 by the
23 treasurer of state does not directly, indirectly, or
24 contingently obligate the state or a political
25 subdivision of the state to apply moneys, or to levy
26 or pledge any form of taxation whatever, to the
27 payment of the bonds. Bonds issued under section
28 12.91 are payable solely and only from the sources and
29 special fund and accounts provided in section 12.92.
30 Sec. 24. NEW SECTION. 12.95 CONSTRUCTION.
31 Sections 12.91 through 12.94, being necessary for
32 the welfare of this state and its inhabitants, shall
33 be liberally construed to effect its purposes.
34 Sec. 25. Section 15G.108, Code Supplement 2003, is
35 amended to read as follows:
36 15G.108 GROW IOWA VALUES FUND.
37 A grow Iowa values fund is created and established
38 as a separate and distinct fund in the state treasury
39 ~~under the control of the grow Iowa values board~~
40 ~~consisting of moneys appropriated to the grow Iowa~~
41 ~~values board.~~ Moneys in the fund are not subject to
42 section 8.33. Notwithstanding section 12C.7, interest
43 or earnings on moneys in the fund shall be credited to
44 the fund. Moneys in the fund shall not be subject to
45 appropriation for any other purposes by the general
46 assembly other than as provided in this Act and 2003
47 Iowa Acts, First Extraordinary Session, chapter 2, but
48 shall be used only for the purposes of the grow Iowa
49 values fund. The treasurer of state shall act as
50 custodian of the fund and disburse moneys contained in

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1 the fund as directed by the grow Iowa values board,
2 including automatic disbursements of moneys received
3 pursuant to the terms of bond indentures and documents
4 and security provisions to trustees. The fund shall
5 be administered by the grow Iowa values board, which
6 shall make expenditures from the fund consistent with
7 this chapter and pertinent Acts of the general
8 assembly. Any financial assistance provided using
9 moneys from the fund may be provided over a period of
10 time of more than one year. Payments of interest,
11 repayments of moneys loaned pursuant to this chapter,
12 and recaptures of grants or loans shall be deposited

13 in the fund.

14 Sec. 26. Section 15G.110, Code Supplement 2003, is
15 amended to read as follows:

16 15G.110 FUTURE CONSIDERATION.

17 Not later than February 1, 2007, the legislative
18 services agency shall prepare and deliver to the
19 secretary of the senate and the chief clerk of the
20 house of representatives identical divisions that
21 repeal the provisions of this chapter, with the
22 exception of sections 15G.101, 15G.102, 15G.103, and
23 15G.108. It is the intent of this section that the
24 general assembly shall bring the division to a vote in
25 either the senate or the house of representatives
26 expeditiously. It is further the intent of this
27 chapter that if the division is approved by the first
28 house in which it is considered, it shall
29 expeditiously be brought to a vote in the second
30 house.

31 Sec. 27. Section 99G.39, subsection 3, paragraph
32 a, Code Supplement 2003, is amended to read as
33 follows:

34 a. Notwithstanding subsection 1, if gaming
35 revenues under sections 99D.17 and 99F.11 are
36 insufficient in a fiscal year to meet the total amount
37 of such revenues directed to be deposited in the grow
38 Iowa values fund, the vision Iowa fund, and the school
39 infrastructure fund during the fiscal year pursuant to
40 section 8.57, subsection 5, paragraph "e", the
41 difference shall be paid from lottery revenues prior
42 to deposit of the lottery revenues in the general
43 fund. If lottery revenues are insufficient during the
44 fiscal year to pay the difference, the remaining
45 difference shall be paid from lottery revenues in
46 subsequent fiscal years as such revenues become
47 available.

48 Sec. 28. 2003 Iowa Acts, First Extraordinary
49 Session, chapter 1, section 114, is amended to read as
50 follows:

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1 SEC. 114. The divisions of this Act designated the
2 grow Iowa values board and fund, with the exception of
3 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
4 Supplement 2003, the value-added agricultural products
5 and processes financial assistance program, the endow
6 Iowa grants, the technology transfer advisors, the
7 Iowa economic development loan and credit guarantee
8 fund, the economic development assistance and data
9 collection, the cultural and entertainment districts,
10 the workforce issues, and the university-based
11 research utilization program, are repealed effective

12 June 30, 2010.

13 Sec. 29. 2003 Iowa Acts, First Extraordinary

14 Session, chapter 2, section 75, subsection 1, is

15 amended to read as follows:

16 1. There is appropriated from the general fund of
17 the state from moneys credited to the general fund of
18 the state as a result of entering into the streamlined
19 sales and use tax agreement, for the fiscal ~~period~~
20 year beginning July 1, 2003, and ending June 30, ~~2010~~
21 2004, the following ~~amounts~~ amount to be used for the
22 purpose designated:

23 For deposit in the grow Iowa values fund created in
24 section ~~15G.107, if enacted by 2003 Iowa Acts, House~~
25 ~~File 692 or another Act~~ 15G.108:

26 FY 2003-2004	\$ 5,000,000
27 FY 2004-2005	\$ 23,000,000
28 FY 2005-2006	\$ 75,000,000
29 FY 2006-2007	\$ 75,000,000
30 FY 2007-2008	\$ 75,000,000
31 FY 2008-2009	\$ 75,000,000
32 FY 2009-2010	\$ 75,000,000

33 2. Title page, by striking lines 1 and 2 and inserting the
34 following: "An Act relating to economic development and
35 regulatory matters at the state and local level, authorizing
36 issuance of tax-exempt bonds and tax credits, making
37 appropriations, and providing a retroactive applicability date."

PETERSEN of Polk

H-8243

1 Amend House File 2470 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. NEW SECTION. 514M.1 SHORT TITLE.

5 This chapter shall be known and may be cited as the
6 "Healthy Iowa for All" program.

7 Sec. 2. NEW SECTION. 514M.2 LEGISLATIVE INTENT.

8 It is the intent of the general assembly to
9 establish the healthy Iowa for all program to provide
10 access to comprehensive, quality, affordable health
11 care coverage to eligible small employers, including
12 the self-employed, their employees and their
13 dependents, state employees and their dependents,
14 local government employees and their dependents, and
15 individuals, on a voluntary basis. It is also the
16 intent of the general assembly that the healthy Iowa
17 for all program monitor and improve the quality of
18 health care in the state.

19 Sec. 3. NEW SECTION. 514M.3 DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise requires:

- 22 1. "Board" means the HIFA program board created in
23 section 514M.6.
- 24 2. "Department" means the Iowa department of
25 public health.
- 26 3. "Dependent" means a spouse, an unmarried child
27 under nineteen years of age, a child who is a student
28 under twenty-three years of age and is financially
29 dependent upon a plan enrollee, or a person of any age
30 who is the child of a plan enrollee and is disabled
31 and dependent upon that plan enrollee. "Dependent"
32 may include a domestic partner.
- 33 4. "Director" means the director of public health.
- 34 5. "Eligible employer" means a business that
35 employs at least two but not more than fifty eligible
36 employees, the majority of whom are employed in the
37 state, including a municipality or political
38 subdivision that has fifty or fewer employees.
- 39 6. "Eligible individual" means any of the
40 following:
- 41 a. A self-employed individual who works and
42 resides in the state, and is organized as a sole
43 proprietorship or in any other legally recognized
44 manner in which a self-employed individual may
45 organize, a substantial part of whose income derives
46 from a trade or business through which the individual
47 has attempted to earn taxable income.
- 48 b. An unemployed individual who resides in this
49 state.
- 50 c. An individual employed by an employer that does

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- 1 not offer health insurance.
- 2 d. Uninsured individuals without access to
3 employer coverage.
- 4 7. "Eligible local government employee" means a
5 local government employee.
- 6 8. "Eligible state employee" means a state
7 employee, including a state employee covered under a
8 collective bargaining agreement.
- 9 9. "Employer" means the owner or responsible agent
10 of a business authorized to sign contracts on behalf
11 of the business.
- 12 10. "Federal poverty guidelines" means the federal
13 poverty guidelines issued by the United States
14 department of health and human services in the federal
15 register.
- 16 11. "Health insurance carrier" means any entity
17 licensed by the division of insurance of the
18 department of commerce to provide health insurance in
19 Iowa or an organized delivery system licensed by the
20 director of public health that has contracted with the

21 department to provide health insurance coverage to
22 eligible individuals and dependents under this
23 chapter.

24 12. "HIFA health insurance" means the health
25 insurance product established by the HIFA program that
26 is offered by a private health insurance carrier.

27 13. "HIFA health insurance program" or "insurance
28 program" means the program through which HIFA health
29 insurance is provided.

30 14. "HIFA program" or "program" means the healthy
31 Iowa for all program established in this chapter.

32 15. "Local government" means a city, county,
33 school district, and the institutions governed by the
34 board of regents.

35 16. "Modified community rating" means a method
36 used to develop a health insurance carrier's premiums
37 which spreads financial risk across a population by
38 limiting the utilization of health status and claims
39 experience as approved by the commissioner of
40 insurance.

41 17. "Participating employer" means an eligible
42 employer that contracts with and has employees
43 enrolled in the HIFA health insurance program.

44 18. "Plan enrollee" means an eligible individual
45 or eligible employee who enrolls in the HIFA health
46 insurance program.

47 19. "Provider" means any person, organization,
48 corporation, or association that provides health care
49 services and products and is authorized to provide
50 those services and products under state law.

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1 20. "Reinsurance" means an agreement between
2 insurance companies under which one accepts all or
3 part of the risk or loss of the other.

4 21. "Third-party administrator" means any person
5 who, on behalf of any person who establishes a health
6 insurance plan covering residents of this state,
7 receives or collects charges, contributions, or
8 premiums for, or settles claims of residents in
9 connection with, any type of health benefit provided
10 in or as an alternative to insurance.

11 22. "Unemployed individual" means an individual
12 who does not work more than twenty hours per week for
13 any single employer.

14 Sec. 4. NEW SECTION. 514M.4 HIFA PROGRAM
15 ESTABLISHED.

16 1. The department shall establish the HIFA program
17 to provide access to health care coverage to eligible
18 employers, including the self-employed, their
19 employees and dependents, eligible state employees and

20 their dependents, eligible local government employees
21 and their dependents, and eligible individuals.
22 2. The department may do any of the following:
23 a. Have and exercise all powers necessary or
24 convenient to effect the purposes for which the
25 program is organized or to further the activities in
26 which the program may lawfully be engaged, including
27 the establishment of the insurance program.
28 b. Make and alter a plan of operation, not
29 inconsistent with this chapter or with state law, for
30 the administration and regulation of the activities of
31 the program.
32 c. Take any legal actions necessary or proper to
33 recover or collect savings offset payments due the
34 program or that are necessary for the proper
35 administration of the program.
36 d. Take any legal actions necessary to avoid the
37 payment of improper claims against the insurance
38 program or the coverage provided by or through the
39 insurance program to recover any amounts erroneously
40 or improperly paid by the insurance program, to
41 recover amounts paid by the insurance program as the
42 result of mistake of fact or law, and to recover other
43 amounts due the insurance program.
44 e. Enter into contracts with qualified third
45 parties, both private and public, for any service
46 necessary to carry out the purposes of this chapter.
47 f. Conduct studies and analyses related to the
48 provision of health care, health care costs, and
49 health care quality.
50 g. Accept appropriations, gifts, grants, loans, or

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1 other aid from public or private entities.
2 h. Contract with organizations with expertise in
3 health care data, including a nonprofit health data
4 processing entity in this state, to assist the Iowa
5 quality forum established in section 514M.13 in the
6 performance of its responsibilities.
7 i. Provide staff support and other assistance to
8 the Iowa quality forum established in section 514M.13.
9 j. In accordance with the limitations and
10 restrictions of this chapter, cause any of its powers
11 or duties to be carried out by one or more
12 organizations organized, created, or operated under
13 the laws of this state.
14 3. The department shall do all of the following:
15 a. Establish administrative and accounting
16 procedures as recommended by the state auditor for the
17 operation of the program.
18 b. Collect the savings offset payments as provided

19 in section 514M.11.

20 c. Determine the comprehensive services and
21 benefits to be included in HIFA health insurance and
22 make recommendations to the board regarding the
23 services and benefits.

24 d. Develop and implement an outreach program to
25 publicize the existence of the HIFA program and the
26 HIFA health insurance program and the eligibility
27 requirements and the enrollment procedures for the
28 HIFA health insurance program and to maintain public
29 awareness of the HIFA program and the HIFA health
30 insurance program.

31 e. Arrange for the provision of HIFA health
32 insurance benefit coverage to eligible individuals,
33 eligible employees, eligible state employees, and
34 eligible local government employees through contracts
35 with one or more qualified health insurance carriers.

36 f. Develop a high-risk pool for plan enrollees in
37 HIFA health insurance in accordance with the
38 provisions of section 514M.15.

39 4. Financial and performance audits or
40 examinations of HIFA health insurance shall be
41 conducted by the insurance division of the department
42 of commerce, annually. A copy of any audit shall be
43 provided to the commissioner of insurance, the
44 governor, and the general assembly.

45 5. Beginning September 1, 2006, and annually
46 thereafter, the department shall submit a report to
47 the governor and the general assembly on the impact of
48 the HIFA health insurance program on the small group,
49 individual, state employee, and local government
50 employee health insurance markets in this state and

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1 any reduction in the number of uninsured individuals
2 in the state. The department shall also report on
3 membership in the HIFA health insurance program, the
4 administrative expenses of the HIFA health insurance
5 program, the extent of coverage, the effect on
6 premiums, the number of covered lives, the number of
7 HIFA health insurance policies issued or renewed, and
8 HIFA health insurance premiums earned and claims
9 incurred by health insurance carriers offering HIFA
10 health insurance.

11 6. The department shall coordinate the activities
12 of the HIFA program with health care programs offered
13 through federal, state, and local governments.

14 Sec. 5. NEW SECTION. 514M.5 HIFA PROGRAM BOARD.

15 1. A HIFA program board for the HIFA program is
16 established. The board shall meet not less than four
17 times annually or at the call of the chairperson for

18 the purposes of establishing policy and adopting rules
19 for the program. The board shall consist of the
20 following members:

21 a. Five public voting members who have knowledge
22 or experience in one or more of the following areas,
23 appointed by the governor and subject to confirmation
24 by the senate:

25 (1) Health care purchasing.

26 (2) Health insurance.

27 (3) Health policy and law.

28 (4) State management and budgeting.

29 (5) Health care financing.

30 b. The director of public health, the director of
31 human services, and the commissioner of insurance
32 serving as ex officio, nonvoting members of the board.

33 c. Two members of the senate and two members of
34 the house of representatives, serving as ex officio,
35 nonvoting members. The legislative members of the
36 board shall be appointed by the majority leader of the
37 senate, after consultation with the president of the
38 senate, and by the minority leader of the senate, and
39 by the speaker of the house, after consultation with
40 the majority leader, and by the minority leader of the
41 house of representatives. Legislative members shall
42 receive compensation pursuant to section 2.12.

43 2. Members appointed by the governor shall serve
44 two-year staggered terms as designated by the
45 governor, and legislative members of the board shall
46 serve two-year terms. The filling of vacancies,
47 membership terms, payment of compensation and
48 expenses, and removal of the members who are
49 representatives of the public are governed by chapter
50 69. Members of the board are entitled to receive

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1 reimbursement of actual expenses incurred in the
2 discharge of their duties. Public members of the
3 board are also eligible to receive per diem as
4 specified in section 7E.6 for each day spent in
5 performance of duties as members. The members shall
6 select a voting member as the chairperson on an annual
7 basis from among the membership of the board. Three
8 voting members of the board constitute a quorum. An
9 action taken by the board shall require the
10 affirmative vote of at least three members.

11 3. A member of the board or an employee of the
12 HIFA program or their dependent shall not receive any
13 direct personal benefit from the activities of the
14 program in assisting any private entity, except that
15 they may participate in HIFA health insurance on the
16 same terms as any other participant.

- 17 4. The board shall do all of the following:
- 18 a. Employ or contract for any personnel as may be
- 19 necessary to carry out the duties of the board.
- 20 b. Develop standards for selecting participating
- 21 health insurance carriers for the insurance program.
- 22 c. Establish penalties for breach of contract or
- 23 other violations of requirements or provisions under
- 24 the program.
- 25 d. In consultation with the Iowa quality forum
- 26 advisory council, select a nationally recognized
- 27 functional health assessment form for an initial
- 28 assessment of all eligible employees, eligible
- 29 individuals, eligible state employees, and eligible
- 30 local government employees participating in the HIFA
- 31 health insurance program, establish a baseline for
- 32 comparison purposes, and develop appropriate
- 33 indicators to measure the health status of those
- 34 participating in the program.
- 35 e. Specify the data to be maintained by the
- 36 department, including data to be collected for the
- 37 purposes of quality assurance reports.
- 38 f. Approve the benefits package design, review the
- 39 benefits package design on a periodic basis, and make
- 40 necessary changes in the benefit design to reflect the
- 41 results of the periodic reviews. The benefits package
- 42 shall provide comprehensive coverage and shall include
- 43 all benefits mandated by law.
- 44 g. Determine the contribution levels, deductibles,
- 45 and cost-sharing requirements of the HIFA health
- 46 insurance program.
- 47 h. Provide for periodic assessment of the
- 48 effectiveness of the outreach program.
- 49 i. Solicit input from the public regarding the
- 50 program and related issues and services.

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- 1 j. Approve a high-risk pool for plan enrollees in
- 2 the HIFA health insurance program.
- 3 k. Adopt rules, in accordance with chapter 17A, as
- 4 necessary for the proper administration and
- 5 enforcement of this chapter.
- 6 5. State agencies shall provide technical
- 7 assistance and expertise to the board and the
- 8 department upon request. The attorney general shall
- 9 act as legal counsel to the board.
- 10 6. The board may appoint advisory committees to
- 11 assist the board and the department.
- 12 Sec. 6. NEW SECTION. 514M.6 HIFA HEALTH
- 13 INSURANCE PROGRAM.
- 14 1. a. The HIFA health insurance program shall
- 15 provide for health benefits coverage through health

insurance carriers that apply to the board and meet the qualifications described in this section and any additional qualifications established by rule of the board.

b. If a sufficient number of health insurance carriers do not apply to offer and deliver health insurance under the insurance program, the board may propose the establishment of a nonprofit health care plan or may propose the expansion of an existing public plan. If the board proposes the establishment of a nonprofit health care plan or the expansion of an existing public plan, the board shall submit a proposal, including but not limited to a funding mechanism, to capitalize a nonprofit health care plan and any recommended legislation to the general assembly. The program shall not provide access to health insurance by establishing a nonprofit health care plan or through an existing public plan without specific legislative approval.

2. Nothing in this chapter shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for participation in the HIFA health insurance program based upon eligibility consistent with the requirements of this chapter. Any state obligation to provide services pursuant to this chapter is limited to the extent of the funds appropriated or provided for implementation of this chapter.

3. The HIFA health insurance program may contract with health insurance carriers licensed to sell health insurance in the state or other private or public third-party administrators to provide insurance under the insurance program.

a. The HIFA health insurance program shall issue requests for proposals to select health insurance

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carriers.

b. The insurance program may include quality improvement, patient care management, and cost-containment provisions in the contracts with participating health insurance carriers or may arrange for the provision of such services through contracts with other entities.

c. The insurance program shall require participating health insurance carriers to offer a benefit plan identical to the plan developed by the board in the small group market.

d. The HIFA health insurance program may set allowable rates for administration and underwriting gains for the insurance program.

15 e. The HIFA health insurance program may
16 administer continuation benefits for eligible
17 individuals from employers with twenty or more
18 employees who have purchased health insurance coverage
19 through the program for the duration of their
20 eligibility periods for continuation of benefits
21 pursuant to Title X of the federal Consolidated
22 Omnibus Budget Reconciliation Act of 1986, Pub. L. No.
23 99-272, sections 10001 to 10003.

24 f. The HIFA health insurance program may
25 administer or contract to administer the United States
26 Internal Revenue Code of 1986, section 125, plans for
27 employers and employees participating in the program,
28 including medical expense reimbursement accounts and
29 dependent care reimbursement accounts.

30 g. The HIFA health insurance program shall
31 contract with eligible employers seeking assistance in
32 arranging for health benefits coverage for their
33 employees and the employees' dependents.

34 Sec. 7. NEW SECTION. 514M.7 ELIGIBILITY
35 REQUIREMENTS.

36 1. All of the following are eligible for
37 participation in the HIFA health insurance program:

38 a. Eligible individuals and their dependents.

39 b. The employees of an eligible employer and the

40 dependents of such employees.
41 c. Eligible state employees and their dependents,
42 in accordance with applicable collective bargaining
43 agreements.

44 d. Eligible local government employees and their
45 dependents.

46 2. In order to participate, an eligible employer,
47 the state, or the local government shall pay at least
48 sixty percent of the individual employee's premium
49 costs or the combined premium costs of the individual
50 employee and dependents of the employee.

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1 3. The HIFA health insurance program shall collect
2 payments from participating employers and plan
3 enrollees to cover the costs of all of the following:

4 a. Insurance coverage for enrolled employees and
5 their dependents in contribution amounts determined by
6 the board.

7 b. Quality assurance, patient care management, and
8 cost-containment programs.

9 c. Administrative services.

10 d. Other health promotion costs.

11 4. The HIFA program board shall establish a
12 minimum required contribution level, to be paid by
13 participating employers toward the aggregate payment

in subsection 3. The minimum required contribution level to be paid by participating employers shall be prorated for employees that work less than the number of hours of a full-time equivalent employee as determined by the employer. The HIFA health insurance program may establish a separate minimum contribution level to be paid by employers toward coverage for dependents of the employers' enrolled employees.

5. The HIFA health insurance program shall require participating employers to certify that at least seventy-five percent of their employees that work thirty hours or more per week and who do not have other creditable coverage are enrolled in the HIFA health insurance program and that the employer group otherwise meets the minimum participation requirements.

6. The HIFA health insurance program shall reduce the payment amounts for plan enrollees eligible for a subsidy pursuant to section 514M.9 accordingly. The employer shall pass along any subsidy received to the enrollee up to the amount of payments made by the plan enrollee.

7. The HIFA health insurance program may establish other criteria for participation in the program.

8. The HIFA health insurance program may limit the number of participating employers in the program.

9. The HIFA health insurance program may allow eligible individuals and their dependents to purchase insurance under the program in accordance with this subsection.

a. The HIFA health insurance program may establish contracts and other reporting forms and procedures necessary for the efficient administration of individual contracts.

b. The HIFA health insurance program shall collect payments from eligible individuals participating in the HIFA health insurance program to cover the costs

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of all of the following:

(1) Insurance coverage for eligible individuals and their dependents in contribution amounts determined by the board.

(2) Quality assurance, patient care management, and cost-containment programs.

(3) Administrative services.

(4) Other health promotion costs.

c. The HIFA health insurance program shall reduce the payment amounts for individuals eligible for a subsidy pursuant to section 514M.9 accordingly.

d. The HIFA health insurance program may require

13 that eligible individuals certify that all their
14 dependents are enrolled in the HIFA health insurance
15 program or are covered by another creditable plan.

16 e. The HIFA health insurance program may require
17 an eligible individual who is currently employed by an
18 eligible employer that does not offer health insurance
19 to certify that the current employer did not provide
20 access to an employer-sponsored benefits plan in the
21 twelve-month period immediately preceding the eligible
22 individual's application.

23 f. The HIFA health insurance program may limit the
24 number of individual plan enrollees.

25 g. The HIFA health insurance program may establish
26 other criteria for participation of individuals in the
27 insurance program.

28 Sec. 8. NEW SECTION. 514M.8 FACILITATION OF
29 ENROLLMENT IN HIFA HEALTH INSURANCE PROGRAM.

30 The department shall perform, at a minimum, all of
31 the following functions to facilitate enrollment in
32 the insurance program:

33 1. Publicize the availability of HIFA health
34 insurance to employers, self-employed individuals, and
35 others eligible to enroll in the program.

36 2. Screen all eligible individuals and employees
37 for eligibility for subsidies pursuant to section
38 514M.9.

39 3. Promote quality improvement, patient care
40 management, and cost-containment programs as part of
41 the insurance program.

42 Sec. 9. NEW SECTION. 514M.9 SUBSIDIES.

43 1. The HIFA health insurance program shall
44 establish sliding-scale subsidies for the purchase of
45 HIFA health insurance by an individual or employee
46 whose income is at or below three hundred percent of
47 the federal poverty guidelines and who is not eligible
48 for any other state or federally funded program. The
49 HIFA health insurance program may also establish
50 sliding-scale subsidies for the purchase of employer-

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1 sponsored health coverage by an employee of an
2 employer with more than fifty employees, whose income
3 is under three hundred percent of the federal poverty
4 guidelines and who is not eligible for any other state
5 or federally funded program.

6 2. Subsidies shall be limited by the amount of
7 available funding.

8 3. The HIFA health insurance program may limit the
9 amount of the subsidy to individual plan enrollees to
10 forty percent of the payment.

11 Sec. 10. NEW SECTION. 514M.10 INSURANCE

12 CARRIERS.

13 To qualify as a health insurance carrier for HIFA
14 health insurance, a health insurance carrier shall do
15 all of the following:

16 1. Provide the comprehensive health services and
17 benefits as determined by the board, including a
18 standard benefit package that meets the requirements
19 for mandated coverage for specific health services,
20 specific diseases, and for certain providers of health
21 services under this title, and any supplemental
22 benefits as approved by the board.

23 2. Ensure all of the following:

24 a. That providers contracting with a health
25 insurance carrier contracted to provide coverage to
26 plan enrollees do not refuse to provide services to a
27 plan enrollee on the basis of health status, medical
28 condition, previous insurance status, race, color,
29 creed, age, national origin, citizenship status,
30 gender, sexual orientation, disability, or marital
31 status. This paragraph shall not be construed to
32 require a provider to furnish medical services that
33 are not within the scope of that provider's license.

34 b. That providers contracting with a health
35 insurance carrier contracted to provide coverage to
36 plan enrollees are reimbursed at the negotiated
37 reimbursement rates between the carrier and its
38 provider network.

39 c. That premiums are set utilizing a modified
40 community rating.

41 Sec. 11. NEW SECTION. 514M.11 SAVINGS OFFSET
42 PAYMENTS.

43 1. The board shall determine, annually, not later
44 than April 30, the aggregate measurable cost savings,
45 including any reduction or avoidance of bad debt and
46 charity care costs to health care providers in the
47 state as a result of the operation of the HIFA health
48 insurance program.

49 2. For the purpose of providing funds necessary to
50 provide subsidies pursuant to section 514M.9, and to

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1 support the Iowa quality forum pursuant to section
2 514M.13, the board shall establish a savings offset
3 amount to be paid by health insurance carriers,
4 employee benefit excess insurance carriers, and third-
5 party administrators, not including carriers and
6 third-party administrators with respect to accidental
7 injury, specified disease, hospital indemnity, dental,
8 vision, disability, income, long-term care, Medicare
9 supplemental, or other limited benefit health
10 insurance, annually at a rate that may not exceed

11 savings resulting from decreasing rates of growth in
12 bad debt and charity care costs. Payment of the
13 savings offset shall begin January 1, 2006. The
14 savings offset amount as determined by the board is
15 the determining factor for inclusion of savings offset
16 payments in premiums through rate-setting review by
17 the insurance division of the department of commerce.
18 Savings offset payments must be made quarterly and are
19 due not less than thirty days after written notice to
20 the health insurance carriers, employee benefit excess
21 insurance carriers, and third-party administrators.
22 3. Each health insurance carrier, employee benefit
23 excess insurance carrier, and third-party
24 administrator shall pay a savings offset in an amount
25 not to exceed four percent of annual health insurance
26 premiums and employee benefit excess insurance
27 premiums on policies issued pursuant to the laws of
28 this state that insure residents of this state. The
29 savings offset payment shall not exceed savings
30 resulting from decreasing rates of growth in bad debt
31 and charity care costs. The savings offset payment
32 applies to premiums paid on or after July 1, 2005.
33 Savings offset payments shall reflect aggregate
34 measurable cost savings, including any reduction or
35 avoidance of bad debt and charity care costs to health
36 care providers in this state, as a result of the
37 operation of the HIFA health insurance program as
38 determined by the board. A health insurance carrier
39 or employee benefit excess insurance carrier shall not
40 be required to pay a savings offset payment on
41 policies or contracts insuring federal employees.
42 4. The board shall make reasonable efforts to
43 ensure that premium revenue, or claims plus any
44 administrative expenses and fees with respect to
45 third-party administrators, is counted only once with
46 respect to any savings offset payment. For that
47 purpose, the board shall require each health insurance
48 carrier to include in its premium revenue gross of
49 reinsurance ceded. The board shall allow a health
50 insurance carrier to exclude from its gross premium

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1 revenue reinsurance premiums that have been counted by
2 the primary insurer for the purpose of determining its
3 savings offset payment under this subsection. The
4 board shall allow each employee benefit excess
5 insurance carrier to exclude from its gross premium
6 revenue the amount of claims that have been counted by
7 a third-party administrator for the purpose of
8 determining its savings offset payment under this
9 subsection. The board may verify each health

10 insurance carrier's, employee benefit excess insurance
11 carrier's, and third-party administrator's savings
12 offset payment based on annual statements and other
13 reports determined to be necessary by the board.

14 5. The commissioner of insurance may suspend or
15 revoke, after notice and hearing, the certificate of
16 authority to transact insurance in this state of any
17 health insurance carrier or the license of any third-
18 party administrator to operate in this state that
19 fails to pay a savings offset payment. In addition,
20 the commissioner may assess civil penalties against
21 any health insurance carrier, employee benefit excess
22 insurance carrier, or third-party administrator that
23 fails to pay a savings offset payment or may take any
24 other enforcement action authorized to collect any
25 unpaid savings offset payments.

26 6. On an annual basis no later than April 30 of
27 each year, the board shall prospectively determine the
28 savings offset to be applied during each twelve-month
29 period. Annual offset payments shall be reconciled to
30 determine whether unused payments may be returned to
31 health insurance carriers, employee benefit excess
32 insurance carriers, and third-party administrators
33 according to a formula developed by the board.
34 Savings offset payments shall be used solely to fund
35 the subsidies authorized by section 514M.9 and to
36 support the Iowa quality forum established in section
37 514M.13 and may not exceed savings from reductions in
38 growth of bad debt and charity care.

39 7. In accordance with the requirements of this
40 subsection, every health insurance carrier and health
41 care provider shall demonstrate that best efforts have
42 been made to ensure that a carrier has recovered
43 savings offset payments made pursuant to this section
44 through negotiated reimbursement rates that reflect
45 health care providers' reductions or stabilization in
46 the cost of bad debt and charity care as a result of
47 the operation of HIFA health insurance.

48 a. A health insurance carrier shall use best
49 efforts to ensure health insurance premiums reflect
50 any such recovery of savings offset payments as those

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1 savings offset payments are reflected through incurred
2 claims experience.

3 b. During any negotiation with a health insurance
4 carrier relating to a health care provider's
5 reimbursement agreement with that carrier, a health
6 care provider shall provide data relating to any
7 reduction or avoidance of bad debt and charity care
8 costs to health care providers in this state as a

9 result of the operation of the HIFA health insurance
10 program.

11 8. The following reports are required in
12 accordance with this subsection:

13 a. On a quarterly basis, beginning with the first
14 quarter after the HIFA health insurance program begins
15 offering coverage, the board shall collect and report
16 on the following:

17 (1) The total enrollment in the HIFA health
18 insurance program, including the number of enrollees
19 previously underinsured or uninsured, the number of
20 enrollees previously insured, the number of individual
21 enrollees, the number of enrollees enrolled through
22 small employers, the number of enrollees enrolled
23 through the state of Iowa, and the number of enrollees
24 enrolled through local governments.

25 (2) The total number of enrollees covered in
26 health plans through large employers and self-insured
27 employers.

28 (3) The number of employers, both small employers
29 and large employers, who have ceased offering health
30 insurance or contributing to the cost of health
31 insurance for employees or who have begun offering
32 coverage on a self-insured basis.

33 (4) The number of employers, both small employers
34 and large employers, who have begun to offer health
35 insurance or contribute to the cost of health
36 insurance premiums for their employees.

37 (5) The number of new participating employers in
38 the HIFA health insurance program.

39 (6) The number of employers ceasing to offer
40 coverage through the HIFA health insurance program.

41 (7) The duration of employers' participation in
42 the HIFA health insurance program.

43 (8) A comparison of actual enrollees in the HIFA
44 health insurance program to the projected enrollees.

45 b. The board shall establish the total health care
46 spending in the state for the base year beginning July
47 1, 2003, and shall annually determine, in
48 collaboration with the commissioner of insurance,
49 appropriate actuarially supported trend factors that
50 reflect savings consistent with subsection 1 and

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1 compare rates of spending growth to the base year of
2 2003. The board shall collect on an annual basis, in
3 consultation with the commissioner, information about
4 the total cost to the state's health care providers of
5 bad debt and charity care beginning with the base year
6 of 2003. This information may be compiled through
7 mechanisms including, but not limited to, standard

reporting or statistically accurate surveys of providers and practitioners. The board shall utilize existing data on file with state agencies or other organizations to minimize duplication. The comparisons to the base year shall be reported beginning April 30, 2005, and annually thereafter.

c. Health insurance carriers and health care providers shall report annually, beginning July 1, 2006, and each July 1 thereafter, information regarding the experience of the prior twelve-month period on the efforts undertaken by the carrier and provider to recover savings offset payments, as reflected in reimbursement rates, through a reduction or stabilization in bad debt and charity care costs as a result of the operation of the HIFA health insurance program. The board shall determine the appropriate format for the report and utilize existing data on file with state agencies or other organizations to minimize duplication. The report shall be submitted to the board. Using the information submitted by carriers and providers, the board shall submit a summary of that information by October 1, 2006, and annually thereafter to the commissioner of insurance, the governor, and the general assembly.

9. The claims experience used to determine any filed premiums or rating formula shall reasonably reflect, in accordance with accepted actuarial standards, known changes and offsets in payments by the carrier to health care providers in this state, including any reduction or avoidance of bad debt and charity care costs to health care providers in this state as a result of the operation of the HIFA health insurance program.

Sec. 12. NEW SECTION. 514M.12 HIFA PROGRAM FUND.

1. A HIFA program fund is created in the state treasury under the authority of the department for deposit of any funds for initial operating expenses, payments made by employers and individuals, any savings offset payments made pursuant to section 514M.11, and any funds received from any public or private source.

2. Moneys deposited in the fund shall be used only for the purposes of the HIFA program as specified in

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this chapter.

3. The fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the fund shall not be considered revenue of the state, but rather shall be funds of the HIFA program. The moneys

7 deposited in the fund are not subject to section 8.33
8 and shall not be transferred, used, obligated,
9 appropriated, or otherwise encumbered, except to
10 provide for the purposes of this chapter.

11 Notwithstanding section 12C.7, subsection 2, interest
12 or earnings on moneys deposited in the fund shall be
13 credited to the fund.

14 4. The department shall adopt rules pursuant to
15 chapter 17A to administer the fund.

16 5. The treasurer of state shall provide a
17 quarterly report of fund activities and balances to
18 the board.

19 Sec. 13. NEW SECTION. 514M.13 IOWA QUALITY
20 FORUM.

21 1. The Iowa quality forum is established within
22 the HIFA program. The forum shall be governed by the
23 HIFA program board with advice from the Iowa quality
24 forum advisory council pursuant to section 514M.14.
25 The forum shall be funded, at least in part, through
26 the savings offset payments made pursuant to section
27 514M.11.

28 2. The forum shall do all of the following:

29 a. Collect and disseminate research regarding
30 health care quality, evidence-based medicine, and
31 patient safety to promote best practices.

32 b. Adopt a set of measures to evaluate and compare
33 health care quality and provider performance. The
34 measures must be adopted with guidance from the
35 advisory council pursuant to section 514M.14.

36 c. Coordinate the collection of health care
37 quality data in the state. The forum shall work with
38 entities that collect health care data to minimize
39 duplication and to minimize the burden on providers of
40 data.

41 d. Provide oversight for a retrospective drug
42 utilization review and quality assessment program.

43 e. Work collaboratively with health care
44 providers, health insurance carriers, and others to
45 report in useable formats, comparative health care
46 quality information to consumers, purchasers,
47 providers, insurers, and policymakers. The forum
48 shall produce annual quality reports.

49 f. Conduct education campaigns to help health care
50 consumers make informed decisions and engage in

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1 healthy lifestyles.

2 g. Adopt plans to provide medication therapy
3 management by pharmacy providers targeted to
4 individuals who have multiple chronic conditions, use
5 multiple prescriptions, and are likely to incur high

6 drug expenses in order to ensure appropriate use of
7 prescription drugs to improve therapeutic outcomes and
8 reduce adverse drug reactions.

9 h. Encourage the adoption of electronic technology
10 and assist health care practitioners to implement
11 electronic systems for medical records and submission
12 of claims. The assistance may include, but is not
13 limited to, practitioner education, identification, or
14 establishment of low-interest financing options for
15 hardware and software and system implementation
16 support.

17 i. Make recommendations for inclusion in the state
18 health plan developed pursuant to section 514M.16.

19 j. Submit an annual report to the governor and the
20 general assembly and make the report available to the
21 public.

22 Sec. 14. NEW SECTION. 514M.14 IOWA QUALITY FORUM
23 ADVISORY COUNCIL.

24 1. An Iowa quality forum advisory council is
25 established to advise the forum. The council shall
26 consist of all of the following voting members,
27 appointed by the governor, subject to confirmation by
28 the senate:

29 a. One member who is a physician.

30 b. One member who is a health care economist.

31 c. One member who is a pharmacist.

32 d. One member who represents hospitals.

33 e. One member who is a representative of the
34 university of Iowa college of public health.

35 f. One member who is a representative of a private
36 employer with not more than fifty employees.

37 g. One member who is a representative of a private
38 employer with more than one thousand employees.

39 h. One member who is a representative of organized
40 labor.

41 i. One member who is a representative of a
42 consumer health advocacy group.

43 j. The director of public health, or the
44 director's designee.

45 2. The commissioner of insurance shall serve as an
46 ex officio nonvoting member of the advisory council.

47 3. All members of the advisory council with the
48 exception of the director of public health and the
49 commissioner of insurance are subject to the
50 following:

1 a. Shall serve five-year staggered terms as
2 designated by the governor.

3 b. Shall be subject to chapter 69 with regard to
4 the filling of vacancies, membership terms, payment of

5 compensation and expenses, and removal.
6 c. Are entitled to receive reimbursement of actual
7 expenses incurred in the discharge of their duties and
8 are also eligible to receive compensation as provided
9 in section 7E.6.
10 d. Shall not serve more than two consecutive
11 terms.
12 4. The advisory council shall annually choose one
13 of its voting members to serve as chairperson for a
14 one-year term.
15 5. The advisory council shall meet at least four
16 times annually and may meet at other times at the call
17 of the chairperson. Meetings of the council are
18 public proceedings.
19 6. The advisory council shall do all of the
20 following:
21 a. Convene a group of health care providers to
22 provide input and advice to the council.
23 b. Provide expertise in health care quality to
24 assist the board.
25 c. Advise and support the forum by doing all of
26 the following:
27 (1) Establishing and monitoring, with the HIFA
28 program, an annual work plan for the forum.
29 (2) Providing guidance in the adoption of quality
30 and performance measures.
31 (3) Serving as a liaison between the provider
32 group established in paragraph "a" and the forum.
33 (4) Conducting public hearings and meetings.
34 (5) Reviewing consumer education materials
35 developed by the forum.
36 d. Assist the board in selecting the nationally
37 recognized functional health assessment.
38 e. Make recommendations regarding quality
39 assurance and quality improvement priorities for
40 inclusion in the state health plan described in
41 section 514M.16.
42 f. Serve as a liaison between the forum and other
43 organizations working in the field of health care
44 quality.
45 Sec. 15. NEW SECTION. 514M.15 HIFA HIGH-RISK
46 POOL.
47 1. A plan enrollee shall be included in the HIFA
48 high-risk pool if the total cost of health care
49 services for the enrollee exceeds fifty thousand
50 dollars in any twelve-month period.

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1 2. The HIFA program shall develop appropriate
2 patient care management protocols, develop procedures
3 for implementing those protocols, and determine the

manner in which patient care management shall be provided to plan enrollees in the HIFA high-risk pool. Patient care management shall be provided by appropriate individual health care professionals under the HIFA program. The HIFA program shall include patient care management in its contract with participating health insurance carriers for HIFA high-risk pool enrollees pursuant to this section, contract separately with another entity for patient care management services, or provide patient care management services directly through the HIFA program.

3. The HIFA program shall submit a report to the governor and the general assembly, no later than January 1, 2006, outlining the patient care management protocols, procedures, and delivery mechanisms used to provide patient care management services to HIFA high-risk pool enrollees and the assessment tool used to measure individual patient care management activities. The report shall also include the number of plan enrollees in the high-risk pool, the types of diagnoses managed within the high-risk pool, the claims experience within the high-risk pool, and the number and type of claims exceeding fifty thousand dollars for enrollees in the high-risk pool and for all enrollees in the HIFA health insurance program.

4. On or before October 1, 2008, the HIFA program shall evaluate the impact of HIFA health insurance on average health insurance premium rates in this state and on the rate of uninsured individuals in this state and compare the trends in those rates to the trends in the average premium rates and average rates of uninsured individuals for the states that have established a statewide high-risk pool as of July 1, 2004. The board shall submit the evaluation of the impact of HIFA health insurance in this state in comparison to states with high-risk pools to the governor and the general assembly by January 1, 2009. If the trend in average premium rates in this state and rate of uninsured individuals exceeds the trend for the average among the states with high-risk pools, the board shall submit legislation on January 1, 2009, that proposes to establish a statewide high-risk pool in this state consistent with the characteristics of high-risk pools operating in other states.

Sec. 16. NEW SECTION. 514M.16 STATE HEALTH PLANNING.

1. The governor or the governor's designee shall

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do all of the following:

a. Develop and issue a biennial state health plan.

3 The first plan shall be issued by May 2005.

4 b. Make an annual report to the public assessing
5 the progress toward meeting goals of the plan and
6 provide any updates, as necessary, to the plan.

7 c. Issue an annual statewide health expenditure
8 budget report that shall serve as the basis for
9 establishing priorities within the plan.

10 2. a. The state health plan issued pursuant to
11 subsection 1 shall establish a comprehensive,
12 coordinated approach to the development of health care
13 facilities and resources in the state based on
14 statewide cost, quality, and access goals and
15 strategies to ensure access to affordable health care,
16 maintain a rational system of health care, and promote
17 the development of the health care workforce.

18 b. In developing the plan, the governor shall, at
19 a minimum, seek input from the Iowa quality forum, the
20 Iowa quality forum advisory council, and other
21 appropriate agencies and organizations.

22 3. The plan shall do all of the following:

23 a. Assess health care cost, quality, and access in
24 the state.

25 b. Develop benchmarks to measure cost, quality,
26 and access goals and report on progress toward meeting
27 those goals.

28 c. Establish and set annual priorities among
29 health care cost, quality, and access goals.

30 d. Outline strategies to do all of the following:

31 (1) Promote health systems change.

32 (2) Address the factors influencing health care
33 cost increases.

34 (3) Address the major threats to public health and
35 safety in the state, including, but not limited to,
36 lung disease, diabetes, cancer, and heart disease.

37 e. Provide recommendations to help purchasers and
38 providers make decisions that improve public health
39 and build an affordable, high-quality health care
40 system.

41 Sec. 17. NEW SECTION. 514M.17 RULES.

42 The commissioner of insurance shall adopt rules,
43 pursuant to chapter 17A, as necessary to administer
44 this chapter.

45 Sec. 18. IMPLEMENTATION COSTS. The Iowa
46 department of public health shall work with the
47 commissioner of insurance to seek funding through the
48 federal government, a private foundation, or other
49 appropriate source to defray the initial costs to
50 implement the provisions of this Act relating to the

2 limited to the initial subsidy provisions."
3 2. Title page, line 1, by inserting after the
4 word "to" the following: "improving Iowa's economic
5 climate by providing for access to health care
6 coverage and providing for".

OSTERHAUS of Jackson

H-8251

1 Amend House File 2524 as follows:
2 1. Page 6, line 29, by inserting after the word
3 "case," the following: "or upon receipt of a written
4 request by a person who voluntarily submitted a DNA
5 sample under section 81.3, subsection 3, paragraph
6 "b",".

EICCHORN of Hamilton

H-8254

1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 12, by inserting after line 1 the
4 following:
5 "Sec.____. NEW SECTION. 16B.1 SHORT TITLE.
6 This Act shall be referred to as the "Fiscal
7 Disclosure and Taxpayer Protection Act".
8 Sec.____. NEW SECTION. 16B.2 FINDINGS AND
9 INTENT.
10 The state finds that, despite an increase in
11 spending for the purpose of economic development, the
12 real wage levels of the state's average working
13 families have suffered years of decline and
14 stagnation.
15 The state also finds that when workers receive low
16 wages, such jobs often impose hidden taxpayer costs
17 upon the state's citizens, in the form of medical
18 assistance, food stamps, earned income tax credits,
19 utility and rent assistance, child care assistance,
20 and other forms of assistance provided to the working
21 poor and their families.
22 Therefore, in order to ensure that the state's
23 economic development resources are achieving their
24 desired effect of raising living standards for the
25 state's working families, the state finds that it is
26 necessary to collect and analyze additional
27 information and to enact certain safeguards in its
28 development assistance.
29 Sec.____. NEW SECTION. 16B.3 DEFINITIONS.
30 1. "Corporate parent" means any person or legal
31 entity, organization, business, partnership, group, or

32 corporation entity recognized by law, or combination
33 thereof, that possesses, owns, or controls an interest
34 greater than fifty percent of a recipient corporation.

35 2. "Date of assistance" means the date upon which
36 a granting body transmits the first dollar value of
37 development assistance to a recipient corporation.

38 3. "Development assistance" means any form of
39 public assistance, including tax expenditures, made
40 for the purpose of stimulating the economic
41 development of a given corporation, industry,
42 geographic jurisdiction, or other subset of the
43 state's economy, including but not limited to
44 assistance in the form of industrial development
45 bonds, loans, loan guarantees, revolving loan funds,
46 bond bank programs, enterprise zones, tax increment
47 financing, property tax exemptions or abatements,
48 grants, fee waivers, infrastructure whose principal
49 beneficiary is a single business or defined group of
50 businesses at the time it is built or improved,

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1 matching funds, tax abatements, tax credits and tax
2 discounts of every kind, including corporate income
3 tax, personal income tax, insurance premium tax, sales
4 and use taxes, job creation credits and deductions,
5 industrial investment credits and deductions, and
6 research and development tax credits and deductions.

7 4. "Full-time job" means a job at which a new
8 employee works for a recipient corporation for at
9 least thirty-five hours per week on average.

10 5. "Granting body" means any public entity within
11 the state, including local governments, regional
12 development organizations, state and local public
13 corporations, the state government, and any state
14 government department or agency, which provides
15 development assistance, including but not limited to
16 the department of economic development and the Iowa
17 finance authority.

18 6. "In effect" refers to any calendar year within
19 which development assistance is being provided. For
20 one-time forms of development assistance such as
21 grants, "in effect" refers to a period of not less
22 than five years from the date of assistance.

23 7. "Part-time job" means a job at which a new
24 employee works for a recipient corporation for less
25 than thirty-five hours per week on average.

26 8. "Property-taxing entity" means an entity in
27 this state that levies taxes upon real property,
28 including a city, county, school district, township,
29 and benefited district.

30 9. "Small business" means a corporation whose

31 corporate parents, and all subsidiaries thereof,
32 employed fewer than an average of twenty full-time
33 equivalent employees or which had gross receipts of
34 less than one million dollars in all United States
35 jurisdictions during the calendar year for which
36 disclosure is required.

37 10. "Specific project site" means a distinct
38 operational unit to which any development assistance
39 is applied.

40 11. "Temporary job" means a job at which a new
41 employee is hired for a specific duration of time or
42 season.

43 12. "Value of assistance" means the face value of
44 any and all forms of development assistance.

45 Sec. _____. NEW SECTION. 16B.4 DISCLOSURE OF STATE
46 TAX EXPENDITURES.

47 1. Effective July 1, 2005, and each succeeding
48 year, the department of revenue shall provide a
49 detailed tax expenditure budget disclosure report to
50 the general assembly, derived from state income tax

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1 filings or other relevant state filings for the
2 previous calendar year. The disclosure report shall
3 include, but not be limited to, the following data:
4 a. The dollar amount of tax expenditures made by
5 the state, in the form of uncollected revenues, for
6 each individual tax credit provided by the state,
7 including credits for wages of certain qualified
8 employees, enterprise zones, tax increment financing,
9 grants, matching funds, tax abatements, and tax
10 credits and tax discounts of every kind, including
11 corporate income, personal income, excise, insurance
12 premium, sales and use, job creation, industrial
13 investment, and research and development tax credits
14 and tax discounts.

15 b. For each of the tax expenditures in paragraph
16 "a", except as specified in paragraph "c", an
17 itemization of the name of each individual corporate
18 taxpayer which claimed the credit of any value equal
19 to or greater than fifty thousand dollars, and the
20 specific dollar amount credited to the corporation's
21 tax liability under that credit for that year.

22 c. Credits claimed by individual corporations of
23 less than fifty thousand dollars shall not be itemized
24 as required in paragraph "b". Instead, in reporting
25 credits for each tax expenditure, the department of
26 revenue shall aggregate all claims of less than fifty
27 thousand dollars and report them as a single
28 nonspecified group, with the number of claimants
29 stated.

30 2. All data produced by the department of revenue
31 and received by the general assembly in compliance
32 with this chapter shall be a public record subject to
33 examination and copying under chapter 22,
34 notwithstanding sections 422.20, 422.72, and 423.23,
35 or any other provision of state law to the contrary
36 pertaining to confidentiality of information.
37 Sec. _____. NEW SECTION. 16B.5 DISCLOSURE OF
38 PROPERTY TAX REDUCTIONS AND ABATEMENTS.
39 1. On or before April 1, 2005, the department of
40 revenue shall prescribe a standardized disclosure form
41 for use by all property-taxing entities. The form
42 shall require, but not be limited to, the following
43 data:
44 a. The name of the property owner.
45 b. The address and description of the property.
46 c. The date upon which any individual property tax
47 reduction or abatement first took effect.
48 d. The date upon which any individual property tax
49 reduction or abatement is scheduled to expire.
50 e. The rate or schedule of each individual

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1 property tax reduction or abatement for the period
2 between the date it took effect and the date it is
3 scheduled to expire.
4 f. The entity's aggregate foregone revenue for the
5 calendar year as a result of each property tax
6 reduction or abatement.
7 g. A compilation and summary of the entity's total
8 foregone revenue as a result of all property tax
9 reductions or abatements, including a summary of
10 foregone revenue for each kind of reduction or
11 abatement.
12 h. The respective shares of the entity's property
13 tax revenues for the reported year which were
14 disbursed to each property-taxing entity.
15 2. Effective April 1, 2006, and each subsequent
16 year, every property-taxing entity in this state shall
17 use this standardized form to report to the department
18 of revenue all property tax reductions or abatements
19 which were in effect during the previous fiscal year.
20 3. The department of revenue shall, by June 1,
21 2006, and for each subsequent year, compile and
22 publish all data on all of the disclosure forms in
23 both written and electronic form.
24 4. If a property-taxing entity fails to comply
25 with subsection 2, the department of revenue shall
26 within ten working days of the April 1 filing deadline
27 notify the department of economic development of such
28 failure. Upon receipt of such notice, the department

29 of economic development shall suspend within three
30 working days any current development assistance
31 activities under its control in the property-taxing
32 entity's jurisdiction, and shall be prohibited from
33 proceeding with any current or future development
34 assistance in the noncompliant jurisdiction unless and
35 until the department of economic development receives
36 proof from the department of revenue that the
37 property-taxing entity has complied with subsection 2.
38 5. If any of the state's various agencies fail to
39 enforce subsection 3 or 4, any person who paid
40 personal income taxes or sales and use taxes to the
41 state in the calendar year prior to the year in
42 dispute shall have standing to sue to compel the state
43 to enforce the provisions of this chapter. The court
44 shall award such taxpayer plaintiff who prevails
45 reasonable attorney fees and costs in any such
46 enforcement action.
47 6. All data generated in compliance with
48 subsections 1 and 2 shall be fully subject to
49 examination and copying under chapter 22.
50 Sec.____. NEW SECTION. 16B.6 STANDARDIZED

Page 5

1 APPLICATIONS FOR DEVELOPMENT ASSISTANCE.
2 1. On or before April 1, 2005, the department of
3 economic development shall prescribe a standardized
4 application form for development assistance for use by
5 all granting bodies. The form shall include, but not
6 be limited to, the following data:
7 a. An application tracking number which is
8 specific to both the granting agency and to each
9 application.
10 b. The name, street and mailing addresses,
11 telephone number, and chief officer of the granting
12 body.
13 c. The name, street and mailing addresses,
14 telephone number, and chief officer of the corporate
15 parent of the applicant corporation.
16 d. The name, street and mailing addresses,
17 telephone number, standard industrial classification
18 number, and chief officer of the applicant corporation
19 at the specific project site for which development
20 assistance is sought.
21 e. The applicant corporation's total number of
22 employees at the specific project site on the date of
23 the application, broken down by full-time, part-time,
24 and temporary employees.
25 f. The total number of employees in this state of
26 the applicant corporation's corporate parent, and all
27 subsidiaries thereof, as of December 31 of the year

- 28 preceding the date of application, broken down by
29 full-time, part-time, and temporary employees.
30 g. The kind or kinds of development assistance and
31 value or values of development assistance being
32 applied for.
33 h. The number of new jobs to be created by the
34 development assistance, broken down by full-time,
35 part-time, and temporary employees.
36 i. The average hourly wage to be paid to the new
37 employees within one year of hiring, broken down by
38 number of full-time, part-time, and temporary
39 employees, and specified by wage groupings as follows:
40 six dollars or less an hour, six dollars and one cent
41 to seven dollars an hour, seven dollars and one cent
42 to eight dollars an hour, eight dollars and one cent
43 to nine dollars an hour, nine dollars and one cent to
44 ten dollars an hour, ten dollars and one cent to
45 eleven dollars an hour, eleven dollars and one cent to
46 twelve dollars an hour, twelve dollars and one cent to
47 thirteen dollars an hour, thirteen dollars and one
48 cent to fourteen dollars an hour, and fourteen dollars
49 and one cent or more per hour.
50 j. For applicant project sites located in a

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- 1 metropolitan statistical area county, as defined by
2 the United States census bureau, the average hourly
3 wage paid nonmanagerial employees in the applicant's
4 industry in this state, as most recently provided by
5 the United States bureau of labor statistics to the
6 standard industrial classification number
7 specification, as available.
8 k. For applicant project sites located outside of
9 metropolitan statistical area counties, the average
10 weekly wage paid in the county, as most recently
11 reported by the United States department of commerce
12 in its county business patterns reports.
13 l. The nature of employer-paid health care
14 coverage to be provided within ninety days of hiring
15 to the employees filling the new jobs, including any
16 costs to be borne by the new employees.
17 m. A list of all other forms of development
18 assistance the applicant corporation is seeking for
19 the specific project site, and the name or names of
20 the granting body or bodies from which that
21 development assistance is being sought.
22 n. A narrative, if necessary, describing how the
23 applicant corporation's use of the development
24 assistance may reduce employment at any site in any
25 United States jurisdiction controlled by the applicant
26 corporation or its corporate parent, including but not

27 limited to events such as automation, consolidation,
28 merger, acquisition, product line movement, business
29 activity movement, or restructuring by either the
30 applicant corporation or its corporate parent.

31 o. Individual certifications by the chief officers
32 of both the applicant corporation and the granting
33 body as to the accuracy of the application, under
34 penalty of perjury.

35 2. Beginning April 1, 2006, every granting body in
36 this state, jointly with applicant corporations, shall
37 complete the standardized application form as
38 prescribed in subsection 1 each time a corporation
39 applies for development assistance.

40 Sec.____, NEW SECTION, 16B.7 DEVELOPMENT
41 ASSISTANCE DISCLOSURE.

42 1. Beginning February 1, 2007, and for each
43 subsequent year, every granting body in the state
44 shall submit to the department of economic development
45 copies of all the standardized application forms for
46 development assistance, as specified in section 16B.4,
47 that the granting body has received in the previous
48 calendar year. The granting body shall designate on
49 each form whether the development assistance is
50 pending, was approved, or was not approved, and for

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1 those applications that were approved, the date of
2 assistance if the date of assistance occurred in the
3 previous calendar year.

4 2. For those applications that were approved but
5 for which the date of assistance did not occur in the
6 same calendar year, each granting body shall report in
7 its next subsequent February 1 annual report to the
8 department of economic development the relevant dates
9 of assistance.

10 3. For each development assistance application
11 that was approved, and for which the date of
12 assistance has occurred in a reporting year, each
13 granting agency shall submit to the department of
14 economic development a progress report, which shall
15 include, but not be limited to, the following data:

16 a. The recipient corporation's tracking number.

17 b. The name, street and mailing addresses,
18 telephone number, and chief officer of the granting
19 body.

20 c. The name, street and mailing addresses,
21 telephone number, standard industrial classification
22 number, and chief officer of the recipient corporation
23 at the specific project site for which the development
24 assistance was approved.

25 d. The kind of development assistance and value of

- 26 assistance that was approved.
- 27 e. The recipient corporation's total level of
28 employment at the specific project site on the date of
29 the application and the recipient corporation's total
30 level of employment at the specific project site on
31 the date of the report, broken down by full-time,
32 part-time, and temporary employees, and a computation
33 of the gain or loss in each category.
- 34 f. The number of new jobs the recipient
35 corporation stated in its application would be created
36 by the development assistance, broken down by full-
37 time, part-time, and temporary.
- 38 g. The total level of employment in this state of
39 the recipient corporation's corporate parent, and all
40 subsidiaries thereof, as of December 31 of the year
41 preceding the date of application and the total level
42 of employment in the state of the recipient
43 corporation's corporate parent, and all subsidiaries
44 thereof, as of each December 31 up through the
45 reporting year, broken down by full-time, part-time,
46 and temporary, and a statement of the gain or loss in
47 each category from the earliest reported year to the
48 most recent.
- 49 h. The average hourly wage paid as of December 31
50 of the reporting year to employees filling the new

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- 1 jobs at the specific project site, broken down by
2 full-time, part-time, and temporary employees.
- 3 i. The nature of employer-paid health care
4 coverage being provided within ninety days of hiring
5 to the employees filling the new jobs, including any
6 costs being borne by the new employees.
- 7 j. A statement describing how the recipient
8 corporation's use of the development assistance during
9 the reporting year has reduced employment at any site
10 in any United States jurisdiction controlled by the
11 recipient corporation or its corporate parent,
12 including but not limited to events such as
13 automation, consolidation, merger, acquisition,
14 product line movement, business activity movement, or
15 restructuring by either the recipient corporation or
16 its corporate parent.
- 17 k. Notarized individual certifications signed by
18 the chief officers of both the recipient corporation
19 and the granting body as to the accuracy of the
20 progress report.
- 21 4. The granting body and the department of
22 economic development shall have full investigative
23 authority to verify the recipient corporation's
24 progress report data, including but not limited to

25 inspection of the specific project site and analysis
 26 of tax and payroll records.
 27 5. By June 1, 2007, and by June 1 of each
 28 subsequent year, the department of economic
 29 development shall compile and publish all data in all
 30 of the development assistance progress reports in both
 31 written and electronic form.
 32 6. Every aspect of all development assistance
 33 applications, progress reports, and the department of
 34 economic development's compilation of applications and
 35 progress reports shall be fully subject to examination
 36 and copying under chapter 22.
 37 7. If a granting body fails to comply with
 38 subsections 1 through 3, or if a granting body or
 39 corporation fails to comply with subsection 3,
 40 paragraph "k", the department of economic development
 41 shall, within ten business days of the February 1
 42 filing deadline, suspend any current development
 43 assistance activities under its control in the
 44 granting body's jurisdiction, and shall be prohibited
 45 from proceeding with any current or future development
 46 assistance activities under its control in the
 47 granting body's jurisdiction, unless and until the
 48 department of economic development receives proof that
 49 the negligent granting body or corporation has
 50 complied with subsections 1 through 3."

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1 2. Title page, line 1, by striking the words
 2 "incentives under" and inserting the following: ",
 3 including".
 4 3. Title page, line 2, by inserting after the
 5 words "investment program," the following:
 6 "information disclosure".
 7 4. By renumbering as necessary.

JOCHUM of Dubuque
 WINCKLER of Scott

LENSING of Johnson
 SHOULTZ of Black Hawk

H-8263

1 Amend House File 2524 as follows:
 2 1. Page 5, by striking lines 17 and 18, and
 3 inserting the following: "and disclosure of a DNA
 4 record is only authorized pursuant to this section."
 5 2. Page 5, line 20, by striking the words
 6 "official use" and inserting the following: "law
 7 enforcement identification purposes".
 8 3. Page 5, by striking line 23.
 9 4. Page 5, line 24, by striking the letter "c."
 10 and inserting the following: "b."

- 11 5. Page 5, by striking lines 29 through 35.
12 6. Page 6, line 1, by striking the figure "5."
13 and inserting the following: "4."
14 7. Page 6, by striking lines 2 through 8 and
15 inserting the following: "pursuant to this chapter
16 may be released for use in a criminal or juvenile
17 delinquency proceeding in which the state is a party
18 and where the DNA record or forensic information is
19 relevant and material to the subject of the
20 proceeding. Such a record or".
21 8. Page 6, line 11, by striking the figure "6."
22 and inserting the following: "5."
23 9. Page 6, line 12, by inserting after the word
24 "order" the following: "for criminal defense purposes
25 to a defendant, who shall have access to DNA samples
26 and DNA profiles related to the case in which the
27 defendant is charged".
28 10. Page 7, line 10, by striking the words "or
29 crime".
30 11. By renumbering as necessary.

EICHHORN of Hamilton

H-8266

- 1 Amend House File 2470 as follows:
2 1. Page 1, by striking lines 1 through 13 and
3 inserting the following:
4 "Section 1. GROW IOWA VALUES FUND FUNDING SOURCES
5 TASK FORCE.
6 1. By December 15, 2004, a grow Iowa values fund
7 funding sources task force shall file a report with
8 the governor and the general assembly identifying a
9 permanent funding source or sources for the grow Iowa
10 values fund that would allow the deposit of at least
11 seventy-five million dollars in the grow Iowa values
12 fund each fiscal year during the fiscal period
13 beginning July 1, 2005, and ending June 30, 2010.
14 2. The task force shall consist of six legislator
15 members, the director of the department of economic
16 development or the director's designee, the director
17 of the department of revenue or the director's
18 designee, and three members of the general public.
19 a. The six legislator members shall consist of the
20 following:
21 (1) Two members of the majority party in the
22 senate designated by the majority leader of the
23 senate.
24 (2) One member of the minority party in the senate
25 designated by the minority leader of the senate.
26 (3) Two members of the majority party in the house
27 of representatives designated by the speaker of the

28 house of representatives.

29 (4) One member of the minority party in the house
30 of representatives designated by the minority leader
31 of the house of representatives.

32 b. The three members of the general public shall
33 be jointly designated by the majority leader of the
34 senate and the speaker of the house of representatives
35 and shall represent business interests.

36 3. The director of the department of economic
37 development or the director's designee shall serve as
38 the chairperson of the task force."

WISE of Lee
PETERSEN of Polk
DANDEKAR of Linn

H-8271

1 Amend House File 2455 as follows:

2 1. By striking everything after the enacting
3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 595.4A MARITAL
5 AGREEMENTS.

6 It is the policy of this state that parties who are
7 married or who are entering into a marriage contract
8 may fashion their own marital commitments beyond the
9 requirements of this chapter and to the extent not
10 otherwise prohibited under law. The parties may
11 individualize their marriage contract by entering into
12 special agreements such as premarital agreements and
13 other civil contracts. The parties may fashion their
14 own marital commitments by, but not limited to,
15 agreeing to premarital or marital counseling with any
16 other person, or to specific grounds for dissolution,
17 notwithstanding any other law to the contrary.
18 However, the parties shall not fashion their marital
19 commitments to include any provision that precludes
20 the child support recovery unit from securing an order
21 for support for a child as provided pursuant to
22 chapter 252A, 252B, 252C, 252E, 252F, 252H, or 252K,
23 or any other applicable chapter or that otherwise
24 precludes the establishment of a child support order."

25 2. Title page, lines 1 and 2, by striking the
26 words "covenant marriages and providing an effective
27 date" and inserting the following: "provisions for
28 marital agreements".

CARROLL of Poweshiek
SMITH of Marshall

H-8272

1 Amend the amendment, H-8267, to House File 2532 as
2 follows:

3 1. Page 1, by striking lines 2 through 10 and
4 inserting the following:
5 "____. Page 4, line 35, by striking the words
6 "~~Sixty Fifty~~", and inserting the following: "Sixty".
7 "____. Page 5, line 2, by striking the words
8 "~~forty fifty~~", and inserting the following: "forty"."

JOCHUM of Dubuque

H-8273

1 Amend House File 2532 as follows:

2 1. Page 1, by inserting after line 2 the
3 following:
4 "Sec.____. Section 97B.1A, subsection 8, paragraph
5 a, Code Supplement 2003, is amended by adding the
6 following new subparagraph:
7 NEW SUBPARAGRAPH. (12) An adjunct instructor who
8 is a member of the system for other employment.
9 Sec.____. Section 97B.1A, subsection 8, paragraph
10 b, subparagraph (3), Code Supplement 2003, is amended
11 to read as follows:

12 (3) Employees hired for temporary employment of
13 less than six consecutive months or one thousand forty
14 hours in a calendar year. An employee who works for
15 an employer for six or more consecutive months or who
16 works for an employer for more than one thousand forty
17 hours in a calendar year is not a temporary employee
18 under this subparagraph. Adjunct instructors who are
19 not otherwise a member of the system are temporary
20 employees for the purposes of this chapter. As used
21 in this section, unless the context otherwise
22 requires, "adjunct instructors" means instructors
23 employed by a community college or a university
24 governed by the state board of regents without a
25 continuing contract, whose teaching load does not
26 exceed one-half time for two full semesters or three
27 full quarters per calendar year."

28 2. By renumbering as necessary.

FREVERT of Palo Alto

H-8280

1 Amend House File 2342 as follows:

2 1. Page 2, by inserting after line 4 the
3 following:
4 "Sec.____. Section 322A.11, subsection 4, Code

- 5 2003, is amended by adding the following new
6 unnumbered paragraph:
7 NEW UNNUMBERED PARAGRAPH. This subsection does not
8 apply to dealerships located in a federally designated
9 metropolitan statistical area, as defined by the
10 United States office of management and budget, with a
11 population of more than four hundred eighty thousand,
12 as determined by the latest federal decennial census."
13 2. Title page, line 1, by inserting after the
14 word "to" the following: "motor vehicles, motor
15 vehicle dealerships, and".
16 3. By renumbering as necessary.

HUSER of Polk
RAECKER of Polk

H-8285

- 1 Amend Senate File 2148, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 4 the
4 following:
5 "Sec. _____. Section 322A.11, subsection 4, Code
6 2003, is amended by adding the following new
7 unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. This subsection does not
9 apply to dealerships located in a federally designated
10 metropolitan statistical area, as defined by the
11 United States office of management and budget, with a
12 population of more than four hundred eighty thousand,
13 as determined by the latest federal decennial census."
14 2. Title page, line 1, by inserting after the
15 word "to" the following: "motor vehicles, motor
16 vehicle dealerships, and".
17 3. By renumbering as necessary.

HUSER of Polk
RAECKER of Polk

H-8289

- 1 Amend House File 2536 as follows:
2 1. Page 5, by inserting after line 11 the
3 following:
4 "Sec. _____. SALE OF ASSETS – AUTHORITY PLAN. The
5 authority shall establish a plan for the sale of the
6 backbone assets conditioned upon the continued use of
7 the network by school districts, community colleges,
8 libraries, area education agencies, and state
9 agencies. Sale of the backbone assets shall be
10 conditioned upon a written assurance by the purchaser
11 or purchasers that the fees charged for network usage

12 by these entities shall not be increased for a ten-
 13 year period and any fee increases after the ten-year
 14 period has elapsed shall be reasonable and affordable.
 15 The terms of the sale of the assets shall expressly
 16 provide that the authority is not authorized to enter
 17 into a contract in which the sale of the backbone
 18 assets will result in any loss of federal funds due to
 19 the common carrier status of the network."

20 2. Page 12, by inserting after line 26 the
 21 following:
 22 "Sec.____. Section 8D.9, subsection 2, Code
 23 Supplement 2003, is amended by striking the
 24 subsection."

25 3. By renumbering as necessary.

KURTENBACH of Story
 HORBACH of Tama

SANDS of Louisa
 QUIRK of Chickasaw

H-8290

1 Amend House File 2536 as follows:

2 1. Page 3, line 32, by inserting after the word
 3 "the" the following: "general assembly and the".

4 2. Page 4, line 25, by inserting after the word
 5 "the" the following: "general assembly and the".

6 3. Page 4, line 33, by inserting after the word
 7 "the" the following: "general assembly and the".

8 4. Page 6, lines 23 and 24, by striking the words
 9 "to be determined by the governor,".

10 5. Page 6, by striking lines 28 through 30.

11 6. Page 9, line 35, by inserting after the word
 12 "the" the following: "general assembly and the".

13 7. Page 10, line 1, by inserting after the word
 14 "The" the following: "general assembly and the".

15 8. Page 10, by inserting after line 2 the
 16 following: "The authority shall not enter into any
 17 contract for the sale of the backbone assets without
 18 the prior authorization of a constitutional majority
 19 of the members of the senate and the house of
 20 representatives, and the approval of the governor."

21 9. Page 10, line 9, by striking the words
 22 "governor has" and inserting the following: "general
 23 assembly and the governor have".

24 10. By renumbering as necessary.

KURTENBACH of Story
 HORBACH of Tama

SANDS of Louisa
 QUIRK of Chickasaw

H-8291

1 Amend House File 2536 as follows:

2 1. Page 3, by striking line 27 and inserting the

3 following:

4 "n. "Prospective purchaser or purchasers" means
5 the potential purchaser or purchasers".

6 2. Page 3, by striking line 31 and inserting the
7 following:

8 "o. "Qualified purchaser or purchasers" means a
9 prospective purchaser or purchasers".

10 3. Page 3, line 32, by striking the word "has"
11 and inserting the following: "have".

12 4. Page 4, line 23, by inserting after the word
13 "purchaser" the following: "or purchasers".

14 5. Page 4, line 24, by inserting after the word
15 "purchaser" the following: "or purchasers".

16 6. Page 4, line 33, by striking the word "has"
17 and inserting the following: "or purchasers have".

18 7. Page 5, by inserting after line 11, the
19 following:

20 "Sec. 101. SALE OF BACKBONE ASSETS – INITIAL
21 RIGHT TO SUBMIT OFFER. An incumbent local exchange
22 utility shall have a right of first refusal or initial
23 right to submit an offer with regard to any Part II
24 section of the network backbone that terminates within
25 the utility's service territory. An incumbent local
26 exchange utility shall have ninety days from the date
27 of issuance of a request for proposals pursuant to
28 section 3 of this Act to notify the authority of the
29 utility's intention to submit a purchase offer. A
30 purchase offer submitted pursuant to this section
31 shall be subject to the approval of the authority,
32 after the verification process as provided for in
33 section 4 of this Act. In the event that the ninety-
34 day period elapses without an offer submitted by an
35 incumbent local exchange utility, or an offer is not
36 approved, the authority shall proceed with selection
37 of a professional agent pursuant to section 3 of this
38 Act. All incumbent local exchange utilities
39 submitting approved offers shall share the Part I dark
40 fiber capacity, provide access to authorized users of
41 the network, and provide for the associated costs of
42 maintenance of the Part I section of the network
43 backbone."

44 8. Page 5, by striking lines 19 through 21 and
45 inserting the following: "professional agent. The
46 described backbone assets shall be available for a
47 single private purchaser, more than one purchaser, or
48 a consortium of purchasers, to purchase and the
49 state".

50 9. Page 5, line 26, by inserting after the word

Page 2

1 "purchaser" the following: "or purchasers".

- 2 10. Page 5, line 27, by inserting after the word
3 "purchaser" the following: "or purchasers".
4 11. Page 6, line 8, by inserting after the word
5 "purchaser" the following: "or purchasers".
6 12. Page 6, line 11, by inserting after the word
7 "purchaser" the following: "or purchasers".
8 13. Page 6, line 32, by inserting after the word
9 "purchaser" the following: "or purchasers".
10 14. Page 7, line 2, by striking the word
11 "suffers" and inserting the following: "or purchasers
12 suffer".
13 15. Page 7, line 3, by inserting after the word
14 "purchaser" the following: "or purchasers".
15 16. Page 7, line 7, by inserting after the word
16 "purchaser" the following: "or purchasers".
17 17. Page 7, line 9, by inserting after the word
18 "purchaser's" the following: "or purchasers".
19 18. Page 7, line 17, by inserting after the word
20 "purchaser" the following: "or purchasers".
21 19. Page 7, line 22, by inserting after the word
22 "purchaser" the following: "or purchasers".
23 20. Page 7, line 27, by inserting after the word
24 "purchaser" the following: "or purchasers".
25 21. Page 7, line 30, by striking the word "the"
26 and inserting the following: "a".
27 22. Page 7, line 31, by inserting after the word
28 "purchaser" the following: "or purchasers".
29 23. Page 7, line 34, by inserting after the word
30 "purchaser" the following: "or purchasers".
31 24. Page 8, line 15, by inserting after the word
32 "purchaser" the following: "or purchasers".
33 25. Page 8, line 16, by inserting after the word
34 "purchaser" the following: "or purchasers".
35 26. Page 8, line 17, by striking the word "the"
36 and inserting the following: "a".
37 27. Page 8, line 20, by striking the word "has"
38 and inserting the following: "or purchasers have".
39 28. Page 8, line 22, by striking the word "has"
40 and inserting the following: "or purchasers have".
41 29. Page 8, line 27, by striking the word
42 "agrees" and inserting the following: "or purchasers
43 agree".
44 30. Page 8, by striking line 34 and inserting the
45 following:
46 "5. Verifying that the purchaser or purchasers are
47 entities that agree".
48 31. Page 9, line 3, by inserting after the word
49 "purchaser" the following: "or purchasers".
50 32. Page 9, line 14, by inserting after the word

Page 3

- 1 "purchaser" the following: "or purchasers".
- 2 33. Page 9, line 23, by inserting after the word
- 3 "purchaser" the following: "or purchasers".
- 4 34. Page 9, line 33, by inserting after the word
- 5 "purchaser's" the following: "or purchasers".
- 6 35. Page 9, line 35, by inserting after the word
- 7 "purchaser" the following: "or purchasers".
- 8 36. Page 10, line 2, by inserting after the word
- 9 "purchaser" the following: "or purchasers".
- 10 37. Page 10, line 4, by inserting after the word
- 11 "purchaser" the following: "or purchasers".
- 12 38. Page 10, line 9, by inserting after the word
- 13 "purchaser" the following: "or purchasers".
- 14 39. Page 10, line 11, by inserting after the word
- 15 "purchaser" the following: "or purchasers".
- 16 40. Page 10, line 14, by inserting after the word
- 17 "purchaser" the following: "or purchasers".
- 18 41. Page 10, line 15, by striking the words
- 19 "purchaser, in good faith, intends" and inserting the
- 20 following: "purchaser or purchasers, in good faith,
- 21 intend".
- 22 42. Page 10, line 16, by striking the word "does"
- 23 and inserting the following: "or purchasers do".
- 24 43. Page 10, line 21, by striking the word
- 25 "receives" and inserting the following: "or
- 26 purchasers receive".
- 27 44. Page 10, line 29, by inserting after the word
- 28 "purchaser" the following: "or purchasers".
- 29 45. Page 10, line 35, by inserting after the word
- 30 "purchaser" the following: "or purchasers".
- 31 46. Page 11, line 3, by inserting after the word
- 32 "purchaser" the following: "or purchasers".
- 33 47. Page 11, line 5, by striking the word
- 34 "vendor's" and inserting the following: "purchaser's
- 35 or purchasers".
- 36 48. Page 11, line 6, by inserting after the word
- 37 "location" the following: "or locations".
- 38 49. Page 11, line 7, by inserting after the word
- 39 "purchaser" the following: "or purchasers".
- 40 50. Page 11, line 9, by striking the words
- 41 "purchaser. The purchaser" and inserting the
- 42 following: "purchaser or purchasers. The purchaser
- 43 or purchasers".
- 44 51. Page 11, line 13, by inserting after the word
- 45 "purchaser" the following: "or purchasers"
- 46 52. Page 11, line 13, by inserting before the
- 47 word "shall" the following: "or purchasers".
- 48 53. Page 11, line 21, by striking the word
- 49 "suffers" and inserting the following: "or purchasers
- 50 suffer".

Page 4

- 1 54. Page 11, line 27, by inserting after the word
- 2 "purchaser" the following: "or purchasers".
- 3 55. Page 12, line 3, by inserting after the word
- 4 "purchaser" the following: "or purchasers".
- 5 56. Page 16, line 18, by inserting after the word
- 6 "purchaser" the following: "or purchasers".
- 7 57. By renumbering and relettering as necessary.

KURTENBACH of Story
HORBACH of Tama

SANDS of Louisa
QUIRK of Chickasaw

H-8292

- 1 Amend House File 2536 as follows:
- 2 1. Page 2, by striking lines 12 through 16.
- 3 2. Page 4, by striking lines 11 through 16.
- 4 3. Page 5, line 15, by inserting after the word
- 5 "assets" the following: ", subject to the provisions
- 6 of section 101 of this Act."
- 7 4. Page 5, line 31, by inserting after the word
- 8 "points." the following: "All Part III leases shall
- 9 be maintained by the state and are not transferable to
- 10 a purchaser or purchasers."
- 11 5. Page 7, by striking lines 13 through 16 and
- 12 inserting the following:
- 13 "f. A requirement that the purchase offer shall
- 14 not be for less than the current cost of the network
- 15 infrastructure and its installation."
- 16 6. Page 9, line 20, by inserting after the figure
- 17 "6." the following: "The purchaser or purchasers
- 18 shall be subject to the provisions of chapter 476."
- 19 7. Page 10, by striking lines 26 through 28 and
- 20 inserting the following:
- 21 "3. The contract for the sale of the assets shall
- 22 provide for a fee for the use of a right-of-way in
- 23 terms no more favorable than provided for the use of
- 24 the right-of-way by any other telecommunications
- 25 utility. The".
- 26 8. Page 16, by striking lines 30 through 35 and
- 27 inserting the following: "of January 1, 1994."
- 28 9. By renumbering, redesignating, and correcting
- 29 internal references as necessary.

KURTENBACH of Story
HORBACH of Tama
SANDS of Louisa

H-8293

- 1 Amend House File 2536 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. IOWA COMMUNICATIONS NETWORK – INTERIM
5 STUDY.

6 1. The legislative council shall establish an
7 interim study committee to evaluate a sale of the Iowa
8 communications network, or a portion of the network's
9 assets. The study shall include a review of legal and
10 practical issues that may affect whether the sale of
11 the network, or a portion of the network's assets,
12 should be approved or rejected, or that may affect the
13 terms under which a sale or partial sale should be
14 completed. Issues to be included in the study shall
15 include all of the following:

16 a. The impact of a sale or partial sale of the
17 network on existing authorized users.

18 b. The impact of a sale or partial sale of the
19 network on existing telecommunications providers, and
20 on the development of the competitive local exchange
21 market.

22 c. The impact of a sale or partial sale of the
23 network to a single provider on the state's continued
24 use of the bandwidth at an affordable price.

25 d. The effect of a sale or partial sale of the
26 network on Part III leases.

27 e. The protection of state interests including the
28 assurance of affordable access to the network for
29 public entities.

30 f. The necessity of compliance with applicable
31 state laws.

32 g. Issues relating to the use of public rights-of-
33 way by potential buyers of the network, or a portion
34 of the network.

35 h. The impact of a sale or partial sale of the
36 network on Iowa businesses and citizens.

37 i. Providing for a long-term lease of sufficient
38 capacity to meet the needs of existing and future
39 educational users of the network identified in chapter
40 8D.

41 j. A review of whether a sale or partial sale of
42 the network should be completed pursuant to a request
43 for proposals or by some other manner of sale.

44 k. A review of the impact of federal
45 communications commission policy pertaining to common
46 carriage status of the network and the potential loss
47 of universal service funds for kindergarten through
48 grade twelve schools based on a sale or partial sale
49 of the network, and recommendations on the manner in
50 which the network should be sold to avoid an adverse

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1 impact on the state, educational users, and the
2 network.
3 l. The anticipated future requirements of the
4 state for use of the network to address the state's
5 technological needs.
6 m. A review of the cost implications to the state
7 if federal funds are lost due to a sale, or partial
8 sale, of the network.
9 n. Consideration of sales criteria including,
10 among others, whether the network, or a portion of the
11 network, should be sold to a single purchaser,
12 multiple purchasers, or to a consortium of purchasers;
13 and whether or not to establish a minimum sale price.
14 o. A review of the necessity for continuation of
15 the Iowa telecommunications and technology commission
16 and the Iowa communications network operations center
17 in the event that the network, or a portion of the
18 network, is sold.
19 p. A review, in consultation with the utilities
20 division of the department of commerce, of the legal
21 and practical issues involved in, and the merits of, a
22 possible conversion of the network into a public
23 utility.
24 q. A review of the existing agreements between the
25 state, the network, the federal emergency management
26 administration, and the department of defense, and the
27 impact of a sale or partial sale of the network on its
28 use during times of emergency or national disaster.
29 r. Other relevant issues as identified by
30 committee members.
31 2. The committee shall consult with other state
32 agencies, appropriate federal agencies, and private
33 associations and vendors in completing its evaluation
34 of a sale or partial sale of the network.
35 3. The interim committee shall be composed of ten
36 voting members, representing both political parties
37 and both houses of the general assembly. Five members
38 shall be members of the senate, three of whom shall be
39 appointed by the majority leader of the senate and two
40 of whom shall be appointed by the minority leader of
41 the senate. Five members shall be members of the
42 house of representatives, appointed by the speaker of
43 the house, three of whom shall be of the majority
44 party and two of whom shall be of the minority party.
45 Nonvoting members shall be appointed by the
46 legislative council, in consultation with the
47 governor, and shall include, but not be limited to,
48 individuals representing the Iowa telecommunications
49 and technology commission, an independent telephone
50 company, a rate-regulated telephone company, the Iowa

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1 national guard, private industry, the state board of
2 regents universities, the kindergarten through grade
3 twelve public education system, community colleges,
4 private colleges, the Iowa utilities board, the Iowa
5 department of corrections, the emergency management
6 division of the Iowa department of public defense, and
7 a representative from the medical field.

8 4. The committee shall complete its evaluation and
9 submit a written report of its recommendations to the
10 members of the general assembly by December 1, 2004."

11 2. Title page, by striking lines 1 through 3 and
12 inserting the following: "An Act relating to the
13 establishment of a committee to conduct an evaluation
14 of the issues relating to the sale, or partial sale,
15 of the Iowa communications network."

HORBACH of Tama
SANDS of Louisa

QUIRK of Chickasaw
PETERSEN of Polk

H—8294

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 38, line 29, by striking the words
4 "roadways or highways" and inserting the following:
5 "the roadway portion of a highway and adjacent
6 shoulder, or at least five feet on either side of the
7 roadway,".

ALONS of Sioux
VAN ENGELENHOVEN of Marion

H—8295

1 Amend House File 2473 as follows:

2 1. Page 3, by inserting after line 21 the
3 following:
4 "Sec. ____ Section 331.424A, Code Supplement 2003,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 6. a. Notwithstanding contrary
7 provisions of this section, a county may request
8 approval of a waiver by the department of management
9 to create a special program fund to receive moneys and
10 to pay the direct and indirect costs of special
11 program services provided to persons eligible for
12 services payable from the services fund. In
13 requesting the waiver, the county shall provide
14 information detailing how the special fund will be
15 used, the basis upon which moneys will be credited and
16 expended from the special fund, and other information

17 specified by the department of management in order for
18 the department to determine whether the special fund
19 will be used in a manner that is appropriate to
20 distinguish those uses from the uses of the services
21 fund. The department of management may authorize a
22 waiver for a specific term or an indefinite term and a
23 waiver is subject to other conditions that the
24 department may apply to ensure that the special fund
25 is operated solely for the purposes for which the
26 special fund is authorized. The department's approval
27 of a waiver shall be based upon the department's
28 determination that the special fund will be only be
29 used for managing money for special program services
30 provided to persons eligible for services paid from
31 the services fund and are appropriate to distinguish
32 those uses from the uses of the services fund.

33 b. The special program services may be provided to
34 persons whose service costs are attributable to the
35 county that created the special program fund or to
36 other counties. In addition to receipts from the
37 services fund of the county that created the special
38 program fund, receipts from federal, state, and other
39 county and governments, and any other revenues
40 associated with the provision of special program
41 services shall be credited to the special program
42 fund. The levy limitation established pursuant to
43 subsection 4 is not subject to increase as a result of
44 the creation or administration of the special program
45 fund. The management plans approved pursuant to
46 section 331.439 for the counties purchasing services
47 from the special program fund shall address the
48 services payable from the special program fund and the
49 administration of the special program fund."

50 2. Title page, by striking lines 1 through 3 and

Page 2

1 inserting the following: "An Act relating to mental
2 health, mental retardation, and developmental
3 disabilities services by revising involuntary
4 hospitalization procedures involving the county single
5 entry point process and patient advocates and
6 authorizing counties to create a special program fund
7 for these services."

8 3. By renumbering as necessary.

CARROLL of Poweshiek
COHOON of Des Moines

H-8299

1 Amend House File 2523 as follows:

- 2 1. Page 1, by striking lines 1 through 31.
- 3 2. Page 2, lines 8 and 9, by striking the words
- 4 "or the national institutes of health".
- 5 3. Page 4, line 2, by inserting after the word
- 6 "recommendations." the following: "The panel shall
- 7 submit a final report to the general assembly not
- 8 later than January 15, 2007."
- 9 4. By striking page 4, line 3, through page 10,
- 10 line 14.
- 11 5. Title page, lines 1 and 2, by striking the
- 12 words ", and making penalties applicable".
- 13 6. By renumbering as necessary.

HOGG of Linn

H-8303

- 1 Amend Senate File 2066, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 13 through 26 and
- 4 inserting the following:
- 5 "1. A child under ~~three years~~ one year of age and
- 6 weighing less than twenty pounds who is being
- 7 transported in a motor vehicle subject to
- 8 registration, except a school bus or motorcycle, shall
- 9 be secured during transit ~~by a~~ in a rear-facing child
- 10 restraint system ~~which meets federal motor vehicle~~
- 11 ~~safety standards, and the system shall be~~ that is used
- 12 in accordance with the manufacturer's instructions.
- 13 2. A child ~~at least three years of age but~~ under
- 14 ~~six~~".
- 15 2. Page 1, line 27, by inserting after the word
- 16 "who" the following: "does not meet the description
- 17 in subsection 1 and who".
- 18 3. By renumbering as necessary.

MCCARTHY of Polk
 WATTS of Dallas
 J.R. VAN FOSSEN of Scott
 SCHICKEL of Cerro Gordo
 DOLECHECK of Ringgold
 MERTZ of Kossuth
 REASONER of Union
 SHOMSHOR of Pottawattamie

KLEMME of Plymouth
 GREINER of Washington
 RAYHONS of Hancock
 STRUYK of Pottawattamie
 MURPHY of Dubuque
 J.K. VAN FOSSEN of Scott
 LUKAN of Dubuque

H-8307

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, line 13, by striking the words "shall
- 3 meet" and inserting the following: "may contain or
- 4 include".
- 5 2. Page 1, line 14, by striking the word

6 "requirements".

7 3. Page 1, by striking lines 21 and 22, and
8 inserting the following: "and price of land in the
9 county.

10 (3) Include a listing of opportunities for
11 redevelopment.

12 (4) Include a listing of existing and potential
13 land use conflicts.

14 (5) Include a future land use map."

15 4. Page 1, line 23, by striking the figure "(3)"
16 and inserting the following: "(6)".

17 5. Page 1, line 31, by striking the words "shall
18 meet" and inserting the following: "may include or
19 identify".

20 6. Page 1, line 32, by striking the word
21 "requirements".

22 7. Page 1, by striking lines 33 and 34, and
23 inserting the following:

24 "(1) Include an assessment of the county's housing
25 stock, which assessment may include age, structural,
26 value, and occupancy characteristics."

27 8. Page 2, line 11, by striking the words "shall
28 meet" and inserting the following: "may include".

29 9. Page 2, line 12, by striking the word
30 "requirements".

31 10. Page 2, line 27, by striking the words "shall
32 meet" and inserting the following: "may include".

33 11. Page 2, line 28, by striking the word
34 "requirements".

35 12. Page 3, lines 15 and 16, by striking the
36 words "plan, at a minimum, shall" and inserting the
37 following: "plan may".

38 13. Page 3, by striking lines 27 through 29 and
39 inserting the following: "agricultural production;
40 promote the efficient use of infrastructure and the".

41 14. Page 4, line 11, by striking the words "shall
42 meet" and inserting the following: "may contain or
43 include".

44 15. Page 4, line 12, by striking the word
45 "requirements".

46 16. Page 4, by striking lines 18 and 19, and
47 inserting the following: "and price of land in the
48 county.

49 (3) Include a listing of opportunities for
50 redevelopment.

Page 2

1 (4) Include a listing of existing and potential
2 land use conflicts.

3 (5) Include a future land use map."

4 17. Page 4, line 20, by striking the figure "(3)"

5 and inserting the following: "(6)".
 6 18. Page 4, line 28, by striking the words "shall
 7 meet" and inserting the following: "may include or
 8 identify".
 9 19. Page 4, line 29, by striking the word
 10 "requirements".
 11 20. Page 4, by striking lines 30 and 31, and
 12 inserting the following:
 13 "(1) Include an assessment of the city's housing
 14 stock, which assessment may include age, structural,
 15 value, and occupancy characteristics."
 16 21. Page 5, line 8, by striking the words "shall
 17 meet" and inserting the following: "may include".
 18 22. Page 5, line 9, by striking the word
 19 "requirements".
 20 23. Page 5, line 22, by striking the words "shall
 21 meet" and inserting the following: "may include".
 22 24. Page 5, line 23, by striking the word
 23 "requirements".
 24 25. Page 6, lines 4 and 5, by striking the words
 25 "plan, at a minimum, shall" and inserting the
 26 following: "plan may".
 27 26. Page 6, by striking lines 14 and 15, and
 28 inserting the following: "interest;".
 29 27. By renumbering and correcting internal
 30 references as necessary.

FALLON of Polk

H-8308

1 Amend Senate File 2208, as passed by the Senate, as
 2 follows:
 3 1. Page 4, by inserting after line 3, the
 4 following:
 5 "DIVISION CC
 6 AGRICULTURAL LANDHOLDING REPORTING
 7 Sec.____. Section 10.1, unnumbered paragraph 1,
 8 Code Supplement 2003, is amended to read as follows:
 9 As used in this chapter ~~and in chapter 10B~~, unless
 10 the context otherwise requires:
 11 Sec.____. Section 10C.6, subsection 1, paragraph
 12 b, Code 2003, is amended to read as follows:
 13 b. The life science enterprise must file a report
 14 with the secretary of state as provided in section
 15 10B.4, Code 2003.
 16 Sec.____. Section 10C.6, subsection 2, paragraph
 17 d, Code 2003, is amended to read as follows:
 18 d. The person must file a report as a life science
 19 enterprise with the secretary of state as provided in
 20 section 10B.4, Code 2003.
 21 Sec.____. Section 10D.2, subsection 1, Code 2003,

22 is amended to read as follows:

23 1. The enterprise files a notice with the
24 secretary of state not later than June 30, 2002. The
25 notice shall be a simple statement providing the name
26 of the enterprise and the address of the enterprise's
27 registered office or registered agent. The notice
28 shall indicate that the enterprise intends to acquire
29 or hold an interest in agricultural land under this
30 chapter. The secretary of state shall receive and
31 file the notice ~~together with reports required for the~~
32 ~~enterprise as required in chapter 10B.~~

33 Sec.____. Chapter 10B, Code 2003 and Code
34 Supplement 2003, is repealed.

35 DIVISION CCI

36 EFFECTIVE DATES

37 Sec.____. EFFECTIVE DATE. Division CC of this Act
38 takes effect on July 1, 2005."

39 2. Title page, by striking line 1 and inserting
40 the following: "An Act relating to agriculture by
41 providing for reporting and to the powers and duties
42 of the department of".

43 3. Title page, line 2, by striking the words "and
44 making" and inserting the following: "making".

45 4. Title page, line 3, by inserting after the
46 word "applicable" the following: ", and providing an
47 effective date".

HUSER of Polk

H-8309

1 Amend House File 2470 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I – REGULATORY EFFICIENCY COMMISSION

5 Section 1. REGULATORY EFFICIENCY COMMISSION.

6 1. A regulatory efficiency commission is
7 established for purposes of identifying unneeded
8 regulations, fines, and fees that hinder business
9 development. The commission shall also identify
10 methods for streamlining access to regulatory
11 information.

12 2. The commission shall consist of seven voting
13 members appointed by the governor and four ex officio
14 members.

15 a. The seven voting members appointed by the
16 governor are subject to the requirements of sections
17 69.16, 69.16A, and 69.19. The seven members shall
18 consist of the following:

19 (1) Two members shall be economic development
20 representatives from two different chambers of
21 commerce. One shall be from a metropolitan area with

22 more than fifty thousand people and one shall be from
23 a metropolitan area with fifty thousand people or
24 less.

25 (2) Two members representing agricultural
26 interests.

27 (3) One member representing the Iowa association
28 of business and industry.

29 (4) Two members representing commercial-based and
30 manufacturing-based businesses.

31 b. The four ex officio members shall be members of
32 the general assembly. Two members shall be from the
33 senate and two members shall be from the house of
34 representatives, with not more than one member from
35 each chamber being from the same political party. The
36 two senators shall be designated by the president of
37 the senate after consultation with the majority and
38 minority leaders of the senate. The two
39 representatives shall be designated by the speaker of
40 the house of representatives after consultation with
41 the majority and minority leaders of the house of
42 representatives. Legislative members shall serve in
43 an ex officio, nonvoting capacity.

44 3. Meetings of the commission are subject to the
45 provisions of chapter 21.

46 4. By January 10, 2005, the commission shall
47 submit a written report to the governor and the
48 general assembly. The report shall include the
49 findings and legislative recommendations of the
50 commission. The report shall be distributed by the

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1 secretary of the senate and the chief clerk of the
2 house of representatives to the chairpersons and
3 members of the administrative rules review committee
4 and the economic growth committees in the senate and
5 the house of representatives.

6 DIVISION II – PARTNERSHIP COMMISSION

7 Sec. 2. PARTNERSHIP COMMISSION.

8 1. A partnership commission is established for
9 purposes of identifying unnecessary public mandates
10 for elimination and providing recommendations designed
11 to encourage city and county governments to share
12 services.

13 2. The commission shall consist of seven voting
14 members appointed by the governor and four ex officio
15 members.

16 a. The seven voting members appointed by the
17 governor are subject to the requirements of sections
18 69.16, 69.16A, and 69.19. The seven members shall
19 consist of representatives from various sized cities
20 and counties.

21 b. The four ex officio members shall be members of
22 the general assembly. Two members shall be from the
23 senate and two members shall be from the house of
24 representatives, with not more than one member from
25 each chamber being from the same political party. The
26 two senators shall be designated by the president of
27 the senate after consultation with the majority and
28 minority leaders of the senate. The two
29 representatives shall be designated by the speaker of
30 the house of representatives after consultation with
31 the majority and minority leaders of the house of
32 representatives. Legislative members shall serve in
33 an ex officio, nonvoting capacity.

34 3. Meetings of the commission are subject to the
35 provisions of chapter 21.

36 4. By January 10, 2005, the commission shall
37 submit a written report to the governor and the
38 general assembly. The report shall include the
39 findings and legislative recommendations of the
40 commission. The report shall be distributed by the
41 secretary of the senate and the chief clerk of the
42 house of representatives to the chairpersons and
43 members of the administrative rules review committee
44 and the state government committees in the senate and
45 the house of representatives.

46 DIVISION III – REGIONAL ECONOMIC DEVELOPMENT –
47 APPROPRIATIONS

48 Sec. 3. NEW SECTION. 15E.231 ECONOMIC
49 DEVELOPMENT REGIONS.

50 1. In order for an economic development region to

Page 3

1 receive moneys from the grow Iowa values fund created
2 in section 15G.108, the organization of an economic
3 development region must be approved by the grow Iowa
4 values board established in section 15G.102. The
5 board shall approve an economic development region
6 that meets the following criteria:

7 a. The region consists of not less than three
8 contiguous counties. Upon the recommendation of the
9 director of the department of economic development,
10 this paragraph may be waived by the board.

11 b. The region establishes a single, focused
12 economic development effort, approved by the board,
13 that shall include the development of a regional
14 development plan and regional marketing strategies.
15 Regional marketing strategies must be focused on
16 marketing the region collectively.

17 2. An approved economic development region may
18 create an economic development region revolving fund
19 as provided in section 15E.232.

20 Sec. 4. NEW SECTION. 15E.232 ECONOMIC
21 DEVELOPMENT REGION REVOLVING FUNDS – TAX CREDITS.

22 1. An economic development region approved
23 pursuant to section 15E.231 may create an economic
24 development region revolving fund.

25 2. a. A nongovernmental entity making a
26 contribution to an economic development region
27 revolving fund at any time prior to July 1, 2009, may
28 claim a tax credit equal to twenty percent of the
29 amount contributed to the revolving fund. The tax
30 credit shall be allowed against taxes imposed in
31 chapter 422, divisions II, III, and V, and in chapter
32 432, and against the moneys and credits tax imposed in
33 section 533.24. An individual may claim under this
34 subsection the tax credit of a partnership, limited
35 liability company, S corporation, estate, or trust
36 electing to have income taxed directly to the
37 individual. The amount claimed by the individual
38 shall be based upon the pro rata share of the
39 individual's earnings from the partnership, limited
40 liability company, S corporation, estate, or trust.
41 Any tax credit in excess of the taxpayer's liability
42 for the tax year may be credited to the tax liability
43 for the following seven years or until depleted,
44 whichever occurs first. A tax credit shall not be
45 carried back to a tax year prior to the tax year in
46 which the taxpayer redeems the tax credit. A tax
47 credit under this section is not transferable.

48 b. The aggregate amount of tax credits authorized
49 pursuant to this subsection shall not total more than
50 twenty million dollars. The total amount of tax

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1 credits authorized during a fiscal year shall not
2 exceed four million dollars plus any unused tax
3 credits carried over from previous years. Any tax
4 credits which remain unused for a fiscal year may be
5 carried forward to the succeeding fiscal year. The
6 maximum amount of tax credits that may be authorized
7 in a fiscal year for contributions made to a specific
8 economic development region revolving fund is equal to
9 four million dollars plus any unused tax credits
10 carried over from previous years divided by the number
11 of economic development region revolving funds
12 existing in the state.

13 c. The department of economic development shall
14 administer the authorization of tax credits under this
15 section and shall, in cooperation with the department
16 of revenue and finance, adopt rules pursuant to
17 chapter 17A necessary for the administration of this
18 section.

19 3. An approved economic development region may
20 apply for financial assistance from the Iowa values
21 fund to assist with physical infrastructure needs
22 related to a specific business partner. In order to
23 receive financial assistance pursuant to this
24 subsection, the economic development region must
25 demonstrate all of the following:

26 a. The ability to provide matching moneys on a one
27 to one basis.

28 b. The commitment of the specific business
29 partner.

30 c. That all other funding alternatives have been
31 exhausted.

32 4. An approved economic development region may
33 apply for financial assistance from the Iowa values
34 fund to assist an existing business located in the
35 economic development region impacted by business
36 consolidation actions. Business consolidation actions
37 include a substantial or total closure of an existing
38 business due to consolidating the existing business
39 out of state. In order to receive financial
40 assistance pursuant to this subsection, the economic
41 development region must demonstrate the ability to
42 provide matching moneys on a one-to-one basis.

43 5. An approved economic development region may
44 apply for financial assistance to implement economic
45 development initiatives unique to the region. In
46 order to receive financial assistance pursuant to this
47 subsection, the economic development region must
48 demonstrate the ability to provide matching moneys on
49 a one-to-one basis.

50 6. An approved economic development region may

Page 5

1 apply for financial assistance to implement innovative
2 initiatives that do not qualify for assistance under
3 subsection 5.

4 7. The board may establish and administer a
5 regional economic development revenue sharing pilot
6 project for one or more regions. Not more than three
7 pilot projects shall be established. The department
8 of economic development shall provide technical
9 assistance to the regions participating in a pilot
10 project.

11 8. Financial assistance under subsections 3, 4, 5,
12 and 6 and section 15E.233 shall be limited to a total
13 of twenty million dollars.

14 Sec. 5. NEW SECTION. 15E.233 ECONOMICALLY
15 ISOLATED AREAS.

16 1. An approved economic development region may
17 apply to the Iowa values board for approval to be

18 designated as an economically isolated area. In order
19 to be considered an economically isolated area, the
20 region must have at least one county that meets all of
21 the following criteria:

22 a. A majority of the land area of the county is
23 located at least forty miles away from a major
24 commercial area, as determined by the board. Major
25 commercial areas include all of the following:

- 26 (1) Burlington.
- 27 (2) Carroll.
- 28 (3) Cedar Rapids.
- 29 (4) Clinton.
- 30 (5) Council Bluffs.
- 31 (6) Davenport.
- 32 (7) Des Moines.
- 33 (8) Dubuque.
- 34 (9) Fort Dodge.
- 35 (10) Iowa City.
- 36 (11) Marshalltown.
- 37 (12) Mason City.
- 38 (13) Ottumwa.
- 39 (14) Sioux City.
- 40 (15) Spencer.
- 41 (16) Storm Lake.
- 42 (17) Waterloo.

43 b. The county has at least one of the following:

- 44 (1) Per capita income that ranks in the lowest
45 twenty-five counties in the state based on the 2000
46 census.
- 47 (2) An annualized average weekly wage for
48 employees in private business that ranks in the lowest
49 twenty-five counties in the state in calendar year
50 2000.

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1 2. An approved economically isolated area may
2 apply to the department of economic development for up
3 to seven hundred fifty thousand dollars over a five-
4 year period for purposes of economic-development-
5 related marketing assistance for the area. In order
6 to receive financial assistance pursuant to this
7 subsection, the economic development region must
8 demonstrate the ability to provide matching moneys on
9 a one-to-one basis.

10 Sec. 6. NEW SECTION. 422.11J ECONOMIC
11 DEVELOPMENT REGION REVOLVING FUND TAX CREDIT.

12 The taxes imposed under this division, less the
13 credits allowed under sections 422.12 and 422.12B,
14 shall be reduced by an economic development region
15 revolving fund contribution tax credit authorized
16 pursuant to section 15E.232.

17 Sec. 7. Section 422.33, Code Supplement 2003, is
18 amended by adding the following new subsection:
19 NEW SUBSECTION. 16. The taxes imposed under this
20 division shall be reduced by an economic development
21 region revolving fund contribution tax credit
22 authorized pursuant to section 15E.232.

23 Sec. 8. Section 422.60, Code Supplement 2003, is
24 amended by adding the following new subsection:
25 NEW SUBSECTION. 8. The taxes imposed under this
26 division shall be reduced by an economic development
27 region revolving fund contribution tax credit
28 authorized pursuant to section 15E.232.

29 Sec. 9. NEW SECTION. 432.12E ECONOMIC
30 DEVELOPMENT REGION REVOLVING FUND CONTRIBUTION TAX
31 CREDITS.

32 The tax imposed under this chapter shall be reduced
33 by an economic development region tax credit
34 authorized pursuant to section 15E.232.

35 Sec. 10. Section 533.24, Code Supplement 2003, is
36 amended by adding the following new subsection:
37 NEW SUBSECTION. 6. The moneys and credits tax
38 imposed under this section shall be reduced by an
39 economic development region revolving fund
40 contribution tax credit authorized pursuant to section
41 15E.232.

42 Sec. 11. ECONOMIC DEVELOPMENT REGION FINANCIAL
43 ASSISTANCE APPROPRIATION.

44 1. There is appropriated from the grow Iowa values
45 fund created in section 15G.108 to the department of
46 economic development for the fiscal year beginning
47 July 1, 2004, and ending June 30, 2005, the following
48 amount, or so much thereof as is necessary, to be used
49 for the purpose designated:

50 For providing financial assistance under section

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1 15E.232, subsections 3, 4, 5, and 6 and under section
2 15E.233:
3 \$ 20,000,000

4 2. Notwithstanding section 8.33, moneys that
5 remain unexpended at the end of a fiscal year shall
6 not revert to any fund but shall remain available for
7 expenditure for the designated purposes during the
8 succeeding fiscal year.

9 Sec. 12. ECONOMIC DEVELOPMENT REGION REVOLVING
10 FUND CONTRIBUTION TAX CREDITS APPROPRIATION.

11 1. There is appropriated from the grow Iowa values
12 fund created in section 15G.108 to the general fund of
13 the state, for the fiscal period beginning July 1,
14 2004, and ending June 30, 2008, the following amounts,
15 or so much thereof as is necessary, to be used for the

16 purpose designated:

17 For payment of tax credits approved pursuant to
18 section 15E.232:

19	FY 2004-2005	\$ 4,000,000
20	FY 2005-2006	\$ 4,000,000
21	FY 2006-2007	\$ 4,000,000
22	FY 2007-2008	\$ 4,000,000
23	FY 2008-2009	\$ 4,000,000

24 2. Notwithstanding section 8.33, moneys that
25 remain unexpended at the end of a fiscal year shall
26 not revert to any fund but shall remain available for
27 expenditure for the designated purposes during the
28 succeeding fiscal year.

29 3. Any moneys appropriated under this section that
30 remain unexpended on June 30, 2009, are appropriated
31 from the general fund of the state to the department
32 of economic development for the fiscal year beginning
33 July 1, 2009, and ending June 30, 2010, to be used for
34 providing financial assistance under section 15E.232,
35 subsections 3, 4, 5, and 6.

36 Sec. 13. RETROACTIVE APPLICABILITY. The section
37 of this Act enacting section 15E.232, relating to the
38 economic development region revolving fund
39 contribution tax credit, is retroactively applicable
40 to January 1, 2004, and is applicable on and after
41 that date.

42 DIVISION IV – APPROPRIATIONS

43 Sec. 14. Section 404A.4, subsection 4, Code
44 Supplement 2003, is amended to read as follows:

45 4. The total amount of tax credits that may be
46 approved for a fiscal year under this chapter shall
47 not exceed two million four hundred thousand dollars.
48 For the fiscal years beginning July 1, 2005, and year
49 beginning July 1, 2004, an additional one million five
50 hundred thousand dollars of tax credits may be

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1 approved for purposes of projects located in cultural
2 and entertainment districts certified pursuant to
3 section 303.3B. For the fiscal year beginning July 1,
4 2005, an additional two million dollars of tax credits
5 may be approved for purposes of projects located in
6 cultural and entertainment districts certified
7 pursuant to section 303.3B. For the fiscal year
8 beginning July 1, 2006, an additional five hundred
9 thousand dollars of tax credits may be approved each
10 fiscal year for purposes of projects located in
11 cultural and entertainment districts certified
12 pursuant to section 303.3B. Any of the additional tax
13 credits allocated for projects located in certified
14 cultural and entertainment districts that are not

15 approved during a fiscal year may be carried over to
16 the succeeding fiscal year. Tax credit certificates
17 shall be issued on the basis of the earliest awarding
18 of certifications of completion as provided in
19 subsection 1. The departments of economic development
20 and revenue shall each adopt rules to jointly
21 administer this subsection and shall provide by rule
22 for the method to be used to determine for which
23 fiscal year the tax credits are approved.

24 Sec. 15. REHABILITATION PROJECT TAX CREDITS
25 APPROPRIATION.

26 1. There is appropriated from the grow Iowa values
27 fund to the general fund of the state for each fiscal
28 year of the fiscal period beginning July 1, 2004, and
29 ending June 30, 2006, the following amounts, or so
30 much thereof as is necessary, to be used for the
31 purpose designated:

32 For payment of tax credits approved pursuant to
33 section 404A.4 for projects located in certified
34 cultural and entertainment districts:
35 FY 2004-2005 1,500,000
36 FY 2005-2006 1,500,000

37 2. Notwithstanding section 8.33, moneys that
38 remain unexpended at the end of a fiscal year shall
39 not revert to any fund but shall remain available for
40 expenditure for the designated purposes during the
41 succeeding fiscal year.

42 Sec. 16. COMMUNITY ATTRACTION AND TOURISM PROGRAM.

43 1. There is appropriated from the grow Iowa values
44 fund to the office of the treasurer of state for each
45 fiscal year of the fiscal period beginning July 1,
46 2004, and ending June 30, 2007, the following amounts,
47 or so much thereof as is necessary, to be used for the
48 purpose designated:

49 For deposit in the community attraction and tourism
50 fund:

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1 FY 2004-2005 \$ 15,000,000
2 FY 2005-2006 \$ 15,000,000
3 FY 2006-2007 \$ 15,000,000

4 2. Notwithstanding section 8.33, moneys that
5 remain unexpended at the end of a fiscal year shall
6 not revert to any fund but shall remain available for
7 expenditure for the designated purposes during the
8 succeeding fiscal year.

9 Sec. 17. STATE PARKS.

10 1. There is appropriated from the grow Iowa values
11 fund to the grow Iowa values board for each fiscal
12 year of the fiscal period beginning July 1, 2004, and
13 ending June 30, 2006, the following amounts, or so

14 much thereof as is necessary, to be used for the
15 purpose designated:

16 For the purpose of providing financial assistance
17 for projects in targeted state parks and destination
18 parks:
19 FY 2004-2005 \$ 3,000,000
20 FY 2005-2006 \$ 3,000,000

21 2. Notwithstanding section 8.33, moneys that
22 remain unexpended at the end of a fiscal year shall
23 not revert to any fund but shall remain available for
24 expenditure for the designated purposes during the
25 succeeding fiscal year.

26 Sec. 18. IOWA CULTURAL TRUST FUND.

27 1. There is appropriated from the grow Iowa values
28 fund to the office of the treasurer of state for each
29 fiscal year of the fiscal period beginning July 1,
30 2004, and ending June 30, 2006, the following amounts,
31 or so much thereof as is necessary, to be used for the

32 purpose designated:

33 For deposit in the Iowa cultural trust fund created
34 in section 303A.4:
35 FY 2004-2005 \$ 2,000,000
36 FY 2005-2006 \$ 2,000,000

37 2. Notwithstanding section 8.33, moneys that
38 remain unexpended at the end of a fiscal year shall
39 not revert to any fund but shall remain available for
40 expenditure for the designated purposes during the
41 succeeding fiscal year.

42 DIVISION V – GROW IOWA VALUES FUND FUNDING

43 Sec. 19. Section 8.57, subsection 5, paragraph e,
44 Code Supplement 2003, is amended to read as follows:

45 e. Notwithstanding provisions to the contrary in
46 sections 99D.17 and 99F.11, for the fiscal year
47 beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year~~
48 ~~thereafter ending June 30, 2004~~, not more than a total
49 of sixty million dollars shall be deposited in the
50 general fund of the state in ~~any~~ the fiscal year

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1 pursuant to sections 99D.17 and 99F.11; for the fiscal
2 period beginning July 1, 2004, and ending June 30,
3 2030, not more than a total of thirty-eight million
4 three hundred thousand dollars of the moneys directed
5 to be deposited in the general fund of the state in a
6 fiscal year pursuant to sections 99D.17 and 99F.11
7 shall be deposited in the grow Iowa values fund
8 created in section 15G.108 in any fiscal year, and not
9 more than a total of twenty-one million seven hundred
10 thousand dollars shall be deposited in the general
11 fund in any fiscal year; and for the fiscal year
12 beginning July 1, 2030, and for each fiscal year

13 thereafter, not more than a total of sixty million
14 dollars shall be deposited in the general fund of the
15 state in any fiscal year pursuant to sections 99D.17
16 and 99F.11. The next fifteen million dollars of the
17 moneys directed to be deposited in the general fund of
18 the state in a fiscal year pursuant to sections 99D.17
19 and 99F.11 shall be deposited in the vision Iowa fund
20 created in section 12.72 for the fiscal year beginning
21 July 1, 2000, and for each fiscal year through the
22 fiscal year beginning July 1, 2019. The next five
23 million dollars of the moneys directed to be deposited
24 in the general fund of the state in a fiscal year
25 pursuant to sections 99D.17 and 99F.11 shall be
26 deposited in the school infrastructure fund created in
27 section 12.82 for the fiscal year beginning July 1,
28 2000, and for each fiscal year thereafter until the
29 principal and interest on all bonds issued by the
30 treasurer of state pursuant to section 12.81 are paid,
31 as determined by the treasurer of state. The total
32 moneys in excess of the moneys deposited in the
33 general fund of the state, the grow Iowa values fund,
34 the vision Iowa fund, and the school infrastructure
35 fund in a fiscal year shall be deposited in the
36 rebuild Iowa infrastructure fund and shall be used as
37 provided in this section, notwithstanding section
38 8.60.
39 If the total amount of moneys directed to be
40 deposited in the general fund of the state under
41 sections 99D.17 and 99F.11 in a fiscal year is less
42 than the total amount of moneys directed to be
43 deposited in the grow Iowa values fund, the vision
44 Iowa fund, and the school infrastructure fund in the
45 fiscal year pursuant to this paragraph "e", the
46 difference shall be paid from lottery revenues in the
47 manner provided in section 99G.39, subsection 3.
48 Sec. 20. NEW SECTION. 12.91 GENERAL AND SPECIFIC
49 BONDING POWERS.
50 1. The treasurer of state may issue bonds for the

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1 purpose of funding the grow Iowa values fund created
2 in section 15G.108. The treasurer of state shall have
3 all of the powers which are necessary to issue and
4 secure bonds and carry out the purposes of the fund.
5 The treasurer of state may issue bonds in principal
6 amounts which are necessary to provide sufficient
7 funds for the grow Iowa values fund, the payment of
8 interest on the bonds, the establishment of reserves
9 to secure the bonds, the costs of issuance of the
10 bonds, other expenditures of the treasurer of state
11 incident to and necessary or convenient to carry out

the bond issue for the fund, and all other expenditures of the board necessary or convenient to administer the fund. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code.

2. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the grow Iowa values fund and any bond reserve funds established pursuant to section 12.92, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged to the payment thereof. Bonds issued under this section shall contain on their face a statement that the bonds do not constitute an indebtedness of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of the state or make bonds issued pursuant to this section payable out of any moneys except those in the grow Iowa values fund.

3. The proceeds of bonds issued by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment as directed by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued without regard to any limitation otherwise provided by law.

4. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to the terms, conditions, and covenants providing for the payment of the principal of, redemption premiums, if any, interest which may be fixed or variable during any period the bonds are outstanding, and such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their

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issuance.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions

11 safeguarding payment, not inconsistent with this
12 section and as determined by the trust indenture,
13 resolution, or other instrument authorizing their
14 issuance.

15 5. The bonds are securities in which public
16 officers and bodies of this state, political
17 subdivisions of this state, insurance companies and
18 associations and other persons carrying on an
19 insurance business, banks, trust companies, savings
20 associations, savings and loan associations, and
21 investment companies; administrators, guardians,
22 executors, trustees, and other fiduciaries; and other
23 persons authorized to invest in bonds or other
24 obligations of the state may properly and legally
25 invest funds, including capital, in their control or
26 belonging to them.

27 6. Bonds must be authorized by a trust indenture,
28 resolution, or other instrument of the treasurer of
29 state.

30 7. Neither the resolution, trust indenture, nor
31 any other instrument by which a pledge is created
32 needs to be recorded or filed under the Iowa uniform
33 commercial code to be valid, binding, or effective.

34 8. Bonds issued under the provisions of this
35 section are declared to be issued for a general public
36 and governmental purpose and all bonds issued under
37 this section shall be exempt from taxation by the
38 state of Iowa and the interest on the bonds shall be
39 exempt from the state income tax and the state
40 inheritance and estate tax.

41 9. Subject to the terms of any bond documents,
42 moneys in the grow Iowa values fund may be expended
43 for administration expenses.

44 10. The treasurer of state may issue bonds for the
45 purpose of refunding any bonds issued pursuant to this
46 section then outstanding, including the payment of any
47 redemption premiums thereon and any interest accrued
48 or to accrue to the date of redemption of the
49 outstanding bonds. Until the proceeds of bonds issued
50 for the purpose of refunding outstanding bonds are

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1 applied to the purchase or retirement of outstanding
2 bonds or the redemption of outstanding bonds, the
3 proceeds may be placed in escrow and be invested and
4 reinvested in accordance with the provisions of this
5 section. The interest, income, and profits earned or
6 realized on an investment may also be applied to the
7 payment of the outstanding bonds to be refunded by
8 purchase, retirement, or redemption. After the terms
9 of the escrow have been fully satisfied and carried

out, any balance of proceeds and interest earned or realized on the investments may be returned to the treasurer of state for deposit in the grow Iowa values fund established in section 15G.108. All refunding bonds shall be issued and secured and subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this section.

11. The treasurer of state shall have all of the powers which are necessary to issue and secure bonds, including but not limited to the power to procure insurance, other credit enhancements, and other financing arrangements, and to execute instruments and contracts and to enter into agreements convenient or necessary to facilitate financing arrangements with respect to the bonds and to carry out the purposes of the fund, including but not limited to such arrangements, instruments, contracts, and agreements as municipal bond insurance, self-insurance or liquidity trusts, accounts, pools or other arrangements, liquidity facilities or covenants, letters of credit, and interest rate agreements.

12. For purposes of this section and sections 12.92 through 12.95, the term "bonds" means bonds, notes, and other obligations and financing arrangements issued or entered into by the treasurer of state and the term "interest rate agreement" means an interest rate swap or exchange agreement, an agreement establishing an interest rate floor or ceiling or both, or any similar agreement. Any such agreement may include the option to enter into or cancel the agreement or to reverse or extend the agreement.

Sec. 21. NEW SECTION. 12.92 GROW IOWA VALUES FUND ACCOUNTS AND RESERVE FUNDS.

1. The treasurer of state shall establish such accounts within the grow Iowa values fund created in section 15G.108 as may be appropriate, including debt service accounts for the purpose of paying the principal of, redemption premium, if any, and interest on bonds payable therefrom. Moneys in the debt

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service accounts shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of paying the principal of, redemption premium, if any, and interest on the bonds payable therefrom.

2. Revenue for the grow Iowa values fund shall include, but is not limited to, the following, which shall be deposited with the treasurer of state or its

9 designee as provided by any bond or security documents
10 and credited to the debt service account:

11 a. The proceeds of bonds issued to capitalize and
12 pay the costs of the fund and investment earnings on
13 the proceeds.

14 b. Interest attributable to investment of moneys
15 in the fund or an account of the fund.

16 c. Moneys in the form of a devise, gift, bequest,
17 donation, federal or other grant, reimbursement,
18 repayment, judgment, transfer, payment, or
19 appropriation from any source intended to be used for
20 the purposes of the fund or account.

21 3. a. The treasurer of state may create and
22 establish one or more special funds, to be known as
23 "bond reserve funds", to secure one or more issues of
24 bonds issued pursuant to section 12.91. The treasurer
25 of state shall pay into each bond reserve fund any
26 moneys appropriated and made available by the state or
27 treasurer of state for the purpose of the fund, any
28 proceeds of sale of bonds to the extent provided in
29 the resolutions or trust indentures authorizing their
30 issuance, and any other moneys which may be available
31 to the treasurer of state for the purpose of the fund
32 from any other sources. All moneys held in a bond
33 reserve fund, except as otherwise provided in this
34 chapter, shall be used as required solely for the
35 payment of the principal of bonds secured in whole or
36 in part by the fund or of the sinking fund payments
37 with respect to the bonds, the purchase or redemption
38 of the bonds, the payment of interest on the bonds, or
39 the payments of any redemption premium required to be
40 paid when the bonds are redeemed prior to maturity.

41 b. Moneys in a bond reserve fund shall not be
42 withdrawn from it at any time in an amount that will
43 reduce the amount of the fund to less than the bond
44 reserve fund requirement established for the fund, as
45 provided in this subsection, except for the purpose of
46 making, with respect to bonds secured in whole or in
47 part by the fund, payment when due of principal,
48 interest, redemption premiums, and the sinking fund
49 payments with respect to the bonds for the payment of
50 which other moneys of the treasurer of state are not

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1 available.

2 Any income or interest earned by, or incremental
3 to, a bond reserve fund due to the investment of it
4 may be transferred by the treasurer of state to other
5 funds or accounts to the extent the transfer does not
6 reduce the amount of that bond reserve fund below the
7 bond reserve fund requirement for it.

c. The treasurer of state shall not at any time issue bonds, secured in whole or in part by a bond reserve fund, if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer of state at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "bond reserve fund requirement" means, as of any particular date of computation, an amount of money, as provided in the resolutions or trust indentures authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "a" for the accumulation in each bond reserve fund of an amount equal to the bond reserve requirement for the fund. In order to further assure maintenance of the bond reserve funds, the treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer of state's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer of state pursuant to this subsection shall be deposited by the treasurer of state in the applicable bond reserve fund.

Sec. 22. NEW SECTION. 12.93 PLEDGES.

1. It is the intention of the general assembly that a pledge made in respect of bonds shall be valid and binding from the time the pledge is made, that the moneys or property so pledged and received after the pledge by the treasurer of state shall immediately be

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subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

7 2. The moneys set aside in a fund or funds pledged
8 for any series or issue of bonds shall be held for the
9 sole benefit of the series or issue separate and apart
10 from moneys pledged for another series or issue of
11 bonds of the treasurer of state. Bonds may be issued
12 in series under one or more resolutions or trust
13 indentures and may be fully open-ended, thus providing
14 for the unlimited issuance of additional series, or
15 partially open-ended, limited as to additional series.

16 Sec. 23. NEW SECTION. 12.94 LIMITATIONS.

17 Bonds issued pursuant to section 12.91 are not
18 debts of the state, or of any political subdivision of
19 the state, and do not constitute a pledge of the faith
20 and credit of the state or a charge against the
21 general credit or general fund of the state. The
22 issuance of any bonds pursuant to section 12.91 by the
23 treasurer of state does not directly, indirectly, or
24 contingently obligate the state or a political
25 subdivision of the state to apply moneys, or to levy
26 or pledge any form of taxation whatever, to the
27 payment of the bonds. Bonds issued under section
28 12.91 are payable solely and only from the sources and
29 special fund and accounts provided in section 12.92.

30 Sec. 24. NEW SECTION. 12.95 CONSTRUCTION.

31 Sections 12.91 through 12.94, being necessary for
32 the welfare of this state and its inhabitants, shall
33 be liberally construed to effect its purposes.

34 Sec. 25. Section 15G.108, Code Supplement 2003, is
35 amended to read as follows:

36 15G.108 GROW IOWA VALUES FUND.

37 A grow Iowa values fund is created and established
38 as a separate and distinct fund in the state treasury
39 ~~under the control of the grow Iowa values board~~
40 ~~consisting of moneys appropriated to the grow Iowa~~
41 ~~values board.~~ Moneys in the fund are not subject to
42 section 8.33. Notwithstanding section 12C.7, interest
43 or earnings on moneys in the fund shall be credited to
44 the fund. Moneys in the fund shall not be subject to
45 appropriation for any other purposes by the general
46 assembly other than as provided in this Act and 2003
47 Iowa Acts, First Extraordinary Session, chapter 2, but
48 shall be used only for the purposes of the grow Iowa
49 values fund. The treasurer of state shall act as
50 custodian of the fund and disburse moneys contained in

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1 the fund as directed by the grow Iowa values board,
2 including automatic disbursements of moneys received
3 pursuant to the terms of bond indentures and documents
4 and security provisions to trustees. The fund shall
5 be administered by the grow Iowa values board, which

shall make expenditures from the fund consistent with this chapter and pertinent Acts of the general assembly. Any financial assistance provided using moneys from the fund may be provided over a period of time of more than one year. Payments of interest, repayments of moneys loaned pursuant to this chapter, and recaptures of grants or loans shall be deposited in the fund.

Sec. 26. Section 15G.110, Code Supplement 2003, is amended to read as follows:

15G.110 FUTURE CONSIDERATION.

Not later than February 1, 2007, the legislative services agency shall prepare and deliver to the secretary of the senate and the chief clerk of the house of representatives identical divisions that repeal the provisions of this chapter, with the exception of sections 15G.101, 15G.102, 15G.103, and 15G.108. It is the intent of this section that the general assembly shall bring the division to a vote in either the senate or the house of representatives expeditiously. It is further the intent of this chapter that if the division is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house.

Sec. 27. Section 99G.39, subsection 3, paragraph a, Code Supplement 2003, is amended to read as follows:

a. Notwithstanding subsection 1, if gaming revenues under sections 99D.17 and 99F.11 are insufficient in a fiscal year to meet the total amount of such revenues directed to be deposited in the grow Iowa values fund, the vision Iowa fund, and the school infrastructure fund during the fiscal year pursuant to section 8.57, subsection 5, paragraph "e", the difference shall be paid from lottery revenues prior to deposit of the lottery revenues in the general fund. If lottery revenues are insufficient during the fiscal year to pay the difference, the remaining difference shall be paid from lottery revenues in subsequent fiscal years as such revenues become available.

Sec. 28. 2003 Iowa Acts, First Extraordinary Session, chapter 1, section 114, is amended to read as follows:

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SEC. 114. The divisions of this Act designated the grow Iowa values board and fund, with the exception of sections 15G.101, 15G.102, 15G.103, and 15G.108, Code Supplement 2003, the value-added agricultural products

5 and processes financial assistance program, the endow
6 Iowa grants, the technology transfer advisors, the
7 Iowa economic development loan and credit guarantee
8 fund, the economic development assistance and data
9 collection, the cultural and entertainment districts,
10 the workforce issues, and the university-based
11 research utilization program, are repealed effective
12 June 30, 2010.

13 Sec. 29. 2003 Iowa Acts, First Extraordinary
14 Session, chapter 2, section 75, subsection 1, is
15 amended to read as follows:

16 1. There is appropriated from the general fund of
17 the state from moneys credited to the general fund of
18 the state as a result of entering into the streamlined
19 sales and use tax agreement, for the fiscal ~~period~~
20 ~~year~~ beginning July 1, 2003, and ending June 30, ~~2010~~
21 ~~2004~~, the following ~~amounts~~ amount to be used for the
22 purpose designated:

23 For deposit in the grow Iowa values fund created in
24 section ~~15G.107, if enacted by 2003 Iowa Acts, House~~
25 ~~File 692 or another Act~~ 15G.108:

26 FY 2003-2004	\$ 5,000,000
27 FY 2004-2005	\$ 23,000,000
28 FY 2005-2006	\$ 75,000,000
29 FY 2006-2007	\$ 75,000,000
30 FY 2007-2008	\$ 75,000,000
31 FY 2008-2009	\$ 75,000,000
32 FY 2009-2010	\$ 75,000,000"

33 2. Title page, by striking lines 1 and 2 and inserting the
34 following: "An Act relating to economic development and
35 regulatory matters at the state and local level, authorizing
36 issuance of tax-exempt bonds and tax credits, making
37 appropriations, and providing a retroactive applicability date."

PETERSEN of Polk
BELL of Jasper
BERRY of Black Hawk
BUKTA of Clinton
COHOON of Des Moines
CONNORS of Polk
DANDEKAR of Linn
DAVITT of Warren
FOEGE of Linn
FORD of Polk
FREVERT of Palo Alto
GASKILL of Wapello
GREIMANN of Story
HEDDENS of Story
HUNTER of Polk
JOCOPY of Johnson
JOCHUM of Dubuque
KUHN of Floyd

MERTZ of Kossuth
MILLER of Webster
MURPHY of Dubuque
OLDSON of Polk
D. OLSON of Boone
OSTERHAUS of Jackson
QUIRK of Chickasaw
REASONER of Union
SHOMSHOR of Pottawattamie
SHOULTZ of Black Hawk
SMITH of Marshall
STEVENS of Dickinson
D. TAYLOR of Linn
T. TAYLOR of Linn
THOMAS of Clayton
WENDT of Woodbury
WHITAKER of Van Buren
WHITEAD of Woodbury

LENSING of Johnson
LYKAM of Scott
MASCHER of Johnson

WINCKLER of Scott
WISE of Lee

H-8310

1 Amend House File 2231 as follows:
2 1. Page 1, by striking lines 1 through 17, and
3 inserting the following:
4 "Sec. _____. AVAILABILITY OF RECORDS – PRIOR TO
5 EFFECTIVE DATE OF THIS ACT."
6 2. Page 1, line 18, by striking the words "The
7 department" and inserting the following:
8 "Notwithstanding sections 692A.13 and 692A.13A, for a
9 sex offender required to register as a sex offender
10 prior to the effective date of this Act, the
11 department of public safety".
12 3. By striking page 3, line 3, through page 4,
13 line 9, and inserting the following:
14 "Sec. _____. The department of public safety is not
15 required to implement sections 692A.13 and 692A.13A
16 for a sex offender required to register as a sex
17 offender prior to the effective date of this Act, but
18 is required to implement sections 692A.13 and 692A.13A
19 for a sex offender newly required to register as a sex
20 offender on and after the effective date of this Act."

BAUDLER of Adair

H-8311

1 Amend House File 2470 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "Section 1. NEW SECTION. 514M.1 SHORT TITLE.
5 This chapter shall be known and may be cited as the
6 "Healthy Iowa for All" program.
7 Sec. 2. NEW SECTION. 514M.2 LEGISLATIVE INTENT.
8 It is the intent of the general assembly to
9 establish the healthy Iowa for all program to provide
10 access to comprehensive, quality, affordable health
11 care coverage to eligible small employers, including
12 the self-employed, their employees and their
13 dependents, state employees and their dependents,
14 local government employees and their dependents, and
15 individuals, on a voluntary basis. It is also the
16 intent of the general assembly that the healthy Iowa
17 for all program monitor and improve the quality of
18 health care in the state.
19 Sec. 3. NEW SECTION. 514M.3 DEFINITIONS.
20 As used in this chapter, unless the context
21 otherwise requires:

- 22 1. "Board" means the HIFA program board created in
23 section 514M.6.
- 24 2. "Department" means the Iowa department of
25 public health.
- 26 3. "Dependent" means a spouse, an unmarried child
27 under nineteen years of age, a child who is a student
28 under twenty-three years of age and is financially
29 dependent upon a plan enrollee, or a person of any age
30 who is the child of a plan enrollee and is disabled
31 and dependent upon that plan enrollee. "Dependent"
32 may include a domestic partner.
- 33 4. "Director" means the director of public health.
- 34 5. "Eligible employer" means a business that
35 employs at least two but not more than fifty eligible
36 employees, the majority of whom are employed in the
37 state, including a municipality or political
38 subdivision that has fifty or fewer employees.
- 39 6. "Eligible individual" means any of the
40 following:
- 41 a. A self-employed individual who works and
42 resides in the state, and is organized as a sole
43 proprietorship or in any other legally recognized
44 manner in which a self-employed individual may
45 organize, a substantial part of whose income derives
46 from a trade or business through which the individual
47 has attempted to earn taxable income.
- 48 b. An unemployed individual who resides in this
49 state.
- 50 c. An individual employed by an employer that does

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- 1 not offer health insurance.
- 2 d. Uninsured individuals without access to
3 employer coverage.
- 4 7. "Eligible local government employee" means a
5 local government employee.
- 6 8. "Eligible state employee" means a state
7 employee, including a state employee covered under a
8 collective bargaining agreement.
- 9 9. "Employer" means the owner or responsible agent
10 of a business authorized to sign contracts on behalf
11 of the business.
- 12 10. "Federal poverty guidelines" means the federal
13 poverty guidelines issued by the United States
14 department of health and human services in the federal
15 register.
- 16 11. "Health insurance carrier" means any entity
17 licensed by the division of insurance of the
18 department of commerce to provide health insurance in
19 Iowa or an organized delivery system licensed by the
20 director of public health that has contracted with the

21 department to provide health insurance coverage to
22 eligible individuals and dependents under this
23 chapter.

24 12. "HIFA health insurance" means the health
25 insurance product established by the HIFA program that
26 is offered by a private health insurance carrier.

27 13. "HIFA health insurance program" or "insurance
28 program" means the program through which HIFA health
29 insurance is provided.

30 14. "HIFA program" or "program" means the healthy
31 Iowa for all program established in this chapter.

32 15. "Local government" means a city, county,
33 school district, and the institutions governed by the
34 board of regents.

35 16. "Modified community rating" means a method
36 used to develop a health insurance carrier's premiums
37 which spreads financial risk across a population by
38 limiting the utilization of health status and claims
39 experience as approved by the commissioner of
40 insurance.

41 17. "Participating employer" means an eligible
42 employer that contracts with and has employees
43 enrolled in the HIFA health insurance program.

44 18. "Plan enrollee" means an eligible individual
45 or eligible employee who enrolls in the HIFA health
46 insurance program.

47 19. "Provider" means any person, organization,
48 corporation, or association that provides health care
49 services and products and is authorized to provide
50 those services and products under state law.

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1 20. "Reinsurance" means an agreement between
2 insurance companies under which one accepts all or
3 part of the risk or loss of the other.

4 21. "Third-party administrator" means any person
5 who, on behalf of any person who establishes a health
6 insurance plan covering residents of this state,
7 receives or collects charges, contributions, or
8 premiums for, or settles claims of residents in
9 connection with, any type of health benefit provided
10 in or as an alternative to insurance.

11 22. "Unemployed individual" means an individual
12 who does not work more than twenty hours per week for
13 any single employer.

14 Sec. 4. NEW SECTION. 514M.4 HIFA PROGRAM
15 ESTABLISHED.

16 1. The department shall establish the HIFA program
17 to provide access to health care coverage to eligible
18 employers, including the self-employed, their
19 employees and dependents, eligible state employees and

20 their dependents, eligible local government employees
21 and their dependents, and eligible individuals.
22 2. The department may do any of the following:
23 a. Have and exercise all powers necessary or
24 convenient to effect the purposes for which the
25 program is organized or to further the activities in
26 which the program may lawfully be engaged, including
27 the establishment of the insurance program.
28 b. Make and alter a plan of operation, not
29 inconsistent with this chapter or with state law, for
30 the administration and regulation of the activities of
31 the program.
32 c. Take any legal actions necessary or proper to
33 recover or collect savings offset payments due the
34 program or that are necessary for the proper
35 administration of the program.
36 d. Take any legal actions necessary to avoid the
37 payment of improper claims against the insurance
38 program or the coverage provided by or through the
39 insurance program to recover any amounts erroneously
40 or improperly paid by the insurance program, to
41 recover amounts paid by the insurance program as the
42 result of mistake of fact or law, and to recover other
43 amounts due the insurance program.
44 e. Enter into contracts with qualified third
45 parties, both private and public, for any service
46 necessary to carry out the purposes of this chapter.
47 f. Conduct studies and analyses related to the
48 provision of health care, health care costs, and
49 health care quality.
50 g. Accept appropriations, gifts, grants, loans, or

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1 other aid from public or private entities.
2 h. Contract with organizations with expertise in
3 health care data, including a nonprofit health data
4 processing entity in this state, to assist the Iowa
5 quality forum established in section 514M.13 in the
6 performance of its responsibilities.
7 i. Provide staff support and other assistance to
8 the Iowa quality forum established in section 514M.13.
9 j. In accordance with the limitations and
10 restrictions of this chapter, cause any of its powers
11 or duties to be carried out by one or more
12 organizations organized, created, or operated under
13 the laws of this state.
14 3. The department shall do all of the following:
15 a. Establish administrative and accounting
16 procedures as recommended by the state auditor for the
17 operation of the program.
18 b. Collect the savings offset payments as provided

19 in section 514M.11.

20 c. Determine the comprehensive services and
21 benefits to be included in HIFA health insurance and
22 make recommendations to the board regarding the
23 services and benefits.

24 d. Develop and implement an outreach program to
25 publicize the existence of the HIFA program and the
26 HIFA health insurance program and the eligibility
27 requirements and the enrollment procedures for the
28 HIFA health insurance program and to maintain public
29 awareness of the HIFA program and the HIFA health
30 insurance program.

31 e. Arrange for the provision of HIFA health
32 insurance benefit coverage to eligible individuals,
33 eligible employees, eligible state employees, and
34 eligible local government employees through contracts
35 with one or more qualified health insurance carriers.

36 f. Develop a high-risk pool for plan enrollees in
37 HIFA health insurance in accordance with the
38 provisions of section 514M.15.

39 4. Financial and performance audits or
40 examinations of HIFA health insurance shall be
41 conducted by the insurance division of the department
42 of commerce, annually. A copy of any audit shall be
43 provided to the commissioner of insurance, the
44 governor, and the general assembly.

45 5. Beginning September 1, 2006, and annually
46 thereafter, the department shall submit a report to
47 the governor and the general assembly on the impact of
48 the HIFA health insurance program on the small group,
49 individual, state employee, and local government
50 employee health insurance markets in this state and

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1 any reduction in the number of uninsured individuals
2 in the state. The department shall also report on
3 membership in the HIFA health insurance program, the
4 administrative expenses of the HIFA health insurance
5 program, the extent of coverage, the effect on
6 premiums, the number of covered lives, the number of
7 HIFA health insurance policies issued or renewed, and
8 HIFA health insurance premiums earned and claims
9 incurred by health insurance carriers offering HIFA
10 health insurance.

11 6. The department shall coordinate the activities
12 of the HIFA program with health care programs offered
13 through federal, state, and local governments.

14 Sec. 5. NEW SECTION. 514M.5 HIFA PROGRAM BOARD.

15 1. A HIFA program board for the HIFA program is
16 established. The board shall meet not less than four
17 times annually or at the call of the chairperson for

18 the purposes of establishing policy and adopting rules
19 for the program. The board shall consist of the
20 following members:

21 a. Five public voting members who have knowledge
22 or experience in one or more of the following areas,
23 appointed by the governor and subject to confirmation
24 by the senate:

25 (1) Health care purchasing.

26 (2) Health insurance.

27 (3) Health policy and law.

28 (4) State management and budgeting.

29 (5) Health care financing.

30 b. The director of public health, the director of
31 human services, and the commissioner of insurance
32 serving as ex officio, nonvoting members of the board.

33 c. Two members of the senate and two members of
34 the house of representatives, serving as ex officio,
35 nonvoting members. The legislative members of the
36 board shall be appointed by the majority leader of the
37 senate, after consultation with the president of the
38 senate, and by the minority leader of the senate, and
39 by the speaker of the house, after consultation with
40 the majority leader, and by the minority leader of the
41 house of representatives. Legislative members shall
42 receive compensation pursuant to section 2.12.

43 2. Members appointed by the governor shall serve
44 two-year staggered terms as designated by the
45 governor, and legislative members of the board shall
46 serve two-year terms. The filling of vacancies,
47 membership terms, payment of compensation and
48 expenses, and removal of the members who are
49 representatives of the public are governed by chapter
50 69. Members of the board are entitled to receive

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1 reimbursement of actual expenses incurred in the
2 discharge of their duties. Public members of the
3 board are also eligible to receive per diem as
4 specified in section 7E.6 for each day spent in
5 performance of duties as members. The members shall
6 select a voting member as the chairperson on an annual
7 basis from among the membership of the board. Three
8 voting members of the board constitute a quorum. An
9 action taken by the board shall require the
10 affirmative vote of at least three members.

11 3. A member of the board or an employee of the
12 HIFA program or their dependent shall not receive any
13 direct personal benefit from the activities of the
14 program in assisting any private entity, except that
15 they may participate in HIFA health insurance on the
16 same terms as any other participant.

- 17 4. The board shall do all of the following:
- 18 a. Employ or contract for any personnel as may be
- 19 necessary to carry out the duties of the board.
- 20 b. Develop standards for selecting participating
- 21 health insurance carriers for the insurance program.
- 22 c. Establish penalties for breach of contract or
- 23 other violations of requirements or provisions under
- 24 the program.
- 25 d. In consultation with the Iowa quality forum
- 26 advisory council, select a nationally recognized
- 27 functional health assessment form for an initial
- 28 assessment of all eligible employees, eligible
- 29 individuals, eligible state employees, and eligible
- 30 local government employees participating in the HIFA
- 31 health insurance program, establish a baseline for
- 32 comparison purposes, and develop appropriate
- 33 indicators to measure the health status of those
- 34 participating in the program.
- 35 e. Specify the data to be maintained by the
- 36 department, including data to be collected for the
- 37 purposes of quality assurance reports.
- 38 f. Approve the benefits package design, review the
- 39 benefits package design on a periodic basis, and make
- 40 necessary changes in the benefit design to reflect the
- 41 results of the periodic reviews. The benefits package
- 42 shall provide comprehensive coverage and shall include
- 43 all benefits mandated by law.
- 44 g. Determine the contribution levels, deductibles,
- 45 and cost-sharing requirements of the HIFA health
- 46 insurance program.
- 47 h. Provide for periodic assessment of the
- 48 effectiveness of the outreach program.
- 49 i. Solicit input from the public regarding the
- 50 program and related issues and services.

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- 1 j. Approve a high-risk pool for plan enrollees in
- 2 the HIFA health insurance program.
- 3 k. Adopt rules, in accordance with chapter 17A, as
- 4 necessary for the proper administration and
- 5 enforcement of this chapter.
- 6 5. State agencies shall provide technical
- 7 assistance and expertise to the board and the
- 8 department upon request. The attorney general shall
- 9 act as legal counsel to the board.
- 10 6. The board may appoint advisory committees to
- 11 assist the board and the department.
- 12 Sec. 6. NEW SECTION. 514M.6 HIFA HEALTH
- 13 INSURANCE PROGRAM.
- 14 1. a. The HIFA health insurance program shall
- 15 provide for health benefits coverage through health

16 insurance carriers that apply to the board and meet
17 the qualifications described in this section and any
18 additional qualifications established by rule of the
19 board.

20 b. If a sufficient number of health insurance
21 carriers do not apply to offer and deliver health
22 insurance under the insurance program, the board may
23 propose the establishment of a nonprofit health care
24 plan or may propose the expansion of an existing
25 public plan. If the board proposes the establishment
26 of a nonprofit health care plan or the expansion of an
27 existing public plan, the board shall submit a
28 proposal, including but not limited to a funding
29 mechanism, to capitalize a nonprofit health care plan
30 and any recommended legislation to the general
31 assembly. The program shall not provide access to
32 health insurance by establishing a nonprofit health
33 care plan or through an existing public plan without
34 specific legislative approval.

35 2. Nothing in this chapter shall be construed or
36 is intended as, or shall imply, a grant of entitlement
37 for services to persons who are eligible for
38 participation in the HIFA health insurance program
39 based upon eligibility consistent with the
40 requirements of this chapter. Any state obligation to
41 provide services pursuant to this chapter is limited
42 to the extent of the funds appropriated or provided
43 for implementation of this chapter.

44 3. The HIFA health insurance program may contract
45 with health insurance carriers licensed to sell health
46 insurance in the state or other private or public
47 third-party administrators to provide insurance under
48 the insurance program.

49 a. The HIFA health insurance program shall issue
50 requests for proposals to select health insurance

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1 carriers.

2 b. The insurance program may include quality
3 improvement, patient care management, and cost-
4 containment provisions in the contracts with
5 participating health insurance carriers or may arrange
6 for the provision of such services through contracts
7 with other entities.

8 c. The insurance program shall require
9 participating health insurance carriers to offer a
10 benefit plan identical to the plan developed by the
11 board in the small group market.

12 d. The HIFA health insurance program may set
13 allowable rates for administration and underwriting
14 gains for the insurance program.

15 e. The HIFA health insurance program may
16 administer continuation benefits for eligible
17 individuals from employers with twenty or more
18 employees who have purchased health insurance coverage
19 through the program for the duration of their
20 eligibility periods for continuation of benefits
21 pursuant to Title X of the federal Consolidated
22 Omnibus Budget Reconciliation Act of 1986, Pub. L. No.
23 99-272, sections 10001 to 10003.

24 f. The HIFA health insurance program may
25 administer or contract to administer the United States
26 Internal Revenue Code of 1986, section 125, plans for
27 employers and employees participating in the program,
28 including medical expense reimbursement accounts and
29 dependent care reimbursement accounts.

30 g. The HIFA health insurance program shall
31 contract with eligible employers seeking assistance in
32 arranging for health benefits coverage for their
33 employees and the employees' dependents.

34 Sec. 7. NEW SECTION. 514M.7 ELIGIBILITY
35 REQUIREMENTS.

36 1. All of the following are eligible for
37 participation in the HIFA health insurance program:

38 a. Eligible individuals and their dependents.

39 b. The employees of an eligible employer and the
40 dependents of such employees.

41 c. Eligible state employees and their dependents,
42 in accordance with applicable collective bargaining
43 agreements.

44 d. Eligible local government employees and their
45 dependents.

46 2. In order to participate, an eligible employer,
47 the state, or the local government shall pay at least
48 sixty percent of the individual employee's premium
49 costs or the combined premium costs of the individual
50 employee and dependents of the employee.

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1 3. The HIFA health insurance program shall collect
2 payments from participating employers and plan
3 enrollees to cover the costs of all of the following:

4 a. Insurance coverage for enrolled employees and
5 their dependents in contribution amounts determined by
6 the board.

7 b. Quality assurance, patient care management, and
8 cost-containment programs.

9 c. Administrative services.

10 d. Other health promotion costs.

11 4. The HIFA program board shall establish a
12 minimum required contribution level, to be paid by
13 participating employers toward the aggregate payment

14 in subsection 3. The minimum required contribution
15 level to be paid by participating employers shall be
16 prorated for employees that work less than the number
17 of hours of a full-time equivalent employee as
18 determined by the employer. The HIFA health insurance
19 program may establish a separate minimum contribution
20 level to be paid by employers toward coverage for
21 dependents of the employers' enrolled employees.

22 5. The HIFA health insurance program shall require
23 participating employers to certify that at least
24 seventy-five percent of their employees that work
25 thirty hours or more per week and who do not have
26 other creditable coverage are enrolled in the HIFA
27 health insurance program and that the employer group
28 otherwise meets the minimum participation
29 requirements.

30 6. The HIFA health insurance program shall reduce
31 the payment amounts for plan enrollees eligible for a
32 subsidy pursuant to section 514M.9 accordingly. The
33 employer shall pass along any subsidy received to the
34 enrollee up to the amount of payments made by the plan
35 enrollee.

36 7. The HIFA health insurance program may establish
37 other criteria for participation in the program.

38 8. The HIFA health insurance program may limit the
39 number of participating employers in the program.

40 9. The HIFA health insurance program may allow
41 eligible individuals and their dependents to purchase
42 insurance under the program in accordance with this
43 subsection.

44 a. The HIFA health insurance program may establish
45 contracts and other reporting forms and procedures
46 necessary for the efficient administration of
47 individual contracts.

48 b. The HIFA health insurance program shall collect
49 payments from eligible individuals participating in
50 the HIFA health insurance program to cover the costs

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1 of all of the following:

2 (1) Insurance coverage for eligible individuals
3 and their dependents in contribution amounts
4 determined by the board.

5 (2) Quality assurance, patient care management,
6 and cost-containment programs.

7 (3) Administrative services.

8 (4) Other health promotion costs.

9 c. The HIFA health insurance program shall reduce
10 the payment amounts for individuals eligible for a
11 subsidy pursuant to section 514M.9 accordingly.

12 d. The HIFA health insurance program may require

that eligible individuals certify that all their dependents are enrolled in the HIFA health insurance program or are covered by another creditable plan.

e. The HIFA health insurance program may require an eligible individual who is currently employed by an eligible employer that does not offer health insurance to certify that the current employer did not provide access to an employer-sponsored benefits plan in the twelve-month period immediately preceding the eligible individual's application.

f. The HIFA health insurance program may limit the number of individual plan enrollees.

g. The HIFA health insurance program may establish other criteria for participation of individuals in the insurance program.

Sec. 8. NEW SECTION. 514M.8 FACILITATION OF ENROLLMENT IN HIFA HEALTH INSURANCE PROGRAM.

The department shall perform, at a minimum, all of the following functions to facilitate enrollment in the insurance program:

1. Publicize the availability of HIFA health insurance to employers, self-employed individuals, and others eligible to enroll in the program.

2. Screen all eligible individuals and employees for eligibility for subsidies pursuant to section 514M.9.

3. Promote quality improvement, patient care management, and cost-containment programs as part of the insurance program.

Sec. 9. NEW SECTION. 514M.9 SUBSIDIES.

1. The HIFA health insurance program shall establish sliding-scale subsidies for the purchase of HIFA health insurance by an individual or employee whose income is at or below three hundred percent of the federal poverty guidelines and who is not eligible for any other state or federally funded program. The HIFA health insurance program may also establish sliding-scale subsidies for the purchase of employer-

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sponsored health coverage by an employee of an employer with more than fifty employees, whose income is under three hundred percent of the federal poverty guidelines and who is not eligible for any other state or federally funded program.

2. Subsidies shall be limited by the amount of available funding.

3. The HIFA health insurance program may limit the amount of the subsidy to individual plan enrollees to forty percent of the payment.

Sec. 10. NEW SECTION. 514M.10 INSURANCE

12 CARRIERS.

13 To qualify as a health insurance carrier for HIFA
14 health insurance, a health insurance carrier shall do
15 all of the following:

16 1. Provide the comprehensive health services and
17 benefits as determined by the board, including a
18 standard benefit package that meets the requirements
19 for mandated coverage for specific health services,
20 specific diseases, and for certain providers of health
21 services under this title, and any supplemental
22 benefits as approved by the board.

23 2. Ensure all of the following:

24 a. That providers contracting with a health
25 insurance carrier contracted to provide coverage to
26 plan enrollees do not refuse to provide services to a
27 plan enrollee on the basis of health status, medical
28 condition, previous insurance status, race, color,
29 creed, age, national origin, citizenship status,
30 gender, sexual orientation, disability, or marital
31 status. This paragraph shall not be construed to
32 require a provider to furnish medical services that
33 are not within the scope of that provider's license.

34 b. That providers contracting with a health
35 insurance carrier contracted to provide coverage to
36 plan enrollees are reimbursed at the negotiated
37 reimbursement rates between the carrier and its
38 provider network.

39 c. That premiums are set utilizing a modified
40 community rating.

41 Sec. 11. NEW SECTION. 514M.11 SAVINGS OFFSET
42 PAYMENTS.

43 1. The board shall determine, annually, not later
44 than April 30, the aggregate measurable cost savings,
45 including any reduction or avoidance of bad debt and
46 charity care costs to health care providers in the
47 state as a result of the operation of the HIFA health
48 insurance program.

49 2. For the purpose of providing funds necessary to
50 provide subsidies pursuant to section 514M.9, and to

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1 support the Iowa quality forum pursuant to section
2 514M.13, the board shall establish a savings offset
3 amount to be paid by health insurance carriers,
4 employee benefit excess insurance carriers, and third-
5 party administrators, not including carriers and
6 third-party administrators with respect to accidental
7 injury, specified disease, hospital indemnity, dental,
8 vision, disability, income, long-term care, Medicare
9 supplemental, or other limited benefit health
10 insurance, annually at a rate that may not exceed

11 savings resulting from decreasing rates of growth in
12 bad debt and charity care costs. Payment of the
13 savings offset shall begin January 1, 2006. The
14 savings offset amount as determined by the board is
15 the determining factor for inclusion of savings offset
16 payments in premiums through rate-setting review by
17 the insurance division of the department of commerce.
18 Savings offset payments must be made quarterly and are
19 due not less than thirty days after written notice to
20 the health insurance carriers, employee benefit excess
21 insurance carriers, and third-party administrators.
22 3. Each health insurance carrier, employee benefit
23 excess insurance carrier, and third-party
24 administrator shall pay a savings offset in an amount
25 not to exceed four percent of annual health insurance
26 premiums and employee benefit excess insurance
27 premiums on policies issued pursuant to the laws of
28 this state that insure residents of this state. The
29 savings offset payment shall not exceed savings
30 resulting from decreasing rates of growth in bad debt
31 and charity care costs. The savings offset payment
32 applies to premiums paid on or after July 1, 2005.
33 Savings offset payments shall reflect aggregate
34 measurable cost savings, including any reduction or
35 avoidance of bad debt and charity care costs to health
36 care providers in this state, as a result of the
37 operation of the HIFA health insurance program as
38 determined by the board. A health insurance carrier
39 or employee benefit excess insurance carrier shall not
40 be required to pay a savings offset payment on
41 policies or contracts insuring federal employees.
42 4. The board shall make reasonable efforts to
43 ensure that premium revenue, or claims plus any
44 administrative expenses and fees with respect to
45 third-party administrators, is counted only once with
46 respect to any savings offset payment. For that
47 purpose, the board shall require each health insurance
48 carrier to include in its premium revenue gross of
49 reinsurance ceded. The board shall allow a health
50 insurance carrier to exclude from its gross premium

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1 revenue reinsurance premiums that have been counted by
2 the primary insurer for the purpose of determining its
3 savings offset payment under this subsection. The
4 board shall allow each employee benefit excess
5 insurance carrier to exclude from its gross premium
6 revenue the amount of claims that have been counted by
7 a third-party administrator for the purpose of
8 determining its savings offset payment under this
9 subsection. The board may verify each health

10 insurance carrier's, employee benefit excess insurance
11 carrier's, and third-party administrator's savings
12 offset payment based on annual statements and other
13 reports determined to be necessary by the board.

14 5. The commissioner of insurance may suspend or
15 revoke, after notice and hearing, the certificate of
16 authority to transact insurance in this state of any
17 health insurance carrier or the license of any third-
18 party administrator to operate in this state that
19 fails to pay a savings offset payment. In addition,
20 the commissioner may assess civil penalties against
21 any health insurance carrier, employee benefit excess
22 insurance carrier, or third-party administrator that
23 fails to pay a savings offset payment or may take any
24 other enforcement action authorized to collect any
25 unpaid savings offset payments.

26 6. On an annual basis no later than April 30 of
27 each year, the board shall prospectively determine the
28 savings offset to be applied during each twelve-month
29 period. Annual offset payments shall be reconciled to
30 determine whether unused payments may be returned to
31 health insurance carriers, employee benefit excess
32 insurance carriers, and third-party administrators
33 according to a formula developed by the board.
34 Savings offset payments shall be used solely to fund
35 the subsidies authorized by section 514M.9 and to
36 support the Iowa quality forum established in section
37 514M.13 and may not exceed savings from reductions in
38 growth of bad debt and charity care.

39 7. In accordance with the requirements of this
40 subsection, every health insurance carrier and health
41 care provider shall demonstrate that best efforts have
42 been made to ensure that a carrier has recovered
43 savings offset payments made pursuant to this section
44 through negotiated reimbursement rates that reflect
45 health care providers' reductions or stabilization in
46 the cost of bad debt and charity care as a result of
47 the operation of HIFA health insurance.

48 a. A health insurance carrier shall use best
49 efforts to ensure health insurance premiums reflect
50 any such recovery of savings offset payments as those

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1 savings offset payments are reflected through incurred
2 claims experience.

3 b. During any negotiation with a health insurance
4 carrier relating to a health care provider's
5 reimbursement agreement with that carrier, a health
6 care provider shall provide data relating to any
7 reduction or avoidance of bad debt and charity care
8 costs to health care providers in this state as a

9 result of the operation of the HIFA health insurance
10 program.

11 8. The following reports are required in
12 accordance with this subsection:

13 a. On a quarterly basis, beginning with the first
14 quarter after the HIFA health insurance program begins
15 offering coverage, the board shall collect and report
16 on the following:

17 (1) The total enrollment in the HIFA health
18 insurance program, including the number of enrollees
19 previously underinsured or uninsured, the number of
20 enrollees previously insured, the number of individual
21 enrollees, the number of enrollees enrolled through
22 small employers, the number of enrollees enrolled
23 through the state of Iowa, and the number of enrollees
24 enrolled through local governments.

25 (2) The total number of enrollees covered in
26 health plans through large employers and self-insured
27 employers.

28 (3) The number of employers, both small employers
29 and large employers, who have ceased offering health
30 insurance or contributing to the cost of health
31 insurance for employees or who have begun offering
32 coverage on a self-insured basis.

33 (4) The number of employers, both small employers
34 and large employers, who have begun to offer health
35 insurance or contribute to the cost of health
36 insurance premiums for their employees.

37 (5) The number of new participating employers in
38 the HIFA health insurance program.

39 (6) The number of employers ceasing to offer
40 coverage through the HIFA health insurance program.

41 (7) The duration of employers' participation in
42 the HIFA health insurance program.

43 (8) A comparison of actual enrollees in the HIFA
44 health insurance program to the projected enrollees.

45 b. The board shall establish the total health care
46 spending in the state for the base year beginning July
47 1, 2003, and shall annually determine, in
48 collaboration with the commissioner of insurance,
49 appropriate actuarially supported trend factors that
50 reflect savings consistent with subsection 1 and

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1 compare rates of spending growth to the base year of
2 2003. The board shall collect on an annual basis, in
3 consultation with the commissioner, information about
4 the total cost to the state's health care providers of
5 bad debt and charity care beginning with the base year
6 of 2003. This information may be compiled through
7 mechanisms including, but not limited to, standard

8 reporting or statistically accurate surveys of
9 providers and practitioners. The board shall utilize
10 existing data on file with state agencies or other
11 organizations to minimize duplication. The
12 comparisons to the base year shall be reported
13 beginning April 30, 2005, and annually thereafter.
14 c. Health insurance carriers and health care
15 providers shall report annually, beginning July 1,
16 2006, and each July 1 thereafter, information
17 regarding the experience of the prior twelve-month
18 period on the efforts undertaken by the carrier and
19 provider to recover savings offset payments, as
20 reflected in reimbursement rates, through a reduction
21 or stabilization in bad debt and charity care costs as
22 a result of the operation of the HIFA health insurance
23 program. The board shall determine the appropriate
24 format for the report and utilize existing data on
25 file with state agencies or other organizations to
26 minimize duplication. The report shall be submitted
27 to the board. Using the information submitted by
28 carriers and providers, the board shall submit a
29 summary of that information by October 1, 2006, and
30 annually thereafter to the commissioner of insurance,
31 the governor, and the general assembly.
32 9. The claims experience used to determine any
33 filed premiums or rating formula shall reasonably
34 reflect, in accordance with accepted actuarial
35 standards, known changes and offsets in payments by
36 the carrier to health care providers in this state,
37 including any reduction or avoidance of bad debt and
38 charity care costs to health care providers in this
39 state as a result of the operation of the HIFA health
40 insurance program.

41 Sec. 12. NEW SECTION. 514M.12 HIFA PROGRAM FUND.

42 1. A HIFA program fund is created in the state
43 treasury under the authority of the department for
44 deposit of any funds for initial operating expenses,
45 payments made by employers and individuals, any
46 savings offset payments made pursuant to section
47 514M.11, and any funds received from any public or
48 private source.

49 2. Moneys deposited in the fund shall be used only
50 for the purposes of the HIFA program as specified in

Page 16

1 this chapter.

2 3. The fund shall be separate from the general
3 fund of the state and shall not be considered part of
4 the general fund of the state. The moneys in the fund
5 shall not be considered revenue of the state, but
6 rather shall be funds of the HIFA program. The moneys

deposited in the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except to provide for the purposes of this chapter.

Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

4. The department shall adopt rules pursuant to chapter 17A to administer the fund.

5. The treasurer of state shall provide a quarterly report of fund activities and balances to the board.

Sec. 13. NEW SECTION. 514M.13 IOWA QUALITY FORUM.

1. The Iowa quality forum is established within the HIFA program. The forum shall be governed by the HIFA program board with advice from the Iowa quality forum advisory council pursuant to section 514M.14. The forum shall be funded, at least in part, through the savings offset payments made pursuant to section 514M.11.

2. The forum shall do all of the following:

a. Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices.

b. Adopt a set of measures to evaluate and compare health care quality and provider performance. The measures must be adopted with guidance from the advisory council pursuant to section 514M.14.

c. Coordinate the collection of health care quality data in the state. The forum shall work with entities that collect health care data to minimize duplication and to minimize the burden on providers of data.

d. Provide oversight for a retrospective drug utilization review and quality assessment program.

e. Work collaboratively with health care providers, health insurance carriers, and others to report in useable formats, comparative health care quality information to consumers, purchasers, providers, insurers, and policymakers. The forum shall produce annual quality reports.

f. Conduct education campaigns to help health care consumers make informed decisions and engage in

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healthy lifestyles.

g. Adopt plans to provide medication therapy management by pharmacy providers targeted to individuals who have multiple chronic conditions, use multiple prescriptions, and are likely to incur high

6 drug expenses in order to ensure appropriate use of
7 prescription drugs to improve therapeutic outcomes and
8 reduce adverse drug reactions.

9 h. Encourage the adoption of electronic technology
10 and assist health care practitioners to implement
11 electronic systems for medical records and submission
12 of claims. The assistance may include, but is not
13 limited to, practitioner education, identification, or
14 establishment of low-interest financing options for
15 hardware and software and system implementation
16 support.

17 i. Make recommendations for inclusion in the state
18 health plan developed pursuant to section 514M.16.

19 j. Submit an annual report to the governor and the
20 general assembly and make the report available to the
21 public.

22 Sec. 14. NEW SECTION. 514M.14 IOWA QUALITY FORUM
23 ADVISORY COUNCIL.

24 1. An Iowa quality forum advisory council is
25 established to advise the forum. The council shall
26 consist of all of the following voting members,
27 appointed by the governor, subject to confirmation by
28 the senate:

29 a. One member who is a physician.

30 b. One member who is a health care economist.

31 c. One member who is a pharmacist.

32 d. One member who represents hospitals.

33 e. One member who is a representative of the
34 university of Iowa college of public health.

35 f. One member who is a representative of a private
36 employer with not more than fifty employees.

37 g. One member who is a representative of a private
38 employer with more than one thousand employees.

39 h. One member who is a representative of organized
40 labor.

41 i. One member who is a representative of a
42 consumer health advocacy group.

43 j. The director of public health, or the
44 director's designee.

45 2. The commissioner of insurance shall serve as an
46 ex officio nonvoting member of the advisory council.

47 3. All members of the advisory council with the
48 exception of the director of public health and the
49 commissioner of insurance are subject to the
50 following:

Page 18

1 a. Shall serve five-year staggered terms as
2 designated by the governor.

3 b. Shall be subject to chapter 69 with regard to
4 the filling of vacancies, membership terms, payment of

5 compensation and expenses, and removal.
6 c. Are entitled to receive reimbursement of actual
7 expenses incurred in the discharge of their duties and
8 are also eligible to receive compensation as provided
9 in section 7E.6.
10 d. Shall not serve more than two consecutive
11 terms.
12 4. The advisory council shall annually choose one
13 of its voting members to serve as chairperson for a
14 one-year term.
15 5. The advisory council shall meet at least four
16 times annually and may meet at other times at the call
17 of the chairperson. Meetings of the council are
18 public proceedings.
19 6. The advisory council shall do all of the
20 following:
21 a. Convene a group of health care providers to
22 provide input and advice to the council.
23 b. Provide expertise in health care quality to
24 assist the board.
25 c. Advise and support the forum by doing all of
26 the following:
27 (1) Establishing and monitoring, with the HIFA
28 program, an annual work plan for the forum.
29 (2) Providing guidance in the adoption of quality
30 and performance measures.
31 (3) Serving as a liaison between the provider
32 group established in paragraph "a" and the forum.
33 (4) Conducting public hearings and meetings.
34 (5) Reviewing consumer education materials
35 developed by the forum.
36 d. Assist the board in selecting the nationally
37 recognized functional health assessment.
38 e. Make recommendations regarding quality
39 assurance and quality improvement priorities for
40 inclusion in the state health plan described in
41 section 514M.16.
42 f. Serve as a liaison between the forum and other
43 organizations working in the field of health care
44 quality.
45 Sec. 15. NEW SECTION. 514M.15 HIFA HIGH-RISK
46 POOL.
47 1. A plan enrollee shall be included in the HIFA
48 high-risk pool if the total cost of health care
49 services for the enrollee exceeds fifty thousand
50 dollars in any twelve-month period.

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1 2. The HIFA program shall develop appropriate
2 patient care management protocols, develop procedures
3 for implementing those protocols, and determine the

4 manner in which patient care management shall be
5 provided to plan enrollees in the HIFA high-risk pool.
6 Patient care management shall be provided by
7 appropriate individual health care professionals under
8 the HIFA program. The HIFA program shall include
9 patient care management in its contract with
10 participating health insurance carriers for HIFA high-
11 risk pool enrollees pursuant to this section, contract
12 separately with another entity for patient care
13 management services, or provide patient care
14 management services directly through the HIFA program.

15 3. The HIFA program shall submit a report to the
16 governor and the general assembly, no later than
17 January 1, 2006, outlining the patient care management
18 protocols, procedures, and delivery mechanisms used to
19 provide patient care management services to HIFA high-
20 risk pool enrollees and the assessment tool used to
21 measure individual patient care management activities.
22 The report shall also include the number of plan
23 enrollees in the high-risk pool, the types of
24 diagnoses managed within the high-risk pool, the
25 claims experience within the high-risk pool, and the
26 number and type of claims exceeding fifty thousand
27 dollars for enrollees in the high-risk pool and for
28 all enrollees in the HIFA health insurance program.

29 4. On or before October 1, 2008, the HIFA program
30 shall evaluate the impact of HIFA health insurance on
31 average health insurance premium rates in this state
32 and on the rate of uninsured individuals in this state
33 and compare the trends in those rates to the trends in
34 the average premium rates and average rates of
35 uninsured individuals for the states that have
36 established a statewide high-risk pool as of July 1,
37 2004. The board shall submit the evaluation of the
38 impact of HIFA health insurance in this state in
39 comparison to states with high-risk pools to the
40 governor and the general assembly by January 1, 2009.
41 If the trend in average premium rates in this state
42 and rate of uninsured individuals exceeds the trend
43 for the average among the states with high-risk pools,
44 the board shall submit legislation on January 1, 2009,
45 that proposes to establish a statewide high-risk pool
46 in this state consistent with the characteristics of
47 high-risk pools operating in other states.

48 Sec. 16. NEW SECTION. 514M.16 STATE HEALTH
49 PLANNING.

50 1. The governor or the governor's designee shall

Page 20

1 do all of the following:

2 a. Develop and issue a biennial state health plan.

3 The first plan shall be issued by May 2005.

4 b. Make an annual report to the public assessing
5 the progress toward meeting goals of the plan and
6 provide any updates, as necessary, to the plan.

7 c. Issue an annual statewide health expenditure
8 budget report that shall serve as the basis for
9 establishing priorities within the plan.

10 2. a. The state health plan issued pursuant to
11 subsection 1 shall establish a comprehensive,
12 coordinated approach to the development of health care
13 facilities and resources in the state based on
14 statewide cost, quality, and access goals and
15 strategies to ensure access to affordable health care,
16 maintain a rational system of health care, and promote
17 the development of the health care workforce.

18 b. In developing the plan, the governor shall, at
19 a minimum, seek input from the Iowa quality forum, the
20 Iowa quality forum advisory council, and other
21 appropriate agencies and organizations.

22 3. The plan shall do all of the following:

23 a. Assess health care cost, quality, and access in
24 the state.

25 b. Develop benchmarks to measure cost, quality,
26 and access goals and report on progress toward meeting
27 those goals.

28 c. Establish and set annual priorities among
29 health care cost, quality, and access goals.

30 d. Outline strategies to do all of the following:

31 (1) Promote health systems change.

32 (2) Address the factors influencing health care
33 cost increases.

34 (3) Address the major threats to public health and
35 safety in the state, including, but not limited to,
36 lung disease, diabetes, cancer, and heart disease.

37 e. Provide recommendations to help purchasers and
38 providers make decisions that improve public health
39 and build an affordable, high-quality health care
40 system.

41 Sec. 17. NEW SECTION. 514M.17 RULES.

42 The commissioner of insurance shall adopt rules,
43 pursuant to chapter 17A, as necessary to administer
44 this chapter.

45 Sec. 18. IMPLEMENTATION COSTS. The Iowa
46 department of public health shall work with the
47 commissioner of insurance to seek funding through the
48 federal government, a private foundation, or other
49 appropriate source to defray the initial costs to
50 implement the provisions of this Act relating to the

- 2 limited to the initial subsidy provisions."
 3 2. Title page, line 1, by inserting after the
 4 word "to" the following: "improving Iowa's economic
 5 climate by providing for access to health care
 6 coverage and providing for".

OSTERHAUS of Jackson
 BERRY of Black Hawk
 BUKTA of Clinton
 COHOON of Des Moines
 CONNORS of Polk
 BELL of Jasper
 DAVITT of Warren
 FALLON of Polk
 FOEGE of Polk
 FORD of Polk
 FREVERT of Palo Alto
 GASKILL of Wapello
 GREIMANN of Story
 HEDDENS of Story
 HUNTER of Polk
 HUSER of Polk
 JACOBY of Johnson
 JOCHUM of Dubuque
 KUHN of Floyd
 LENSING of Johnson
 LYKAM of Scott

MASCHER of Johnson
 MCCARTHY of Polk
 MERTZ of Kossuth
 MILLER of Webster
 MURPHY of Dubuque
 D. OLSON of Boone
 QUIRK of Chickasaw
 REASONER of Union
 SHOMSHOR of Pottawattamie
 SHOULTZ of Black Hawk
 SMITH of Marshall
 STEVENS of Dickinson
 SWAIM of Davis
 D. TAYLOR of Linn
 T. TAYLOR of Linn
 THOMAS of Clayton
 WENDT of Woodbury
 WHITAKER of Van Buren
 WHITEAD of Woodbury
 WINCKLER of Scott

H-8315

- 1 Amend House File 2391 as follows:
 2 1. Page 1, by inserting after line 11 the
 3 following:
 4 "Sec. ____ Section 235B.2, subsection 5, paragraph
 5 b, subparagraph (2), Code 2003, is amended to read as
 6 follows:
 7 (2) Circumstances in which ~~the dependent adult's~~
 8 ~~caretaker a person~~, acting in accordance with the
 9 dependent adult's stated or implied consent, declines
 10 medical treatment ~~on behalf of the dependent adult if~~
 11 the dependent adult holds a belief or is an adherent
 12 of a religion whose tenets and practices call for
 13 reliance on spiritual means in place of reliance on
 14 medical treatment."
 15 2. Page 3, line 17, by striking the word
 16 "caretaker" and inserting the following: "person".
 17 3. Page 3, line 18, by striking the word
 18 "caretaker" and inserting the following: "person".
 19 4. Page 4, by inserting after line 10 the
 20 following:
 21 "j. Causes any mental injury to a dependent
 22 adult's intellectual or psychological capacity as

23 evidenced by an observable and substantial impairment
24 in the dependent adult's ability to function within
25 the dependent adult's normal range of performance and
26 behavior as the result of the acts or omissions of a
27 person, if the impairment is diagnosed and confirmed
28 by a licensed physician or qualified mental health
29 professional as defined in section 622.10."

30 5. Page 4, line 17, by striking the word
31 "caretaker" and inserting the following: "person".

32 6. Page 4, line 20, by striking the word
33 "caretaker" and inserting the following: "person".

34 7. Page 4, line 23, by striking the word
35 "caretaker" and inserting the following: "person".

36 8. Page 4, line 26, by striking the word
37 "caretaker" and inserting the following: "person".

38 9. Page 4, line 29, by striking the word
39 "caretaker" and inserting the following: "person".

40 10. Page 4, line 33, by striking the word
41 "caretaker" and inserting the following: "person".

42 11. Page 5, by striking lines 4 and 5 and
43 inserting the following: "means dependent adult as
44 defined in section 235B.2."

45 12. By renumbering as necessary.

FORD of Polk

H-8316

1 Amend Senate File 297, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 61, by inserting after line 10, the
4 following:

5 "Sec. _____. Section 462A.5, subsection 3,
6 unnumbered paragraphs 2 and 3, Code 2003, are amended
7 to read as follows:

8 Every registration certificate and number issued
9 becomes delinquent at midnight ~~April 30~~ May 31 of odd-
10 numbered years unless terminated or discontinued in
11 accordance with this chapter. After January 1 in odd-
12 numbered years, an unregistered vessel and a renewal
13 of registration may be registered for the two-year
14 registration period beginning ~~May~~ June 1 of that year.
15 After January 1 in even-numbered years, unregistered
16 vessels may be registered for the remainder of the
17 current registration period at fifty percent of the
18 appropriate registration fee.

19 If a timely application for renewal is made, the
20 applicant shall receive the same registration number
21 allocated to the applicant for the previous
22 registration period. If the application for
23 registration for the biennium is not made before ~~May~~
24 June 1 of each odd-numbered year, the applicant shall

25 be charged a penalty of five dollars.

26 Sec.____. Section 462A.39, Code 2003, is amended
27 to read as follow:

28 462A.39 EXPIRATION DATE.

29 Each special certificate issued hereunder shall
30 expire at midnight on ~~April 30~~ May 31 of each odd-
31 numbered year, and a new special certificate for the
32 ensuing biennium may be obtained upon application to
33 the commission and payment of the fee provided by law.

34 Sec.____. Section 462A.42, Code 2003, is amended
35 to read as follows:

36 462A.42 LIST OF USED BOATS ON HAND FURNISHED.

37 Dealers using special certificates under the
38 provisions of this chapter shall, before ~~May~~ June 5 of
39 each year, furnish the commission with a list of all
40 used vessels held by them for sale or trade, and upon
41 which the registration fee for the current year has
42 not been paid, giving the previous registration
43 number, name of previous owner at the time such vessel
44 was transferred to the dealer, and such other
45 information as the commission may require.

46 Sec.____. Section 462A.52, Code 2003, is amended
47 to read as follows:

48 462A.52 FEES REMITTED TO COMMISSION.

49 Within ten days after the end of each month, a
50 county recorder shall remit to the commission all fees

Page 2

1 collected by the recorder during the previous month.
2 Before ~~May~~ June 10 in odd-numbered years, a county
3 recorder shall remit to the commission all unused
4 license blanks for the previous biennium. All fees
5 collected for the registration of vessels shall be
6 forwarded by the commission to the treasurer of the
7 state, who shall place the money in a special
8 conservation fund. The money so collected is
9 appropriated to the commission solely for the
10 administration and enforcement of navigation laws and
11 water safety."

12 2. Title page, line 1, by inserting after the
13 word "snowmobiles" the following: ", vessels,".

14 3. By renumbering, redesignating, and correcting
15 internal references as necessary.

STEVENS of Dickinson

H-8318

1 Amend House File 2555 as follows:

2 1. Page 2, by striking line 13 and inserting the
3 following: "radon gas and radon progeny in buildings

4 and for".

5 2. Page 2, by striking lines 15 and 16 and
6 inserting the following: "buildings. The state
7 building code commissioner, in consultation with the
8 department, shall adopt and administer construction
9 standards for radon abatement systems."

EICHHORN of Hamilton

H-8319

1 Amend Senate File 2266, as passed by the Senate, as
2 follows:

3 1. Page 1, line 9, by inserting after the word
4 "agency" the following: "or if a clandestine
5 laboratory site had previously been located on the
6 property. If a clandestine laboratory site had
7 previously been located on the property, the landlord
8 or a person authorized to enter into a rental
9 agreement on behalf of the landlord shall certify in
10 writing before the commencement of the tenancy that a
11 cleanup of the clandestine laboratory site has
12 occurred. For purposes of this subsection,
13 "clandestine laboratory site" and "cleanup" mean the
14 same as in section 124C.1".

BAUDLER of Adair

H-8322

1 Amend Senate File 2264, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 8, by striking the word "shall"
4 and inserting the following: "may".

Committee on Judiciary

H-8326

1 Amend Senate File 2149, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 2, line 15, by striking the words "two
4 hundred thousand", and inserting the following: "one
5 million".
6 2. Page 2, line 20, by striking the words "two
7 hundred thousand", and inserting the following: "one
8 million".

PAULSEN of Linn

H-8327

1 Amend House File 2552 as follows:

- 2 1. Page 2, by inserting after line 9 the
3 following:
4 "Sec. _____. Section 321.34, subsection 10,
5 paragraph d, Code Supplement 2003, is amended to read
6 as follows:
7 d. For purposes of this subsection, a person is
8 considered to be retired if the person is recognized
9 by the chief of the fire department where the
10 individual served, and on record, as officially
11 retired from the fire department. Special
12 registration plates with a fire fighter emblem shall
13 be surrendered, as provided in subsection 12, in
14 exchange for regular registration plates upon
15 termination of the motor vehicle owner's membership in
16 the paid or volunteer fire department, unless the
17 person is a retired member in good standing. The
18 surviving spouse of a person who was issued special
19 plates under this subsection may continue to use or
20 apply for and use the special plates subject to
21 registration of the special plates in the surviving
22 spouse's name and upon payment of the annual
23 registration fee."
24 2. Page 5, by striking line 1 and inserting the
25 following:
26 "Sec. _____. EFFECTIVE AND RETROACTIVE APPLICABILITY
27 DATES.
28 1. This Act,".
29 3. Page 5, line 3, by inserting after the word
30 "applies" the following: "retroactively".
31 4. Page 5, by inserting after line 4 the
32 following:
33 "2. The section of this Act amending section
34 321.34, subsection 10, paragraph "d", applies
35 retroactively to March 1, 2004. Notwithstanding the
36 provision of this Act that repeals section 321.34,
37 subsection 10, effective upon enactment, the state
38 department of transportation shall administer the
39 special fire fighter plates as though the amendment to
40 section 321.34, subsection 10, paragraph "d", had
41 taken effect prior to the repeal of section 321.34,
42 subsection 10."
43 5. By renumbering as necessary.

LYKAM of Scott

H-8330

- 1 Amend House File 2548 as follows:
2 1. Page 2, by striking lines 19 through 25 and
3 inserting the following:
4 "b. Every purchase in excess of twenty-five
5 thousand dollars which is not made through a

6 competitive bidding procedure must be made in
 7 compliance with the procedure set out in subparagraphs
 8 (1) through (3). An individual purchase made pursuant
 9 to a competitively bid master contract or agreement is
 10 not subject to the requirements of this paragraph "b"
 11 if the item or service purchased is specifically
 12 delineated in the contract or agreement."
 13 2. Page 5, by striking lines 19 through 24 and
 14 inserting the following: "Every purchase in excess of
 15 twenty-five thousand dollars which is not made through
 16 a competitive bidding procedure must be made in
 17 compliance with the procedure set out in paragraphs
 18 "a" through "c". An individual purchase made pursuant
 19 to a competitively bid master contract or agreement is
 20 not subject to the requirements of this subsection 12A
 21 if the item or service purchased is specifically
 22 delineated in the contract or agreement:"
 23 3. Page 6, by striking lines 24 through 30 and
 24 inserting the following: "administrative services.
 25 Every purchase in excess of twenty-five thousand
 26 dollars which is not made through a competitive
 27 bidding procedure must be made in compliance with the
 28 procedure set out in subparagraphs (1) through (3).
 29 An individual purchase made pursuant to a
 30 competitively bid master contract or agreement is not
 31 subject to the requirements of this paragraph "a" if
 32 the item or service purchased is specifically
 33 delineated in the contract or agreement."

ALONS of Sioux

H-8332

1 Amend the amendment, H-8303, to Senate File 2066,
 2 as passed by the Senate, as follows:
 3 1. Page 1, by striking lines 3 through 18 and
 4 inserting the following:
 5 "____. Page 1, line 19, by striking the words
 6 "~~three six~~" and inserting the following: "three".
 7 _____. Page 1, line 26, by striking the words "~~three~~
 8 ~~six~~" and inserting the following: "three"."

MCCARTHY of Polk

H-8349

1 Amend House File 2547 as follows:
 2 1. Page 2, by inserting after line 2 the
 3 following:
 4 "Sec.____. MOTOR VEHICLE FRANCHISEES – STUDY.
 5 The department of administrative services shall
 6 provide for a comprehensive review of the laws and

7 administrative rules regulating motor vehicle
8 franchises pursuant to chapters 322 and 322A. The
9 department shall report the findings of the review to
10 the house and senate committees on government
11 oversight no later than December 31, 2004. The report
12 shall include identification of any provisions which
13 may adversely affect franchisers and franchisees along
14 with proposed remedies. Costs incurred by the
15 department for conducting the review shall be paid
16 from moneys appropriated to the department for general
17 operating costs. At the direction of the department,
18 the review and report may be completed by a private,
19 nonprofit corporation with proven experience in
20 mediation."

21 2. Title page, line 1, by inserting after the
22 word "Act" the following: "relating to motor
23 vehicles, requiring a review of motor vehicle
24 franchise laws,".

25 3. By renumbering as necessary.

RAECKER of Polk
WISE of Lee
FORD of Polk
BOAL of Polk
HUSER of Polk

MADDUX of Polk
PETERSEN of Polk
JACOBS of Polk
KRAMER of Polk

H-8350

1 Amend House File 2548 as follows:

2 1. Page 2, line 10, by striking the words
3 "comparable in price" and inserting the following:
4 "identical in price and quality".

5 2. Page 4, line 14, by striking the word
6 "PREFERENCE" and inserting the following:
7 "CONSIDERATION".

8 3. By striking page 5, line 15 through page 6,
9 line 8.

10 4. By striking page 6, line 20 through page 7,
11 line 27.

12 5. By renumbering as necessary.

ALONS of Sioux

H-8351

1 Amend the amendment, H-8271, to House File 2455, as
2 follows:

3 1. Page 1, by striking lines 16 and 17 and
4 inserting the following: "other person."

HUNTER of Polk

H-8356

1 Amend the amendment, H-8349, to House File 2547, as
2 follows:

3 1. Page 1, by striking line 6 and inserting the
4 following: "provide for a review to consider changes
5 to the laws and".

6 2. Page 1, line 8, by inserting after the figure
7 "322A" the following: "as they relate to automobile
8 dealers moving their business from one location to
9 another and closer to another dealer of the same line-
10 make".

RAECKER of Polk
HUSER of Polk

H-8370

1 Amend House Joint Resolution 2002 as follows:

2 1. Page 1, by inserting after line 5 the
3 following:
4 "BE IT FURTHER RESOLVED, That the President of the
5 United States, George W. Bush, is urged to take swift
6 action to remove Rod Paige from the position of United
7 States Secretary of Education."

8 2. Page 1, line 7, by inserting after the word
9 "States" the following: ", the United States
10 Secretary of Education, the President of the United
11 States".

12 3. Title page 1, line 1, by inserting after the
13 word "Resolution" the following: "relating to
14 marriage and education as the foundations of a healthy
15 society by urging the removal of the United States
16 Secretary of Education and by".

17 4. Title page 2, line 6, by inserting after the
18 word "foundation;" the following: "and
19 WHEREAS, a strong education system is also
20 essential to the foundation of a healthy society and
21 government has a duty to protect the education system;
22 and

23 WHEREAS, the United States Secretary of Education
24 is the leader for federal education policy issues; and

25 WHEREAS, every State in the Union is in the middle
26 of implementing one of the more far-reaching federal
27 mandates designed to improve student achievement; and

28 WHEREAS, the United States is a democracy that
29 requires leadership to bring people with differing
30 views together, rather than a government that works to
31 divide its people; and

32 WHEREAS, U.S. Secretary of Education Rod Paige
33 recently alienated millions of educators and 2.7
34 million teachers in the National Education Association

35 by making inappropriate comments during a private
 36 meeting with governors at the White House; and
 37 WHEREAS, efforts to change the federal policies
 38 that impact the education of children in our public
 39 schools should not be considered an act of terrorism;
 40 and
 41 WHEREAS, a number of Representatives and Senators
 42 of the Iowa General Assembly are members of the
 43 National Education Association and are loyal to the
 44 principles of America's representative democracy; and
 45 WHEREAS, Secretary Rod Paige's apology to the
 46 members of the National Education Association failed
 47 to repudiate the content of his inappropriate
 48 comments; and
 49 WHEREAS, Secretary Rod Paige has repeatedly made
 50 inaccurate and unfair statements about Iowa's

Page 2

1 implementation of federal law regarding education
 2 policy;"

WISE of Lee
 FOEGE of Linn
 CONNORS of Polk
 SMITH of Marshall
 REASONER of Union
 T. TAYLOR of Linn
 HUNTER of Polk
 OLDSON of Polk
 DANDEKAR of Linn
 JACOBY of Johnson
 STEVENS of Dickinson

WENDT of Woodbury
 GREIMANN of Story
 BELL of Jasper
 SHOULTZ of Black Hawk
 COHOON of Des Moines
 FALLON of Polk
 SWAIM of Davis
 HUSER of Polk
 WINCKLER of Scott
 BUKTA of Clinton
 D. OLSON of Boone

H-8372

1 Amend House File 2548 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. STUDY. The legislative council shall
 5 authorize a study of the purchasing practices and
 6 procedures used by state agencies to obtain both goods
 7 and services. The council may authorize the
 8 government oversight committee to conduct this study
 9 or may create a special committee for that purpose.
 10 The committee shall consult with persons knowledgeable
 11 in the areas of government purchasing, bidding, and
 12 contracting. To the extent practicable these persons
 13 shall include, but not be limited to, representatives
 14 from the following:
 15 a. The office of the auditor of state.
 16 b. The department of administrative services.

- 17 c. The state department of transportation.
 18 d. The Iowa lottery authority.
 19 e. The state board of regents.
 20 f. Vendors providing goods and services to this
 21 state.
 22 g. Procurement specialists from political
 23 subdivisions of this state.
 24 h. Procurement specialists from the private
 25 sector.
 26 i. The department of management.
 27 The committee shall submit a report including
 28 findings and recommendations to the governor and
 29 general assembly no later than January 15, 2005."
 30 2. Title page, by striking lines 1 through 3 and
 31 inserting the following: "An Act to authorize a study
 32 of the purchasing practices and procedures used by
 33 state agencies to obtain both goods and services."

LENSING of Johnson
 OLDSON of Polk

THOMAS of Clayton
 WENDT of Woodbury

H-8373

- 1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 55, by striking lines 6 through 8.
 4 2. By renumbering as necessary.

ALONS of Sioux
 DE BOEF of Keokuk
 CARROLL of Poweshiek
 ROBERTS of Carroll
 WATTS of Dallas
 BAUDLER of Adair
 LUKAN of Dubuque

KLEMME of Plymouth
 LALK of Fayette
 BODDICKER of Cedar
 VAN ENGELLENHOVEN of Marion
 CHAMBERS of O'Brien
 MERTZ of Kossuth
 TYMESON of Madison

H-8376

- 1 Amend Senate File 2175, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, by inserting after line 16 the
 4 following:
 5 "i. To another governmental agency for the purpose
 6 of enforcing rights of indemnity, subrogation, offset,
 7 liens, or dependent support obligations, or for the
 8 purpose of performing any other type of monitoring,
 9 enforcement, or collection activity for which the
 10 governmental agency is responsible."

HORBACH of Tama

H-8382

1 Amend House File 2555 as follows:

2 1. Page 2, by inserting after line 8 the
3 following:

4 "Sec. ____ NEW SECTION. 135.105D VOLUNTARY LEAD
5 HAZARD REMEDIATION – LIABILITY.

6 1. The department shall adopt rules, pursuant to
7 chapter 17A, setting forth voluntary lead hazard
8 remediation standards for an owner or managing agent
9 of target housing or a child-occupied facility
10 constructed prior to 1978. In promulgating these
11 rules, the department shall consult with state
12 associations of real estate agents and landlords.

13 2. The department shall also adopt rules, pursuant
14 to chapter 17A, setting forth the conditions under
15 which an owner or managing agent of target housing or
16 a child-occupied facility constructed prior to 1978
17 who has voluntarily completed lead hazard remediation
18 and who is sued by a current or former occupant
19 seeking damages for injuries allegedly arising from
20 exposure to lead-based paint hazards shall be immune
21 from liability.

22 3. The department shall adopt rules, pursuant to
23 chapter 17A, to develop and administer a central
24 registry of target housing or child-occupied
25 facilities constructed prior to 1978 that meet the
26 lead hazard remediation standards promulgated by the
27 department pursuant to subsection 1. The department
28 shall establish by rule fees in amounts sufficient to
29 defray the costs of administering the central
30 registry. Fees received shall be considered repayment
31 receipts as defined in section 8.2. The department
32 shall consider providing internet access to the
33 registry.

34 4. For purposes of this section, "child-occupied
35 facility", "lead-based paint hazard", and "target
36 housing" shall mean the same as defined in
37 departmental rules."

38 2. By renumbering as necessary.

GREINER of Washington
FORD of Polk

H-8387

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 128, by inserting after line 4 the
4 following:

5 "Sec. ____ ADOPTION SUBSIDY PROGRAM.

6 1. It is the intent of the general assembly that

7 the department of human services reduce the monthly
8 reimbursement rate for the basic category in the
9 maintenance portion of the adoption subsidy program
10 applicable to recipients who enter into presubsidy or
11 preadoptive subsidy agreements on or after July 1,
12 2004, in order to achieve a minimum annual state
13 savings of \$288,000 during the fiscal year beginning
14 July 1, 2004, and ending June 30, 2005. The
15 percentage reduction in the reimbursement rate shall
16 be 25 percent for the 0-5 years of age age group, 20
17 percent for the 6-11 years of age age group, and 10
18 percent for the 12 years of age and older age group.

19 2. a. It is the intent of the general assembly
20 that the department of human services maximize receipt
21 of the federal funding available for the adoption
22 subsidy program. The department may negotiate
23 existing adoption agreements solely for the purpose of
24 maximizing federal funding. However, any revision of
25 an existing adoption agreement shall not result in the
26 reduction of benefits to adoptive families.

27 b. The limitation on attorney fees under the
28 program shall be \$500 per recipient.

29 c. The department of human services shall attempt
30 to develop a method to obtain federal matching funds
31 for adoption subsidy program recipient out-of-pocket
32 payments to attorneys, for the portion of attorney
33 fees that exceed the cap on attorney fees under the
34 program.

35 d. The department of human services shall attempt
36 to obtain federal matching funds for adoption subsidy
37 program recipient out-of-pocket payments for child
38 care fees that exceed that applicable reimbursement
39 rate established under the child care assistance
40 program.

41 e. If cost-effective and in compliance with
42 federal law and regulation, the department of human
43 services may implement a sliding benefit scale based
44 upon income, for all or a portion of the adoption
45 presubsidy or preadoptive subsidy agreements entered
46 into on or after July 1, 2004.

47 3. It is the intent of the general assembly that
48 beginning July 1, 2004, adoption subsidy agreements
49 entered into on or after that date shall be
50 administered uniformly throughout the state.

Page 2

1 4. It is the intent of the general assembly that
2 the department of human services adopt rules to
3 specify that a child of a minority race or ethnic
4 group, or whose biological parents are of different
5 races, and who is less than one year of age, shall not

6 be deemed a special needs child for the purposes of
7 presubsidy or preadoptive subsidy agreements entered
8 into on or after July 1, 2004.

9 5. It is the intent of the general assembly that
10 the child care subsidy payments for individuals who
11 entered into presubsidy or preadoptive subsidy
12 agreements prior to July 1, 2004, shall not be
13 governed by the rate ceilings under the department of
14 human services' child care assistance programs or be
15 required to meet the specifications of a specialized
16 program as specified in administrative rules.

17 6. It is the intent of the general assembly that
18 any rules relating to the adoption subsidy program for
19 which the effective date is delayed pursuant to
20 section 17A.8, subsection 9, shall take effect unless
21 legislation enacted by the general assembly conflicts
22 with such rules.

23 7. The legislative council is requested to
24 establish an interim study committee to review the
25 adoption subsidy program, which includes a review of
26 current practices regarding the determination of
27 subsidy levels, disparities in subsidy levels among
28 regions of the state, program costs and benefits, the
29 fiscal and programmatic impact of projected future
30 program growth, a thorough analysis of the demographic
31 factors of the adoptive families as well as the
32 adoptive children's special needs, and quantification
33 of savings in other programs and services resulting
34 from the utilization of the adoption subsidy program.
35 The committee shall seek input from the department of
36 human services, adoptive parents and others with
37 experience or expertise with the adoption subsidy
38 program and related services and supports. The
39 interim committee shall submit a report of its
40 findings and recommendations to the general assembly
41 no later than December 1, 2004."

42 2. Page 138, by inserting after line 15 the
43 following:

44 "____. The section of this division of this Act
45 relating to the adoption subsidy program".

46 3. By renumbering as necessary.

HUSER of Polk
KURTENBACH of Story

H-8388

1 Amend the committee amendment, H-8352, to Senate
2 File 449, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. Page 1, by inserting after line 25 the
5 following:

6 “Sec.____. NEW SECTION. 476.50 STATE GOAL FOR
7 ALTERNATIVE ENERGY.
8 It is the goal of this state that by 2012 four
9 million nine hundred thousand megawatt hours of
10 electricity used in this state be produced by
11 alternative energy production facilities.”

SHOULTZ of Black Hawk

H-8391

1 Amend House File 2565 as follows:
2 1. By striking page 8, line 35, through page 9,
3 line 13.
4 2. Page 10, by striking lines 10 through 23.
5 3. By striking page 27, line 26, through page 28,
6 line 14.

SHOULTZ of Black Hawk

H-8392

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 163, line 26, by striking the figure
4 “16,663,446” and inserting the following:
5 “16,413,446”.
6 2. Page 163, line 27, by striking the figure
7 “202.00” and inserting the following: “200.00”.
8 3. Page 163, by inserting after line 27 the
9 following:
10 “As a condition of the appropriation made in this
11 section, 2.00 FTEs shall be eliminated from the local
12 public defender’s office in Muscatine.”

HUTTER of Scott

H-8400

1 Amend House File 2558 as follows:
2 1. Page 1, line 5, by inserting after the word
3 "womb" the following: "as certified by a health care
4 professional licensed pursuant to chapter 148, 148C,
5 150, 150A, or 152".

SHOULTZ of Black Hawk

H-8403

1 Amend House File 2558 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 91D.1, subsection 1,
5 paragraphs a and d, Code 2003, are amended to read as
6 follows:

7 a. The hourly wage stated in the federal minimum
8 wage law, pursuant to 29 U.S.C. § 206, shall be
9 increased to ~~\$3.85~~ \$5.65 on January 1 ~~of 1990, 2005,~~
10 ~~\$4.25 on January 1 of 1991, and \$4.65~~ to \$6.15 on
11 January 1 ~~of 1992, 2006.~~

12 d. An employer is not required to pay an employee
13 the applicable minimum wage provided in paragraph "a"
14 until the employee has completed ninety calendar days
15 of employment with the employer. An employee who has
16 completed ninety calendar days of employment with the
17 employer prior to January 1 of 1990, 1991, 2005, or
18 1992, January 1, 2006, shall earn the applicable hourly
19 minimum wage. An employer shall pay an employee who
20 has not completed ninety calendar days of employment
21 with the employer an hourly wage of at least \$3.35
22 \$5.15 as of January 1 of 1990, 2005, \$3.85 as of
23 January 1 of 1991, and \$4.25 \$5.65 as of January 1 of
24 199 2006."

25 2. Title page, by striking lines 1 through 3 and
26 inserting the following: "An Act to increase the
27 state minimum hourly wage rate."

GREIMANN of Story

H-8410

1 Amend the amendment, H-8366, to Senate File 2269,
2 as passed by the Senate, as follows:

3 1. Page 1, by inserting before line 3 the
4 following:

5 "____. Page 16, line 4, by inserting after the
6 word "day." the following: "The statement shall also
7 point out that it is possible for an absentee ballot
8 courier to personally deliver the completed absentee
9 ballot to the office of the commissioner by 5 p.m. on
10 election day."

JACOBS of Polk

H-8415

1 Amend the committee amendment, H-8365, to Senate
2 File 2298, as amended, passed, and reprinted by the
3 Senate, as follows:

4 1. By striking page 2, line 38, through page 7,
5 line 22.

6 2. Page 7, by striking lines 43 through 46.

MERTZ of Kossuth
BELL of Jasper

MASCHER of Johnson
MCCARTHY of Polk

BERRY of Black Hawk
 BUKTA of Clinton
 COHOON of Des Moines
 CONNORS of Polk
 DANDEKAR of Linn
 DAVITT of Warren
 FALLON of Polk
 FOEGE of Linn
 FORD of Polk
 FREVERT of Palo Alto
 GASKILL of Wapello
 GREIMANN of Story
 HEDDENS of Story
 HOGG of Linn
 HUNTER of Polk
 HUSER of Polk
 JACOBY of Johnson
 JOCHUM of Dubuque
 KUHN of Floyd
 LENSING of Johnson
 LYKAM of Scott

MILLER of Webster
 MURPHY of Dubuque
 OLDSON of Polk
 D. OLSON of Boone
 OSTERHAUS of Jackson
 PETERSEN of Polk
 QUIRK of Chickasaw
 REASONER of Union
 SHOMSHOR of Pottawattamie
 SHOULTZ of Black Hawk
 SMITH of Marshall
 STEVENS of Dickinson
 SWAIM of Davis
 D. TAYLOR of Linn
 T. TAYLOR of Linn
 THOMAS of Clayton
 WENDT of Woodbury
 WHITAKER of Van Buren
 WHITEAD of Woodbury
 WINCKLER of Scott
 WISE of Lee

H-8417

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 35, line 9, by inserting after the word
 4 "circumstances." The following: "The moneys generated
 5 by the filing fee allowed under this subsection are
 6 appropriated to the department of workforce
 7 development to be used for purposes of administering
 8 the division of workers' compensation."

BOGGESS of Page
 JENKINS of Black Hawk

H-8422

1 Amend House File 2558 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 256.9, Code Supplement 2003,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 53. Prepare and make available to
 7 school districts and accredited nonpublic schools
 8 courses of instruction that meet the requirements of
 9 section 256.11, subsection 15. The director shall
 10 develop a procedure for evaluating and measuring the
 11 effectiveness of human growth and development, health
 12 education, and family life curricula in each school
 13 district and accredited nonpublic school, including
 14 the setting of reasonable goals for reduced sexual

15 activity, sexually transmitted diseases, and
16 premarital pregnancy.
17 Sec. 2. Section 256.11, subsections 2, 3, and 4,
18 Code 2003, are amended to read as follows:
19 2. The kindergarten program shall include
20 experiences designed to develop healthy emotional and
21 social habits and growth in the language arts and
22 communication skills, as well as a capacity for the
23 completion of individual tasks, and protect and
24 increase physical well-being with attention given to
25 experiences relating to the development of life skills
26 and medically accurate and age appropriate human
27 growth and development. A kindergarten teacher shall
28 be licensed to teach in kindergarten. An accredited
29 nonpublic school must meet the requirements of this
30 subsection only if the nonpublic school offers a
31 kindergarten program.
32 3. The following areas shall be taught in grades
33 one through six: English-language arts, social
34 studies, mathematics, science, health, medically
35 accurate and age appropriate human growth and
36 development, physical education, traffic safety,
37 music, and visual art. The health curriculum shall
38 include medically accurate and age appropriate
39 information regarding the characteristics of
40 communicable diseases including acquired immune
41 deficiency syndrome. The state board as part of
42 accreditation standards shall adopt curriculum
43 definitions for implementing the elementary program.
44 4. The following shall be taught in grades seven
45 and eight: English-language arts; social studies;
46 mathematics; science; health; medically accurate and
47 age appropriate human growth and development, family,
48 consumer, career, and technology education; physical
49 education; music; and visual art. The health
50 curriculum shall include medically accurate and age

Page 2

1 appropriate information regarding the characteristics
2 of sexually transmitted diseases and acquired immune
3 deficiency syndrome. The state board as part of
4 accreditation standards shall adopt curriculum
5 definitions for implementing the program in grades
6 seven and eight. However, this subsection shall not
7 apply to the teaching of family, consumer, career, and
8 technology education in nonpublic schools.
9 Sec. 3. Section 256.11, subsection 5, paragraph j,
10 unnumbered paragraph 1, Code 2003, is amended to read
11 as follows:
12 One unit of health education which shall include
13 personal health; food and nutrition; environmental

14 health; safety and survival skills; consumer health;
15 family life; medically accurate and age appropriate
16 human growth and development; substance abuse and
17 nonuse; emotional and social health; health resources;
18 and prevention and control of disease, including
19 medically accurate and age appropriate information
20 regarding sexually transmitted diseases and acquired
21 immune deficiency syndrome.

22 Sec. 4. Section 256.11, Code 2003, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 15. All human growth and
25 development, health education, and family life courses
26 of instruction offered at grade levels six through
27 twelve that discuss sexual activity or behavior shall
28 satisfy the following conditions:

29 a. Information presented in course material and
30 instruction shall be medically accurate and objective.

31 b. All course materials and instruction shall be
32 age and developmentally appropriate.

33 c. Course materials and instruction shall include
34 the following:

35 (1) Parameters for a discussion of sexual
36 abstinence as a method to prevent unintended pregnancy
37 and sexually transmitted diseases such as HIV.

38 (2) Presentation of the latest medically factual
39 information regarding both the possible side effects
40 and health benefits of all forms of contraception.

41 (3) Discussion of the possible consequences of
42 unintended pregnancy and sexually transmitted diseases
43 such as HIV. The materials and instruction shall
44 stress the potentially serious hazards of sexual
45 activity or behavior.

46 (4) Statistics based on the latest medical
47 information citing the failure and success rates of
48 all contraceptive methods for the prevention of
49 pregnancy and sexually transmitted diseases such as
50 HIV.

Page 3

1 (5) Provision for the development of positive
2 communication skills that support and maintain healthy
3 relationships and reject unwanted sexual activity.

4 (6) Emphasize a student's power to control
5 personal behavior. Students shall be encouraged to
6 base their actions on reasoning, self-discipline,
7 sense of responsibility, self-control, and ethical
8 considerations, such as respect for oneself and
9 others.

10 (7) Methods that teach students not to make
11 unwanted physical and verbal sexual advances and how
12 to reject unwanted sexual advances. The materials and

13 instruction shall cover verbal, physical, and visual
14 sexual harassment, including nonconsensual sexual
15 advances, nonconsensual physical sexual contact, and
16 rape by an acquaintance. The course materials and
17 instruction shall emphasize personal accountability
18 and respect for others and shall also encourage youth
19 to resist peer pressure.
20 (8) Shall teach that it is wrong to take advantage
21 of or exploit another person.
22 (9) Instruction in the potential legal
23 consequences of sexual assault under the Iowa criminal
24 code.
25 (10) Shall be free of racial, ethnic, and gender
26 biases.
27 (11) Shall teach students about counseling,
28 medical and legal resources available to survivors of
29 sexual abuse and sexual assault, including resources
30 for escaping violent relationships.
31 d. For purposes of this subsection, "HIV" means
32 the same as defined in section 141A.1.
33 e. "Medically accurate", as used in this section,
34 means supported by research conducted in compliance
35 with accepted scientific methods; recognized as
36 accurate and objective by leading professional
37 organizations and agencies with relevant expertise in
38 the field, which may include but shall not be limited
39 to the American college of obstetricians and
40 gynecologists and the centers for disease control and
41 prevention of the United States department of health
42 and human services; and published in peer-reviewed
43 publications where appropriate."
44 2. Title page, line 1, by striking the words
45 "crimes against" and inserting the following:
46 "providing human growth and development, health
47 education, and family life instruction to".
48 3. Title page, lines 2 and 3, by striking the
49 words "at any stage of development and making
50 penalties applicable".

MASCHER of Johnson

H-8423

1 Amend House File 2558 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 514C.21 MANDATED
5 COVERAGE FOR MENTAL HEALTH CONDITIONS.
6 1. For purposes of this section, unless the
7 context otherwise requires:
8 a. "Mental health condition" means a condition or
9 disorder involving mental illness or alcohol or

10 substance abuse that falls under any of the diagnostic
11 categories listed in the mental disorders section of
12 the international classification of disease, as
13 periodically revised.

14 b. "Rates, terms, and conditions" means any
15 lifetime payment limits, deductibles, copayments,
16 coinsurance, and any other cost-sharing requirements,
17 out-of-pocket limits, visit limitations, and any other
18 financial component of benefits coverage that affects
19 the covered individual.

20 2. a. Notwithstanding section 514C.6, a policy or
21 contract providing for third-party payment or
22 prepayment of health or medical expenses shall provide
23 coverage benefits for mental health conditions based
24 on rates, terms, and conditions which are no more
25 restrictive than the rates, terms, and conditions for
26 coverage benefits provided for other health or medical
27 conditions under the policy or contract.
28 Additionally, any rates, terms, and conditions
29 involving deductibles, copayments, coinsurance, and
30 any other cost-sharing requirements shall be
31 cumulative for coverage of both mental health
32 conditions and other health or medical conditions
33 under the policy or contract.

34 b. Coverage required under this subsection shall
35 be as follows:

36 (1) For the treatment of mental illness, coverage
37 shall be for services provided by a licensed mental
38 health professional, or services provided in a
39 licensed hospital or health facility.

40 (2) For the treatment of alcohol or substance
41 abuse, coverage shall be for services provided by a
42 substance abuse counselor, as approved by the
43 department of human services, a licensed health
44 facility providing a program for the treatment of
45 alcohol or substance abuse approved by the department
46 of human services, or a substance abuse treatment and
47 rehabilitation facility, as licensed by the department
48 of public health pursuant to chapter 125.

49 3. This section applies to the following classes
50 of third-party payment provider contracts or policies

Page 2

1 delivered, issued for delivery, continued, or renewed
2 in this state on or after January 1, 2005:

3 a. Individual or group accident and sickness
4 insurance providing coverage on an expense-incurred
5 basis.

6 b. An individual or group hospital or medical
7 service contract issued pursuant to chapter 509, 514,
8 or 514A.

- 9 c. A plan established pursuant to chapter 509A for
10 public employees.
- 11 d. An individual or group health maintenance
12 organization contract regulated under chapter 514B.
- 13 e. An individual or group Medicare supplemental
14 policy, unless coverage pursuant to such policy is
15 preempted by federal law.
- 16 f. Any other entity engaged in the business of
17 insurance, risk transfer, or risk retention, which is
18 subject to the jurisdiction of the commissioner.
- 19 g. An organized delivery system licensed by the
20 director of public health.
- 21 4. The commissioner shall adopt rules to
22 administer this section after consultation with the
23 mental health insurance advisory committee.
- 24 a. The commissioner shall appoint members to a
25 mental health insurance advisory committee. Members
26 shall include all sectors of society impacted by
27 issues associated with coverage of mental health
28 treatment by third-party payors including, but not
29 limited to, representatives of the insurance industry,
30 small and large employers, employee representatives
31 including labor, individual consumers, health care
32 providers, and other groups and individuals that may
33 be identified by the insurance division of the
34 department of commerce.
- 35 b. The committee shall meet upon the request of
36 the commissioner to review rules proposed under this
37 section by the commissioner, and to make suggestions
38 as appropriate."
- 39 2. Title page, line 1, by striking the words
40 "crimes against" and inserting the following:
41 "provision of health care coverage to".
- 42 3. Title page, lines 2 and 3, by striking the
43 words "at any stage of development and making
44 penalties applicable".

SMITH of Marshall

H-8432

- 1 Amend House File 2548 as follows:
- 2 1. Page 1, lines 2 and 3, by striking the words
3 "an agency, department, commission, board, committee,
4 officer, or other governing body of the state" and
5 inserting the following: "a board, commission,
6 department, officer, or other administrative office or
7 unit of the state".
- 8 2. Page 1, line 13, by inserting after the word
9 "section." The following: "This section does not
10 apply to purchases made under the authority granted in
11 section 307.21."

- 12 3. Page 2, by striking lines 8 through 11, and
13 inserting the following: "required specifications.
14 If the laws".
- 15 4. Page 2, by striking lines 19 through 25 and
16 inserting the following:
17 "b. Every purchase in excess of twenty-five
18 thousand dollars which is not made through a
19 competitive bidding procedure must be made in
20 compliance with the procedure set out in subparagraphs
21 (1) through (3). An individual purchase made pursuant
22 to a competitively bid master contract or agreement is
23 not subject to the requirements of this paragraph "b"
24 if the item or service purchased is specifically
25 delineated in the contract or agreement."
- 26 5. Page 4, by striking lines 14 through 16, and
27 inserting the following:
28 "1. CONSIDERATION FOR IOWA COMPANIES. Every
29 board, commission, department, officer, or other
30 administrative office or unit of the state shall in
31 good faith consider".
- 32 6. Page 5, by inserting after line 14 the
33 following:
34 "3. INAPPLICABILITY. This section does not apply
35 to purchases made under the authority granted in
36 section 307.21."
- 37 7. By striking page 5, line 15, through page 6,
38 line 8.
- 39 8. Page 6, line 15, by striking the word
40 "preferences for" and inserting the following: "the
41 consideration of purchasing".
- 42 9. Page 6, line 16, by inserting after the word
43 "and" the following: "contracting with Iowa".
- 44 10. By striking page 6, line 20, through page 7,
45 line 27.
- 46 11. Title page, line 2, by striking the words
47 "goals from" and inserting the following: "processes
48 concerning".
- 49 12. By renumbering as necessary.

ALONS of Sioux

H-8436

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 186, by striking lines 3 and 4 and
4 inserting the following: "subdivision of the state,
5 ~~except for county hospitals as provided in paragraph~~
6 ~~"e" of this subsection, and which".~~
- 7 2. Page 186, by striking lines 7 and 8 and
8 inserting the following: "g", except that
9 institutions defined in paragraph "c" of this

10 subsection are exempt from the requirements of
11 paragraphs "a" and "b"."

DOLECHECK of Ringgold

H-8440

1 Amend House Resolution 135 as follows:

2 1. By striking page 1, line 3 through page 5,
3 line 23 and inserting the following:

4 "A Resolution requesting the Legislative Council to
5 create a learning technology commission
6 to examine options for integrating technology into
7 the classroom to prepare students for an economy
8 that is increasingly dependent on technology and
9 innovation.

10 WHEREAS, the House of Representatives finds that
11 technology has a key role in revolutionizing the
12 state's education system, and the integration of
13 technology into the school curriculum can motivate and
14 assist students to achieve at high levels and prepare
15 them to become the knowledge workers of the 21st
16 Century workforce by providing them with the skills
17 necessary to compete in the global market; and

18 WHEREAS, many Iowa schools are implementing
19 technology projects and updating technology in their
20 classrooms, including projects involving distance
21 learning, virtual learning, and laptop computers in
22 the classroom; and

23 WHEREAS, technology offers this state a significant
24 opportunity to improve the performance of its schools
25 and to promote a wide range of high-quality
26 educational options utilizing technology for children
27 enrolled in the schools of this state; NOW THEREFORE,

28 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

29 That the Legislative Council is requested to create a
30 learning technology commission, to be charged with
31 developing a learning technology plan to achieve the
32 goal of preparing students for an economy that is
33 increasingly dependent on technology and innovation.
34 The commission shall examine the use of technology in
35 Iowa's and the nation's elementary and secondary
36 classrooms; and

37 BE IT FURTHER RESOLVED, That the plan developed by
38 the commission shall include, but not be limited to,
39 the following:

40 1. The costs and benefits of each component of the
41 plan.

42 2. The professional development needed to
43 integrate learning technology into classroom
44 technology.

45 3. Strategies for implementation of the plan,

46 including, at a minimum, phasing in the plan over a
47 term of years.
48 4. Strategies that coordinate the learning
49 technology in kindergarten through grade twelve with
50 the initiatives and resources of the department of

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1 education, Iowa communications network, area education
2 agencies, higher education institutions providing
3 approved practitioner preparation programs, and other
4 accredited postsecondary institutions in the state.
5 5. Procedures for data tracking and assessment of
6 the progress in implementing the goals of the
7 initiative and the plan.

8 6. Strategies to establish a public-private
9 partnership between state government and a private
10 sector business having relevant knowledge and
11 experience; and

12 BE IT FURTHER RESOLVED, That the plan shall be
13 consistent with the following guiding principles:

14 1. EQUITY. The plan shall promote equal
15 opportunity for and provide meaningful access to
16 wireless and other learning technology resources for
17 all Iowa students regardless of geographic location or
18 economic means.

19 2. INTEGRATION WITH THE STUDENT ACHIEVEMENT AND
20 TEACHER QUALITY PROGRAM ESTABLISHED IN CHAPTER 284.

21 The plan shall support student achievement through the
22 integration of learning technologies that are content-
23 focused and that add value to existing instructional
24 methods.

25 3. SUSTAINABILITY. The plan shall provide for the
26 future sustainability of learning technology resources
27 by adapting to future educational needs and
28 technological changes.

29 4. TEACHER PREPARATION AND PROFESSIONAL
30 DEVELOPMENT. The plan shall provide professional
31 development and training programs for administrators,
32 teachers and other educators in the use and
33 integration of learning technology tools in curriculum
34 development, instructional methods, and student
35 assessment systems.

36 5. ECONOMIC DEVELOPMENT. The plan shall foster
37 economic development across all regions of the state
38 and the preparation of students for an economy that
39 embraces technology and innovation; and

40 BE IT FURTHER RESOLVED, That the commission shall
41 be appointed no later than July 1, 2004.

42 1. The commission membership shall consist of the
43 following:

44 a. Seven voting members from the general public

45 who shall be appointed by the Legislative Council.

46 b. One nonvoting, ex officio member who is a
47 member of the state board of education and is
48 appointed by the chairperson of the state board of
49 education.

50 c. One nonvoting, ex officio member who is the

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1 state librarian or the state librarian's designee.

2 d. One nonvoting, ex officio member representing
3 public postsecondary education institutions who is
4 employed by a public postsecondary institution and is
5 appointed by the Legislative Council.

6 e. Three nonvoting, ex officio members
7 representing three different school districts and who
8 are appointed by the Legislative Council as follows:

9 (1) From a list of three names submitted by a
10 certified employee organization representing teachers
11 licensed under chapter 272, a teacher employed by a
12 school district.

13 (2) From a list of three names submitted by a
14 statewide organization representing administrators
15 licensed under chapter 272, an administrator employed
16 by a school district.

17 (3) From a list of three names submitted by a
18 statewide organization representing school boards, a
19 member of a board of directors of a school district.

20 f. One nonvoting, ex officio member representing
21 area education agencies who is appointed by the
22 Legislative Council from a list of three names
23 submitted by area education administrators.

24 g. One nonvoting, ex officio member who is a
25 member of the Senate and is appointed by the President
26 of the Senate.

27 h. One nonvoting, ex officio member who is a
28 member of the House of Representatives and is
29 appointed by the Speaker of the House of
30 Representatives.

31 2. Commission members shall be appointed in
32 compliance with sections 69.16 and 69.16A.
33 Appointments of public members shall be made to
34 provide broad representation of the various
35 geographical areas of the state insofar as possible.

36 3. In appointing members to the commission, proper
37 consideration shall be given to persons with
38 experience or special knowledge in one or more of the
39 following areas: education, business, economic
40 development, technology, and finance.

41 4. The commission shall elect a chairperson and a
42 vice-chairperson from among the voting members of the
43 commission; and

44 BE IT FURTHER RESOLVED, That the commission shall
45 submit its findings, recommendations, and its learning
46 technology plan in a report to the General Assembly by
47 December 15, 2004."

BOAL of Polk

H-8441

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 166, by inserting after line 19 the
4 following:
5 "The division of criminal investigation and bureau
6 of identification shall conduct a pilot project to
7 evaluate the use of brain fingerprinting as a pretrial
8 investigative technique, including, but not limited
9 to, the effectiveness of brain fingerprinting as a
10 method of reducing investigatory costs by assisting in
11 determining whether a suspect has knowledge of
12 specific information regarding a crime and the
13 effectiveness of brain fingerprinting as a method of
14 reducing trial costs by increasing the number of
15 defendants who choose to plead guilty and avoid a
16 trial. The pilot project shall be conducted pursuant
17 to a contract with an Iowa business that has
18 experience using brain fingerprinting technology in
19 actual criminal cases. The contract shall contain a
20 provision under which the business agrees to forgo
21 reimbursement of its expenses regarding the pilot
22 project up to \$108,000, unless the division determines
23 that, as a result of conducting the pilot project, the
24 state of Iowa realizes a savings of at least \$108,000.
25 The division, in consultation with the contracting
26 business, shall file a report regarding the results of
27 the pilot project with the cochairpersons and ranking
28 members of the joint appropriations subcommittee on
29 the justice system and the legislative services agency
30 by January 15, 2005."

HOFFMAN of Crawford

H-8443

1 Amend the committee amendment, H-8365, to Senate
2 File 2298, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 7, by striking lines 43 through 46.

GRANZOW of Hardin

H-8446

- 1 Amend the amendment, H-8418, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, by striking lines 11 through 25.
5 2. By renumbering as necessary.

DOLECHECK of Ringgold

H-8449

- 1 Amend the amendment, H-8361, to House File 2455 as
2 follows:
3 1. By striking page 1, line 4, through page 4,
4 line 6, and inserting the following:
5 "Section 1. Section 331.605, subsection 6, Code
6 2003, is amended to read as follows:
7 6. For filing an application for the license to
8 marry, thirty-five dollars, which includes payment for
9 one certified copy of the original certificate of
10 marriage, to be issued following filing of the
11 original certificate of marriage, four dollars of
12 which shall be retained by the county pursuant to
13 subsection 5. For issuing an application for an order
14 of the district court authorizing the validation of a
15 license to marry before the expiration of ~~three~~ the
16 number of days specified in section 595.4, from the
17 date of issuance of the license, five dollars. The
18 district court shall authorize the early validation of
19 a marriage license without the payment of any fees
20 imposed in this subsection upon showing that the
21 applicant is unable to pay the fees.
22 Sec. 2. NEW SECTION. 595.3B APPLICATION –
23 PREMARITAL EDUCATION.
24 1. An application form for a marriage license
25 shall have attached a certificate form to be used by
26 the parties to document completion of premarital
27 education by the parties. The certificate shall be
28 completed by the parties and signed by the person who
29 provided the premarital education. The certificate
30 shall be filed with the verified application in
31 accordance with section 595.4. The certificate form
32 shall require provision of all of the following
33 information:
34 a. The name of the person providing the premarital
35 education and the person's signature verifying
36 completion of the premarital education by the parties.
37 b. The number of hours of premarital education
38 completed.
39 2. Only premarital education provided by the
40 following persons shall be accepted to document

41 completion under this section:
42 a. A person ordained or designated as a leader of
43 a party's religious faith or the person's designee.
44 b. A person licensed to practice psychology
45 pursuant to chapter 154B.
46 c. A person licensed to practice social work
47 pursuant to chapter 154C.
48 d. A person licensed to practice marital and
49 family therapy pursuant to chapter 154D.
50 Sec. 3. Section 595.4, Code 2003, is amended to

Page 2

1 read as follows:
2 595.4 AGE AND QUALIFICATION – VERIFIED
3 APPLICATION – WAITING PERIOD – ~~EXCEPTION~~ EXCEPTIONS.
4 1. Previous Prior to the issuance of any license
5 to marry, the parties desiring the license shall sign
6 and file a verified application with the county
7 registrar which application either may be mailed to
8 the parties at their request or may be signed by them
9 at the office of the county registrar in the county in
10 which the license is to be issued. The application
11 shall include the social security number of each
12 applicant and shall set forth at least one affidavit
13 of some competent and disinterested person stating the
14 facts as to age and qualification of the parties.
15 Upon the filing of the application for a license to
16 marry, the county registrar shall file the application
17 in a record kept for that purpose and shall take all
18 necessary steps to ensure the confidentiality of the
19 social security number of each applicant. All
20 information included on an application may be provided
21 as mutually agreed upon by the division of records and
22 statistics and the child support recovery unit,
23 including by automated exchange.
24 2. Upon receipt of a verified application, the
25 county registrar may issue the license which shall not
26 become valid until the expiration of three days after
27 the date of issuance of the license. If the license
28 has not been issued within six months from the date of
29 the application, the application is void.
30 3. A license issued under subsection 2 shall
31 become valid as follows:
32 a. If the parties desiring the license have
33 participated in premarital education and submit
34 documentation verifying completion of premarital
35 education in accordance with section 595.3B, the
36 license shall become valid upon the expiration of
37 three days after the date of issuance of the license.
38 b. If the parties desiring the license have not
39 participated in premarital education or do not submit

40 documentation verifying completion of premarital
41 education in accordance with section 595.3B, the
42 license shall not become valid until the expiration of
43 twenty days after the date of issuance of the license.
44 4. A license to marry may be validated prior to
45 the expiration of ~~three~~ the number of days specified
46 in subsection 3 from the date of issuance of the
47 license in cases of emergency or extraordinary
48 circumstances. An order authorizing the validation of
49 a license may be granted by a judge of the district
50 court under conditions of emergency or extraordinary

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1 circumstances upon application of the parties filed
2 with the county registrar. ~~No An order may shall not~~
3 be granted unless the parties have filed an
4 application for a marriage license in a county within
5 the judicial district. An application for an order
6 shall be made on forms furnished by the county
7 registrar at the same time the application for the
8 license to marry is made. After examining the
9 application for the marriage license and issuing the
10 license, the county registrar shall refer the parties
11 to a judge of the district court for action on the
12 application for an order authorizing the validation of
13 a marriage license prior to expiration of ~~three~~ the
14 number of days specified in subsection 3 from the date
15 of issuance of the license. The judge shall, if
16 satisfied as to the existence of an emergency or
17 extraordinary circumstances, grant an order
18 authorizing the validation of a license to marry prior
19 to the expiration of ~~three~~ the number of days
20 specified in subsection 3 from the date of issuance of
21 the license to marry. The county registrar shall
22 validate a license to marry upon presentation by the
23 parties of the order authorizing a license to be
24 validated. A fee of five dollars shall be paid to the
25 county registrar at the time the application for the
26 order is made, which fee is in addition to the fee
27 prescribed by law for the issuance of a marriage
28 license."
29 2. By renumbering as necessary.

CARROLL of Poweshiek
JACOBS of Polk

H-8451

1 Amend Senate File 2209, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 3, by striking the figure "2005"

- 4 and inserting the following: "2006".
- 5 2. Page 1, by striking lines 5 and 6, and
- 6 inserting the following: "more than trace amounts of
- 7 mercury."
- 8 3. Page 1, by striking lines 13 through 17.
- 9 4. Page 1, line 23, by striking the words "OR
- 10 OTHER PRESERVATIVES".
- 11 5. Page 1, line 26, by striking the figure "2005"
- 12 and inserting the following: "2006".
- 13 6. Page 1, by striking lines 29 through 34, and
- 14 inserting the following: "at the acquisition cost
- 15 rate for immunizations containing no more than trace
- 16 amounts of mercury. For the purposes of this section,
- 17 "trace amounts" means trace amounts as defined by the
- 18 United States food and drug administration."
- 19 7. By renumbering as necessary.

BODDICKER of Cedar

H-8457

- 1 Amend Senate File 2298 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 133, by striking lines 9 through 13, and
- 4 inserting the following: "mental health quality of
- 5 care improvement committee. The committee membership
- 6 shall include".
- 7 2. Page 133, line 24, by inserting after the
- 8 figure "249A.24," the following: "the contractor for
- 9 the medical assistance program managed care mental
- 10 health contract,".
- 11 3. Page 133, line 33, by inserting after the word
- 12 "preferences." the following: "This paragraph shall
- 13 not apply to any prior authorization requirement
- 14 imposed by the contractor on or before June 30, 2004,
- 15 under the managed care mental health contract."
- 16 4. Page 134, line 3, by inserting after the word
- 17 "and" the following: "after a cost-benefit analysis
- 18 may".

HEATON of Henry

H-8458

- 1 Amend Senate File 2298, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 65, by inserting after line 6 the
- 4 following:
- 5 "Sec.____. Section 262.56, Code 2003, is amended
- 6 to read as follows:
- 7 262.56 AUTHORIZATION – CONTRACTS – TITLE.
- 8 1. Subject to and in accordance with the

9 provisions of this division the state board of regents
10 is hereby authorized to undertake and carry out any
11 project as hereinbefore defined at the state
12 University of Iowa, Iowa State University of science
13 and technology and the University of Northern Iowa and
14 to operate, control, maintain and manage student
15 residence halls and dormitories, including dining and
16 other incidental facilities, and additions to such
17 buildings at each of said institutions. All contracts
18 for the construction, reconstruction, completion,
19 equipment, improvement, repair or remodeling of any
20 buildings, additions or facilities shall be let in
21 accordance with the provisions of section 262.34. The
22 title to all real estate acquired under the provisions
23 of this division and the improvements erected thereon
24 shall be taken and held in the name of the state of
25 Iowa. The board is authorized to rent the rooms in
26 such residence halls and dormitories to the students,
27 officers, guests and employees of said institutions at
28 such rates, fees or rentals as will provide a
29 reasonable return upon the investment, but which will
30 in any event produce net rents, profits and income
31 sufficient to insure the payment of the principal of
32 and interest on all bonds or notes issued to pay any
33 part of the cost of any project and refunding bonds or
34 notes issued pursuant to the provisions of this
35 division.

36 2. The state board of regents shall prohibit the
37 institutions of higher education under its control
38 from specifically setting aside any percentage of
39 available residence hall or dormitory space
40 specifically for the purposes of housing students who
41 are interested in, or are participating in, sexuality
42 studies or programs."
43 2. By renumbering as necessary.

ALONS of Sioux
DE BOEF of Keokuk

H-8459

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 147, by inserting after line 5 the
4 following:

5 "NEW SUBSECTION. 6. Each county shall submit a
6 report to the department of human services and
7 legislative services agency on or before January 15,
8 2005, documenting the unaudited expenditures from the
9 county's mental health, mental retardation, and
10 developmental disabilities services fund for the

11 period beginning July 1, 2004, and ending December 31,
12 2004."

HEATON of Henry

H-8463

1 Amend House File 2548 as follows:
2 1. Page 4, by striking lines 4 through 11.
3 2. By renumbering as necessary.

ALONS of Sioux

H-8465

1 Amend the amendment, H-8418, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 34 through 46.
5 2. By renumbering as necessary.

JENKINS of Black Hawk

H-8468

1 Amend the committee amendment, H-8365, to Senate
2 File 2298, as amended, passed, and reprinted by the
3 Senate, as follows:
4 1. Page 2, by striking lines 45 and 46 and
5 inserting the following: "~~state~~ There is appropriated
6 for the fiscal".
7 2. Page 4, by striking lines 18 and 19 and
8 inserting the following: "There is appropriated for
9 the fiscal year".
10 3. Page 5, by striking lines 17 and 18 and
11 inserting the following: "There is appropriated for
12 the fiscal year".

WISE of Lee
BELL of Jasper
BERRY of Black Hawk
BUKTA of Clinton
COHOON of Des Moines
CONNORS of Polk
DANDEKAR of Linn
DAVITT of Warren
FOEGE of Linn
FORD of Polk
FREVERT of Palo Alto
GASKILL of Wapello
GREIMANN of Story
HEDDENS of Story
HOGG of Linn

MCCARTHY of Polk
MERTZ of Kossuth
MILLER of Webster
MURPHY of Dubuque
OLDSON of Polk
D. OLSON of Boone
OSTERHAUS of Jackson
PETERSEN of Polk
QUIRK of Chickasaw
REASONER of Union
SHOMSHOR of Pottawattamie
SHOULTZ of Black Hawk
SMITH of Marshall
STEVENS of Dickinson
SWAIM of Davis

HUNTER of Polk
 HUSER of Polk
 JACOBY of Johnson
 JOCHUM of Dubuque
 KUHN of Floyd
 LENSING of Johnson
 LYKAM of Scott
 MASCHER of Johnson

D. TAYLOR of Linn
 T. TAYLOR of Linn
 THOMAS of Clayton
 WENDT of Woodbury
 WHITAKER of Van Buren
 WHITEAD of Woodbury
 WINCKLER of Scott

H-8470

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 29, line 10, by inserting after the word
 4 "infrastructure" the following: "and through the use
 5 of community cluster rural development".

6 2. Page 37, by inserting after line 4 the
 7 following:
 8 "Sec.____. Section 28E.35, Code 2003, is amended
 9 to read as follows:

10 28E.35 DEFINITIONS.

11 As used in this division unless the context
 12 otherwise requires:

13 1. "Community cluster" means a cooperative
 14 community unit established pursuant to this chapter
 15 for the joint exercise of powers by two or more
 16 governmental units and for sharing one or more
 17 governmental functions between two or more
 18 governmental units participating in a community
 19 cluster.

20 2. "Governing board" means the governing board of
 21 a community cluster appointed pursuant to section
 22 28E.37.

23 ~~2.~~ 3. "Governmental unit" means a city, county,
 24 township, school district, merged area as defined in
 25 section 260C.2, or special taxing district.

26 4. "Shared governmental function" includes, but is
 27 not limited to, joint delivery of services, joint
 28 operation of facilities, joint development of
 29 infrastructure, or joint fostering of economic
 30 development.

31 Sec.____. Section 28E.36, Code 2003, is amended to
 32 read as follows:

33 28E.36 ESTABLISHMENT OF COMMUNITY CLUSTER.

34 Two or more governmental units located in the state
 35 may, by resolution of each governmental unit,
 36 establish a community cluster ~~by entering into an~~
 37 ~~agreement~~ for the joint exercise of powers pursuant to
 38 this chapter to make more efficient use of their
 39 resources by providing for ~~joint functions, services,~~
 40 ~~facilities, development of infrastructure and for~~
 41 ~~revenue sharing, and to foster economic development~~

42 shared governmental functions between two or more of
43 the governmental units participating in the community
44 cluster.
45 A community cluster and its governing board shall
46 have all the rights, powers, duties, privileges, and
47 immunities of a governmental unit and governmental
48 unit governing body to the extent that such rights,
49 powers, duties, privileges, and immunities relate to
50 shared governmental functions of the governmental

Page 2

1 units participating in the community cluster.
2 Sec. ____ Section 28E.37, Code 2003, is amended by
3 striking the section and inserting in lieu thereof the
4 following:
5 28E.37 COMMUNITY CLUSTER GOVERNING BOARD.
6 The governing body of each governmental unit
7 participating in a community cluster shall appoint two
8 of its members to a community cluster governing board.
9 However, an alternative board composition may be
10 agreed upon by the participating governmental units.
11 A member of the governing board shall serve for two
12 years or until the member's term on the governing body
13 of the governmental unit expires, whichever is
14 earlier. A vacancy on the governing board shall be
15 filled in the same manner as the original appointment.
16 A member of the governing board shall not receive
17 compensation for service on the governing board.
18 Sec. ____ Section 28E.38, Code 2003, is amended by
19 striking the section and inserting in lieu thereof the
20 following:
21 28E.38 POWERS AND DUTIES OF GOVERNING BOARD –
22 EXISTING BONDED INDEBTEDNESS – TAXING AUTHORITY.
23 1. The governing board shall identify governmental
24 functions, services, facilities, development of
25 infrastructure, or economic development efforts that
26 will be shared or jointly provided or operated within
27 the community cluster.
28 2. The governing board shall establish an official
29 name for the community cluster.
30 3. The governing board may provide for the
31 transfer or other disposition of property and other
32 rights, claims, assets, and franchises as they relate
33 to a shared governmental function within the community
34 cluster. A governmental unit participating in a
35 community cluster may make donations of property, real
36 or personal, including gratuitous leases, to the
37 community cluster and the governing board as deemed
38 proper and appropriate in aiding the community cluster
39 and the governing board effectuate their purposes.
40 4. The governing board may provide for the

41 transfer, reorganization, abolition, adjustment, and
42 absorption or merger of existing boards, existing
43 subordinate service districts, local improvement
44 districts, and agencies of the participating
45 governmental units to the extent they relate to a
46 shared governmental function within the community
47 cluster.
48 5. The governing board may determine the
49 boundaries of the service areas within the community
50 cluster and shall provide for administration of the

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1 provision of services in each of the designated
2 service areas.
3 6. The governing board may employ and fix the
4 compensation of administrative, technical,
5 professional, and clerical assistance as necessary to
6 administer a shared governmental function.
7 7. a. The governing board may adopt budgets for
8 shared governmental functions within the community
9 cluster and may levy property taxes to the extent the
10 taxing authority of a participating governmental unit
11 is transferred to the community cluster to fund a
12 shared governmental function. The governing board in
13 its budget shall allocate the revenue responsibilities
14 of each governmental unit participating in the
15 community cluster. The governing board shall follow
16 the same procedures for adoption of a budget as if the
17 community cluster were a city and the governing board
18 a city council.
19 b. The governing board shall devise formulas for
20 the transfer of taxing authority from governmental
21 units that are participating in the community cluster
22 to the governing board of the community cluster to
23 fund a shared governmental function. The maximum
24 rates of taxes authorized to be levied by a
25 governmental unit participating in a community cluster
26 shall be reduced by an amount equal to that portion of
27 the levy rates transferred to the authority of the
28 governing board.
29 c. In lieu of transferring property taxing
30 authority to a governing board, a governmental unit
31 participating in a community cluster may meet its
32 shared revenue obligations by transferring other
33 sources of revenue authorized to be collected by the
34 governmental unit.
35 8. The governing board may accept donations,
36 contributions, grants, or gifts from individuals,
37 associations, municipal and private corporations, and
38 the United States, or any agency or instrumentality of
39 the United States, and may enter into agreements in

40 connection therewith.

41 9. The governing board may issue bonded
42 indebtedness to the extent authorized in section
43 28E.39.

44 10. By December 1 of each year, the governing
45 board shall provide a report relating to shared
46 governmental functions and administration of the
47 community cluster to the governing body of each
48 governmental unit participating in the community
49 cluster.

50 Sec.____. Section 28E.39, Code 2003, is amended by

Page 4

1 striking the section and inserting in lieu thereof the
2 following:

3 28E.39 ISSUANCE OF BONDS – APPROVAL BY
4 ELECTORATE.

5 1. The governing board may propose the expenditure
6 of funds, the issuance of revenue bonds, entering into
7 a lease-purchase agreement, or the issuance of general
8 obligation bonds for the following:

9 a. Acquisition of a construction site and
10 construction of a building or facility for common
11 public use by two or more governmental units
12 participating in the community cluster.

13 b. Purchase of an existing building or facility
14 for public use, or conversion of a building or
15 facility previously owned and maintained by a
16 governmental unit for public use by two or more
17 governmental units participating in the community
18 cluster.

19 c. Equipping or furnishing a new or existing
20 building or facility for public use by two or more
21 governmental units participating in the community
22 cluster.

23 d. Operation, maintenance, or improvement of a
24 building or facility for public use by two or more
25 governmental units participating in the community
26 cluster.

27 e. Any other aspect of construction, acquisition,
28 furnishing, operation, or maintenance of a building or
29 facility for public use by two or more governmental
30 units participating in the community cluster, such
31 other aspect having been proposed by the governing
32 board and not otherwise prohibited by law.

33 2. The proposal shall be forwarded to the
34 governing body of each governmental unit participating
35 in the community cluster that is listed in the
36 proposal as being allocated a portion of the cost for
37 any of the purposes in subsection 1, paragraphs "a"
38 through "e". The proposal shall specify the purposes

39 for which the building or facility shall be used, the
40 estimated cost of the building or facility, the
41 estimated amount of the cost to be allocated to each
42 of the participating governmental units, the
43 proportion and method of allocating the expenses of
44 the operation and maintenance of the building or
45 facility or improvement, and the disposition to be
46 made of any revenues to be derived from operation of
47 the building or facility.

48 3. If a proposal for expenditure of funds, for
49 issuance of revenue bonds, or for issuance of general
50 obligation bonds described in the proposal as

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1 essential county purpose bonds or essential corporate
2 purpose bonds is approved by the governing body of
3 each governmental unit named in the proposal, the
4 governing board may include such expenditures in its
5 budget for the following fiscal year. If a proposal
6 for issuance of general obligation bonds described in
7 the proposal as general county purpose bonds or
8 general corporate purpose bonds or for entering into a
9 lease-purchase agreement is approved by the governing
10 body of each governmental unit named in the proposal,
11 the governing board shall direct the county
12 commissioner of elections to submit the proposition at
13 a special election. The special election may be held
14 on the same day as the general election if the county
15 commissioner determines that the elections will not
16 conflict. Only those registered voters living within
17 the governmental units named in the proposal may vote
18 on the proposition. The proposition shall be adopted
19 if the vote in favor of the proposition is equal to at
20 least sixty percent of the vote cast for and against
21 the proposition in each governmental unit named in the
22 proposal.

23 4. The governing board when issuing indebtedness
24 pursuant to this section shall follow the procedures
25 for issuance of debt as if the governing board were a
26 city council or a county board of supervisors and the
27 applicable bonding provisions of chapters 74, 75, 331,
28 and 384 shall apply.

29 5. Indebtedness issued pursuant to this section
30 shall constitute a debt of the governmental units
31 named in the proposal in the same proportion that the
32 cost of the project is allocated to the governmental
33 units and such indebtedness is subject to any
34 statutory or constitutional limitation on issuance of
35 debt if the debt would be subject to such limitation
36 if it were issued by a governmental unit acting alone.

37 Sec.____. Section 28E.40, Code 2003, is amended by

38 striking the section and inserting in lieu thereof the
 39 following:
 40 28E.40 JOINING COMMUNITY CLUSTER OR TERMINATING
 41 PARTICIPATION.
 42 1. A governmental unit, by resolution, may request
 43 to join an existing community cluster. The governing
 44 body of the governmental unit shall forward the
 45 resolution to the governing bodies of each
 46 governmental unit participating in the community
 47 cluster. If each of the governing bodies approves the
 48 resolution, the governmental unit is included in the
 49 community cluster and shall appoint two of the members
 50 of its governing body to the governing board of the

Page 6

1 community cluster.
 2 2. A governmental unit, by resolution, may
 3 terminate its participation in a community cluster.
 4 Immediately upon its adoption by the governing body of
 5 the governmental unit seeking termination of its
 6 participation in the community cluster, the resolution
 7 shall be forwarded to the governing board. The
 8 governing board is not empowered to deny termination
 9 but it may set a timetable, not to exceed eighteen
 10 months after adoption of the resolution, for
 11 termination to be fully effective.
 12 Sec. ____ Section 331.461, subsection 2, Code
 13 2003, is amended by adding the following new
 14 paragraph:
 15 NEW PARAGRAPH. h. Port facilities or port
 16 facilities systems, including without limitation, real
 17 and personal property, water, buildings, improvements,
 18 and equipment useful and suitable for taking care of
 19 the needs of commerce and shipping, and also including
 20 without limitation, wharves, docks, basins, piers,
 21 quay walls, warehouses, tunnels, belt railway
 22 facilities, cranes, dock apparatus, and other
 23 machinery necessary for the convenient and economical
 24 accommodation and handling of watercraft of all kinds
 25 and of freight and passengers."
 26 3. By renumbering as necessary.

WISE of Lee
 BELL of Jasper
 BERRY of Black Hawk
 BUKTA of Clinton
 COHOON of Des Moines
 CONNORS of Polk
 DANDEKAR of Linn
 DAVITT of Warren
 FOEGE of Linn

MCCARTHY of Polk
 MERTZ of Kossuth
 MILLER of Webster
 MURPHY of Dubuque
 OLDSON of Polk
 D. OLSON of Boone
 OSTERHAUS of Jackson
 PETERSEN of Polk
 QUIRK of Chickasaw

FORD of Polk
 FREVERT of Palo Alto
 GASKILL of Wapello
 GREIMANN of Story
 HEDDENS of Story
 HOGG of Linn
 HUNTER of Polk
 HUSER of Polk
 JACOBY of Johnson
 JOCHUM of Dubuque
 KUHN of Floyd
 LENSING of Johnson
 LYKAM of Scott
 MASCHER of Johnson

REASONER of Union
 SHOMSHOR of Pottawattamie
 SHOULTZ of Black Hawk
 SMITH of Marshall
 STEVENS of Dickinson
 SWAIM of Davis
 D. TAYLOR of Linn
 T. TAYLOR of Linn
 THOMAS of Clayton
 WENDT of Woodbury
 WHITAKER of Van Buren
 WHITEAD of Woodbury
 WINCKLER of Scott

H-8474

1 Amend Senate File 2298, as amended, passed, and
 2 reprinted by the Senate as follows:
 3 1. Page 166, by inserting after line 19 the
 4 following:
 5 "The division of criminal investigation and bureau
 6 of identification shall conduct a pilot project to
 7 evaluate the use of brain fingerprinting as a pretrial
 8 investigative technique, including, but not limited
 9 to, the effectiveness of brain fingerprinting as a
 10 method of reducing investigatory costs by assisting in
 11 determining whether a defendant has knowledge of
 12 specific information regarding a crime and the
 13 effectiveness of brain fingerprinting as a method of
 14 reducing trial costs by assisting the county attorney
 15 or the defendant in determining the validity of the
 16 criminal offense charged. The pilot project shall be
 17 conducted pursuant to a contract with an Iowa business
 18 that has experience using brain fingerprinting
 19 technology in actual criminal cases. The contract
 20 shall contain a provision under which the business
 21 agrees to forgo reimbursement of its expenses
 22 regarding the pilot project up to \$108,000, unless the
 23 division determines that, as a result of conducting
 24 the pilot project, the state of Iowa realizes a
 25 savings of at least \$108,000. The division, in
 26 consultation with the contracting business, shall file
 27 a report regarding the results of the pilot project
 28 with the cochairpersons and ranking members of the
 29 joint appropriations subcommittee on the justice
 30 system and the legislative services agency by January
 31 15, 2005."

HOFFMAN of Crawford

H-8489

1 Amend the amendment, H-8418, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 3, line 41, by inserting after the word
5 “appropriation” the following: “to an executive
6 branch agency other than the state board of regents”.
7 2. Page 3, line 46, by striking the words “of
8 that position” and inserting the following: “budgeted
9 for that position”.

10 3. Page 6, by inserting after line 36 the
11 following:

12 “____. Page 199, by inserting after line 34 the
13 following:

14 “Sec. ____ UNFILLED VACANCIES – STATE BOARD OF
15 REGENTS. The state board of regents shall report on
16 the policies of the institutions under the authority
17 of the state board for addressing the budget
18 ramifications associated with unfilled vacant
19 positions. If a policy does not exist, the state
20 board shall provide for implementation of such a
21 policy and report concerning the policy to the
22 government oversight committees of the senate and
23 house of representatives. The report shall be
24 submitted on or before December 15, 2004.”

25 4. By renumbering as necessary.

JENKINS of Black Hawk
STRUYK of Pottawattamie

H-8490

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 165, by inserting after line 22 the
4 following:

5 “The homeland security and emergency management
6 division shall continue working with government
7 contractors involved with homeland security to utilize
8 the Iowa communications network for homeland security
9 first responder communications and technology-related
10 research and development projects as authorized by
11 section 8D.9, as amended by this Act.”

12 2. Page 169, by inserting after line 2 the
13 following:

14 “Sec. ____ Section 8D.2, Code Supplement 2003, is
15 amended by adding the following new subsection:
16 NEW SUBSECTION. 7. “Government contractor” means
17 a contractor involved with the development, testing,
18 and manufacture of homeland security first responder
19 communication and technology-related equipment.
20 Sec. ____ Section 8D.9, Code Supplement 2003, is

21 amended by adding the following new subsection:
22 **NEW SUBSECTION.** 4. A government contractor
23 involved with homeland security may utilize the
24 network in working with educational providers and
25 federally funded training centers for homeland
26 security first responder communication and technology
27 related-research and development projects.”
28 3. By renumbering as necessary.

EICHHORN of Hamilton
TJEPKES of Webster

H-8507

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 177, line 33, by striking the figure
4 "2,000,000" and inserting the following: "2,225,000".

HOGG of Linn

H-8508

1 Amend the amendment, H-8418, to Senate File 2298,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 28 the
5 following:
6 “____. Page 63, by inserting after line 15 the
7 following:
8 “Sec.____. Section 261.9, subsection 1, paragraph
9 d, subparagraph (2), Code Supplement 2003, is amended
10 to read as follows:
11 (2) Adopt affirmative standards, which shall
12 include, but not limited to, a standard prohibiting
13 discrimination on the basis of race, creed, color,
14 religion, national origin, sex, age, or physical
15 disability.”
16 2. By renumbering as necessary.

SMITH of Marshall

H-8512

1 Amend House File 2574 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 “Section 1. Section 331.907, subsection 2, Code
5 2003, is amended to read as follows:
6 2. At the public hearing held on the county budget
7 as provided in section 331.434, the county
8 compensation board shall submit its recommended

9 compensation schedule for the next fiscal year to the
10 board of supervisors for inclusion in the county
11 budget. The board of supervisors shall review the
12 recommended compensation schedule for the elected
13 county officers and determine the final compensation
14 schedule which shall not exceed the compensation
15 schedule recommended by the county compensation board.
16 In determining the final compensation schedule, ~~if the~~
17 board of supervisors ~~wishes to~~ may reduce the amount
18 of the recommended compensation schedule, ~~but the~~
19 amount of salary increase ~~proposed~~ recommended for
20 each elected county officer shall be reduced an equal
21 percentage, except that the board of supervisors may
22 reduce the amount of salary increase recommended for
23 the office of county supervisor only. A copy of the
24 final compensation schedule shall be filed with the
25 county budget at the office of the director of the
26 department of management. The final compensation
27 schedule takes effect on July 1 following its adoption
28 by the board of supervisors.”
29 2. Title page, by striking lines 1 and 2, and
30 inserting the following: “An Act relating to”.
31 3. By renumbering as necessary.

STRUYK of Pottawattamie

H-8523

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 33, by striking the words
4 “prioritize the providing of” and inserting the
5 following: “provide”.
6 2. Page 2, line 35, by striking the words “three
7 hundred” and inserting the following: “one hundred
8 eighty-five”.
9 3. Page 3, line 16, by striking the words “three
10 hundred” and inserting the following: “one hundred
11 eighty-five”.

MASCHER of Johnson

H-8526

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 17, by inserting after the figure
4 “216.” The following: ““Qualified school” does not
5 include kindergarten.”

MASCHER of Johnson

H-8531

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 34 and 35 and
4 inserting the following:
5 "8. The tax credit in this section is only
6 available if the tax year begins in a calendar year
7 which follows a legislative session during which the
8 state percent of growth pursuant to section 257.8 was
9 set at four percent or more."

MASCHER of Johnson

H-8548

1 Amend House File 2578 as follows:

2 1. Page 36, by inserting after line 29 the
3 following:

4 "DIVISION ____
5 VISION IOWA AND COMMUNITY ATTRACTION AND TOURISM
6 PROGRAMS

7 Sec. _____. Section 8.57, subsection 5, paragraph e,
8 unnumbered paragraph 1, Code Supplement 2003, is
9 amended to read as follows:

10 Notwithstanding provisions to the contrary in
11 sections 99D.17 and 99F.11, for the fiscal year
12 beginning July 1, 2000, and for each fiscal year
13 thereafter, not more than a total of sixty million
14 dollars shall be deposited in the general fund of the
15 state in any fiscal year pursuant to sections 99D.17
16 and 99F.11. The next fifteen million dollars of the
17 moneys directed to be deposited in the general fund of
18 the state in a fiscal year pursuant to sections 99D.17
19 and 99F.11 shall be deposited in the vision Iowa fund
20 created in section 12.72 for the fiscal year beginning
21 July 1, 2000, and for each fiscal year through the
22 fiscal year beginning July 1, ~~2019~~ 2029. The next
23 five million dollars of the moneys directed to be
24 deposited in the general fund of the state in a fiscal
25 year pursuant to sections 99D.17 and 99F.11 shall be
26 deposited in the school infrastructure fund created in
27 section 12.82 for the fiscal year beginning July 1,
28 2000, and for each fiscal year thereafter until the
29 principal and interest on all bonds issued by the
30 treasurer of state pursuant to section 12.81 are paid,
31 as determined by the treasurer of state. The total
32 moneys in excess of the moneys deposited in the
33 general fund of the state, the vision Iowa fund, and
34 the school infrastructure fund in a fiscal year shall
35 be deposited in the rebuild Iowa infrastructure fund
36 and shall be used as provided in this section,

37 notwithstanding section 8.60.
 38 Sec.____. COMMUNITY ATTRACTION AND TOURISM FUND.
 39 There is appropriated from the rebuild Iowa
 40 infrastructure fund to the office of the treasurer of
 41 state for the fiscal period beginning July 1, 2005,
 42 and ending June 30, 2009, the following amounts, or so
 43 much thereof as is necessary, to be used for the
 44 purposes designated:
 45 For deposit in the community attraction and tourism
 46 fund:
 47 FY 2005-2006 \$ 10,000,000
 48 FY 2006-2007 \$ 10,000,000
 49 FY 2007-2008 \$ 12,500,000
 50 FY 2008-2009 \$ 12,500,000”

Page 2

1 2. By renumbering as necessary.

RAECKER of Polk
 FREEMAN of Buena Vista

H-8549

1 Amend House File 2577 as follows:
 2 1. Page 8, by inserting after line 9 the
 3 following:
 4 “Sec.____. Section 216B.3, Code Supplement 2003,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 18. Plan, establish, administer,
 7 and promote a statewide program to provide audio news
 8 and information services to blind or visually impaired
 9 persons residing in this state.
 10 a. The commission may enter into necessary
 11 contracts and arrangements with the national
 12 federation for the blind to provide for the delivery
 13 of newspapers over the telephone, furnished by the
 14 national federation for the blind.
 15 b. The commission may enter into necessary
 16 contracts and arrangements with the Iowa radio reading
 17 information service for the blind and print
 18 handicapped to provide for the delivery of newspapers,
 19 magazines, and other printed materials over the radio,
 20 furnished by the Iowa radio reading information
 21 service for the blind and print handicapped.
 22 Sec.____. Section 216B.4, unnumbered paragraph 1,
 23 Code 2003, is amended to read as follows:
 24 The director may accept financial aid from the
 25 government of the United States for carrying out
 26 rehabilitation and physical restoration of the blind
 27 and for providing library, news, and information
 28 services to persons who are blind and persons with

29 physical disabilities.”

30 2. Page 8, by inserting after line 21, the
31 following:

32 “Sec. _____. CONTINGENT EFFECTIVE DATE. The section
33 of this Act establishing an audio news and information
34 services program shall take effect only if funding is
35 specifically appropriated to the department for the
36 blind for that purpose. The department for the blind
37 shall notify the Code editor if such an appropriation
38 is made.”

39 3. Title page, line 3, by inserting after the
40 word “date” the following: “and providing a
41 contingent effective date”.

CARROLL of Poweshiek

H-8557

1 Amend the amendment, H-8361, to House File 2455 as
2 follows:

3 1. Page 2, line 6, by inserting after the word
4 “work” the following: “as a licensed master social
5 worker or a licensed independent social worker”.

6 2. Page 2, line 9, by inserting after the word
7 “therapy” the following: “or mental health
8 counseling”.

9 3. Page 2, by inserting after line 9 the
10 following:

11 “ _____. An advanced registered nurse practitioner
12 licensed pursuant to chapter 152 who specializes in
13 adult psychiatric services.”

14 4. By renumbering as necessary.

SMITH of Marshall
UPMEYER of Hancock

H-8559

1 Amend House File 2578 as follows:

2 1. Page 14, by inserting after line 28 the
3 following:

4 "Sec. _____. USE OF REAP FUNDS FOR LAKEFRONT
5 PROPERTY RESTRICTED. Resources enhancement and
6 protection fund moneys shall not be used for the
7 purchase of lakefront property that is being used for
8 commercial purposes prior to its purchase."

9 2. Page 15, by inserting after line 10 the
10 following:

11 "Sec. _____. EFFECTIVE DATE. The section of this
12 division of this Act restricting the use of resources
13 enhancement and protection fund moneys for the
14 purchase of certain lakefront property, being deemed

15 of immediate importance, takes effect upon enactment."

16 3. By renumbering as necessary.

RAYHONS of Hancock
MERTZ of Kossuth
HUSEMAN of Cherokee
ARNOLD of Lucas
FREEMAN of Buena Vista

COHOON of Des Moines
WATTS of Dallas
WHITEAD of Woodbury
JACOBY of Johnson

H-8560

1 Amend House File 2577 as follows:

2 1. Page 4, by inserting after line 12, the
3 following:

4 "____. For the just eliminate lies program under
5 the tobacco use prevention and control initiative, in
6 addition to any other funds appropriated for that
7 purpose:

8 \$ 60,000"

9 2. Page 6, line 11, by striking the figure
10 "980,000" and inserting the following: "920,000".

11 3. Page 6, line 27, by striking the figure
12 "370,000" and inserting the following: "310,000".

13 4. By renumbering, redesignating, and correcting
14 internal references as necessary.

SMITH of Marshall
D. OLSON of Boone

LENSING of Johnson
FOEGE of Linn

H-8563

1 Amend House File 2578 as follows:

2 1. Page 19, by inserting after line 2 the
3 following:

4 "Sec. ____ GENERAL FUND TRANSFER – CASA PROGRAM.
5 Of the amount appropriated from the general fund of
6 the state for the fiscal year beginning July 1, 2004,
7 in 2004 Iowa Acts, Senate File 2298, Division I, to
8 the department of management for federal overrecovery,
9 \$400,000 shall be transferred to the department of
10 inspections and appeals, child advocacy board, to be
11 used to address a federal funding reduction affecting
12 the court appointed special advocate program."

13 2. By renumbering as necessary.

EICHHORN of Hamilton

H-8565

1 Amend the committee amendment, H-8352, to Senate
2 File 449, as amended, passed, and reprinted by the

3 Senate, as follows:

4 1. Page 1, by inserting after line 25 the
5 following:

6 "Sec. ____ Section 437A.6, subsection 1, paragraph
7 c, Code 2003, is amended to read as follows:

8 c. Wind energy conversion property subject to
9 section 427B.26 or eligible for a tax credit under
10 chapter 476B."

11 2. Page 3, by striking lines 4 through 7 and
12 inserting the following:

13 "In addition, approval of the application is
14 acceptance by the applicant for the assessment of the
15 qualified facility for property tax purposes for a
16 period of twelve years and approval by the board of
17 supervisors for the payment of the property taxes
18 levied on the qualified property to the state. For
19 purposes of property taxation, the qualified facility
20 shall be centrally assessed and shall be exempt from
21 any replacement tax under section 437A.6 for the
22 period during which the facility is subject to
23 property taxation. The property taxes to be paid to
24 the state are".

KURTENBACH of Story

H-8572

1 Amend House File 2578 as follows:

2 1. Page 22, by inserting after line 19 the
3 following:

4 "Sec. ____ Section 99F.1, subsection 7A, if
5 enacted by 2004 Iowa Acts, House File 2302, is amended
6 to read as follows:

7 7A. "Excursion boat" means a self-propelled,
8 floating vessel that is or has been previously
9 certified ~~by the United States coast guard~~ for
10 operation as a vessel."

11 2. By renumbering as necessary.

RAECKER of Polk

H-8576

1 Amend House File 2578 as follows:

2 1. Page 2, by inserting after line 28 the
3 following:

4 "____. DEPARTMENT OF CULTURAL AFFAIRS

5 For continuation of the project recommended by the
6 Iowa battle flag advisory committee to stabilize the
7 condition of the battle flag collection,
8 notwithstanding section 8.57, subsection 5, paragraph
9 "c";

10 FY 2004-2005 \$ 100,000”
11 2. By renumbering, redesignating, and correcting
12 internal references as necessary.

BOAL of Polk

H-8580

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 17, by inserting after line 38 the
5 following:
6 “Sec. ____ Section 99F.7, subsection 6, Code 2003,
7 is amended to read as follows:
8 6. It is the intent of the general assembly that
9 employees be paid at least twenty-five percent above
10 the federal minimum wage level. However, full-time
11 employees at a facility of a licensee issued a new
12 license to conduct gambling games on or after July 1,
13 2004, shall be paid wages no less than one hundred
14 percent of the average regional wage where the
15 facility is located, as determined by the department
16 of economic development.”
17 2. By renumbering as necessary.

CARROLL of Poweshiek

H-8584

1 Amend House File 2578 as follows:
2 1. Page 19, by inserting after line 2 the
3 following:
4 “Sec. ____ GENERAL FUND TRANSFER – CHILD ADVOCACY
5 BOARD. Of the amount appropriated from the general
6 fund of the state for the fiscal year beginning July
7 1, 2004, in 2004 Iowa Acts, Senate File 2298, Division
8 I, to the department of management for federal
9 overrecovery, \$400,000 shall be transferred to the
10 department of inspections and appeals, child advocacy
11 board, to be used to address a federal funding
12 reduction affecting the child advocacy board.”
13 2. By renumbering as necessary.

EICHHORN of Hamilton

H-8586

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 15, line 15, by striking the words "each

5 agreement" and inserting the following: "agreements".

6 2. Page 15, line 16, by inserting after the word
7 "purses" the following: ", subject to commission
8 approval".

9 3. Page 15, lines 22 and 23, by striking the
10 words ", subject to commission approval." and
11 inserting the following: "Agreements concerning
12 horse purses for a particular period of time beginning
13 on or after January 1, 2006, and ending before January
14 1, 2021, that are subject to commission approval.
15 shall be jointly submitted to the commission for
16 approval."

RAECKER of Polk
SANDS of Louisa

H-8590

1 Amend House File 2578 as follows:

2 1. Page 6, by striking lines 16 through 18 and
3 inserting the following: "For grants awarded under
4 the home modification grant program for veterans
5 created in section 35A.13, as enacted by this division
6 of this Act, notwithstanding section 8.57, subsection
7 5, paragraph "c":"

8 2. Page 7, by inserting after line 7 the
9 following:

10 "Sec. ____ NEW SECTION. 35A.13 HOME MODIFICATION
11 GRANT PROGRAM FOR VETERANS.

12 1. For the purposes of this section, "veteran"
13 means the same as defined in section 35.1 or a
14 resident of this state who served in the armed forces
15 of the United States, completed a minimum aggregate of
16 ninety days of active federal service, and was
17 discharged under honorable conditions.

18 2. A veterans home modification grant program is
19 created under the control of the commission. The
20 veterans home modification grant program shall provide
21 grants to veterans who have a service-connected,
22 permanent disability, rating less than fifty percent
23 as verified by the United States department of
24 veterans affairs or a branch of the United States
25 armed forces. Grants shall be awarded for home
26 modifications that are designed to meet the needs of
27 the veteran with the disability who will be residing
28 in the home.

29 3. It is the intent of the general assembly that
30 the program be equitably accessible to eligible
31 veterans throughout the state.

32 4. The commission shall adopt rules pursuant to
33 chapter 17A to administer the program.

34 a. The rules shall establish criteria for the

35 awarding of grants, including the maximum amount
36 available per grant. In determining the maximum
37 amount available per grant, the commission shall
38 consider the number of potential recipients statewide.
39 b. The rules shall provide that eligible
40 modifications may include but are not limited to any
41 of the following:
42 (1) Bathroom modifications.
43 (2) Installation of grab bars and handrails.
44 (3) Kitchen modifications.
45 (4) Lifting devices.
46 (5) Main-level bathroom or bedroom additions.
47 (6) Ramp additions or repair.
48 (7) Sidewalk additions or repair.
49 (8) The widening of doorways or hallways.
50 c. The rules shall specify the types of eligible

Page 2

1 residences, which shall include but are not limited to
2 single-family residences owned by the veteran.
3 d. The rules shall provide for a waiting list
4 system to be instituted if the total amount of the
5 grants awarded in a fiscal year exceeds available
6 funding for that fiscal year."
7 3. By renumbering as necessary.

COHOON of Des Moines
WHITAKER of Van Buren

H-8593

1 Amend the Senate amendment, H-8568, to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 28, by inserting after line 37 the
5 following:
6 "Sec.____. LICENSE ISSUANCE REQUIREMENTS – FIFTY-
7 MILE LIMIT. If an application for issuance of a new
8 license to conduct gambling games as provided by
9 chapter 99F is submitted to the commission after July
10 1, 2004, and the application is for a facility to be
11 located within fifty miles of a facility to which a
12 license to conduct pari-mutuel wagering at a horse
13 racetrack enclosure has been issued by July 1, 2004,
14 the licensee of the existing facility shall be offered
15 the right to apply for and to be issued the license
16 for the facility proposed in the application prior to
17 issuance of the license to the nonlicensee applicant."
18 2. By renumbering as necessary.

HUSER of Polk
OLDSON of Polk
FORD of Polk

WISE of Lee
PETERSEN of Polk
MERTZ of Kossuth

H-8594

1 Amend House File 2578 as follows:

2 1. Page 2, by inserting after line 28 the
3 following:

4 “____. DEPARTMENT OF CULTURAL AFFAIRS

5 For historical site preservation grants, to be used
6 for the restoration, preservation, and development of
7 historical sites, notwithstanding section 8.57,
8 subsection 5, paragraph “c”:

9 \$ 300,000

10 The department shall give priority in awarding
11 grants to projects for historic landmarks and
12 preserving railroad history.”

13 2. By renumbering as necessary.

WENDT of Woodbury
WHITEAD of Woodbury

H-8598

1 Amend the amendment, H-8590, to House File 2578 as
2 follows:

3 1. Page 1, by striking lines 35 through 38 and
4 inserting the following: “awarding of grants,
5 including but not limited to a maximum grant amount of
6 two thousand five hundred dollars per recipient.”

COHOON of Des Moines

H-8606

1 Amend House File 2231, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 17, and
4 inserting the following:

5 “Sec.____. Section 692A.13, subsection 3,
6 unnumbered paragraph 1, Code Supplement 2003, is
7 amended to read as follows:

8 The department or a criminal or juvenile justice
9 agency may release relevant information from the
10 registry ~~except as otherwise provided in section~~
11 ~~692A.13A, subsection 3,~~ to members of the general
12 public concerning a specific person who is required to
13 register under this chapter as follows:

14 Sec.____. Section 692A.13, subsection 3, paragraph
15 c, Code Supplement 2003, is amended to read as
16 follows:

17 c. ~~Upon the appropriation of sufficient funds, the~~
18 The department shall provide electronic access to
19 relevant information from the registry for ~~the~~
20 ~~following:~~

~~(1) Persons persons~~ who commit a criminal offense against a minor, an aggravated offense, sexual exploitation, a sexually violent offense, or an other relevant offense on or after July 1, 1999, ~~and who have been assessed to be "moderate risk" or "high risk".~~

~~(2) Persons who committed an offense prior to July 1, 1999, and who have been assessed to be "moderate risk" or "high risk" and whose opportunity to request a hearing regarding the assessment of risk has lapsed.~~

Sec.____. AVAILABILITY OF RECORDS – PRIOR TO EFFECTIVE DATE OF THIS ACT.”

2. Page 1, line 18, by striking the words “The department” and inserting the following:
“Notwithstanding sections 692A.13 and 692A.13A, for a sex offender required to register as a sex offender prior to the effective date of this Act, the department of public safety”.

3. By striking page 3, line 3, through page 4, line 9, and inserting the following:
“Sec.____. The department of public safety is not required to implement sections 692A.13 and 692A.13A for a sex offender required to register as a sex offender prior to the effective date of this Act, but is required to implement sections 692A.13 and 692A.13A for a sex offender newly required to register as a sex offender on and after the effective date of this Act.”

Senate Amendment

H-8610

Amend House File 2578 as follows:

1. Page 24, by inserting after line 28 the following:

"Sec.____. NEW SECTION. 422.65A ALLOCATION OF REVENUE.

1. For the fiscal year beginning July 1, 2005, and ending June 30, 2006, and for each fiscal year thereafter, the first seven million five hundred thousand dollars received from the franchise tax shall be deposited into the rebuild Iowa infrastructure fund created in section 8.57, and the remainder of the moneys received from the franchise tax shall be deposited in the general fund of the state.

2. The moneys deposited in the rebuild Iowa infrastructure fund pursuant to subsection 1 are appropriated to the community attraction and tourism fund to be used as provided in section 15F.204."

2. By renumbering as necessary.

DIX of Butler
SANDS of Louisa

H-8616

1 Amend House File 2578 as follows:

2 1. Page 20, by inserting after line 27 the
3 following:

4 "Sec. ____ Section 8.57, subsection 5, Code
5 Supplement 2003, is amended by adding the following
6 new paragraph:

7 NEW PARAGRAPH. G. Notwithstanding any other
8 provision to the contrary, and prior to the
9 appropriation of moneys from the rebuild Iowa
10 infrastructure fund pursuant to paragraph "c", and
11 section 8.57A, subsection 4, moneys shall first be
12 appropriated from the rebuild Iowa infrastructure fund
13 to the vertical infrastructure fund as provided in
14 section 8.57B, subsection 4.

15 Sec. ____ NEW SECTION. 8.57B VERTICAL
16 INFRASTRUCTURE FUND.

17 1. A vertical infrastructure fund is created under
18 the authority of the department of management. The
19 fund shall consist of appropriations made to the fund
20 and transfers of interest, earnings, and moneys from
21 other funds as provided by law. The fund shall be
22 separate from the general fund of the state and the
23 balance in the fund shall not be considered part of
24 the balance of the general fund of the state.
25 However, the fund shall be considered a special
26 account for the purposes of section 8.53, relating to
27 generally accepted accounting principles.

28 2. Notwithstanding section 12C.7, subsection 2,
29 interest or earnings on moneys in the vertical
30 infrastructure fund shall be credited to the rebuild
31 Iowa infrastructure fund.

32 3. Moneys in the fund in a fiscal year shall be
33 used as appropriated by the general assembly for
34 public vertical infrastructure projects. For the
35 purposes of this section, "vertical infrastructure"
36 includes only land acquisition and construction, major
37 renovation, and major repair of buildings, all
38 appurtenant structures, utilities, and site
39 development. "Vertical infrastructure" does not
40 include routine, recurring maintenance, debt service,
41 or operational expenses or leasing of a building,
42 appurtenant structure, or utility without a lease-
43 purchase agreement.

44 4. There is appropriated from the rebuild Iowa
45 infrastructure fund to the vertical infrastructure
46 fund, the following:

47 a. For the fiscal year beginning July 1, 2005, and
48 ending June 30, 2006, the sum of twenty-five million
49 dollars.

50 b. For the fiscal year beginning July 1, 2006, and

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- 1 ending June 30, 2007, the sum of fifty million
- 2 dollars.
- 3 c. For the fiscal year beginning July 1, 2007, and
- 4 ending June 30, 2008, the sum of seventy-five million
- 5 dollars.
- 6 d. For the fiscal year beginning July 1, 2008, and
- 7 each fiscal year thereafter, the sum of one hundred
- 8 million dollars.”
- 9 2. By renumbering as necessary.

THOMAS of Clayton

H-8619

- 1 Amend the amendment, H-8601, to House File 2578 as
- 2 follows:
- 3 1. Page 1, by inserting after line 43 the
- 4 following:
- 5 “The department shall give priority in awarding
- 6 grants to projects for historic landmarks and
- 7 preserving railroad history.”

WENDT of Woodbury
WHITEAD of Woodbury

H-8620

- 1 Amend the amendment, H-8601, to House File 2578 as
- 2 follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 “____. Page 3, by inserting after line 27 the
- 6 following:
- 7 “____. IOWA FINANCE AUTHORITY
- 8 For deposit in the housing trust fund created in
- 9 section 16.181, notwithstanding section 8.57,
- 10 subsection 5, paragraph “c”:
- 11 FY 2004-2005 \$ 800,000”
- 12 2. Page 3, by striking lines 6 through 16.
- 13 3. By renumbering as necessary.

COHOON of Des Moines

H-8624

- 1 Amend the amendment, H-8546, to House File 2578 as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word “seven”
- 4 and inserting the following: “nine”.
- 5 2. Page 1, line 16, by striking the word “seven”

6 and inserting the following: “nine”.
7 3. Page 1, line 18, by striking the word “seven”
8 and inserting the following: “nine”.
9 4. Page 1, by inserting after line 31 the
10 following:
11 “(5) One member representing the Iowa
12 environmental council.
13 (6) One member representing the Iowa chapter of
14 the sierra club.”

KUHN of Floyd

H-8626

1 Amend the amendment, H-8601, to House File 2578 as
2 follows:
3 1. Page 3, by striking lines 6 through 16.
4 2. By renumbering as necessary.

COHOON of Des Moines

H-8628

1 Amend the Senate amendment, H-8608 to House File
2 2577 as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 1, by inserting after line 2 the
5 following:
6 “____. Page 8, by inserting after line 9 the
7 following:
8 “Sec.____. Section 142A.4, Code 2003, is amended
9 by adding the following new subsection:
10 NEW SUBSECTION. 12A. Represented by the
11 chairperson of the commission, annually appear before
12 the joint appropriations subcommittee that makes
13 recommendations concerning the commission’s budget to
14 report on budget expenditures and division operations
15 relative to the prior fiscal year and the current
16 fiscal year.
17 Sec.____. Section 142A.5, subsection 1, paragraph
18 b, Code Supplement 2003, is amended to read as
19 follows:
20 b. Employ a separate division administrator in a
21 full-time equivalent position who shall be responsible
22 for the administration and oversight of the division.
23 The division administrator shall report to and shall
24 serve at the pleasure of the director. The
25 administrator shall be exempt from the merit system
26 provisions of chapter 8A, subchapter IV.
27 Sec.____. Section 142A.5, subsection 2, Code
28 Supplement 2003, is amended by adding the following
29 new paragraph:

- 30 NEW PARAGRAPH. G. Provide necessary information
31 to the commission to assist the commission in making
32 its annual report to the joint appropriations
33 subcommittee pursuant to section 142A.4, subsection
34 12A.”
35 2. By striking page 1, line 45, through page 2,
36 line 6.
37 3. By renumbering as necessary.

HEATON of Henry
SMITH of Marshall

H-8632

- 1 Amend the amendment, H-8570, to Senate File 2305,
2 as passed by the Senate, as follows:
3 1. By striking page 1, line 3, through page 2,
4 line 26, and inserting the following:
5 “____. By striking page 1, line 24, through page
6 3, line 30.
7 ____ Page 4, by striking lines 27 through 31, and
8 inserting the following:
9 “Sec.____. The section of this Act enacting
10 section 422.12F applies retroactively to”.
11 ____ Title page, by striking lines 3 through 6
12 and inserting the following: “preparedness, and
13 including a retroactive applicability provision.””
14 2. By renumbering as necessary.

JOCHUM of Dubuque
WINCKLER of Scott

H-8636

- 1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 179, by inserting after line 19 the
4 following:
5 "Sec.____. Section 8.22A, subsection 3, Code
6 Supplement 2003, is amended to read as follows:
7 3. By December 15 of each fiscal year the
8 conference shall agree to a revenue estimate for the
9 fiscal year beginning the following July 1. That
10 estimate shall be used by the governor in the
11 preparation of the budget message under section 8.22
12 and by the general assembly in the budget process. If
13 the conference agrees to a different estimate at a
14 later meeting which projects a greater amount of
15 revenue than the initial estimate amount agreed to by
16 December 15, the governor and the general assembly
17 shall continue to use the initial estimate amount in
18 the budget process for that fiscal year. However, if

19 the conference agrees to a different estimate at a
20 later meeting which projects a lesser amount of
21 revenue than the initial estimate amount, the governor
22 and the general assembly shall use the lesser amount
23 in the budget process for that fiscal year. As used
24 in this subsection, "later meeting" means only those
25 later meetings which are held prior to the conclusion
26 of the regular session of the general assembly and, if
27 the general assembly holds an extraordinary session
28 prior to the commencement of the fiscal year to which
29 the estimate applies, those later meetings which are
30 held before or during the extraordinary session.

31 Sec. _____. Section 8.54, subsection 2, Code 2003,
32 is amended to read as follows:

33 2. There is created a state general fund
34 expenditure limitation for each fiscal year ~~beginning~~
35 ~~on or after July 1, 1993,~~ calculated as provided in
36 this section. An expenditure limitation shall be used
37 for the portion of the budget process commencing on
38 the date the revenue estimating conference agrees to a
39 revenue estimate for the following fiscal year in
40 accordance with section 8.22A, subsection 3, and
41 ending with the governor's final approval or
42 disapproval of the appropriations bills applicable to
43 that fiscal year that were passed prior to July 1 of
44 that fiscal year in a regular or extraordinary
45 legislative session."

46 2. By striking page 183, line 32 through page
47 184, line 9, and inserting the following:

48 "Sec. _____. Section 257.8, subsection 1, Code
49 Supplement 2003, is amended to read as follows:

50 1. STATE PERCENT OF GROWTH. ~~The state percent of~~

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1 ~~growth for the budget year beginning July 1, 2003, is~~
2 ~~two percent.~~ The state percent of growth for the
3 budget year beginning July 1, 2004, is two percent.
4 The state percent of growth for the budget year
5 beginning July 1, 2005, is four percent. The state
6 percent of growth for each subsequent budget year
7 shall be established by statute which shall be enacted
8 within thirty days of the submission in ~~the year~~
9 ~~preceding~~ the base year of the governor's budget under
10 section 8.21. The establishment of the state percent
11 of growth for a budget year shall be the only subject
12 matter of the bill which enacts the state percent of
13 growth for a budget year."

14 3. Page 204, by inserting after line 34 the
15 following:

16 "6. The sections of this division of this Act
17 amending sections 822A and 8.54, being deemed of

18 immediate importance, take effect upon enactment."

TYMESON of Madison
DOLECHECK of Ringgold
CHAMBERS of O'Brien
DIX of Butler
ALONS of Sioux
BOAL of Polk
BODDICKER of Cedar
BOGGESE of Page
CARROLL of Poweshiek
DENNIS of Black Hawk
DRAKE of Pottawattamie
ELGIN of Linn
FREEMAN of Buena Vista
GRANZOW of Hardin
GREINER of Washington
HAHN of Muscatine
HEATON of Henry
HOFFMAN of Crawford
HORNBACH of Tama

HUSEMAN of Cherokee
HUTTER of Scott
JACOBS of Polk
JENKINS of Black Hawk
JONES of Mills
KRAMER of Polk
LUKAN of Dubuque
MADDOX of Polk
MANTERNACH of Jones
S. OLSON of Clinton
RAECKER of Polk
ROBERTS of Carroll
SCHICKEL of Cerro Gordo
STRUYK of Pottawattamie
TJEPKES of Webster
UPMEYER of Hancock
J.R. VAN FOSSEN of Scott
WILDERDYKE of Harrison

H-8644

1 Amend House File 2582 as follows:
2 1. Page 1, line 34, by striking the figure
3 "61,045,652" and inserting the following:
4 "20,045,652".
5 2. Page 2, line 1, by striking the figure
6 "36,915,343" and inserting the following:
7 "20,045,652".
8 3. Page 3, by inserting after line 16 the
9 following:
10 "k. (1) To the department of education for
11 additional state aid to school districts:
12 \$ 41,000,000
13 (2) The amount appropriated in subparagraph (1)
14 shall be allocated to school districts based upon each
15 school district's budget enrollment, as defined in
16 section 257.6, for the school budget year beginning
17 July 1, 2004, to the total budget enrollment for all
18 school districts for the school budget year beginning
19 July 1, 2004.
20 (3) Moneys received by a school district pursuant
21 to this lettered paragraph "k" shall be considered
22 miscellaneous income."

FALLON of Polk

H-8645

1 Amend House File 2581 as follows:

1. Page 14, lines 16 and 17, by striking the words and figures “and as amended by Pub. L. No. 108-27, section 202.”.

2. Page 14, by inserting after line 17 the following:

“Sec. __. Section 422.7, Code Supplement 2003, is amended by adding the following new subsection:
NEW SUBSECTION. 38A. a. The increase in the expensing allowance authorized in section 179(b) of the Internal Revenue Code, as amended by Pub. L. No. 108-27, section 202, does not apply in computing net income for state tax purposes. If the taxpayer has taken such allowance in computing taxable income, the following adjustments shall be made:

(1) Add the total amount of expensing allowance taken on all property under section 179(b) of the Internal Revenue Code for the tax year.
(2) Subtract an amount equal to the amount of expensing allowance that would be allowed for property that qualified for the expensing allowance under section 179(b) prior to enactment of Pub. L. No. 108-27, section 202.

(3) Any other adjustments to gains or losses to reflect the adjustments made in subparagraphs (1) and (2) pursuant to rules adopted by the director.

b. The increase in the expensing allowance authorized in section 179(b) of the Internal Revenue Code, as amended by Pub. L. No. 108-27, shall apply in computing net income for state tax purposes, but only for qualified property acquired after the effective date of this division of this Act, and before January 1, 2006. For property acquired on or before the effective date of this division of this Act, if the taxpayer has taken the increased deduction allowed in section 179(b), as amended by Pub. L. No. 108-27, in computing federal adjusted gross income, the adjustments in paragraph “a” shall be made.”

3. Page 15, line 6, by inserting after the word “purposes.” the following: “but only”.

4. Page 15, line 7, by striking the word and figures “May 5, 2003” and inserting the following: “the effective date of this division of this Act”.

5. Page 15, by inserting after line 7, the following: “For property acquired after May 5, 2003, and on or before the effective date of this division of this Act, if the taxpayer has taken the deduction allowed in section 168(k)(4), as enacted by Pub. L. No. 108-27, in computing federal adjusted gross income, the adjustments in paragraph “a” shall be

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1 made.”

2 6. Page 15, lines 14 and 15, by striking the
3 words and figures “and as amended by Pub. L. No. 108-
4 27, section 202.”.

5 7. Page 15, by inserting after line 15 the
6 following:

7 “Sec. __. Section 422.35, Code Supplement 2003,
8 is amended by adding the following new subsection:
9 NEW SUBSECTION. 18A. a. The increase in the
10 expensing allowance authorized in section 179(b) of
11 the Internal Revenue Code, as amended by Pub. L. No.
12 108-27, section 202, does not apply in computing net
13 income for state tax purposes. If the taxpayer has
14 taken such allowance in computing taxable income, the
15 following adjustments shall be made:

16 (1) Add the total amount of expensing allowance
17 taken on all property under section 179(b) of the
18 Internal Revenue Code for the tax year.

19 (2) Subtract an amount equal to the amount of
20 expensing allowance that would be allowed for property
21 that qualified for the expensing allowance under
22 section 179(b) prior to enactment of Pub. L. No. 108-
23 27, section 202.

24 (3) Any other adjustments to gains or losses to
25 reflect the adjustments made in subparagraphs (1) and
26 (2) pursuant to rules adopted by the director.

27 b. The increase in the expensing allowance
28 authorized in section 179(b) of the Internal Revenue
29 Code, as amended by Pub. L. No. 108-27, shall apply in
30 computing net income for state tax purposes, but only
31 for qualified property acquired after the effective
32 date of this division of this Act, and before January
33 1, 2006. For property acquired on or before the
34 effective date of this division of this Act, if the
35 taxpayer has taken the deduction allowed in section
36 179(b), as amended by Pub. L. No. 108-27, in computing
37 federal adjusted gross income, the adjustments in
38 paragraph “a” shall be made.”

39 8. Page 16, line 4, by inserting after the word
40 “purposes.” the following: “but only”.

41 9. Page 16, line 5, by striking the word and
42 figures “May 5, 2003” and inserting the following:
43 “the effective date of this division of this Act”.

44 10. Page 16, by inserting after line 5, the
45 following: “For property acquired after May 5, 2003,
46 and on or before the effective date of this division
47 of this Act, if the taxpayer has taken the deduction
48 allowed in section 168(k)(4), as enacted by Pub. L.
49 No. 108-27, in computing federal adjusted gross
50 income, the adjustments in paragraph “a” shall be

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1 made.
2 11. Page 16, line 10, by striking the word
3 "amending" and inserting the following: "enacting".
4 12. Page 16, by striking line 11 and inserting
5 the following: "sections 422.7, subsection 38A, and
6 422.35, subsection 18A, apply".

HUNTER of Polk

H-8647

1 Amend House File 2582 as follows:
2 1. By striking page 1, line 18, through page 4,
3 line 9, and inserting the following:
4 "Sec.____. 2003 IOWA ACTS, HOUSE FILE 683 --
5 APPROPRIATIONS. 2003 Iowa Acts, First Extraordinary
6 Session, chapter 2, sections 65 through 75, are
7 repealed. However, to the extent an appropriation
8 made in this division of this Act is made for the same
9 purpose as an appropriation made in 2003 Iowa Acts,
10 First Extraordinary Session, chapter 2, sections 65
11 through 75, action taken pursuant to 2003 Iowa Acts,
12 First Extraordinary Session, chapter 2, sections 65
13 through 75, shall be considered valid and enforceable.
14 Sec.____. NEW SECTION. 15G.111 ECONOMIC
15 DEVELOPMENT APPROPRIATIONS FROM GROW IOWA VALUES FUND.
16 1. MARKETING DEVELOPMENT. There is appropriated
17 from the fund to the department for the designated
18 fiscal years, the following amounts, or so much
19 thereof as is necessary, to be used for the purpose
20 designated:
21 For implementing and administering the marketing
22 strategy approved under this chapter by the economic
23 development marketing board:
24 a. FY 2003-2004 \$ 2,244,826
25 b. FY 2004-2005 \$ 7,500,000
26 c. FY 2005-2006..... \$ 10,000,000
27 2. DEPARTMENTAL PROGRAMS.
28 a. There is appropriated from the fund to the
29 department for the designated fiscal years, the
30 following amounts, or so much thereof as is necessary,
31 to be used for the purpose designated:
32 For programs administered by the department:
33 (1) FY 2003-2004..... \$ 38,006,883
34 (2) FY 2004-2005..... \$ 41,000,000
35 (3) FY 2005-2006..... \$ 44,000,000
36 (4) FY 2006-2007..... \$ 48,000,000
37 b. The board shall allocate a percentage of each
38 appropriation made in this subsection for each of the
39 following types of activities:

- 40 (1) Business start-ups.
 41 (2) Business expansion.
 42 (3) Business modernization.
 43 (4) Business attraction.
 44 (5) Business retention.
 45 (6) Marketing.
 46 c. An applicant for moneys appropriated in this
 47 subsection shall be required by the department to
 48 include in the application a statement regarding the
 49 intended return on investment. A recipient of moneys
 50 appropriated in this subsection shall annually submit

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- 1 a statement to the department regarding the progress
 2 achieved on the intended return on investment stated
 3 in the application. The department, in cooperation
 4 with the department of revenue, shall develop a method
 5 of identifying and tracking each new job created
 6 through financial assistance from moneys appropriated
 7 in this subsection.
 8 d. The department may use moneys appropriated in
 9 this subsection to procure technical assistance from
 10 either the public or private sector, for information
 11 technology purposes, and for rail, air, or river port
 12 transportation-related purposes. The use of moneys
 13 appropriated for rail, air, or river port
 14 transportation-related purposes must be directly
 15 related to an economic development project and the
 16 moneys must be used to leverage other financial
 17 assistance moneys.
 18 e. Of the moneys appropriated in this subsection,
 19 the department may use one-half of one percent for
 20 administrative purposes.
 21 f. The applications for financial assistance from
 22 moneys appropriated in this subsection are subject to
 23 action of the board approving or denying the
 24 applications.
 25 3. LOAN AND CREDIT GUARANTEE FUND. There is
 26 appropriated from the fund to the department for the
 27 designated fiscal years, the following amounts, or so
 28 much thereof as is necessary, to be used for the
 29 purpose designated:
 30 For deposit in the loan and credit guarantee fund
 31 created in section 15E.227:
 32 a. FY 2003-2004 \$ 2,489,800
 33 b. FY 2004-2005 \$ 5,000,000
 34 c. FY 2005-2006..... \$ 7,500,000
 35 d. FY 2006-2007 \$ 7,500,000
 36 4. ENDOW IOWA GRANTS. There is appropriated from
 37 the fund to the department for the designated fiscal
 38 years, the following amounts, or so much thereof as is

39 necessary, to be used for the purpose designated:
40 For providing endow Iowa grants to lead
41 philanthropic entities pursuant to section 15E.304:
42 a. FY 2004-2005\$ 250,000
43 b. FY 2005-2006\$ 250,000
44 c. FY 2006-2007.....\$ 500,000
45 5. PARKS.
46 a. There is appropriated from the fund to the
47 board for the designated fiscal years, the following
48 amounts, or so much thereof as is necessary, to be
49 used for the purpose designated:
50 For the purpose of providing financial assistance

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1 for projects in targeted state parks and destination
2 parks:
3 (1) FY 2003-2004.....\$ 500,00
4 (2) FY 2004-2005.....\$ 0
5 (3) FY 2005-2006.....\$ 0
6 (4) FY 2006-2007.....\$ 500,00
7 b. The department of natural resources, in
8 cooperation with the department of economic
9 development, shall submit a plan to the grow Iowa
10 values board for the expenditure of moneys
11 appropriated in this subsection. The plan shall focus
12 on improving state parks and destination parks for
13 economic development purposes. Based on the report
14 submitted, the grow Iowa values board shall provide
15 financial assistance to the department of natural
16 resources for support of state parks and destination
17 parks.
18 6. ONE-YEAR CARRYOVER. Notwithstanding section
19 8.33, moneys appropriated in this section that remain
20 unencumbered or unobligated at the close of the fiscal
21 year shall not revert but shall remain available for
22 expenditure for the purposes designated until the
23 close of the succeeding fiscal year.
24 Sec.____. NEW SECTION. 15G.112 UNIVERSITY AND
25 COLLEGE FINANCIAL ASSISTANCE APPROPRIATIONS FROM GROW
26 IOWA VALUES FUND.
27 1. There is appropriated from the fund to the
28 board for the designated fiscal years, the following
29 amounts, or so much thereof as is necessary, to be
30 used for the purposes designated:
31 For financial assistance for institutions of higher
32 learning under the control of the state board of
33 regents and for accredited private institutions as
34 defined in section 261.9 for multiuse, goods
35 manufacturing processes approved by the food and drug
36 administration of the United States department of
37 health and human services; protein purification

38 facilities for plant, animal, and chemical
39 manufactured proteins; accelerating new business
40 creation; innovation accelerators and business parks;
41 incubator facilities; upgrading food and drug
42 administration drug approval laboratories in Iowa City
43 to a larger multiclient, goods manufacturing processes
44 facility; crop and animal livestock facilities for the
45 growing of transgenic crops and livestock, protein
46 extraction facilities, containment facilities, and
47 bioanalytical, biochemical, chemical, and
48 microbiological support facilities; a national center
49 for food safety and security; and advanced laboratory
50 space;

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1 a. FY 2003-2004 \$ 6,000,00
2 b. FY 2004-2005 \$ 7,000,00
3 c. FY 2005-2006 \$ 7,000,00
4 d. FY 2006-2007 \$ 7,000,00
5 2. Notwithstanding section 8.33, moneys
6 appropriated in this section that remain unencumbered
7 or unobligated at the close of the fiscal year shall
8 not revert but shall remain available for expenditure
9 for the purposes designated until the close of the
10 succeeding fiscal year.
11 3. In the distribution of moneys appropriated in
12 this section, the board shall examine the potential
13 for using such moneys to leverage other moneys
14 available for financial assistance to accredited
15 private institutions.
16 4. In awarding moneys appropriated in this
17 section, the board shall consider whether the purchase
18 of suitable existing infrastructure is more cost-
19 efficient than building new infrastructure.
20 5. An institution of higher learning under the
21 control of the state board of regents may apply to use
22 financial assistance moneys appropriated in this
23 section for purposes of a public and private joint
24 venture to acquire infrastructure assets or research
25 facilities or to leverage moneys in a manner
26 consistent with meeting the goals and performance
27 measures provided in section 15G.107.
28 6. Of the moneys appropriated in this section and
29 provided applications are submitted meeting the
30 requirements of the board, not less than ten million
31 dollars in financial assistance shall be awarded to
32 the university of Iowa, not less than ten million
33 dollars in financial assistance shall be awarded to
34 Iowa state university of science and technology, and
35 not less than five million dollars in financial
36 assistance shall be awarded to the university of

37 northern Iowa.

38 Sec.____. NEW SECTION. 15G.113 REHABILITATION

39 PROJECT TAX CREDITS APPROPRIATIONS FROM GROW IOWA
40 VALUES FUND.

41 1. There is appropriated from the fund to the
42 general fund of the state, for the designated fiscal
43 years, the following amounts, or so much thereof as is
44 necessary, to be used for the purpose designated:

45 For reimbursement for lost revenue due to tax
46 credits approved pursuant to section 404A.4 for
47 rehabilitation projects located in certified cultural
48 and entertainment districts:
49 a. FY 2005-2006\$ 500,000
50 b. FY 2006-2007\$ 500,000

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1 2. Notwithstanding section 8.33, moneys
2 appropriated in this section that remain unencumbered
3 or unobligated at the close of the fiscal year shall
4 not revert but shall remain available for expenditure
5 for the purpose designated until the close of the
6 succeeding fiscal year.

7 Sec.____. NEW SECTION. 15G.114 ENDOW IOWA TAX
8 CREDITS APPROPRIATIONS FROM GROW IOWA VALUES FUND.

9 1. There is appropriated from the fund to the
10 general fund of the state, for the designated fiscal
11 years, the following amounts, or so much thereof as is
12 necessary, to be used for the purpose designated:

13 For reimbursement for lost revenue due to endow
14 Iowa tax credits authorized pursuant to section
15 15E.305:
16 a. FY 2004-2005\$ 250,000
17 b. FY 2005-2006\$ 250,000
18 c. FY 2006-2007.....\$ 500,000

19 2. Notwithstanding section 8.33, moneys
20 appropriated in this section that remain unencumbered
21 or unobligated at the close of the fiscal year shall
22 not revert but shall remain available for expenditure
23 for the purpose designated until the close of the
24 succeeding fiscal year.

25 Sec.____. NEW SECTION. 15G.115 IOWA CULTURAL
26 TRUST FUND APPROPRIATIONS FROM GROW IOWA VALUES FUND.

27 1. There is appropriated from the fund to the
28 office of the treasurer of state, for the designated
29 fiscal years, the following amounts, or so much
30 thereof as is necessary, to be used for the purpose
31 designated:

32 For deposit in the Iowa cultural trust fund created
33 in section 303A.4:
34 a. FY 2003-2004\$ 24,194
35 b. FY 2004-2005\$ 0

36 c. FY 2005-2006.....\$ 0
 37 d. FY 2006-2007\$ 500,000
 38 2. Notwithstanding section 8.33, moneys
 39 appropriated in this section that remain unencumbered
 40 or unobligated at the close of the fiscal year shall
 41 not revert but shall remain available for expenditure
 42 for the purpose designated until the close of the
 43 succeeding fiscal year.
 44 Sec.____. NEW SECTION. 15G.116 ANTICIPATED
 45 FEDERAL MONEYS – APPROPRIATIONS TO GROW IOWA VALUES
 46 FUND.
 47 1. There is appropriated from the fund created by
 48 section 8.41, for the designated fiscal years, the
 49 following amounts, to be used for the purpose
 50 designated:

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1 For deposit in the grow Iowa values fund:
 2 a. FY 2003-2004\$ 59,000,00
 3 b. FY 2004-2005\$ 41,000,00
 4 2. Moneys appropriated in this section are moneys
 5 anticipated to be received from the federal government
 6 for state and local government fiscal relief under the
 7 federal Jobs and Growth Tax Relief Reconciliation Act
 8 of 2003 and shall be expended as provided in the
 9 federal law making the moneys available and in
 10 conformance with chapter 17A.
 11 Sec.____. NEW SECTION. 15G.117 STREAMLINED SALES
 12 AND USE TAX REVENUE APPROPRIATIONS TO GROW IOWA VALUES
 13 FUND.
 14 1. There is appropriated from the general fund of
 15 the state from moneys credited to the general fund of
 16 the state as a result of entering into the streamlined
 17 sales and use tax agreement, for the designated fiscal
 18 years, the following amounts, to be used for the
 19 purpose designated:
 20 For deposit in the grow Iowa values fund:
 21 a. FY 2003-2004\$ 5,000,000
 22 b. FY 2004-2005\$ 23,000,000
 23 c. FY 2005-2006.....\$ 75,000,000
 24 d. FY 2006-2007\$ 75,000,000
 25 e. FY 2007-2008\$ 75,000,000
 26 f. FY 2008-2009.....\$ 75,000,000
 27 g. FY 2009-2010\$ 75,000,000
 28 2. For purposes of this section, "moneys credited
 29 to the general fund of the state as a result of
 30 entering into the streamlined sales and use tax
 31 agreement" means the amount of sales and use tax
 32 receipts credited to the general fund of the state
 33 during a fiscal year that exceeds by two percent or
 34 more the total sales and use tax receipts credited to

35 the general fund of the state during the previous
 36 fiscal year.
 37 a. If the moneys credited to the general fund of
 38 the state as a result of entering into the streamlined
 39 sales and use tax agreement during a fiscal year total
 40 less than the amount appropriated in this section, the
 41 appropriation in this section shall be reduced to
 42 equal the total amount of the moneys so credited.
 43 b. If the appropriation for a fiscal year is
 44 reduced pursuant to paragraph "a", all appropriations
 45 made from the grow Iowa values fund for the same
 46 fiscal year shall be reduced proportionately to the
 47 amount reduced pursuant to paragraph "a".
 48 Sec.____. CASH RESERVE FUND. There is
 49 appropriated from the grow Iowa values fund to the
 50 cash reserve fund for the fiscal year beginning July

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1 1, 2004, and ending June 30, 2005, the following
 2 amount, or so much thereof as is necessary, to be used
 3 for the purposes designated:
 4 For replacing claims paid from the general fund of
 5 the state by the state appeal board as affirmed by
 6 this division of this Act:
 7 \$ 10,058,12
 8 Sec.____. PAYMENT OF CLAIMS. The general assembly
 9 affirms the action by the state appeal board on August
 10 27, 2004, approving payment of claims against the
 11 state for moneys appropriated from the grow Iowa
 12 values fund and obligated prior to the Iowa supreme
 13 court decision of Rants and Iverson v. Vilsack, No.
 14 60/03-1948, June 16, 2004, that invalidated the proper
 15 enactment of the appropriations.
 16 Sec.____. Section 260C.18A, subsection 4,
 17 paragraph a, Code Supplement 2003, as reaffirmed and
 18 reenacted in part by division IV of this Act, is
 19 amended to read as follows:
 20 a. Five One million nine hundred eighty-four
 21 thousand five hundred forty-three dollars for the
 22 fiscal year beginning July 1, 2003.
 23 Sec.____. EFFECTIVE DATE AND RETROACTIVE
 24 APPLICABILITY PROVISIONS. This division of this Act,
 25 being deemed of immediate importance, takes effect
 26 upon enactment, and is retroactively applicable to
 27 July 1, 2003."
 28 2. By striking page 4, line 32, through page 6,
 29 line 6.
 30 3. By renumbering as necessary.

BUKTA of Clinton
CONNORS of Polk
DAVITT of Warren
FOEGE of Linn
FREVERT of Palo Alto
GREIMANN of Story
HOGG of Linn
JACOBY of Johnson
HUHN of Floyd
LYKAM of Scott
MCCARTHY of Polk
MURPHY of Dubuque
D. OLSON of Boone
PETERSEN of Polk
REASONER of Union
SMITH of Marshall
SWAIM of Davis
T. TAYLOR of Linn
WHITAKER of Van Buren
WINCKLER of Scott

COHOON of Des Moines
DANDEKAR of Linn
FOEGE of Linn
FORD of Polk
GASKILL of Wapello
HEDDENS of Story
HUNTER of Polk
JOCHUM of Dubuque
LENSING of Johnson
MASCHER of Johnson
MERTZ of Kossuth
OLDSON of Polk
OSTERHAUS of Jackson
QUIRK of Chickasaw
SHOMSHOR of Pottawattamie
STEVENS of Dickinson
D. TAYLOR of Linn
WENDT of Woodbury
WHITEAD of Woodbury

RESOLUTIONS ADOPTED

Resolutions adopted during the Eightieth General Assembly, 2004 Session, not otherwise printed in the House Journal.

1 House Concurrent Resolution 104
2 By Committee On Appropriations
3 (Successor To HSB 516)
4 A concurrent resolution urging state employee unions
5 and the Governor to renegotiate and establish a pay
6 freeze for the fiscal year beginning July 1, 2004.
7 *Whereas*, the Governor and state employee unions
8 negotiated collective bargaining agreements in the
9 winter of 2003 for wages and benefits for state
10 employees for fiscal years 2003-2004 and 2004-2005;
11 and
12 *Whereas*, the collective bargaining agreements
13 negotiated for most state employees provided for a 2.0
14 percent cost of living increase during each fiscal
15 year as well as 3.5 percent to 4.5 percent step
16 increases in pay for eligible state employees during
17 each fiscal year; and
18 *Whereas*, the estimated total cost to the general
19 fund of the state in fiscal year 2004-2005, compared
20 to the estimated net 2003-2004 fiscal year cost, due
21 to the collective bargaining agreements and an
22 increase in other costs, is \$69.4 million; and
23 *Whereas*, implementing a pay freeze for state
24 employees beginning in fiscal year 2004-2005 would
25 realize about \$18.7 million in savings to the state
26 general fund, and \$29.9 million in total savings from
27 all state employees other than employees under the
28 State Board of Regents; and
29 *Whereas*, state revenues since the collective
30 bargaining agreements were negotiated have continued

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1 to lag; and
2 *Whereas*, in October 2003, the Revenue Estimating
3 Conference reduced its projection of fiscal year 2003-
4 2004 general fund revenue by \$142.2 million,
5 triggering the Governor's implementation of a 2.5
6 percent across-the-board reduction in state budgets
7 for executive branch agencies; and
8 *Whereas*, continued budget reductions as a result of
9 less than expected revenues make it increasingly
10 difficult to adequately fund the priorities of this
11 state, including education, homeland security, and
12 economic development activities; and
13 *Whereas*, many Iowans have endured financial

14 sacrifices in the last few years due to layoffs and
15 pay reductions in the private sector; and
16 *Whereas*, implementation of a pay freeze on all
17 union and nonunion state employees for fiscal year
18 2004-2005 would allow the state to better fund
19 priorities applicable to all Iowans while only
20 requiring a modest sacrifice by state employees;
21 *Now Therefore, Be It Resolved By The House Of*
22 *Representatives, The Senate Concurring*, That the
23 General Assembly urges the Governor and each state
24 employee union representing state employees to
25 renegotiate the current collective bargaining
26 agreement applicable to that union and implement a
27 wage freeze for the fiscal year beginning July 1,
28 2004; and
29 *Be It Further Resolved*, That the General Assembly
30 encourages leaders of each state employee union

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1 representing state employees to call for a vote of
2 their members to reopen contract negotiations with the
3 Governor in order to renegotiate the current
4 collective bargaining agreement and accept a wage
5 freeze for the fiscal year beginning July 1, 2004; and
6 *Be It Further Resolved*, That copies of this
7 Resolution be sent by the Chief Clerk of the House of
8 Representatives to the Governor of Iowa and to a
9 representative of each of the state employee unions
10 representing state employees.

HCR 104 filed January 22, 2004; House adopted January 28, 2004;
Senate adopted March 16, 2004.

1 House Concurrent Resolution 105
2 By Jacobs
3 A concurrent resolution concerning the Midwestern
4 Legislative Conference of the Council of State
5 Governments.
6 *Whereas*, the State of Iowa is honored to host the
7 Midwestern Legislative Conference of the Council of
8 State Governments in Des Moines, Iowa, on July 11
9 through 14, 2004; and
10 *Whereas*, the Midwestern Legislative Conference is
11 the regional organization for all Midwestern state
12 legislators and their staffs for the purpose of
13 developing and examining public policy options for the
14 Midwest and the nation; and
15 *Whereas*, the Midwestern Legislative Conference
16 develops and maintains contact among legislators,
17 public officials, and the private sector from the

18 states of Illinois, Indiana, Iowa, Kansas, Michigan,
19 Minnesota, Nebraska, North Dakota, Ohio, South Dakota,
20 and Wisconsin; and

21 *Whereas*, the Iowa Commission on Interstate
22 Cooperation is organizing this year's legislative
23 conference and plans to present an informative program
24 regarding issues and subjects of concern to the member
25 states of the Midwestern Legislative Conference of the
26 Council of State Governments; and

27 *Whereas*, the Iowa Commission on Interstate
28 Cooperation also plans to present an enjoyable program
29 of entertainment and recreational events in
30 conjunction with the 2004 Annual Meeting; *Now*

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1 *Therefore*,
2 *Be It Resolved By The House Of Representatives, The*
3 *Senate Concurring*, That the General Assembly of the
4 State of Iowa cordially invites all legislators,
5 public officials, legislative staff, and private
6 sector representatives from the Midwestern states to
7 attend this year's conference in Des Moines, Iowa, on
8 July 11 through 14, 2004; and
9 *Be It Further Resolved*, That copies of this
10 resolution be sent by the Legislative Services Agency
11 to all presiding officers and majority and minority
12 leaders of the state legislatures of the member states
13 of the Midwestern Legislative Conference of the
14 Council on State Governments; and
15 *Be It Further Resolved*, That the presiding officers
16 and majority and minority leaders of the state
17 legislatures of our neighboring states are hereby
18 encouraged to give their full support to the active
19 participation by their members and staffs in the 2004
20 Annual Meeting of the Midwestern Legislative
21 Conference.

HCR 105 filed January 29, 2004; House adopted April 15, 2004;
Senate adopted April 13, 2004.

1 House Concurrent Resolution 108
2 By Carroll
3 A concurrent resolution recognizing the seventy-fifth
4 anniversary of the Iowa Medical Society Alliance.
5 *Whereas*, the Iowa Medical Society Alliance has
6 existed for 75 years as an organization of the spouses
7 of physicians; and
8 *Whereas*, throughout the organization's existence,
9 the Alliance members have partnered with physicians to
10 promote the good health of Iowans and support as a

11 family those individuals involved with the practice of
12 medicine; and
13 *Whereas*, Alliance members have contributed to Iowa
14 communities in many ways, promoting health education
15 and sponsoring community service programs to answer
16 local needs, advocating positive health-related
17 legislation to provide better patient care for all
18 citizens, raising funds for medical education, medical
19 research, and local health initiatives, offering
20 support and understanding for families of those
21 involved with the practice of medicine, and partnering
22 with the Iowa Medical Society to implement programs of
23 advocacy for patients and to preserve quality health
24 care for all Iowans; and
25 *Whereas*, the Alliance is an innovative group of
26 committed Iowans whose members continue to develop
27 programs that answer the health needs of the members'
28 communities; and
29 *Whereas*, Alliance initiatives have been nationally
30 recognized by being adopted by the American Medical

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1 Association Alliance as national programs; *Now*
2 *Therefore*,
3 *Be It Resolved By The House Of Representatives, The*
4 *Senate Concurring*, That the Iowa General Assembly
5 recognizes the significant contributions to Iowa
6 communities and physicians made over the past 75 years
7 by the members of the Iowa Medical Society Alliance;
8 and
9 *Be It Further Resolved*, That the Iowa General
10 Assembly expresses the grateful appreciation of the
11 state for the many contributions made by the Alliance
12 and conveys best wishes on behalf of the citizens of
13 Iowa that the Alliance continues to serve for many
14 more years; and
15 *Be It Further Resolved*, That upon passage of this
16 resolution, the Chief Clerk of the House of
17 Representatives shall cause an official copy of the
18 resolution to be provided to the Iowa Medical Society
19 Alliance.

HCR 108 filed February 16, 2004; House adopted April 7, 2004;
Senate adopted April 13, 2004.

1 House Concurrent Resolution 112
2 By Thomas, Granzow, Fallon, Greimann,
3 Chambers, Lukan, Hutter, Jones, D. Olson,
4 Swaim, Mertz, and Foege
5 A concurrent resolution urging the United States

6 Congress to appropriate funding for the federal
7 Historic Preservation Fund and the Historic Barn
8 Preservation Act.
9 *Whereas*, historic preservation provides
10 opportunities to rapidly employ persons in diverse
11 areas of the economy, revitalize neighborhoods,
12 communities, and rural areas, entice nationwide
13 private capital investment, and foster heritage
14 tourism; and
15 *Whereas*, the State Historical Society of Iowa
16 implements the National Preservation Program in Iowa
17 with moneys provided by the federal Historic
18 Preservation Fund; and
19 *Whereas*, the federal Historic Preservation Fund is
20 the principal source of financing for states to
21 provide economic stimulus, streamline review
22 processes, provide local government grants, preserve
23 American initiatives, and market heritage tourism
24 through historic preservation; and
25 *Whereas*, historic barns are becoming national
26 treasures and rehabilitating and repairing historic
27 barns as necessary, to preserve the barns'
28 functionality and to preserve the rural landscape,
29 provides benefits to farmers, as well as to the
30 communities and economic vitality of the areas in

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1 which the barns are located; and
2 *Whereas*, Congress acted in 2002 to establish a
3 Historic Barn Preservation Program; *Now Therefore*,
4 *Be It Resolved By The House Of Representatives, The*
5 *Senate Concurring*, That the Iowa General Assembly
6 strongly urges the appropriations committees of the
7 Unites States Senate and House of Representatives to
8 annually appropriate \$50 million to the federal
9 Historic Preservation Fund for the state historic
10 preservation offices and to annually appropriate \$25
11 million for federal fiscal years 2003-2004 through
12 2005-2006 to implement the federal Historic Barn
13 Preservation Program; and
14 *Be It Further Resolved*, That a copy of this
15 resolution be sent by the Chief Clerk of the House of
16 Representatives to the Honorable Senator Charles E.
17 Grassley and the Honorable Senator Tom Harkin,
18 together with Iowa's congressional delegation in the
19 House of Representatives; and
20 *Be It Further Resolved*, That a copy of this
21 resolution be sent to the Honorable Senator Ted
22 Stevens, Chair of the United States Senate Committee
23 on Appropriations, and the Honorable Congressman C. W.
24 Bill Young, Chair of the United States House of

25 Representatives Committee on Appropriations.

HCR 112 filed February 17, 2004; House adopted March 4, 2004.

1 House Concurrent Resolution 123
2 By Paulsen and Swaim
3 A concurrent resolution honoring N. William Hines on
4 his retirement as Dean of the University of Iowa
5 College of Law.
6 *Whereas*, N. William Hines is retiring as Dean of
7 the University of Iowa College of Law on June 30,
8 2004, after completing 28 years of service in that
9 position; and
10 *Whereas*, Dean Hines has served in that position
11 longer than any other Dean of the Iowa College of Law
12 and has served as Dean of the Iowa College of Law
13 longer than any current dean of any other law school
14 has served in that position; and
15 *Whereas*, the length of his service as Dean is
16 impressive, but not nearly as impressive as the
17 enormous accomplishments of the Hines' deanship; and
18 *Whereas*, the quality, diversity, and national
19 visibility of the University of Iowa College of Law
20 has been dramatically enhanced over the last 28 years,
21 and during his deanship Dean Hines has devised,
22 initiated, facilitated, or orchestrated these
23 impressive beneficial developments; *Now Therefore*,
24 *Be It Resolved By The House Of Representatives, The*
25 *Senate Concurring*, That the Iowa General Assembly pays
26 tribute to Dean N. William Hines for his enormous
27 contribution to legal education and the University of
28 Iowa College of Law during his service as Dean and
29 congratulates him for the many beneficial improvements
30 to that institution during his tenure; and

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1 *Be It Further Resolved*, That a copy of this
2 Resolution be presented to Dean N. William Hines upon
3 his retirement.

HCR 123 filed March 30, 2004; House adopted April 7, 2004;
Senate adopted April 13, 2004.

1 House Resolution 105
2 By Jenkins and Hoffman
3 A resolution designating January 21, 2004, as Iowa
4 Insurance Day.
5 *Whereas*, the Iowa insurance industry, through its
6 employees and agents, has made a historic contribution

7 to the economic growth and strength of our state and
8 nation; and
9 *Whereas*, all Iowans benefit from the financial
10 protections offered by the Iowa insurance industry
11 through the provision of mechanisms to insure the
12 health, life, property, and retirement income of
13 Iowans; and
14 *Whereas*, two hundred fifty-seven insurance
15 companies are headquartered in Iowa; and
16 *Whereas*, more than 40,000 Iowans work in Iowa's
17 insurance industry, with over 27,000 agents and
18 brokers representing the insurance industry in every
19 county in the state; and
20 *Whereas*, the yearly insurance industry payroll for
21 its Iowa employees exceeds \$1.5 billion, 5 percent of
22 the total payroll for all Iowa employees; and
23 *Whereas*, Iowa's insurance industry currently
24 accounts for 4 percent of the gross state product, at
25 over \$3.1 billion; Now Therefore,
26 *Be It Resolved By The House Of Representatives*,
27 That the Iowa House of Representatives designates the
28 day of January 21, 2004, as Iowa Insurance Day and
29 invites the citizens of Iowa to discover and honor the
30 important economic contributions made by the Iowa

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1 insurance industry.

HR 105 filed January 15, 2004; House adopted on January 21,
2004.

1 House Resolution 106
2 By Carroll, Drake, Wilderdyke, and Swaim
3 A resolution designating January 28, 2004, as Iowa
4 Telecommunications Association Day.
5 *Whereas*, the Iowa Telecommunications Association,
6 the largest and second oldest telephone association in
7 the United States, and its 147 members, all telephone
8 companies operating in Iowa, represent more than
9 600,000 access lines throughout Iowa, providing state-
10 of-the-art communications services to Iowa residents;
11 and
12 *Whereas*, the goal of the members of the Iowa
13 Telecommunications Association is to provide Iowans
14 unparalleled service and technology to meet their
15 communications needs; and
16 *Whereas*, the members of the Iowa Telecommunications
17 Association have deployed over 8,000 miles of
18 fiberoptic cables across the state; and
19 *Whereas*, sixty-eight percent of rural communities

20 served by small local telephone companies have access
21 to high-speed internet services; and
22 *Whereas*, thanks to the efforts of Iowa's rural
23 telephone carriers, Iowa enjoys one of the highest
24 rates of households with telephones in the nation,
25 with over 97 percent of households connected, compared
26 to the national average of 95 percent; and
27 *Whereas*, the members of the Iowa Telecommunications
28 Association are involved in their communities,
29 supporting their schools, promoting economic
30 development efforts, and helping to grow Iowa; NOW

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1 *Therefore*,
2 *Be It Resolved By The House Of Representatives*,
3 That the Iowa House of Representatives designates the
4 day of January 28, 2004, as Iowa Telecommunications
5 Association Day and invites the citizens of Iowa to
6 recognize the important role the Iowa
7 Telecommunications Association and its 147 members
8 play in providing Iowa residents with superior
9 telecommunications services.

HR 106 filed January 26, 2004; House adopted January 28, 2004.

1 House Resolution 107
2 By Dandekar
3 A resolution honoring the Kirkwood Community College
4 Women's Volleyball Team.
5 *Whereas*, the fans of the Kirkwood Community College
6 Eagles and the citizens of Iowa are greatly pleased
7 that the Kirkwood Women's Volleyball Team had a
8 spectacular regular season leading to its capture of
9 the National Junior College Athletic Association
10 (NJCAA) Region XI Volleyball Championship; and
11 *Whereas*, the Kirkwood Women's Volleyball Team made
12 its fans and all Iowans proud by also advancing to and
13 winning the NJCAA Division II National Championship on
14 November 15, 2003; and
15 *Whereas*, the Kirkwood Community College Women's
16 Volleyball Team proved its strength and resiliency by
17 consistently overcoming point deficits and by its
18 solid offense and tough defensive play throughout its
19 regular season and the national tournament; and
20 *Whereas*, individual athletes on the team have been
21 honored by being named NJCAA National Tournament Most
22 Valuable Player as well as being named to the All-
23 Tournament Team, All-Region Team, and All-Region
24 Second Team, and have received Honorable Mention for
25 the All-Region Team; and

26 *Whereas*, the national tournament crown is the first
27 for Eagles Head Coach DeAnn Woodin, who was also
28 awarded her first NJCAA Division II National Coach of
29 the Year Award; *Now Therefore*,
30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives congratulates Coach
2 DeAnn Woodin and the Kirkwood Community College
3 Women's Volleyball Team on their successful season and
4 thanks them for the honor and excitement they brought
5 to the State of Iowa; and
6 *Be It Further Resolved*, That upon passage, the
7 Chief Clerk of the House shall cause an enrolled copy
8 of this Resolution to be prepared for presentation to
9 Coach DeAnn Woodin and the Kirkwood Community College
10 Women's Volleyball team.

HR 107 filed January 27, 2004; House adopted January 29, 2004.

1 House Resolution 109
2 By Foege, D. Taylor, T. Taylor, Dandekar, Hogg,
3 Lensing, Mascher, Jacoby, Paulsen, and Elgin
4 A resolution honoring Dr. Norm Nielsen, President of
5 Kirkwood Community College.
6 *Whereas*, Dr. Norm Nielsen has announced his
7 retirement next January as President of Kirkwood
8 Community College; and
9 *Whereas*, Dr. Nielsen has guided the community
10 college for 26 years; and
11 *Whereas*, under his tenure, Kirkwood Community
12 College has grown to be the largest community college
13 in Iowa and the third largest institution of higher
14 learning in the state; and
15 *Whereas*, the community college is renowned across
16 the nation for its innovative partnerships and
17 alliances with private industry, government, and other
18 educational entities; and
19 *Whereas*, Kirkwood Community College has won
20 regional and national acclaim in the past 25 years,
21 including being one of only 18 community colleges in
22 the United States and Canada named to the League of
23 Innovation; and
24 *Whereas*, Kirkwood Community College was named
25 Community College of the Year for 2000-2001 by the
26 National Alliance of Business; and
27 *Whereas*, Dr. Nielsen has received many honors,
28 including being named the top college CEO of the Year
29 in 2002; *Now Therefore*,
30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives recognizes Dr. Norm
2 Nielsen for his efforts on behalf of Kirkwood
3 Community College, its students, and the State of
4 Iowa, and expresses its gratitude for his tireless
5 efforts in making Kirkwood Community College one of
6 the finest institutions of higher learning in the
7 state and nation; and
8 *Be It Further Resolved*, That upon passage, the
9 Chief Clerk of the House of Representatives shall
10 cause an official copy of this Resolution to be
11 prepared for presentation to Dr. Norm Nielsen,
12 President of Kirkwood Community College.

HR 109 filed February 3, 2004; House adopted March 10, 2004.

1 House Resolution 110
2 By De Boef, Carroll, Boal, Tymeson, Hanson, Boggess,
3 Freeman, Hoffman, Rasmussen, Dix, Eichhorn,
4 Wilderdyke, Hutter, Tjepkes, Watts, Alons, Dennis,
5 Drake, Raecker, J. K. Van Fossen, Lalk, Kurtenbach,
6 Schickel, Rayhons, J. R. Van Fossen, S. Olson,
7 Upmeyer, Sands, Kramer, Paulsen, Lukan, Manternach,
8 Van Engelenhoven, Roberts, Jones, Greiner, Boddicker,
9 Horbach, Dolecheck, Hahn, Huseman, Chambers, Baudler,
10 Klemme, Mertz, Struyk, Quirk, and Davitt
11 A resolution declaring February 12, 2004, Marriage and
12 Family Day.
13 *Whereas*, marriage and family are universal human
14 institutions which are the bedrocks of our society;
15 and
16 *Whereas*, a healthy marriage improves the lives of
17 the parties and provides a nurturing environment for
18 children; and
19 *Whereas*, good marriages and strong families are
20 developed through commitment, sacrifice, and hard
21 work; and
22 *Whereas*, the importance of marriage and family is
23 never more evident than when a loved one is absent,
24 such as during a time of war; and
25 *Whereas*, a great number of spouses and family
26 members have suffered the loss of loved ones during
27 this time of war, including our own fellow Iowans,
28 United States Marine Corps Gunnery Sergeant Jeffrey E.
29 Bohr; Army Private Michael J. Deutsch; Iowa Army
30 National Guard Sergeant Paul F. Fisher; Army Private

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1 Kurt R. Frosheiser; Iowa Army National Guard Private
2 First Class David M. Kirchhoff; Iowa Army National
3 Guard Specialist Joshua Knowles; United States Marine
4 Corps Reserve Sergeant Bradley S. Korthaus; Army
5 Private Kenneth A. Nalley; Iowa Army National Guard
6 Specialist Aaron J. Sissel; and Iowa Army National
7 Guard Chief Warrant Officer 4 Bruce A. Smith; and
8 *Whereas*, these spouses and family members truly
9 recognize the value of their marital and familial
10 relationships; and
11 *Whereas*, it is important that, not only at the time
12 of absence or loss, society as a whole recognize the
13 importance of marriage and family; *Now Therefore*,
14 *Be It Resolved By The House Of Representatives*,
15 That February 12, 2004, be declared Marriage and
16 Family Day in recognition of the importance of these
17 institutions in the daily lives of Iowans; and
18 *Be It Further Resolved*, That the House of
19 Representatives on this day honors those spouses and
20 families who have suffered the loss of loved ones
21 during this time of war.

HR 110 filed February 10, 2004; House adopted February 12, 2004.

1 House Resolution 111
2 By Mascher, Lensing, and Jacoby
3 A resolution honoring the nursing leaders at the
4 University of Iowa Hospitals and Clinics upon their
5 receipt of the Magnet Award for Nursing Excellence.
6 *Whereas*, the Magnet Nursing Services Recognition
7 Program was established in 1993 by the American Nurses
8 Association's American Nurses Credentialing Center,
9 the nation's largest and foremost accrediting and
10 credentialing organization for the nursing profession;
11 and
12 *Whereas*, the Recognition Program recognizes health
13 care organizations that demonstrate sustained
14 excellence in nursing care and uphold the tradition
15 within nursing that supports professional nursing
16 practice; and
17 *Whereas*, the Recognition Program constitutes the
18 highest level of recognition that the American Nurses
19 Credentialing Center can accord to organized nursing
20 services in the national and international health care
21 communities; and
22 *Whereas*, the Recognition Program awards its coveted
23 honors only to hospitals that undergo a rigorous,
24 voluntary evaluation process, and that demonstrate
25 that they provide positive patient outcomes, recognize
26 excellence in nursing services, and reward
27 professional nursing achievement; and

28 *Whereas*, the University of Iowa Hospitals and
29 Clinics have been singled out as one of only about 100
30 hospitals in the United States and the first hospital

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1 in the State of Iowa to receive the prestigious Magnet
2 Award for Nursing Excellence; and
3 *Whereas*, independent studies of Magnet hospitals
4 have shown that patients who receive care in such
5 centers average a shorter length of stay and have
6 higher rates of satisfaction, and that nurses working
7 in Magnet hospitals are more satisfied with their work
8 and the care they provide and remain in the workplace
9 for longer durations of time than do other nurses; and
10 *Whereas*, achieving Magnet status for the University
11 of Iowa Hospitals and Clinics was accomplished only
12 through the dedicated teamwork of many nursing
13 professionals led by Donna Katen-Bahensky, Director
14 and Chief Executive Officer of the University of Iowa
15 Hospitals and Clinics, and by Linda Q. Everett, Ph.D.,
16 Associate Director and Chief Nursing Officer, and
17 assisted by Barbara J. (B. J.) Hannon; *Now Therefore*,
18 *Be It Resolved By The House Of Representatives*,
19 That the House of Representatives congratulates the
20 nursing leaders at the University of Iowa Hospitals
21 and Clinics for receiving the Magnet Award for Nursing
22 Excellence, and expresses its appreciation for the
23 dedication of nursing professionals at the University
24 of Iowa, for their devotion to patients, and for
25 performing the essential nursing care services which
26 enable the University of Iowa Hospitals and Clinics to
27 provide such high-quality health care to Iowans and
28 nonresidents alike; and
29 *Be It Further Resolved*, That official copies of
30 this resolution be prepared and presented to Dr. David

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1 Skorton, President of the University of Iowa, to Donna
2 Katen-Bahensky, Director and Chief Executive Officer
3 of the University of Iowa Hospitals and Clinics, and
4 to Linda Q. Everett, Associate Director and Chief
5 Nursing Officer of the University of Iowa Hospitals
6 and Clinics, to be shared with all nursing personnel
7 at the University of Iowa Hospitals and Clinics in
8 recognition of the receipt of the prestigious Magnet
9 Award for Nursing Excellence.

HR 111 filed February 10, 2004; House adopted February 19, 2004.

House Resolution 112

By Upmeyer, Dennis, Schickel, Greiner, Wilderdyke,
Hutter, Rasmussen, Boggess, De Boef, Boddicker,
Raecker, Freeman, Jacobs, Rayhons, Huseman,
Heaton, Lukan, J. R. Van Fossen, Jenkins, Tjepkes,
Arnold, Chambers, Hanson, Hoffman, Tymeson,
Granzow, Horbach, Drake, Manternach, S. Olson,
Carroll, Dolecheck, Dix, Jacoby, Foege, Whitaker,
Wise, Smith, Thomas, Fallon, Hogg, D. Olson,
Mascher, Osterhaus, Bukta, Jochum, Ford, Frevert,
Gaskill, Miller, Mertz, Lensing, Shoultz, Quirk,
Bell, Struyk, Huser, D. Taylor, Hunter, Davitt,
Heddens, Cohoon, Wendt, Shomshor, Dandekar,
Petersen, Greimann, Oldson, Murphy, and Kuhn
A resolution recognizing Iowa nursing students and faculty.
Whereas, all Iowans benefit from the service
provided by registered nurses; and
Whereas, 38,091 registered nurses were actively
licensed in Iowa on July 1, 2003, but 37 percent of
hospitals and long-term care facilities reported an
average of 60 days or longer to fill vacancies; and
Whereas, the average age of most registered and
licensed practical nurses is 46; and
Whereas, the nursing shortage is projected to
intensify over the next two decades; and
Whereas, as of December 2003, 36 full-time and 41
part-time nursing faculty vacancies existed at Iowa
nursing colleges; and
Whereas, the graduation rate of masters and
doctorally prepared registered nurses will not be

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sufficient to address a projected retirement of 49
percent of nursing faculty in Iowa by 2010; and
Whereas, high nurse turnover and vacancy rates, as
well as the shortage of nursing faculty, negatively
impact patient well-being; *Now Therefore*,
Be It Resolved By The House Of Representatives,
That the Iowa House of Representatives designates
February 12, 2004, as Iowa Nursing Student and Faculty
Day and invites the citizens of Iowa to recognize the
need for both men and women to choose nursing as a
career and to encourage the education of registered
nurses at all educational levels.

HR 112 filed February 11, 2004; House adopted February 12, 2004.

House Resolution 114

By Shoultz, Berry, Thomas, Jochum, Jenkins, Dennis,
Murphy, Rasmussen, Manternach, Lukan, Lalk, and Gipp

4 A resolution to honor the First Judicial District
5 Department of Correctional Services for receiving
6 the exemplary offender program award.
7 *Whereas*, in 1998, the First Judicial District
8 Department of Correctional Services instituted the
9 dual diagnosis offender program at the Waterloo
10 residential facility to treat male offenders suffering
11 from both mental health and substance abuse disorders;
12 and
13 *Whereas*, treatment in the dual diagnosis offender
14 program focuses upon enhancing the potential of the
15 offender by facilitating the establishment of a law-
16 abiding lifestyle with a stabilized mental condition
17 free of chemical dependency; and
18 *Whereas*, on January 14, 2004, the American
19 Correctional Association presented the exemplary
20 offender program award to the First Judicial District
21 Department of Correctional Services in recognition of
22 its demonstrated success through the dual diagnosis
23 offender program; *Now Therefore*,
24 *Be It Resolved By The House Of Representatives*,
25 That the House of Representatives recognize and honor
26 the First Judicial District Department of Correctional
27 Services for its success with the dual diagnosis
28 offender program and its receipt of the exemplary
29 offender program award; and
30 *Be It Further Resolved*, That, upon adoption, the

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1 Chief Clerk of the House of Representatives shall
2 prepare official copies of this Resolution and send it
3 to Gary Maynard, Director of the Iowa Department of
4 Corrections, and to Daniel Craig, District Director of
5 the First Judicial District Department of Correctional
6 Services.

HR 114 filed February 12, 2004; House adopted February 24, 2004.

1 House Resolution 117
2 By Rants, Tymeson, Chambers, Alons, Raecker, Boggess,
3 Dandekar, Jenkins, Rasmussen, Maddox, Frevert,
4 Eichhorn, Granzow, Heddens, Lukan, Roberts,
5 Greiner, Boal, Drake, Huser, Hutter,
6 Davitt, Manternach, De Boef, Huseman, Klemme,
7 Watts, Connors, Whitaker, Jacoby, Baudler,
8 Thomas, Dix, Kramer, Paulsen, Kurtenbach, S. Olson,
9 Dolecheck, Greimann, Upmeyer, Schickel, Carroll,
10 Wendt, D. Taylor, Horbach, Swaim, Hogg,
11 Arnold, Jacobs, Hoffman, Miller, Winckler, Dennis,
12 Lensing, Tjepkes, Freeman, Heaton, D. Olson, Cohoon,

13 Mascher, Lykam, Hunter, Gaskill, Struyk, Kuhn,
14 Stevens, Quirk, Osterhaus, Whitead, Bell, Wise,
15 Ford, Oldson, Smith, Reasoner, Mccarthy, Shoultz,
16 Foege, Petersen, Berry, Elgin, Jones, Mertz,
17 Hahn, T. Taylor, Shomshor, J. R. Van Fossen,
18 Bukta, Rayhons, Wilderdyke, Sands, Hanson,
19 Boddicker, Gipp, Van Engelenhoven, Lalk, Jochum,
20 J. K. Van Fossen, and Murphy
21 A resolution to recognize and honor the members of the
22 Iowa Army and Air National Guard.
23 *Whereas*, the Army and Air National Guard contribute
24 significant numbers of soldiers and airmen to the
25 defense capability of the United States and are
26 vitally important to our national security; and
27 *Whereas*, Iowa National Guard members accept their
28 role as defenders of our people's freedoms and rights,
29 and continue to meet and exceed the readiness
30 standards; and

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1 *Whereas*, Iowa National Guard members have been
2 called to every major war and conflict our country has
3 been involved in since Iowa became a state in 1846;
4 and
5 *Whereas*, Iowa's citizen-soldiers are continually on
6 the vigil and ready to respond when called for a war
7 or national emergency, or to protect the citizens of
8 Iowa when disasters and emergencies occur within our
9 state's borders; and
10 *Whereas*, Iowa National Guard members continue to
11 demonstrate their professionalism, dedication, and
12 skills, as well as their patriotism and love for their
13 country and the liberties, freedoms, and rights that
14 it stands for as they mobilize in record numbers to
15 support Operation Noble Eagle, Operation Enduring
16 Freedom, Operation Iraqi Freedom, and the global war
17 on terrorism; and
18 *Whereas*, Iowa National Guard members have
19 established themselves as well-led, well-trained,
20 motivated, and prepared to accomplish their missions
21 in worldwide locations as they endure separation from
22 their homes and family relationships and obligations,
23 and missed special family occasions as they fulfill
24 their assignments; and
25 *Whereas*, the actions of the Iowa National Guard
26 reflect great credit upon all the people of the State
27 of Iowa; *Now Therefore*,
28 *Be It Resolved By The House Of Representatives*,
29 That the House of Representatives recognizes and
30 honors the members of the Iowa Army and Air National

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- 1 Guard for their dedication and outstanding performance
- 2 of duty, and the House of Representatives expresses
- 3 its appreciation to the families of Iowa National
- 4 Guard members.

HR 117 filed February 18, 2004; House adopted February 25, 2004.

- 1 House Resolution 119
- 2 By Gipp and Raecker
- 3 A resolution to honor Representative Jodi S. Tymeson
- 4 for her promotion to Brigadier General in the Iowa
- 5 National Guard.
- 6 *Whereas*, Representative Jodi S. Tymeson was born
- 7 and raised in Boone County, Iowa, and received a
- 8 Bachelor of Arts degree from the University of
- 9 Northern Iowa and a Master's of Public Administration
- 10 degree from Drake University; and
- 11 *Whereas*, Representative Tymeson has faithfully
- 12 served the citizens of Iowa as a State Representative
- 13 and continues to serve Iowans as chair of the House
- 14 Education Committee and a member of the committees on
- 15 Human Resources and Ways and Means, and of the Joint
- 16 Appropriations Subcommittee on Education; and
- 17 *Whereas*, Representative Tymeson has received
- 18 numerous awards and decorations for her exceptional
- 19 leadership and dedicated service in the Iowa National
- 20 Guard since enlisting in 1974; and
- 21 *whereas*, on December 6, 2003, Representative
- 22 Tymeson was officially promoted to the position of
- 23 Brigadier General in the Iowa National Guard, becoming
- 24 the first woman in the Iowa National Guard to hold the
- 25 position of Brigadier General; and
- 26 *Whereas*, it is fitting and proper that the
- 27 achievements of Representative Tymeson be recognized
- 28 and honored; *Now Therefore*,
- 29 *Be It Resolved By The House Of Representatives*,
- 30 That the House of Representatives recognizes and

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- 1 honors Representative Tymeson for her dedication to
- 2 the citizens of the State of Iowa and her promotion to
- 3 Brigadier General in the Iowa National Guard.

HR 119 filed February 23, 2004; House adopted February 25, 2004.

- 1 House Resolution 120
- 2 By Ford and Upmeyer

3 A resolution supporting the development of a medical
4 school curriculum that ensures physicians receive
5 training relating to racial and cultural bias.
6 *Whereas*, multicultural Americans frequently report
7 experiencing a different level of medical treatment
8 and care, regardless of their financial ability to
9 provide payment, in connection with recommended
10 treatment therapies; and
11 *Whereas*, this different level of medical treatment
12 and care may contribute to the fact that the health
13 status of multicultural Americans is significantly
14 worse than that of other population groups; and
15 *Whereas*, an Institute of Medicine report in March
16 2002 concluded that population groups identified as
17 racial and ethnic minorities received lower quality
18 health care than did groups identified as Caucasian,
19 including a reduced likelihood of undergoing bypass
20 surgery and receiving kidney dialysis or organ
21 transplants; and
22 *Whereas*, the American Medical Association has
23 adopted a policy of zero tolerance toward racially or
24 culturally based disparities in health care, has
25 recommended the development of assessment tools to
26 enable individual physicians and groups of physicians
27 to identify and act on racial and ethnic disparities
28 in health care, and has recommended that its
29 membership regularly monitor and report on progress
30 being made to address racial and ethnic disparities in

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1 health care; and
2 *Whereas*, the percentage of the population that is
3 comprised of groups identified as racial and ethnic
4 minorities is growing at a much faster rate than the
5 percentage of such minorities represented in the
6 physician workforce; and
7 *Whereas*, bias in health care treatment needs to be
8 identified, expressly addressed, and eliminated; NOW
9 *Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the Iowa House of Representatives calls upon the
12 State Board of Regents, the administration and
13 governing board of the University of Iowa, the
14 University of Iowa Hospitals and Clinics, the faculty
15 and staff of the University of Iowa College of
16 Medicine, the administration and governing board of
17 Des Moines University -- Osteopathic Medical Center,
18 and the faculty and staff of the College of
19 Osteopathic Medicine and Surgery of Des Moines
20 University, to develop a medical school curriculum
21 that ensures physicians receive explicit training in

22 the problems of racial bias and methods, practices,
23 and procedures to ensure that treatment and therapies
24 are recommended equitably regardless of racial or
25 cultural identity; and
26 *Be It Further Resolved*, That copies of this
27 Resolution be sent to each of the aforementioned
28 administrative staffs, boards, and faculties, to the
29 Iowa Department of Public Health, and to the members
30 of Iowa's congressional delegation.

HR 120 filed February 24, 2004; House adopted March 30, 2004.

1 House Resolution 121
2 By Gipp and Murphy
3 (Companion To LSB 6530SS By Iverson)
4 A resolution to recognize and honor Iowans serving in
5 all branches and components of the military.
6 *Whereas*, Iowa contributes significant numbers of
7 military personnel to the defense capability of the
8 United States and such personnel are vitally important
9 to our national security; and
10 *Whereas*, Iowans serving in the military accept
11 their role as defenders of our people's freedoms and
12 rights, and continue to meet and exceed the readiness
13 standards; and
14 *Whereas*, Iowans serving in the military are
15 continually on the vigil and ready to respond when
16 called for a war, conflict, or national emergency; and
17 *Whereas*, Iowans serving in the military continue to
18 demonstrate their professionalism, dedication, and
19 skills, as well as their patriotism and love for their
20 country and the liberties, freedoms, and rights that
21 it stands for as they mobilize in record numbers to
22 support Operation Noble Eagle, Operation Enduring
23 Freedom, Operation Iraqi Freedom, and the global war
24 on terrorism; and
25 *Whereas*, Iowans serving in the military are
26 prepared to accomplish their missions in worldwide
27 locations as they endure separation from their homes
28 and family relationships and obligations, and missed
29 special family occasions as they fulfill their
30 assignments; and

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1 *Whereas*, the actions of Iowans serving in the
2 military reflect great credit upon all the people of
3 the State of Iowa; *Now Therefore*,
4 *Be It Resolved By The House Of Representatives*,
5 That the House of Representatives recognizes and
6 honors the Iowa members of the military for their

7 dedication and outstanding performance of duty, and
8 the House of Representatives expresses its
9 appreciation to the families of Iowa's military
10 members.

HR 121 filed February 24, 2004; House adopted February 25, 2004.

1 House Resolution 122
2 By Boggess
3 A resolution recognizing the 100th anniversary of
4 Glenn Miller's birthday.
5 *Whereas*, Alton Glenn Miller was born in Clarinda,
6 Iowa, on March 1, 1904, in the family home located at
7 601 S. 16th Street, now Glenn Miller Avenue; and
8 *Whereas*, Glenn Miller organized an orchestra in
9 1938, performing with an acclaimed style of big band
10 swing music that quickly set new records in attendance
11 and recording sales and continued to do so until the
12 orchestra was disbanded in 1942 at the height of its
13 popularity; and
14 *Whereas*, Glenn Miller and His Orchestra were the
15 first musicians to be recognized with a gold record
16 and this recognition has continued with an
17 accumulation of 29 gold records, so far; and
18 *Whereas*, Glenn Miller showed his patriotism by
19 volunteering at the age of 38 to join the U.S. Army
20 Air Force "to bring our music to the servicemen here
21 and abroad"; and
22 *Whereas*, he was commissioned as a captain and
23 assembled a military band of top-notch musicians that
24 was ordered to England in the spring of 1944, bringing
25 a new swinging sound to military music; and
26 *Whereas*, despite experiencing a shattering loss
27 with the death of Glenn Miller halfway through the
28 band's European mission, the band spent 13 months in
29 the European theater of operations while performing
30 nearly 1,000 times, making musical history while world

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1 history was being made; and
2 *Whereas*, in 1976, Clarinda began honoring its
3 famous son by hosting an annual music festival
4 featuring performers from all over the world and the
5 100th anniversary of Glenn Miller's birthday will be
6 specially recognized during this year's five-day
7 festival held June 9-13, 2004; and
8 *Whereas*, membership in Clarinda's Glenn Miller
9 Birthplace Society has grown to 1,500 members
10 representing 48 states and 24 nations, indicating the
11 continuing popularity of the Glenn Miller style of

12 music; and
13 *Whereas*, music helps bridge differences, as shown
14 by the example of Tamana Girls High School Band of
15 Kumamoto, Japan, which made its first appearance at
16 the festival in 1990, leading to establishment of a
17 Sister City and Sister School relationship with
18 Clarinda, a degree of cultural exchange unmatched by
19 other cities the size of Clarinda; *Now Therefore*,
20 *Be It Resolved By The House Of Representatives*,
21 That the House of Representatives salutes Glenn
22 Miller's legacy on the occasion of the 100th
23 anniversary of his birthday and joins people
24 everywhere in recognizing through Glenn Miller's
25 influence that when music is shared over the
26 generations and around the world, good things happen.

HR 122 filed February 27, 2004; House adopted March 1, 2004.

1 House Resolution 123
2 By Wilderdyke
3 A resolution to recognize and honor Gary Guge and his work in the
4 Iowa State University Extension Service.
5 *Whereas*, for the past century, the Iowa State
6 University Extension Service has been helping Iowans
7 become their best by providing Iowans with access to
8 the resources of the university and by communicating
9 the priorities of the citizens to the university; and
10 *Whereas*, for the past 40years, Gary Guge has had a
11 distinguished career as a servant for the people of
12 Harrison County through his honorable and unselfish
13 service as part of the Extension Service's work in
14 Harrison County; and
15 *Whereas*, Gary Guge began helping Harrison County
16 residents in 1963 as an Extension Service employee,
17 moving into the position of County Extension Education
18 Director in 1970; and
19 *Whereas*, Gary Guge's 40 years of service to the
20 Extension Service and Harrison County have had a
21 lasting impact on all age groups and people of the
22 state and Harrison County; *Now Therefore*,
23 *Be It Resolved By The House Of Representatives*,
24 That the House of Representatives pays tribute to Gary
25 Guge for his devoted service to the Iowa State
26 University Extension Service and the citizens of this
27 state; and
28 *Be It Further Resolved*, That an official copy of
29 this Resolution be prepared and presented to Gary
30 Guge.

HR 123 filed March 2, 2004; House adopted March 10, 2004.

House Resolution 125

By Foege

(Companion To LSB 5653SS By Dvorsky)

A resolution commemorating the sesquicentennial anniversary of Cornell College.

Whereas, Cornell College was founded in Mount Vernon, Iowa, in 1853 by Methodist minister George Bowman, and dedicated to the belief that education was critical to a civilized society; and

Whereas, the College has a long tradition of emphasizing the value and importance of a rich liberal arts education, of building a close-knit academic environment and nurturing its students, of engaging dedicated professors with the most advanced academic degrees who are focused on teaching, and of offering abundant cocurricular programs and activities; and

Whereas, from its first academic year, when over one-quarter of its students were women, Cornell College granted women equal academic rights and privileges with men, being the first Iowa college in 1858 to confer a baccalaureate degree on a woman and the first college or university in the nation in 1871 to confer a full professorship upon a woman with a salary equal to male professors; and

Whereas, Cornell College, since its inception, has adopted a mission of service, not only to its students, but to the community and the world around it; and

Whereas, campus organizations active over Cornell's 150 years have included nearly two dozen literary

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societies meeting during the College's first 75 years, over 30 social groups organized and active over the last 75 years, and more than a dozen national honor and service organizations recognizing outstanding academic performance over the years, including Phi Beta Kappa, first organized in 1923, and Mortar Board; and

Whereas, Cornellians today are active in a myriad of extracurricular activities, including student government, athletics, and off-campus and international programs, and in more than 100 student organizations, with three-fourths of students participating in a communitywide volunteer services program; and

Whereas, the College's innovative One-Course-At-A-Time calendar was introduced in 1978 and has been significant in drawing prospective students to the College from every state in the nation and from tens

19 of countries around the world; and
20 *Whereas*, national rankings have annually placed
21 Cornell College among the top liberal arts colleges in
22 the United States; and
23 *Whereas*, Cornell's emphasis on a well-rounded
24 liberal arts education and preparation of its students
25 for lifelong achievement and contribution have
26 resulted in nearly two-thirds of its students
27 attending graduate or professional schools following
28 graduation; and
29 *Whereas*, Cornell College has a long history of
30 preserving and rehabilitating its hilltop campus,

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1 including its first campus building, now known as Old
2 Sem, its oldest building, the President's House, and
3 its landmark William Fletcher King Chapel, with this
4 preservation effort being recognized in 1980 by the
5 inclusion of the entire College campus on the National
6 Register of Historic Places; *Now Therefore*,
7 *Be It Resolved By The House Of Representatives*,
8 That the House of Representatives recognizes Cornell
9 College for its contributions to the state in general
10 and to its students and the Mount Vernon community in
11 particular, and extends congratulations to Cornell
12 College on 150 years of dedicated service; and
13 *Be It Further Resolved*, That an official copy of
14 this Resolution be prepared and presented to Les
15 Garner, President of Cornell College, to share with
16 Cornellians, both past and present, with all Cornell
17 faculty and staff, and with all friends of the
18 College.

HR 125 filed March 2, 2004; House adopted March 9, 2004.

1 House Resolution 131
2 By S. Olson and J. R. Van Fossen
3 A resolution recognizing the achievements of the North
4 Scott Little League team from Eldridge, Iowa, in
5 winning the Midwest Championship of the 2003 Little
6 League Baseball World Series.
7 *Whereas*, the North Scott Little League Team from
8 Eldridge were the Midwest Champions of the 2003 Little
9 League World Series, defeating teams from Iowa and
10 many other midwest states en route to winning the
11 championship; and
12 *Whereas*, the North Scott Little League Team has
13 brought distinction to this state by displaying a high
14 degree of teamwork, discipline, and effort in
15 achieving an overall record of 18 wins and 7 losses

16 during the regulation and exhibition phases of the
17 series; *Now Therefore,*
18 *Be It Resolved By The House Of Representatives,*
19 That the Iowa House of Representatives salutes the
20 achievements of the North Scott Little League Team in
21 winning the Midwest Championship of the 2003 Little
22 League Baseball World Series; and
23 *Be It Further Resolved,* That the House of
24 Representatives expresses appreciation to the team for
25 representing the best qualities of Iowans while
26 competing with teams from other states and nations;
27 and
28 *Be It Further Resolved,* That upon passage of this
29 Resolution, the Chief Clerk of the House of
30 Representatives shall provide an official copy of this

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1 Resolution for presentation to the North Scott Little
2 League Team.

HR 131 filed March 18, 2004; House adopted March 22, 2004.

1 House Resolution 132
2 By Paulsen
3 A resolution honoring the town of Palo and its surrounding
4 community on the town's sesquicentennial year.
5 *Whereas,* Palo is a small Eastern Iowa town first
6 settled by Mr. John Hollenbeck when Iowa was still a
7 territory, and later by Mr. John G. Cole who on June
8 10, 1854, had the site of the present town surveyed on
9 the northeast quarter of section 29, of Fayette
10 Township 84 north, range 8; and
11 *Whereas,* Palo and its surrounding community is the
12 site of a number of businesses and homes, with a
13 thriving religious congregation and a religious
14 tradition which traces its origins to the town's
15 founders and to a church erected in 1870, which
16 continues to stand as a reminder of the town's
17 history; and
18 *Whereas,* the most prominent landmark of Palo and
19 its surrounding community is the Duane Arnold Energy
20 Center, which became operational in 1974, produces
21 approximately 13 percent of the state's electricity,
22 and employs more than 500 hardworking and well-trained
23 people, many of whom live in or near the Palo
24 community; and
25 *Whereas,* another significant feature of Palo and
26 its surrounding community is the 410-acre lake at
27 Pleasant Creek State Recreation Area and 1,517 acres
28 of land around the lake which provides wide-ranging

29 recreational opportunities for outdoor enthusiasts
30 including ice fishing, scuba diving, swimming,

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1 camping, picnicking, hiking, horseback riding,
2 hunting, bird-watching, snowmobile riding, and cross-
3 country skiing; and
4 *Whereas*, on June 12, 2004, Palo and its surrounding
5 community will celebrate the 150th anniversary of the
6 town's founding, featuring a variety of entertainment
7 including a parade, garden tractor pull, dance, and
8 fireworks; *Now Therefore*,
9 *Be It Resolved By The House Of Representatives*,
10 That the House of Representatives recognizes and
11 extends its congratulations to the town of Palo and
12 its surrounding community on the town's
13 sesquicentennial anniversary year and for its 150
14 years of service to its citizens and to the State of
15 Iowa; and
16 *Be It Further Resolved*, That an official copy of
17 this Resolution be prepared and presented to Mayor
18 Larry Dauenbaugh, Mr. John Huntington, and Ms. Ruth
19 Kibbie, citizens of the town of Palo and its
20 surrounding community.

HR 132 filed March 18, 2004; House adopted March 31, 2004.

1 House Resolution 136
2 By Sands
3 A resolution recognizing March 2004 as National
4 Nutrition Month.
5 *Whereas*, food is the substance by which life is
6 sustained; and
7 *Whereas*, the type, quality, and amount of food that
8 individuals consume each day plays a vital role in
9 their overall health and physical fitness; and
10 *Whereas*, there is a need for continuing nutrition
11 education and a wide-scale effort to enhance good
12 eating practices; and
13 *Whereas*, the American Dietetic Association's
14 nutrition education and information campaign annually
15 designates March as National Nutrition Month; and
16 *Whereas*, Gretchen Davison, Miss Louisa County 2003,
17 and a dietetic intern at Genesis Medical Center in
18 Davenport, Iowa, has adopted "E.A.T. Your Heart Out"
19 as her platform as a contender in the Miss Iowa
20 Scholarship Program; *Now Therefore*,
21 *Be It Resolved By The House Of Representatives*,
22 That the House of Representatives recognizes the month
23 of March 2004 as National Nutrition Month as sponsored

24 by the American Dietetic Association, and encourages
25 all citizens to join the campaign for good nutrition
26 and to become concerned about their nutrition and the
27 nutrition of others in the hope of achieving optimum
28 health for both today and tomorrow; and
29 *Be It Further Resolved*, That the House of
30 Representatives urges Governor Thomas J. Vilsack to

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1 proclaim March 2004 as National Nutrition Month to
2 further promote the goals of the American Dietetic
3 Association to focus attention on the importance of
4 making informed food choices and developing sound
5 eating and physical activity habits.

HR 136 filed March 22, 2004; House adopted March 22, 2004.

1 House Resolution 140
2 By Schickel, Upmeyer, Rayhons, and Kuhn
3 A resolution to recognize and honor the soldiers of the
4 1133rd Transportation Company of the Iowa National
5 Guard and their families.
6 *Whereas*, Iowa's citizen-soldiers have faithfully
7 served, sacrificed for, and protected the United
8 States for over 150 years; and
9 *Whereas*, that spirit and sacrifice have now been
10 embodied by the service provided by the soldiers of
11 the 1133rd Transportation Company of the Iowa National
12 Guard, which has just completed one year of arduous
13 and dangerous service in Iraq; and
14 *Whereas*, that burden of service has been shared by
15 the families of those soldiers and the communities of
16 northern Iowa where those soldiers live and work; and
17 *Whereas*, that spirit, sacrifice, and service
18 reflects great credit upon all the people of the State
19 of Iowa; *Now Therefore*,
20 *Be It Resolved By The House Of Representatives*,
21 That the House of Representatives recognizes and
22 honors the soldiers of the 1133rd Transportation
23 Company of the Iowa National Guard for their
24 dedication and outstanding performance of duty; and
25 *Be It Further Resolved*, That the House of
26 Representatives expresses its appreciation to the
27 families of those soldiers for the sacrifices they
28 have made and the support they have provided in the
29 name of freedom; and
30 *Be It Further Resolved*, That on behalf of all the

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1 people of Iowa, the House of Representatives welcomes
2 the soldiers of the 1133rd Transportation Company back
3 to their families, friends, and communities.

HR 140 filed March 23, 2004; House adopted April 8, 2004.

1 House Resolution 142
2 By Miller, Maddox, Alons, Arnold, Baudler, Bell,
3 Berry, Boal, Boddicker, Boggess, Bukta, Carroll,
4 Chambers, Cohoon, Connors, Dandekar, Davitt, De Boef,
5 Dennis, Dix, Dolecheck, Drake, Eichhorn, Elgin,
6 Fallon, Foege, Ford, Freeman, Frevert, Gaskill,
7 Gipp, Granzow, Greimann, Greiner, Hahn, Hanson,
8 Heaton, Heddens, Hoffman, Hogg, Horbach, Hunter,
9 Huseman, Huser, Hutter, Jacobs, Jacoby, Jenkins,
10 Jochum, Jones, Klemme, Kramer, Kuhn, Kurtenbach,
11 Lalk, Lensing, Lukan, Lykam, Manternach, Mascher,
12 McCarthy, Mertz, Murphy, Oldson, D. Olson, S. Olson,
13 Osterhaus, Paulsen, Petersen, Quirk, Raecker, Rants,
14 Rasmussen, Rayhons, Reasoner, Roberts, Sands,
15 Schickel, Shomshor, Shoultz, Smith, Stevens, Struyk,
16 Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes,
17 Tymeson, Upmeyer, Van Engelenhoven, J. K. Van Fossen,
18 J. R. Van Fossen, Watts, Wendt, Whitaker, Whitead,
19 Wilderdyke, Winckler, and Wise
20 A resolution honoring the National Bar Association for
21 its important contributions to the legal profession
22 and the judicial process.
23 *Whereas*, the National Bar Association was organized
24 on August 1, 1925, in Des Moines, Iowa, to serve as an
25 organization for African-American lawyers; and
26 *Whereas*, the objectives of the National Bar
27 Association are to advance the science of
28 jurisprudence, improve the administration of justice,
29 preserve the independence of the judiciary, uphold the
30 honor and integrity of the legal profession, promote

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1 legislation that will improve the economic condition
2 of all American citizens, regardless of race, sex, or
3 creed, and protect the civil and political rights of
4 all United States citizens; and
5 *Whereas*, the National Bar Association is the
6 nation's oldest and largest national association
7 representing African-American lawyers and jurists,
8 with 84 affiliate chapters in the United States and
9 with affiliates in several countries, representing a
10 professional network of over 20,000 lawyers, judges,
11 educators, and law students; and
12 *Whereas*, the National Bar Association has an

13 illustrative history of filing amicus briefs in
14 support of civil rights, championing the pro bono
15 legal movement, providing legal assistance to needy
16 individuals, and supporting equal opportunity and
17 voting rights; and
18 *Whereas*, the National Bar Association sponsors
19 college scholarships and a legal camp to introduce
20 high school students to the legal profession, and has
21 provided law school officials with an assessment of
22 recruitment, retention, and placement of minority law
23 students; and
24 *Whereas*, the National Bar Association developed a
25 judicial selection process to ensure gains in minority
26 judgeships through the federal Omnibus Judgeship Act,
27 sponsored a summit among minority bar associations
28 nationwide, and has engaged in a host of other
29 activities to support the growth of minorities in the
30 legal and judicial professions; and

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1 *Whereas*, the National Bar Association has conducted
2 commercial law seminars to promote minority business
3 ownership, held the first Black-on-Black Crime
4 Conference, and promoted minority business enterprises
5 through technical assistance and education programs;
6 and
7 *Whereas*, the National Bar Association has supported
8 efforts to promote equality and justice around the
9 world, including providing observers to the first all-
10 race democratic election in South Africa, and
11 providing delegations to assist economic and political
12 developments in other African countries; *Now*
13 *Therefore*,
14 *Be It Resolved By The House Of Representatives*,
15 That the House of Representatives recognizes the
16 important contributions of the National Bar
17 Association in promoting equality and justice through
18 responsible legal methods, not only in the United
19 States but around the world, and that the organizing
20 event which led to the founding of the National Bar
21 Association represents a historical milestone in the
22 history of Iowa.

HR 142 filed March 24, 2004; House adopted April 6, 2004.

1 House Resolution 145
2 By Heaton, Foege, Smith, and Upmeyer
3 A resolution to recognize May 2004 as Hepatitis C
4 Awareness and Education Month and to urge greater
5 public awareness and education regarding hepatitis C.

6 *Whereas*, hepatitis C is the most common chronic
7 bloodborne viral infection in the United States,
8 infecting 3.9 million people nationwide and an
9 additional 25,000 people each year, and is the leading
10 cause of liver disease, elevating the risk of chronic
11 liver disease, liver cancer, and other hepatitis C
12 virus-related illnesses; and

13 *Whereas*, sixty-seven percent of hepatitis C-
14 infected persons are chronically infected and
15 approximately 8,000 to 10,000 people in the United
16 States die each year from conditions caused by
17 hepatitis C; and

18 *Whereas*, there were 52,943 estimated cases of
19 hepatitis C in Iowa according to 2001 census data with
20 an additional 3,946 cases identified in Iowa between
21 January 1, 2002, and August 31, 2003; and

22 *Whereas*, infected individuals who are unaware that
23 they are infected are unlikely to take precautions to
24 prevent the spread or exacerbation of their infection;
25 and

26 *Whereas*, in the absence of a vaccine for hepatitis
27 C, emphasis must be placed on other means of awareness
28 and prevention of this disease, including education of
29 persons at high risk for hepatitis C as defined by the
30 federal Centers for Disease Control and Prevention, as

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1 well as peace officers, fire fighters, health care
2 workers, and the general public; *Now Therefore*,
3 *Be It Resolved By The House Of Representatives*,
4 That the members of the House of Representatives
5 recognize May 2004 as Hepatitis C Awareness and
6 Education Month; and

7 *Be It Further Resolved*, That the Iowa Department of
8 Public Health provide to the General Assembly the
9 findings of the State Advisory Committee on Hepatitis,
10 including recommendations for programs and policies
11 related to hepatitis C awareness, education,
12 screening, prevention, and treatment, by December 31,
13 2004; and

14 *Be It Further Resolved*, That, upon adoption, the
15 Chief Clerk of the House of Representatives shall send
16 a copy of this Resolution to the Iowa Department of
17 Public Health.

HR 145 filed March 24, 2004; House adopted April 7, 2004.

1 House Resolution 148

2 By Paulsen

3 A resolution honoring the town of Center Point and its

4 surrounding community on the town's sesquicentennial
5 year.
6 *Whereas*, in 1839 Mr. Bartimeus McGonigle, who was
7 followed by others, founded a settlement near the
8 Cedar River that projected into the Eastern Iowa
9 prairie and was known as McGonigle's Point; and
10 *Whereas*, in 1854 a village plat was surveyed and
11 the name of the village was changed to Center Point in
12 recognition of the fact that it was the halfway stop
13 on a stagecoach route that extended from the city of
14 Marion to the towns of Quasqueton and Independence;
15 and
16 *Whereas*, Center Point grew into a thriving town,
17 becoming the site of a number of homes and businesses,
18 a thriving religious congregation, and a prosperous
19 farming community, with a historical heritage
20 preserved in the photographs of Mr. James Fairbanks;
21 and
22 *Whereas*, the citizens of Center Point treasure its
23 past, including main street buildings dating from the
24 1870s, which stand as a reminder of the town's
25 history, and also look forward to a promising future
26 with the construction of new houses and schools; and
27 *Whereas*, this tradition of preserving the past
28 while moving confidently forward is reflected in the
29 old site of the Burlington, Cedar Rapids and Northern
30 Railroad, the conversion of its depot into a

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1 historical museum, and the establishment of the Cedar
2 Valley Nature Trail on its former rail bed, which
3 extends through Center Point and its surrounding
4 community including forested bottomlands, and rolling
5 farmlands; and
6 *Whereas*, on July 8 through 11, 2004, Center Point
7 and its surrounding community will celebrate the 150th
8 anniversary of the town's founding, in conjunction
9 with its Pork Days Celebration and the All School
10 Reunion with a number of events, including a concert,
11 talent show, parade, spelling bee, reenactment of the
12 pageant given 50 years ago, and the largest fireworks
13 display in Center Point history; *Now Therefore*,
14 *Be It Resolved By The House Of Representatives*,
15 That the House of Representatives recognizes and
16 extends its congratulations to the town of Center
17 Point and its surrounding community on the town's
18 sesquicentennial anniversary year and for its 150
19 years of service to its citizens and to the State of
20 Iowa; and
21 *Be It Further Resolved*, That an official copy of
22 this Resolution be prepared and presented to Mayor

23 Paula Freeman-Brown and Ms. Teresa Scheeler.

HR 148 filed March 29, 2004; House adopted March 31, 2004.

1 House Resolution 149
2 By Heaton and Whitaker
3 A resolution encouraging the adoption of the Iowa tartan
4 and the Iowa dress tartan as official state tartans.
5 *Whereas*, Tartan Day has been recognized and
6 celebrated on April 6 since 1999 to commemorate the
7 signing of the Declaration of Arbroath that inspired
8 the United States Declaration of Independence and to
9 recognize the contributions of the people of Scottish
10 and Scots-Irish heritage to the United States and
11 Iowa; and
12 *Whereas*, twenty states, the United States, all of
13 the Canadian provinces, some of the American military
14 forces, and several cities in the United States have
15 adopted their own tartan which can be worn by anyone
16 of any nationality, known as district tartans; and
17 *Whereas*, Iowa has a rich history of Scottish
18 influence in the founding of towns, cities, and
19 counties; and that history is reflected in place names
20 and celebrations throughout Iowa; and
21 *Whereas*, Iowans of Scottish and Scots-Irish descent
22 have shown leadership in the fields of science,
23 industry, literature, politics, exploration, and
24 conservation; and
25 *Whereas*, the Scottish community had input into the
26 creation of the Iowa tartan and Iowa dress tartan; and
27 *Whereas*, the colors chosen for the Iowa tartans
28 were chosen to symbolize Iowa: blue for the sky, our
29 rivers and lakes; green for the fields our farmers
30 plant; black for the rich soil with which we are

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1 blessed; white for snow; red for barns and the state
2 flower, the wild rose; brown for the earth; and yellow
3 for corn and the state bird, the goldfinch; and
4 *Whereas*, the Iowa Scottish Heritage Society
5 initiated the creation of the state tartans as gifts
6 for all of the people of Iowa to symbolize the nature,
7 qualities, and beauty of Iowa and as a symbol of unity
8 and all that weaves us together as Iowans; *Now*
9 *Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives supports adoption of
12 designs submitted by the Iowa Scottish Heritage
13 Society as the official Iowa tartans; and
14 *Be It Further Resolved*, That a copy of this

15 resolution be sent to the Governor requesting
16 executive approval of such tartans as the official
17 Iowa tartan and Iowa dress tartan.

HR 149 filed March 29, 2004; House adopted April 6, 2004.

1 House Resolution 151
2 By Rants
3 A resolution honoring the Morningside College Women's
4 Basketball Team on their national championship.
5 *Whereas*, Morningside College of Sioux City used a
6 record setting three-point shooting display to win its
7 first-ever women's basketball national championship
8 when it defeated Cedarville University 87-74 in the
9 title game of the NAIA Division II National Tournament
10 in Sioux City's Tyson Events Center/Gateway Arena; and
11 *Whereas*, the Morningside Mustangs made a national
12 tournament single-game record 17 three-point field
13 goals to erase the former record of 15 three-pointers
14 the Mustangs made in their opening round win; and
15 *Whereas*, Morningside shot a sizzling 48.6 percent
16 from beyond the three-point arc with 17 treys in 35
17 attempts; and
18 *Whereas*, Morningside had 47 three-point field goals
19 in its five national tournament games to also set a
20 record; and
21 *Whereas*, Megan Cloud led the way by bombing in
22 eight of 11 three-point shots to tie the national
23 tournament single-game record set in the first game of
24 the tournament by Kate Lokken, the only senior on the
25 team; and
26 *Whereas*, Megan Cloud finished with 34 points to go
27 along with six assists and six rebounds, and was named
28 the tournament's Most Valuable Player; and
29 *Whereas*, Megan Cloud was joined on the all-
30 tournament team by teammates Brittany Carper and Kate

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1 Lokken; and
2 *Whereas*, Morningside finished its storybook season
3 with a 34-4 record to set a school record for
4 victories, while Cedarville bowed out at 35-3 and had
5 its 23-game winning streak snapped; and
6 *Whereas*, Coach Jamie Sale was named NAIA Division
7 II Coach of the Year and Brittany Carper, former Sioux
8 City East standout, was named NAIA Division II
9 National Player of the Year; *Now Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the House of Representatives congratulates the
12 Morningside College Women's Basketball Team and their

13 coach on winning the NAIA Division II Women's
14 Basketball National Championship and thanks them for
15 the honor and recognition they have brought to
16 Morningside College and to the State of Iowa; and
17 *Be It Further Resolved*, That, upon adoption, an
18 official copy of this Resolution be prepared for
19 presentation to Coach Jamie Sale and the Morningside
20 College Women's Basketball Team.

HR 151 filed March 30, 2004; House adopted March 30, 2004.

1 House Resolution 152
2 By Winckler, Lykam, J. R. Van Fossen,
3 Hutter, J. K. Van Fossen, S. Olson, Bukta,
4 Osterhaus, and Hahn
5 A resolution honoring Dr. John T. Blong, Chancellor of
6 Eastern Iowa Community College District.
7 *Whereas*, Dr. John T. Blong has provided outstanding
8 leadership for Eastern Iowa Community College District
9 as chancellor since 1986; and
10 *Whereas*, Dr. Blong has announced his retirement
11 this June as Chancellor of Eastern Iowa Community
12 College District, ending a distinguished 37-year
13 career in Iowa's community colleges; and
14 *Whereas*, in his 18 years as chancellor, Eastern
15 Iowa Community College District has become synonymous
16 with innovation and excellence; and
17 *Whereas*, Dr. Blong instituted a Continuous Quality
18 Improvement initiative, a national environmental
19 training center, and innovative international
20 education activities that have garnered Eastern Iowa
21 Community College District national recognition; and
22 *Whereas*, Eastern Iowa Community College District is
23 the first and only educational institution to win the
24 state quality award, the Iowa Recognition for
25 Performance Excellence; and
26 *Whereas*, Dr. Blong has developed numerous
27 partnerships with educational institutions, business
28 and industry, community organizations, and local
29 governments that have expanded the capacity of all
30 parties to meet eastern Iowans' educational and career

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1 training needs; and
2 *Whereas*, Dr. Blong has provided outstanding
3 leadership at the state and national level during a
4 period of great growth and expansion of the role of
5 community colleges; and
6 *Whereas*, Dr. Blong has been honored as both Central
7 Region and National Chief Executive Officer of the

8 Year in 2003 by the Association of Community College
9 Trustees; *Now Therefore,*
10 *Be It Resolved By The House Of Representatives,*
11 That the House of Representatives recognizes Dr. John
12 T. Blong for his dedication to Eastern Iowa Community
13 College District, its students, and its communities,
14 and honors his efforts to establish Eastern Iowa
15 Community College District as a role model for
16 community colleges throughout Iowa and the nation; and
17 *Be It Further Resolved,* That upon passage, the
18 Chief Clerk of the House of Representatives shall
19 cause an official copy of this Resolution to be
20 prepared for presentation to Dr. John T. Blong,
21 Chancellor of Eastern Iowa Community College District.

HR 152 filed March 30, 2004; House adopted April 5, 2004.

1 House Resolution 156
2 By Wise, Cohoon, Sands, and Heaton
3 A resolution honoring the Southeastern Community College
4 Men's Basketball Team on its national championship.
5 *Whereas,* the Southeastern Community College Men's
6 Basketball Team recently won its third National Junior
7 College Athletic Association (NJCAA) Division I
8 national championship in five years, winning back-to-
9 back titles in 2003 and 2004; and
10 *Whereas,* the Southeastern Community College
11 BlackHawks convincingly won their four tournament
12 games, outscoring their opponents by an average of
13 over 18 points per game; and
14 *Whereas,* the team's defensive play was stellar,
15 holding its opponents to an average field goal
16 percentage of only 31.1 percent; and
17 *Whereas,* BlackHawk team member Kelvin Pena was
18 named the Tournament's Most Valuable Player, and was
19 joined by team members Ivan Almonte and Marvett
20 McDonald on the All-Tournament Team; and
21 *Whereas,* BlackHawk Coach Joe O'Brien was also named
22 Coach of the Tournament; *Now Therefore,*
23 *Be It Resolved By The House Of Representatives,*
24 That the House of Representatives congratulates the
25 Southeastern Community College Men's Basketball Team
26 and their coach on winning the NJCAA Division I Men's
27 Basketball National Championship and thanks them for
28 the honor and recognition they have brought to
29 Southeastern Community College and to the State of
30 Iowa; and

2 official copy of this Resolution be prepared for
3 presentation to Coach Joe O'Brien and the Southeastern
4 Community College Men's Basketball Team.

HR 156 filed April 2, 2004; House adopted April 7, 2004.

1 House Resolution 157
2 By Wise, Cohoon, Sands, and Heaton
3 A resolution honoring Southeastern Community College
4 Men's Basketball Coach Joe O'Brien.
5 *Whereas*, the Southeastern Community College Men's
6 Basketball Team recently won its third National Junior
7 College Athletic Association (NJCAA) Division I
8 national championship in five years, with Coach Joe
9 O'Brien being named Coach of the Tournament for the
10 third time; and
11 *Whereas*, Coach O'Brien has announced his
12 resignation after leading the Southeastern Community
13 College BlackHawks in his eight years as coach to a
14 231-64 record and a 76.9 winning percentage; and
15 *Whereas*, Coach O'Brien is only the third coach in
16 junior college history to win three national
17 championships; and
18 *Whereas*, Coach O'Brien attributes his success as a
19 junior college basketball coach to the pursuit of
20 multiple goals which include building his players'
21 skills and confidence to play at a higher level,
22 motivating them to work very hard on and off the
23 basketball court, specifically assisting them to
24 succeed academically, recruiting new players each year
25 to fill the everchanging junior college roster of
26 players, and raising the funds and securing the
27 support of fans necessary to make the men's basketball
28 program at Southeastern Community College viable each
29 year; *Now Therefore*,
30 *Be It Resolved By The House Of Representatives*,

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1 That the House of Representatives congratulates Coach
2 Joe O'Brien for his unrivaled success as the coach of
3 the Southeastern Community College Men's Basketball
4 Team these past eight years and thanks him for his
5 dedication and for the honor and recognition he has
6 brought to Southeastern Community College and to the
7 State of Iowa; and
8 *Be It Further Resolved*, That, upon adoption, an
9 official copy of this Resolution be prepared for
10 presentation to Coach Joe O'Brien.

HR 157 filed April 2, 2004; House adopted April 15, 2004.

1 House Resolution 158

2 By Mertz

3 A resolution honoring the city of Algona on its
4 sesquicentennial anniversary year.

5 *Whereas*, in 1851 the Third General Assembly of the
6 Iowa Legislature established Kossuth County, named in
7 honor of Lajos Kossuth; and

8 *Whereas*, in 1854 brothers Ambrose and Asa Call
9 first settled the rich farmground of Kossuth County,
10 near the beautiful Des Moines River; and

11 *Whereas*, in that year they were among the pioneers
12 who founded the town of Algona, named in part by Asa's
13 wife and in part for the Indian words "Algonquin
14 Waters"; and

15 *Whereas*, from that beginning Algona has grown into
16 a governmental, agricultural, and manufacturing center
17 of 6,000 residents, blending settlers of German,
18 Norwegian, Irish, and English ancestry into a single
19 community; and

20 *Whereas*, in World War II Algona played a major role
21 in the allied war effort by providing a detention camp
22 which housed, and provided care and comfort for
23 thousands of German prisoners of war; and

24 *Whereas*, even today Algona demonstrates that a good
25 life can be had in rural Iowa; *Now Therefore*,

26 *Be It Resolved By The House Of Representatives*,
27 That the House of Representatives recognizes and
28 extends its congratulations to the city of Algona on
29 its sesquicentennial anniversary to be celebrated July
30 10, 2004, and for its prominent place in Iowa history

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1 and its role in Iowa's future.

HR 158 filed April 5, 2004; House adopted April 15, 2004.

1 House Resolution 160

2 By Dix and Foege

3 A resolution recognizing and congratulating the
4 Wartburg College 2003 Men's and Women's
5 Cross-Country Teams and the Wartburg College
6 2003-2004 Wrestling Team.

7 *Whereas*, Iowans are proud and honored to recognize
8 the accomplishments of the Wartburg College 2003 Men's
9 and Women's Cross-Country Teams and the Wartburg
10 College 2003-2004 Wrestling Team; and

11 *Whereas*, the Wartburg Knights Men's and Women's
12 Cross-Country Teams competed in the NCAA Division III
13 cross-country meet on November 22, 2003, on the campus
14 of Hanover College in Indiana, tallied six All-

15 Americans, and claimed the individual championships in
16 both the men's and women's races for the first time in
17 NCAA Division III cross-country history; and
18 *Whereas*, Josh Moen, a junior, and the son of Greg
19 and Sue Moen of Fairbank, won the individual men's
20 title in the eight-kilometer race with a time of
21 twenty-four minutes and forty-three and four-tenths
22 seconds, completing the race almost thirty seconds
23 faster than the second-place finisher; and
24 *Whereas*, Missy Buttry, the defending national
25 Division III women's champion, a junior, and the
26 daughter of Don and Pam Buttry of Shenandoah, retained
27 her title in the six-kilometer race with a course-
28 record-shattering time of twenty minutes and two-
29 tenths of a second, finishing the race more than one
30 minute faster than the second-place finisher; and

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1 *Whereas*, Missy Buttry was named U.S.A. Track and
2 Field's Athlete of the Week after winning her first
3 career U.S. Open title in the women's six-kilometer
4 race on December 7, 2003, at the 2003 U.S.A. Track and
5 Field National Cross-Country Championships in
6 Greensboro, North Carolina; and
7 *Whereas*, Missy Buttry qualified for the World
8 Cross-Country Team after placing fourth in the four-
9 kilometer event at the United States Championships on
10 February 8, 2004, in Indianapolis, Indiana, and also
11 placed 60th at the International Association of
12 Athletics Federation World Cross-Country Championships
13 in Brussels, Belgium, on March 21, 2004, helping to
14 lead the U.S. Senior Women's Four-Kilometer Team to a
15 seventh place finish; and
16 *Whereas*, the defending champion, the 2003-2004
17 Wartburg Knights Wrestling Team, won its fourth team
18 title since 1996 and its second consecutive NCAA
19 Division III National Championship on March 6, 2004,
20 at the Five Flags Center in Dubuque, with a total of
21 156.5 points, overcoming the runner-up by 16 points;
22 and
23 *Whereas*, the Wartburg Knights Wrestling Team with
24 their "Fab Four" tied a national record by winning
25 four individual championships at the March 6, 2004,
26 meet, increasing the total number of individual
27 champions in the Wartburg wrestling program to 19, the
28 sixth best record in NCAA Division III wrestling
29 history, and ended the tourney with nine All-
30 Americans, increasing the program's total to 109; and

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1 *Whereas*, Dustin Hinschberger, a sophomore, and the
2 son of Kurt and Terri Jo Hinschberger of Belle Plaine,
3 is the national Division III champion at 141 pounds;
4 and
5 *Whereas*, Bart Mehlert, a senior, and the son of
6 Larry and Deb Mehlert of La Porte City, is the
7 national Division III champion at 149 pounds; and
8 *Whereas*, Ryan Sturm, a junior, and the son of
9 Richard and Katherine Sturm of Armstrong, is the
10 national Division III champion at 184 pounds; and
11 *Whereas*, Akeem Carter, a sophomore, and the son of
12 Louis and Nancy Carter of Waterloo, is the national
13 Division III champion at 197 pounds; *Now Therefore*,
14 *Be It Resolved By The House Of Representatives*,
15 That the House of Representatives congratulates the
16 2003 Wartburg College Men's and Women's Cross-Country
17 Teams and their coach, Steve Johnson, on their
18 extraordinary performance and wishes them continued
19 success in all of their future endeavors; and
20 *Be It Further Resolved*, That the House of
21 Representatives congratulates the 2003-2004 Wartburg
22 College Wrestling Team and its coach, Jim Miller, on
23 their superb performance and wishes them continued
24 success in all of their future endeavors; and
25 *Be It Further Resolved*, That official copies of
26 this Resolution be prepared by the Chief Clerk of the
27 House and presented to the president of Wartburg
28 College, to each member of the Wartburg College Men's
29 and Women's Cross-Country Teams, to each member of the
30 Wartburg College Wrestling Team, and to their coaches.

HR 160 filed April 6, 2004; House adopted April 6, 2004.

1 House Resolution 164
2 By J. K. Van Fossen
3 A resolution requesting the United States Congress to
4 expand the physical presence standard for the
5 imposition of state and local business activity
6 taxes.
7 *Whereas*, the United States Supreme Court, in Quill
8 Corp. v. North Dakota, 504 U. S. 298 (1992), held that
9 remote sellers lacking a physical presence may not be
10 required to act as tax collection agents of the state;
11 and
12 *Whereas*, direct state and local taxes on
13 businesses, also known as "business activity taxes",
14 such as income, franchise, net worth, business
15 license, business and occupation, single business,
16 capital stock, and like taxes, impose an even greater
17 burden on businesses engaged in interstate commerce
18 than an obligation to collect a tax from consumers;

19 and

20 *Whereas*, the physical presence standard promotes
21 fairness by ensuring that businesses that receive
22 benefits and protections provided by state and local
23 governments pay their fair share for these services;
24 and

25 *Whereas*, the ability of state and local
26 jurisdictions to tax out-of-state businesses should be
27 limited to those situations in which the business has
28 employees or property in the taxing jurisdiction and
29 accordingly receives meaningful governmental benefits
30 or protections from the jurisdiction; and

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1 *Whereas*, the physical presence standard results in
2 the proper attribution of business profits to taxing
3 jurisdictions where a business is located and thus
4 does not result in tax avoidance; and

5 *Whereas*, a business activity tax filing requirement
6 based on a standard other than physical presence
7 results in increased filing requirements and thus
8 increased compliance costs; and

9 *Whereas*, businesses currently rely on a physical
10 presence standard for complying with state and local
11 business activity tax obligations, and this standard
12 is applied currently by most state courts; and

13 *Whereas*, any congressional authorization for states
14 to impose a sales and use tax collection obligation
15 would further put businesses at risk of the unfair
16 application of business activity taxes by
17 jurisdictions in which the businesses lack a physical
18 presence; and

19 *Whereas*, the imposition of a standard other than
20 physical presence for business activity taxes would
21 expose United States companies lacking a physical
22 presence overseas to similarly expansive and unfair
23 taxation by foreign countries and their provinces; and

24 *Whereas*, businesses operating in interstate
25 commerce should not be compelled to pay taxes in state
26 and local jurisdictions solely as a result of the
27 business having customers located in the taxing
28 jurisdiction; and

29 *Whereas*, the United States economy has become more
30 global since Congress first enacted Pub. L. No. 86-272

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1 and has shifted toward the provision of more
2 interstate services and intangibles, and providers of
3 services and intangibles are competitively
4 disadvantaged relative to businesses that only sell

5 tangible personal property; and
6 *Whereas*, the enactment of new business activity
7 taxes other than income taxes threatens to circumvent
8 the intent of Congress in enacting Pub. L. No. 86-272;
9 *Now Therefore*,
10 *Be It Resolved By The House Of Representatives*,
11 That the State of Iowa urges Congress to enact
12 legislation recognizing a physical presence standard
13 for the imposition of state and local business
14 activity taxes, defining de minimis standards for
15 measuring physical presence and setting reasonable
16 limits on the attribution of nexus, and updating Pub.
17 L. No. 86-272 to extend the current protections
18 available for the solicitation for sales of goods to
19 the solicitation for sales of services and intangibles
20 and to apply these protections to all business
21 activity taxes; and
22 *Be It Further Resolved*, That the State of Iowa
23 recognizes that any congressional approval of "sales
24 tax streamlining" without the simultaneous enactment
25 of these business activity tax measures would have a
26 harmful effect on American businesses and the economy;
27 and
28 *Be It Further Resolved*, That the Chief Clerk of the
29 House of Representatives shall forward a copy of this
30 Resolution to the Congress of the United States.

HR 164 filed on April 7, 2004; House adopted April 14, 2004.

IN MEMORIAM

House

A memorial adopted by the House of Representatives, 2004, Regular Session of the Eightieth General Assembly, commemorating the life, character and public service of the former members of the House of Representatives.

ROBERT K. BECK	July 17, 1915 – January 13, 2004
ADRIAN B. BRINCK.....	October 31, 1913 – July 3, 2003
CARROLL JOHNSON	September 18, 1913 – April 13, 2001
DELMONT T. MOFFITT	December 21, 1911 – June 30, 2001
WILLIAM R. MONROE, JR.....	January 24, 1938 – August 23, 2003
KENNETH O. OWEN	September 1, 1918 – January 23, 2001
H. LYLE SCHEELHAASE.....	August 14, 1931 – November 18, 2003
WILLIAM J. SCHERLE	March 14, 1923 – August 27, 2003
DELWYN D. STROMER	April 22, 1930 – September 7, 2003
CHARLES JOHN UBAN II	June 29, 1921 – September 2, 2003

ROBERT K. BECK

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Robert K. Beck begs to submit the following Memorial:

Robert K. Beck was born July 17, 1915 the son of Jesse McFall and Edna Needham Beck. He earned a Bachelor of Arts degree in 1937 from Iowa Wesleyan College. He married Charlotte Allen in 1939.

In 1942, he entered the U.S. Naval Reserve, serving 28 months aboard the U.S.S. South Dakota in the Atlantic, Pacific theater, participating in nine major sea engagements. He was discharged in 1945 as Lieutenant.

After the war, Mr. Beck returned home and became general manager of the Iowegian, a family owned paper where he had worked as a teenager. Under his guidance, the Iowegian earned three Iowa General Excellence Awards, the Iowa Community Service Award in 1963 and 1983, as well as numerous state wide awards for both news, advertising, editorial excellence and industrial support. Mr. Beck was named an Iowa Master Editor-Publisher in 1963, was president of the Iowa Newspaper Association in 1969-1970, and earned the Bent Cane Award from the Des Moines Press Club in 1959. Although the Iowegian was sold in 1983, Beck continued to write a weekly column until weeks before his death.

Mr. Beck served as owner-officer of the Oceanside (California) Daily Blade-Tribune, the Glendora (California) Press, the Azusa (California) Herald and the Corydon Times-Republican. He was founder and president of KCOG Radio from 1949-1954 and chairman of the board of Centerville National Bank. He was a member and chaired the Iowa Highway Commission from 1955-59, served on the Iowa Development Commission from 1969-1977, and served on the Iowa Wesleyan College Board of Trustees from 1961-1980.

He launched unsuccessful gubernatorial campaigns in 1966 and 1968 but remained a vital and important cog in the state's political process for decades. He was a past president of the Centerville Lions Club, the Chamber of Commerce, chaired the Industrial Committee, was president of the St. Joseph Hospital lay advisory board, chaired the Community Chest fund drive, was a pioneer member and president of the Rathbun Lake Association, member of the Chariton Valley Improvement Association board, president of the Appanoose Country Club, superintendent of the Methodist Church Sunday School and served on numerous other committees and activities. In 2002, Governor Vilsack presented Beck with a special plaque from the Friends of Rathbun Lake for his decades of dedication to development of the lake and its impact on Appanoose, Wayne, Monroe, and Lucas counties.

A Republican, Mr. Beck was a member of the Fifty-fifth General Assembly.

Robert K. Beck died on January 13, 2004 at the age of 88. He is survived by his wife, Charlotte Allen Beck of Centerville; a son, Tom Beck (Deloris) of Centerville; two daughters, Barbara Beck Climie of Centerville, and Martha Beck Hoch (Dr. Douglas Hoch) of Chariton; seven grandchildren and nine great grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Robert K. Beck, the

State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICHARD ARNOLD
KURT SWAIM
MARY GASKILL
Committee

ADRIAN B. BRINCK

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Adrian B. Brinck begs to submit the following Memorial:

Adrian Brinck was born October 31, 1913, to Bernard J. and Loretta Link Brinck in West Point, Iowa. He married Arlowine L. Arie from Fort Madison, Iowa on February 5, 1944.

He attended St. Mary Grade School and graduated from St. Mary's Catholic High School in 1932. He worked with his father in the out-door advertising and theater business and hosted a political talk show "Good Government." He enlisted in the Marines during World War II, serving from October 1942, through January 1944 and was discharged as a staff sergeant.

Adrian Brinck was active in politics and a member of various organizations: Knights of Columbus, Elks, American Legion, Moose, West Point Community Club, Fort Madison Chamber of Commerce, and Iowa Good Roads Association.

Mr. Brinck was active in politics and served on the West Point City Council, served two terms as Mayor, and one term as a Lee County Supervisor. He also served on the West Point Public School Board, Marquette School Board, West Point Library Board, the West Point Fire Department, as Commander of the American Legion Post No. 668, Executive Committee of the S.E. Iowa Boy Scouts, and as state legislative director for AARP.

A Democrat, Mr. Brinck was a member of the Fifty-eighth, Sixty-first, Sixty-third and Sixty-fifth General Assemblies.

Adrian B. Brinck died July 3, 2003 at the age of 89. He is survived by his wife; four sons: Michael Brinck (Marla) of Annapolis, Maryland; Steve Brinck (Laura) of West Point; John Brinck of West Point; Jim Brinck (Rhonda) of Fort Madison; three daughters: Mary Jo Metzler (Joe) of Alexandria, Virginia; Sallie Kloewer (Jim) of Keosauqua; Barbara Shafer (Robert) of Dubuque; 15 grandchildren, and one sister, Ruth Ryan of Olean, New York.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Adrian B. Brinck, the State has lost an honored citizen and faithful and useful servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

PHILIP WISE
DAVE HEATON
JOHN WHITAKER
Committee

CARROLL JOHNSON

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Carroll Johnson begs to submit the following Memorial:

Carroll Johnson was born September 18, 1913, son of J.H. and Pearl Eastburn Johnson. He attended the University of Chicago and was admitted to the Iowa bar in 1936. He married Edna Stone of Bussey, Iowa in 1940. After serving three terms in the Iowa legislature, he joined the FBI during World War II. He returned to Knoxville to practice law with his father, and dedicated over 50 years to his profession. He was a member of the Iowa Bar Association and served four years on the board of Governors.

He was actively involved in community service, receiving the 1977 Chamber of Commerce Community Service Award. He served in numerous capacities for 60 years in the United Methodist Church, was past president and 50 year member of the Rotary Club and host for a Rotary exchange student. He was a leader in Boy Scout activities, encouraging both of his sons to become Eagle Scouts. He served on the Board of Directors of Community National/Benton Bank and the Knoxville Library Board for many years. He was actively involved in the Republican Party, serving as County Chairman for several years. He was a member of the Phi Delta Phi, I.O.O.F., Masons, and Lions Club.

A Republican, Mr. Johnson was a member of the Forty-eighth, Forty-ninth, Fiftieth and Fiftieth Extra General Assemblies.

Carroll Johnson died April 13, 2001 at the age of 87. He is survived by his wife, Edna; daughter, Janet Nelson of West Des Moines; two sons, Joseph Johnson (Kristin) of Leawood, Kansas and David Johnson (Peggy) of Knoxville; six grandchildren, and brother, Milton Johnson of Pompton Plains, New Jersey.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Carroll Johnson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JIM VAN ENGELENHOVEN
RICHARD ARNOLD
MARK DAVITT
Committee

DELMONT T. MOFFITT

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Delmont T. Moffitt begs to submit the following Memorial:

Delmont T. Moffitt was born on Dec 21, 1911, in Woodstock, Minnesota, the son of Forest and Bertha (Boyer) Moffitt. He married Josephine Scott in 1937.

He graduated from Ruthton Community Schools in Ruthton, Minnesota. He later attended Centerville Community College in Centerville. He began farming near Darby, moving in 1939 to a farm northwest of Mystic where he and his wife lived for 61 years. He was an active dairyman and beef producer for many years. He was a charter member of the Appanoose County Beef Producers Association, a member and officer of Appanoose County Farm Bureau and served on advisory boards for St. Joseph's Mercy Hospital, MFA and REC. He was politically active beginning with being a Walnut Township trustee and school board member. He was instrumental in securing the Rathbun Fish Hatchery, was a member of the State Extension Council and the Rathbun Lake Association. He was active in the Appanoose County Republican Central Committee for many years and was inducted into the Appanoose County Republican Hall of Fame in 1995. He was a member of the North Bend Christian Church for 30 years and for the last 31 years of Drake Avenue Christian Church in Centerville. He sang with the Coal Minor Chordsmen barbershop group when it was active.

A Republican, Mr. Moffitt was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second, and Sixty-fourth General Assemblies.

Delmont T. Moffitt died June 30, 2001 at the age of 89. He is survived by his wife, Josephine, three daughters, Nancy King (Bob) of Missouri Valley, Judith Guinn of Des Moines, (Michael) of Newton and Mary Sue Zaputil (Tom) of Mystic; two sisters, Irene Bear of Plano and Florice Knopf of Fox Island, Washington; a brother, Frank Moffitt of Oklahoma; seven grandchildren, and six great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Delmont T. Moffitt, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

KURT SWAIM
RICHARD ARNOLD
MIKE REASONER
Committee

WILLIAM R. MONROE, JR.

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable William R. Monroe, Jr. begs to submit the following Memorial:

William R. Monroe, Jr. was born January 24, 1938, son of W.R. Monroe, Sr. and Adeline (Gerber) Monroe. He attended Burlington Junior College and Drake University. He practiced pharmacy in Dubuque, Oelwein, Fort Madison, Keokuk, and Van Meter. He lived in Urbandale for several years. He was a member of the U.S. Naval Reserve for nine years, secretary of the Burlington Central Business District Citizen's Advisory Committee, former chairman of Des Moines County Democratic Central Committee, and former president of District 8, Iowa Pharmaceutical Association. He was a member of the Chamber of Commerce, Jaycees, Burlington Soaring Association, N.A.A.C.P., Knights of Columbus, and St. John's Church.

A Democrat, Mr. Monroe was a member of the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra General Assemblies.

William R. Monroe, Jr. died August 23, 2003 at the age of 65. He is survived by his wife, Marilyn; two daughters, Lisa Beeding of Kansas City, Kansas, and Melinda Monroe of Burlington; two sons, Clifford of Severna Park, Maryland, and William III of West Burlington; three stepsons, Steve Larson of Urbandale, Jeff Larson of Des Moines and Greg Larson of Ghana, Africa; a brother, Edward of Peoria, Illinois; a sister Mary Keever of Gladstone, Illinois; 15 grandchildren; and two great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable William R. Monroe, Jr., the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DENNIS M. COHOON
THOMAS R. SANDS
PHILIP WISE
Committee

KENNETH E. OWEN

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Kenneth E. Owen begs to submit the following Memorial:

Kenneth E. Owen was born September 1, 1918, in Jerome, the son of Samuel and Vera (Sedgwick) Owen. He attended Centerville High School and Centerville Junior College. He married Frances Hamm in 1937.

He and his wife farmed for many years in Jerome. He was Secretary of Agriculture from 1965-1966 and a fieldman for ASCS. He was instrumental in creating the Rathbun Regional Water Association of Centerville where he served as executive director for 20 years. He was selected Iowa Rural Water Manager of the Year, elected into the Iowa Rural Water Hall of Fame and served on the Iowa Rural Water Board of Directors. He was Iowa Master Pork Producer, Iowa Master Corn Grower and named the Daily Iowegian's Citizen of the Year.

Mr. Owen served on the board of the Appanoose county Farm Bureau for six years, and was chairman for two years. He was a member of the Jerome school board for nineteen years.

A Democrat, Mr. Owen was a member of the Fifty-sixth, Fifty-seventh, and Fifty-eighth General Assemblies.

Kenneth E. Owen died January 23, 2001, at the age of 82. He is survived by his daughter, Diana Glenn (John) of Jerome; a son, Keith Owen (Sharon) of Centerville, and four grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Kenneth E. Owen, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

KURT SWAIM
RICHARD D. ARNOLD
MARY GASKILL
Committee

H. LYLE SCHEELHAASE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable H. Lyle Scheelhaase begs to submit the following Memorial:

Mr. Scheelhaase was born August 14, 1931, in Merville to Ernest and Mary (Hill) Scheelhaase. He entered the U.S. Army and served during the Korean conflict in Trieste, Italy in the Army Tank Corps. He returned to Lancaster, California in 1954 and graduated high school there. He married Norma Jean Kirkholm in 1954 in Battle Creek, Iowa. They lived in California until 1956, when they returned to Everly, Iowa, to farm. In 1959, they moved to his grandfather's farm near Merville and farmed in the area until his death.

He attended Morningside College, Western Iowa Technical College and Iowa State University. He was active in ACDI/VOCA (Agricultural Cooperative Development International/Volunteers in Overseas Cooperative Assistance), working in Bulgaria and Belerus to help farmers improve agricultural techniques. He served on the

Woodbury County Fair Board for a numbers of years, was a member of American Legion Wink-Sparks Post in Merville and was a charter member of the Woodbury Central Quarterback Club. He was an active member of the Merville United Methodist Church. He and his wife, Norma Jean co-managed the Merville Elderly Housing.

A Democrat, Mr. Scheelhaase was a member of the Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra General Assemblies.

H. Lyle Scheelhaase died November 18, 2003 at the age of 72. He is survived by his wife, Norma Jean of Merville; a son, Kirk (Tam) of Merville; two daughters, Sandra Guthridge (Larry) of Merville, and LouAnn Scheelhaase (Nathan Creer) of Overland Park, Kansas; four sisters, Leah Bertelsen (Duane) of Dayton, Ohio, Margaret Hubiak (Dr. John) of Odebolt, Iowa, Alice Males (Lloyd) of Buckley, Washington, and Lucille Morgan (Jerry) of Merville; eleven grandchildren and numerous nieces and nephews.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable H. Lyle Scheelhaase, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

ROGER F. WENDT
WESLEY E. WHITEAD
DANIEL A. HUSEMAN
Committee

WILLIAM J. SCHERLE

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable William J. Scherle begs to submit the following Memorial:

William J. Scherle was born March 14, 1923. He graduated from St. Mary's Academy and later attended Southern Methodist University in Dallas. He served in the United State Navy during WWII and was a member of the Navy from 1947 to1954. He married Dorothy Jane Goldapp in 1947.

He moved to Iowa in 1948 where he established a grain and livestock operation. He was appointed chairman of the Mills County Republican committee in 1956. He was elected to Congress in 1966, serving in three succeeding Congresses from 1967 through 1975. In 1975 he was named to a top administrative post in the United States Department of Agriculture by President Ford. He later established a consulting firm in Washington, D.C. which he maintained from 1977 to 1987. He retired in 1988 and returned to the family farm in Iowa.

A Republican, Mr. Scherle was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra, and Sixty-First General Assemblies. He was named an outstanding legislator by the Press Corps in the Sixtieth General Assembly.

William J. Scherle died August 27, 2003 at the age of 80. He is survived by his wife, Jane, of Henderson; two sons, William D. Scherle (Joan) of Des Moines, and John Scherle (Janet) of Henderson; a sister, Dorothy Kutzba of New York, and two brothers, Al Scherle of Council Bluffs and Robert Scherle of Virginia, and six grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable William J. Scherle, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

GERALD D. JONES
EFFIE LEE BOGGESS
DOUGLAS L. STRUYK
Committee

DELWYN D. STROMER

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Delwyn D. Stromer begs to submit the following Memorial:

Delwyn D. Stromer was born April 22, 1930 in Garner to Aaron and Ruby (Goll) Stromer. He graduated from Garner High School. He married Harriet June Ostendorf in 1950. They farmed southwest of Garner. He served his country in the U.S. Army during the Korean conflict from 1953-1955. He returned to Garner and continued farming.

In 1966, he began 23 years of service to the State of Iowa as a member of the General Assembly serving as assistant majority floor leader in the Sixty-fifth General Assembly, assistant minority floor leader in the sixty-sixth and sixty-seventh General Assemblies, Speaker Pro Tempore in the Sixty-eighth General Assembly, Speaker of the House in the Sixty-ninth General Assembly, and minority leader in the Seventieth, Seventy-first, Seventy-second, and Seventy-third General Assemblies. He was well known for his leadership in education, having served as the education committee chair for much of his tenure.

In 1989, he moved to Kansas City, Missouri where he served as General Services Administrator during the Bush Administration. In 1993, he moved to West Des Moines where he served with U.S. Senator Charles Grassley's staff as his agriculture advisor until his retirement in 1999.

Mr. Stromer served as a Deacon, and taught Sunday school at the Zion Evangelical and Reformed Church in Garner. He was a member of the American Legion, Farm Bureau, Executive Committee of National Conference of State Legislatures 1977-1980, national chair of Advance Legislative Program Seminar, 1981-1984 and Garner Lions Club.

A Republican, Mr. Stromer was a member of the Sixty-second, Sixty-third, Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second Extra, and the first half of the Seventy-third General Assemblies.

Delwyn D. Stromer died September 7, 2003 at the age of 73. He is survived by his wife, Harriet; mother Ruby Stromer of Garner; three children, Linda Upmeyer (Doug) of Garner, Pam Birkenholz (Robert) of Columbus, Ohio, and David Stromer (Kimberly) of Garner; twelve grandchildren; two great-grandsons; two sisters, Vivian Bovenmyer of Garner and Marian DeWitt of Garner; and a sister-in-law, Thelma Stromer Gates of Lake Tahoe, Nevada; and many nieces and nephews.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Delwyn D. Stromer, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

LINDA L. UPMAYER
HENRY V. RAYHONS
GEORGE S. EICHHORN
Committee

CHARLES JOHN UBAN, II

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life, character, and public service of the late Honorable Charles J. Uban begs to submit the following Memorial:

Charles John Urban was born June 29, 1921, son of John and Mildred Uban. He received his degree in mechanical engineering in 1949 from Iowa State University. He married Emma Jo Schnucker in 1945.

He was a graduate of West Waterloo High School and Iowa State University. He was a pilot in the China National Aviation Corps. AVG (Flying Tigers) during WW II. Mr. Uban was stationed in the India-Burma theatre of operations and was decorated by the U.S. Air Force with the Distinguished Flying Cross, Air Medal and 4 Bronze Service Stars, as well as decorations from the Chinese government.

Mr. Uban was a pilot for Pan-Am Airlines and owned and operated Uban Oil Company in Waterloo for over 50 years, receiving a citation from Governor Brandstad for "Excellence in Energy Conservation".

A Democrat, Mr. Uban was a member of the Sixty-first and Sixty-fourth General Assemblies.

Charles J. Uban, II died September 2, 2003 at the age of 82. He is survived by his wife, Emma Jo, of Waterloo; three sons, C. John (Judy) Uban of Minneapolis, Minnesota, Stephen (Nicolle) Uban of Stillwater, Minnesota and Mark (Karen) Uban of West Frankfort, Illinois; two daughters, Jolynn Grace of St. Croix, Virgin Islands, and Mary Ann Uban of Chaska, Minnesota; twelve grandchildren and two great-grandchildren.

Now Therefore, Be It Resolved by the House of Representatives of the Eightieth General Assembly of Iowa, That in the passing of the Honorable Charles J. Uban, II, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DEBORAH L. BERRY
G. WILLARD JENKINS
DON SHOULTZ
Committee

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Carmine Boal—Representative **Polk** County

(See BOAL, CARMINE—Representative **Polk** County, Assistant Majority Leader)

Libby Jacobs—Representative **Polk** County

(See JACOBS, LIBBY—Representative **Polk** County, Assistant Majority Leader)

Ralph Klemme—Representative **Plymouth**-Sioux Counties

(See KLEMME, RALPH—Representative **Plymouth**-Sioux Counties, Assistant Majority Leader)

Gene Manternach—Representative Dubuque-**Jones** Counties

(See MANTERNACH, GENE—Representative Dubuque-**Jones** Counties, Assistant Majority Leader)

Rod Roberts—Representative **Carroll**-Crawford-Sac Counties

(See ROBERTS, ROD—Representative **Carroll**-Crawford-Sac Counties, Assistant Majority Leader)

ASSISTANT MINORITY LEADERS—

Polly Bukta—Representative **Clinton** County

(See BUKTA, POLLY—Representative **Clinton** County, Assistant Minority Leader)

Mary Mascher—Representative **Johnson** County

(See MASCHER, MARY—Representative **Johnson** County, Assistant Minority Leader)

Brian Quirk—Representative **Chickasaw**-Howard-Winneshiek Counties

(See QUIRK, BRIAN—Representative **Chickasaw**-Howard-Winneshiek Counties, Assistant Minority Leader)

Greg Stevens—Representative Clay-**Dickinson** Counties

(See STEVENS, GREG—Representative Clay-**Dickinson** Counties, Assistant Minority Leader)

Todd Taylor—Representative **Linn** County

(See TAYLOR, TODD—Representative **Linn** County, Assistant Minority Leader)

AWARDS AND GIFTS—

Special presentation to House Pages—417, 619, 1577

Representative Gipp presented Chen Len Yi, President of the China Meat Import Association, and his wife Mrs. Len a gift thanking them for their partnership—468

Representative Jenkins presented a delegation from Taiwan with gifts from the Iowa House—892

Special presentation of plaques to retiring members—1578

Special presentation of plaques to leadership—1578

BAUDLER, CLEL—Representative **Adair**-Audubon-Cass-Guthrie Counties

Amendments filed—266, 319, 322, 597, 809, 833, 998, 1336

Amendments offered—297, 618, 875, 927

Amendments withdrawn—814, 980

Bills introduced—43, 62, 63, 79, 86, 114, 141, 150, 152, 181, 192, 202, 212, 325, 327, 400

Committee appointments—14, 15, 16, 1324

Explanation of vote—1670

Leave of absence—1405

Report—1414-1415

Resolutions filed—199, 277, 826

Subcommittee assignments—57, 58, 66, 81, 118, 119, 165, 182, 239, 315, 424, 444, 707

BELL, PAUL—Representative **Jasper** County

Amendments filed—77, 709, 748, 808, 809, 955, 1070, 1183, 1211, 1225, 1243, 1245, 1403, 1480, 1507, 1526

Amendments offered—747, 748

Bills introduced—44, 127, 464

Committee appointments—14, 16

Presented to the House Chen Len Yi, President of the China Meat Import Association, his wife Mrs. Len, May May and Bill Ny—468

Presented to the House several dignitaries representing trade with Taiwan—892

Resolutions filed—210, 278, 448, 768, 826, 827

Subcommittee assignments—102, 119, 174, 198, 207, 424, 443

Amendments filed—1721, 1725, 1731

BERRY, DEBORAH L.—Representative **Black Hawk** County

Amendments filed—243, 318, 321, 342, 521, 808, 809, 1070, 1183, 1211, 1225, 1243, 1245, 1256, 1388, 1403, 1526

Bills introduced—25, 127, 150, 160, 171, 217, 283, 304, 325, 464

Committee appointments—15, 44, 625

Leave of absence—761

Petition presented—1130

Resolutions filed—231, 278, 826

Subcommittee assignments—39, 57, 65, 111, 135, 152, 182, 198, 206, 261, 364, 453, 627, 628

Amendments filed—1721, 1725, 1731

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(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX VOLUME)

- Approved by governor during session—452, 733, 754, 855, 949, 990-991, 1306-1307, 1398-1399, 1530, 1572-1573, 1670-1671
- Approved, vetoed or item vetoed subsequent to adjournment—1676-1684
- Consideration of—88, 213, 219, 247, 280, 284, 330, 370, 493, 526, 575, 599, 613, 633, 662, 714, 740, 771, 814, 829, 840, 867, 896, 925, 959, 1002, 1008, 1076, 1133, 1311, 1334, 1340, 1383, 1416, 1471, 1535, 1580
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- Introduction of—1718, 1719*
- Sent to governor—1737*
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BOAL, CARMINE—Representative **Polk** County, Assistant Majority Leader

- Amendments filed—320, 628, 890, 998, 1071, 1286, 1448, 1449, 1472, 1537, 1547
- Amendments offered—1284, 1286, 1537
- Amendments withdrawn—1286, 1472
- Bills introduced—62, 63, 86, 105, 141, 160, 186, 192, 217, 218

Committee appointments—14, 15, 16

Explanation of vote—1519

Resolutions filed—199, 277, 768, 826, 862

Subcommittee assignments—56, 57, 58, 66, 101, 145, 206, 229, 261, 262, 273, 315, 335, 437, 444, 596, 627, 707, 755, 824, 953, 1069, 1099

BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS FROM, subheading Reports and/or INDIVIDUAL HEADINGS)

BODDICKER, DAN—Representative **Cedar**-Johnson-Muscatine Counties

Amendments filed—319, 341, 769, 998, 1129, 1310, 1448, 1521, 1547

Amendments offered—722, 776, 901, 1318, 1565

Amendment withdrawn—1318

Bills introduced—43, 62, 63, 86, 105, 141, 186, 192

Committee appointments—15, 16, 44

Leave of absence—546

Performed an Irish jig with Representative Mertz and sang Irish songs accompanied by Representative Fallon—711

Presented to the House the Tipton High School Wrestling team and their State Tournament Qualifiers—400-401

Presided at session of the House—818

Resolutions filed—199, 210, 278, 826, 954

Subcommittee assignments—57, 58, 82, 83, 119, 135, 144, 145, 152, 174, 190, 198, 207, 208, 306, 423, 430, 627, 824, 859, 888

BOGGESS, EFFIE LEE—Representative Fremont-Mills-**Page** Counties

Amendments filed—319, 462, 890, 1071, 1300, 1336, 1547

Amendments offered—896, 1224, 1300

Amendment withdrawn—1224

Bills introduced—43, 69, 86, 141, 192, 202, 759

Committee appointments—3, 14, 16, 624

Presented to the House members of the Glenn Miller Birthplace Society—434

Presented to the House the Honorable Donna Barry, former member of the House—493

Presided at sessions of the House—545, 1528

Resolutions filed—199, 210, 277, 431, 768, 826, 954

Resolution offered—434

Subcommittee assignments—71, 119, 135, 824

BUDGET MESSAGE—

(See STATE OF THE STATE and BUDGET MESSAGE)

BUKTA, POLLY—Representative **Clinton** County, Assistant Minority Leader

Amendments filed—318, 319, 320, 321, 808, 809, 955, 1070, 1183, 1211, 1225, 1243, 1245, 1403, 1526

Amendment withdrawn—543

Bills introduced—150, 160, 171, 217, 234, 245, 259, 464, 465

Committee appointments—14, 15, 16

Explanation of vote—657

Leave of absence—330

Resolutions filed—210, 278, 448, 826, 889

Resolution offered—958

Subcommittee assignments—56, 57, 66, 118, 263

Amendments filed—1721, 1725, 1727, 1731

CARROLL, DANNY—Representative Mahaska-**Poweshiek** Counties, Speaker Pro Tempore

Amendments filed—185, 200, 225, 319, 320, 341, 342, 629, 709, 758, 797, 800, 954, 998, 1129, 1274, 1277, 1278, 1387, 1447, 1448, 1449, 1450, 1547

Amendments offered—224, 225, 371, 397, 795, 797, 1274, 1277, 1278, 1387, 1448, 1450, 1460

Amendments withdrawn—224, 412, 1387, 1450, 1460

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Bills introduced—43, 63, 70, 85, 86, 87, 104, 105, 116, 141, 142, 186, 192, 201, 202, 204, 211, 328, 344

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Explanation of vote—304

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Presented plaques to House leadership in appreciation of their dedication and service—1578

Presided at sessions of the House—87, 89, 248, 343, 528, 533, 534, 575, 632, 661, 662, 770, 863, 865, 893, 924, 1001, 1002, 1007, 1076, 1182, 1470, 1564, 1661

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Resolutions filed—113, 199, 210, 242, 277, 826, 954

Resolutions offered—126, 1073

Rulings made (as acting Speaker)—534, 791, 1005, 1006, 1011, 1210, 1500, 1502

Subcommittee assignments—59, 65, 82, 135, 144, 152, 190, 197, 198, 207, 208, 262, 306, 335, 364, 365, 430, 453, 627, 707, 734, 823, 920

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CHAMBERS, ROYD E.—Representative Clay-**O'Brien**-Osceola-Sioux Counties

Amendments filed—319, 320, 955, 998, 1336, 1448, 1547

Amendment offered—973

Bill deferred, retained on calendar (as acting Speaker)—1050

Bills introduced—43, 62, 63, 86, 114, 127, 141, 160, 170, 186, 192, 212, 325

Committee appointments—3, 14, 15, 16, 347

Presented to the House the Honorable Rich Vande Hoef, former member of the House—1078

Presided at sessions of the House—1022, 1283

Resolutions filed—199, 210, 266, 277, 826

Subcommittee assignments—39, 56, 57, 58, 65, 66, 118, 119, 145, 174, 197, 207, 239, 262, 263, 273, 306, 365, 423, 443, 444, 756, 805

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Enrolled bills—205, 440, 733, 831, 882, 918-919, 948, 990, 1066, 1305-1306, 1361, 1397-1398, 1520, 1572, 1670

Communications received and on file—1737

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COHOON, DENNIS M.—Representative **Des Moines** County

Amendments filed—318, 797, 808, 809, 955, 1070, 1183, 1211, 1225, 1243, 1245, 1403, 1480, 1505, 1509, 1513, 1514, 1526

Amendments offered—542, 1480, 1505

Amendments withdrawn—1509, 1513, 1514

Bills introduced—150, 439, 440, 449, 450, 464, 465

Committee appointments—15, 16, 623

Resolutions filed—210, 278, 448, 826, 827, 957
 Resolution offered—1073
 Subcommittee assignments—66, 197, 262, 336, 444, 760

Amendments filed—1721, 1725, 1731

COMMERCE, REGULATION & LABOR, COMMITTEE ON—

Amendments filed—758, 862
 Amendments offered—871, 928, 975
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 Subcommittee assignments—57, 58, 59, 81, 101, 174, 206, 207, 208, 262, 312, 364, 443, 444, 596, 735, 760

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COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or INDIVIDUAL HEADINGS)

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House File 2434—1415

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(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

CONNORS, JOHN H.—Representative **Polk** County

Amendments filed—310, 342, 427, 809, 955, 1070, 1183, 1211, 1225, 1243, 1245, 1403, 1496, 1526

Amendment offered—1496

Bills introduced—12, 25, 26, 62, 69, 86, 115, 127, 150, 171, 187, 203, 217, 235, 245, 259, 370, 464, 465

Committee appointments—14, 15, 16

Leave of absence—971

Presented to the House the Honorable Clifford Branstad, former member of the House—586

Presented to the House the Irish flag—711

Presided at session of the House—512

Resolutions filed—277, 448, 768, 826

Subcommittee assignments—81, 82, 135, 174, 198, 262, 273, 444, 760

Amendments filed—1721, 1725, 1727, 1731

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DANDEKAR, SWATI A.—Representative **Linn** County

Amendments filed—77, 737, 809, 955, 1070, 1102, 1183, 1211, 1225, 1243, 1245, 1526

Bills introduced—79, 105, 126, 150, 171, 179, 180, 203, 204, 234, 279, 439, 464

Committee appointments—14, 15

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Presented to the House DeAnn Woodin, Eagles Head Coach and the Kirkwood Community College Women's Volleyball Team—143

Resolutions filed—123, 168, 210, 277, 310, 448, 826

Subcommittee assignments—101, 135, 197, 207, 316, 437, 443

Amendments filed—1721, 1725, 1731

DAVITT, MARK—Representative **Warren** County

Amendments filed—319, 321, 342, 809, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1404, 1526

Bills introduced—25, 69, 86, 150, 160, 171, 186, 217, 464

Committee appointments—14, 16, 622

Resolutions filed—200, 210, 277, 826

Subcommittee assignments—118, 175, 272, 707, 805

Amendments filed—1721, 1725, 1731

DE BOEF, BETTY—Representative Iowa-**Keokuk**-Poweshiek-Tama Counties

Amendments filed—319, 320, 629, 998, 1267, 1310, 1448

Amendment offered—1312

Bills introduced—43, 62, 63, 86, 105, 114, 141, 160, 186, 192, 245, 325, 464
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DENNIS, ERVIN A.—Representative **Black Hawk** County

Amendments filed—266, 319, 1547
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 Bills introduced—43, 86, 87, 141, 192, 202, 464, 465, 759
 Committee appointments—15, 16
 Resolutions filed—199, 210, 231, 278, 826
 Subcommittee assignments—39, 56, 65, 82, 101, 111, 134, 156, 174, 182, 206, 262, 316, 364, 424, 444, 453, 627, 755, 824, 831

DIX, BILL—Representative Bremer-**Butler** Counties

Amendments filed—77, 252, 322, 341, 998, 1071, 1189, 1192, 1403, 1504, 1510, 1513, 1545, 1547
 Amendments offered—88, 252, 1133, 1158, 1183, 1192, 1488, 1504, 1513, 1545
 Amendment withdrawn—1183
 Bills introduced—125, 141, 186, 193, 271
 Committee appointments—14, 16
 Explanation of vote—990
 Presented to the House Jack Ohle, President of Wartburg College, the Wrestling and Men and Women's Cross Country Teams—1007
 Resolutions filed—199, 210, 277, 826
 Subcommittee assignments—59, 174, 206, 207, 316, 443, 805

DOLECHECK, CECIL—Representative Adams-Montgomery-**Ringgold**-Taylor-Union Counties

Amendments filed—569, 808, 890, 1071, 1101, 1129, 1189, 1336, 1386, 1403, 1545, 1547
 Amendments offered—640, 965, 1189, 1190, 1267, 1545
 Amendments withdrawn—1191, 1286
 Bills introduced—43, 86, 141, 186, 193, 212, 217, 259, 433
 Committee appointments—14, 15, 16
 Explanation of vote—732
 Leave of absence—601
 Presented to the House the Honorable Jim Meyer, former member of the House—408
 Resolutions filed—199, 210, 277, 826
 Subcommittee assignments—23, 39, 56, 57, 58, 101, 106, 135, 145, 197, 206, 262, 272, 316, 365, 443, 453, 760

DRAKE, JACK—Representative Cass-**Pottawattamie**-Shelby Counties

Amendments filed—140, 310, 319, 342, 427, 477, 1336, 1547
 Amendments offered—529, 530
 Amendment withdrawn—410
 Bills introduced—86, 141, 192
 Committee appointments—14, 15, 16
 Explanation of vote—823

Presented to the House Curt Blatt, football coach; Mitch Osborn, basketball coach; Ken Cartens, track coach; Steve Daeges, baseball coach; Kent Klinkefus, Harlan High School Principal; Bob Broomfield, Superintendent and senior athletes—865
 Resolutions filed—113, 199, 210, 277, 826, 889, 921, 954
 Subcommittee assignments—58, 82, 119, 135, 174, 198, 229, 261, 707, 755, 805, 806

ECONOMIC GROWTH, COMMITTEE ON—

Amendments filed—677, 709
 Amendment offered—677
 Appointed—14, 763
 Bills introduced—399, 450, 451, 480, 489, 522, 565
 Recommendations—366-367, 445-446, 472, 484-485, 708
 Resolution filed—568
 Subcommittee assignments—71, 135, 316, 336

EDUCATION, COMMITTEE ON—

Amendment filed—862
 Amendment offered—898
 Appointed—15
 Bills introduced—217, 236, 429, 449, 450, 478, 479
 Recommendations—209, 241, 425, 446, 457-458, 757, 860
 Subcommittee assignments—39, 56, 57, 58, 65, 101, 106, 111, 145, 182, 197, 262, 315, 316, 364, 365, 437, 444, 627, 756, 760

EICHHORN, GEORGE—Representative Franklin-Hamilton-Webster-

Wright Counties
 Amendments filed—521, 569, 597, 668, 702, 709, 833, 890, 998, 1281, 1283, 1298, 1302, 1404, 1487, 1490, 1497
 Amendments offered—298, 526, 535, 668, 702, 740, 963, 1191, 1283, 1297, 1298, 1490, 1497
 Amendments withdrawn—963, 1281, 1487
 Bills introduced—141, 186, 194, 258, 465
 Committee appointments—14, 15, 16, 624
 Resolutions filed—199, 277, 447, 826, 954
 Subcommittee assignments—101, 174, 182, 207, 262, 306, 364, 453, 659, 755, 805, 888, 957

EIGHTIETH GENERAL ASSEMBLY—

(See GENERAL ASSEMBLY—HOUSE)

ELGIN, JEFF—Representative Linn County

Amendments filed—427, 597, 709, 737, 1336, 1547
 Amendments offered—616, 746, 748
 Amendment withdrawn—616
 Bills introduced—11, 141, 172, 179, 193, 212, 328, 759
 Committee appointments—15, 16
 Resolutions filed—168, 278, 826
 Subcommittee assignments—82, 134, 135, 174, 198, 261, 262

EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor; CHIEF CLERK OF THE HOUSE, Margaret A. Thomson, Reports; and/or SPEAKER OF THE HOUSE, Christopher Rants, subheading, Bills signed by)

ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Appointed—15

Bills introduced—327, 328, 428, 432, 466, 523, 565

Recommendations—338, 425, 458, 472

Subcommittee assignments—57, 58, 59, 66, 118, 174, 207, 229, 239, 262, 263, 316, 437

ETHICS, COMMITTEE ON—

Appointed—15

EXPLANATION OF VOTE—

House Joint Resolution 2005—Representative Miller—566

House Joint Resolution 2005—Representative T. Taylor—595

House File 22—Representative Manternach—763

House File 22—Representative Granzow—1066

House File 511—Representatives Bukta & Osterhaus—657

House File 2042—Representative Wendt—313

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House File 2134—Representative Raecker—237

House File 2134—Representative Heaton—990

House File 2138—Representative J.K. Van Fossen—227

House File 2145—Representatives Bukta & Osterhaus—657

House File 2146—Representative J.K. Van Fossen—227

House File 2149—Representative J.K. Van Fossen—227

House File 2150—Representative Raecker—237

House File 2167—Representative Wendt—313

House File 2170—Representative T. Taylor—595

House File 2174—Representative Carroll—304

House File 2176—Representative Wendt—313

House File 2180—Representative Raecker—237

House File 2186—Representative Wendt—313

House File 2186—Representative Heaton—990

House File 2187—Representative Raecker—237

House File 2193—Representative Carroll—304

House File 2193—Representative Wendt—313

House File 2200—Representative Wendt—313

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House File 2201—Representative Miller—566

House File 2201—Representative T. Taylor—595

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House File 2207—Representative Wendt—313

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House File 2230—Representative T. Taylor—595

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House File 2302—Representative Baudler—1670
House File 2304—Representative T. Taylor—595
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House File 2347—Representatives Greimann & Miller—566
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House File 2351—Representatives Greimann & Miller—566
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House File 2352—Representatives Roberts, Whitead & Wise—705
House File 2357—Representative Manternach—763
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House File 2358—Representatives Greimann & Miller—566
House File 2358—Representative T. Taylor—595
House File 2366—Representative T. Taylor—595
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House File 2367—Representative T. Taylor—595
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House File 2394—Representative T. Taylor—595
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House File 2397—Representative T. Taylor—595
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FALLON, ED—Representative **Polk** County

Amendments filed—248, 250, 254, 266, 319, 320, 321, 322, 342, 448, 808, 809, 921,
 955, 998, 1070, 1071, 1403, 1448, 1449, 1480, 1527
 Amendments offered—250, 1043, 1141, 1156, 1527

Amendments withdrawn—248, 254, 415, 1044
 Bills introduced—26, 69, 70, 86, 149, 151, 172, 217, 363, 465, 564, 834
 Committee appointments—15, 16
 Explanation of vote—1520
 Leave of absences—601, 638, 770
 Performed Irish dance and songs by accompanying Representatives Boddicker and Mertz—711
 Requested to be added as a sponsor of HF 2013—143
 Resolutions filed—210, 266, 448, 826, 997
 Subcommittee assignments—57, 82, 83, 174, 229, 423

Amendments filed—1725, 1731

Amendment withdrawn—1731

FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

FINAL DISPOSITION OF MOTIONS TO RECONSIDER—1675

FOEGE, RO—Representative Johnson-**Linn** Counties

Amendments filed—569, 809, 955, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1256, 1278, 1388, 1403, 1526
 Bills introduced—11, 25, 43, 105, 150, 160, 171, 172, 179, 267, 464
 Committee appointments—3, 15
 Escorted Representative Jacoby to his desk—3
 Leave of absence—713
 Presented to the House Dr. Les Garner, President of Cornell College—525
 Resolutions filed—168, 210, 266, 278, 448, 768, 826, 827
 Resolutions offered—525, 573
 Subcommittee assignments—56, 59, 83, 144, 197, 306, 453, 888

Amendments filed—1721, 1725, 1727, 1731

FORD, WAYNE—Representative **Polk** County

Amendments filed—266, 321, 341, 448, 521, 769, 809, 827, 890, 962, 977, 1042, 1047, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1403, 1451, 1521, 1526
 Amendments offered—977, 1042, 1047, 1532
 Bills introduced—25, 149, 150, 151, 194, 234, 268, 269, 270, 325, 326, 464, 465
 Committee appointments—14, 15, 16
 Resolutions filed—210, 278, 341, 826, 1310
 Resolution offered—865
 Subcommittee assignments—81, 119, 174, 306, 312, 423, 437, 443, 735, 755

Amendments filed—1721, 1725, 1731

FREEMAN, MARY LOU—Representative **Buena Vista**-Sac Counties

Amendments filed—319, 597, 955, 1283, 1336, 1402, 1403, 1547
 Amendments offered—874, 988, 1498
 Bills introduced—42, 43, 79, 86, 141, 160, 193, 202
 Committee appointments—14, 15, 16

Resolutions filed—199, 210, 266, 278, 826, 1530
 Subcommittee assignments—58, 59, 119, 174, 182, 262, 735

FREVERT, MARCELLA R.—Representative Emmet-Kossuth-**Palo Alto** Counties

Amendments filed—318, 319, 320, 342, 628, 659, 749, 809, 998, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1352, 1403, 1526
 Amendments offered—726, 746, 1076
 Bills introduced—25, 69, 86, 141, 142, 150, 171, 181, 217, 451, 464, 478
 Committee appointments—14, 16
 Leave of absence—279
 Presented to the House Pat Breen, T.D., member of the Irish Parliament and his wife Anne—711
 Presented to the House Hillary Hanson, Shamrock Queen—711
 Presented to the House the “Little Irish Dancers” from Emmetsburg—711
 Resolutions filed—210, 277, 448, 826
 Subcommittee assignments—57, 58, 111, 119, 197, 627, 628, 707, 953, 1099

Amendments filed—1721, 1725, 1731

GASKILL, MARY—Representative **Wapello** County

Amendments filed—243, 318, 319, 320, 321, 342, 448, 629, 809, 921, 969, 1044, 1059, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1403, 1526
 Amendments offered—969, 1044, 1064
 Bills introduced—12, 69, 86, 127, 150, 172, 217, 464, 465, 478
 Committee appointments—15, 16, 621, 623
 Presented to the House the Honorable Jim Schwartz, former member of the House—893
 Resolutions filed—210, 278, 448, 768, 826
 Subcommittee assignments—57, 65, 82, 118, 119, 156, 175, 182, 183, 207, 263, 424, 659, 824, 831

Amendments filed—1721, 1725, 1731

GENERAL ASSEMBLY—HOUSE—

(See also ADMINISTRATION AND RULES COMMITTEE in the GENERAL INDEX and/or HOUSE CONCURRENT RESOLUTIONS, HOUSE RESOLUTIONS and SENATE CONCURRENT RESOLUTIONS listed in LEGISLATIVE INDEX VOLUME)

Resolutions relating to:

House Concurrent Resolution 101, joint convention on Tuesday, January 13, 2004 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—4, 4 adopted, 5 msgd. – S.J. – 24, 25, 26 adopted, 28 msgd. – H.J. – 105

House Concurrent Resolution 102, joint convention on Wednesday, January 14, 2004 at 10:00 a.m. for Chief Justice Louis A. Lavorato to deliver his condition of judicial branch message – 4, 5 adopted & msgd. – S.J. – 24, 25, 26 adopted, 28 msgd. – H.J. – 106

House Concurrent Resolution 103, provide for temporary adjournment of the 2004 Regular Legislative Session for the purpose of awaiting March 2004 report of revenue estimating conference—24

House Concurrent Resolution 105, concerning the Midwestern Legislative Conference of the Council of State Governments—148

- House Concurrent Resolution 107, urge Senate and House of Representatives to consider budget certification deadline for cities and counties when enacting legislation reducing standing appropriations of funds to local governments—199
- House Concurrent Resolution 109, designate March 2004 as Iowa Women's History Month—242
- House Concurrent Resolution 111, joint convention of 2004 session of Eightieth General Assembly Wednesday, February 25, 2004 for Major General Ron Dardis to deliver his condition of the Iowa National Guard message—242, 243, 323 adopted & msgd. – S.J. – 291, 292, 298, 299 adopted & msgd. – H.J. – 329
- House Concurrent Resolution 118, amend joint rules of Senate and House of Representatives for Eightieth General Assembly—568
- House Concurrent Resolution 125, designate April 7, 2004 as Iowa Homeless Awareness Day—997
- House Concurrent Resolution 127, provide for adjournment sine & die—1674
- House Resolution 101, amending permanent rules of the House for the Eightieth General Assembly—23
- House Resolution 102, relating to the scheduling of multiple committee meetings—23
- House Resolution 105, designate January 21, 2004 as Iowa Insurance Day—68, 79 adopted
- House Resolution 106, designate January 28, 2004 as Iowa Telecommunications Association Day—113, 126 adopted
- House Resolution 108, declaring February 12, 2004, Marriage and Family Day—148
- House Resolution 110, declare February 12, 2004, Marriage and Family Day—199, 200, 213 adopted as amended
- House Resolution 115, recognize May 2004 as Hepatitis C Awareness and Education Month and urge greater public awareness and education regarding hepatitis C—266
- House Resolution 118, recommend designation of I-35 and I-80 corridors in Iowa as part of the Purple Heart Trail—310
- House Resolution 119, honor Representative Jodi S. Tymeson for her promotion to Brigadier General in the Iowa National Guard—318, 346 adopted
- House Resolution 126, recognize week of May 10, 2004 as Iowa Solar Energy Awareness Week—448
- House Resolution 130, recognize Order of DeMolay and National DeMolay Month—631
- House Resolution 134, designate April 7, 2004 as World Health Day—758
- House Resolution 136, recognize March 2004 as National Nutrition Month—761 adopted
- House Resolution 145, recognize May 2004 as Hepatitis C Awareness and Education Month and urge greater public awareness and education regarding hepatitis C—827, 1073 adopted
- House Resolution 150, recognize Parents' Day—862
- Senate Concurrent Resolution 106, designate March 2004 as Iowa Women's History Month—287, 346, 364, 487 adopted, 489 msgd. – H.J. – 598, 628, 600 adopted, 605 msgd. – S.J. – 497
- Senate Concurrent Resolution 118, provide for adjournment sine & die—1156, 1175, 1173 adopted & msgd. – H.J. – 1579, 1669 adopted & msgd. – S.J. – 1174
- Senate Concurrent Resolution 119, provide for adjournment sine & die—1853; 1862 adopted & msgd. – H.J. – 1736 adopted & msgd.*

GIFTS—

(See AWARDS AND GIFTS)

GIPP, CHUCK—Representative Allamakee-**Winneshiek** Counties, Majority Leader

Amendments filed—401, 1282, 1336, 1343

Amendment offered—401

Bills introduced—282, 655, 660, 854, 1366, 1453

Bills rereferred (as acting Speaker)—631, 835

Committee appointment—14

Presented a gift to Chen Len Yi, President of the China Meat Import Association, and his wife thanking them for their partnership—468

Presented plaques to retiring members of the House—1578

Presided at sessions of the House—105, 428, 630, 834

Remarks—5-6, 1665-1666

Resolutions filed—231, 278, 318, 341, 709, 758, 826

Resolutions offered—323, 345, 346

Special presentation to House Pages—417, 1577

GOVERNMENT OVERSIGHT, COMMITTEE ON—

Appointed—15

Bills introduced—151, 761, 762, 937, 956, 1053

Recommendations—147, 757, 953, 1069

Subcommittee assignments—81, 82, 831

GOVERNOR VILSACK, THOMAS J.—

Addressed joint convention—28-37

Bills signed by—452, 733, 754, 855, 949, 990-991, 1306-1307, 1398-1399, 1530, 1572-1573, 1670-1671, 1676-1684

Committee to notify—3

Committee to notify and escort—27, 45, 347

Communications from—227-228, 440-441, 452, 482-483, 733, 754, 855, 949-950, 990-994, 1306-1307, 1398-1400, 1533, 1572-1574, 1670-1671, 1685-1715

Delivered the condition of the State and Budget Message—28-37

Item veto messages—227-228

Item veto messages after session—1702-1715

Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 101—4, 4 adopted, 5 msgd. – S.J. – 24, 25, 26 adopted, 28 msgd. – H.J. – 105

Resolutions relating to:

House Concurrent Resolution 101—deliver the condition of the state and budget message—4, 4 adopted, 5 msgd. – S.J. – 24, 25, 26 adopted, 28 msgd. – H.J. – 105.

House Concurrent Resolution 104, urge state employee unions and Governor renegotiate and establish pay freeze for fiscal year beginning July 1, 2004—103, 123, 128, 129 adopted, as amended & msgd. – S.J. – 132, 157, 226, 547 adopted, 550 msgd. – H.J. – 674

Veto messages—440-441, 482-483, 949-950, 992-994, 1399-1400, 1573-1574

Veto messages after session—1685-1701

*Bills signed by—1737**Communications from—1716-1718*

GRANZOW, POLLY—Representative Franklin-**Hardin**-Marshall Counties

Amendments filed—319, 1101, 1336, 1547

Bills introduced—43, 62, 69, 86, 141, 192, 202, 203, 271, 344, 440, 464

Committee appointments—14, 15, 16

Explanation of vote—1066

Resolutions filed—210, 266, 277, 768, 826, 827, 954

Resolution offered—467

Subcommittee assignments—55, 56, 58, 59, 66, 71, 83, 118, 135, 145, 175, 197, 198, 208, 262, 306, 316, 453

GREIMANN, JANE—Representative Boone-**Story** Counties

Amendments filed—319, 320, 321, 448, 758, 809, 955, 1011, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1256, 1403, 1526

Amendment withdrawn—1011

Bills introduced—25, 69, 126, 150, 172, 217, 464, 465

Committee appointments—15

Explanations of vote—566, 1519

Presided at session of the House—815

Resolutions filed—210, 266, 277, 448, 768, 826, 827

Subcommittee assignments—59, 65, 66, 82, 135, 144, 165, 174, 182, 198, 206, 229, 306, 424, 444, 627, 859

Amendments filed—1721, 1725, 1731

GREINER, SANDRA H.—Representative Jefferson-Johnson-**Washington** Counties

Amendments filed—210, 266, 319, 341, 520, 521, 569, 629, 769, 792, 808, 962, 1129, 1336, 1448, 1547

Amendments offered—415, 494, 557, 558, 790, 791, 792, 962

Bills introduced—42, 43, 86, 116, 141, 202, 217, 245, 325

Committee appointments—14, 15, 16

Leave of absence—632

Presented to the House Ms. Courtney Knupp the 2004 Iowa Pork Queen—1074

Resolutions filed—199, 210, 277, 826, 997

Resolution offered—1074

Subcommittee assignments—58, 65, 66, 82, 156, 174, 182, 263, 424, 437, 659, 824, 831

HAHN, JAMES F.—Representative **Muscatine** County

Amendments filed—319, 1336, 1448, 1547

Bills introduced—43, 62, 63, 86, 141, 186, 192, 202, 212, 271

Committee appointments—15, 16

Presented to the House the Honorable Barry Brauns, former member of the House—527

Presided at session of the House—681

Resolutions filed—199, 278, 826, 889

Subcommittee assignments—65, 207, 229, 262, 437, 831

HANSON, DELL—Representative **Benton**-Iowa Counties

Amendments filed—310, 319, 709, 1071

Amendment offered—731

Bills introduced—86, 141, 192

Committee appointments—3, 14, 15

Resolutions filed—199, 210, 278, 826, 1069
 Subcommittee assignments—56, 57, 135, 229, 273, 423, 443, 831

HEATON, DAVID E.—Representative **Henry**-Lee Counties

Amendments filed—77, 319, 569, 597, 628, 737, 998, 1070, 1129, 1269, 1270, 1272, 1273, 1278, 1280, 1281, 1302, 1303, 1336, 1384, 1386, 1530, 1543, 1547, 1569
 Amendments offered—92, 643, 778, 1268, 1269, 1272, 1273, 1278, 1280, 1281, 1283, 1302, 1303, 1336, 1384, 1386, 1543, 1569
 Amendments withdrawn—1273, 1281, 1569
 Bills introduced—86, 127, 141, 142, 202, 203, 258, 259, 283, 400
 Committee appointments—14, 15, 621
 Explanation of vote—990
 Leave of absence—925
 Presented to the House Ann Gertds, President of the Scottish Heritage Society of Iowa—1001
 Presented to the House John Grundwald, Greg Fransisco, Terry Cochran and John Morris who played the bagpipes before the House—1001
 Resolutions filed—210, 266, 278, 826, 827, 837, 862, 957
 Resolutions offered—1000, 1073
 Subcommittee assignments—55, 56, 57, 58, 59, 66, 82, 101, 144, 145, 152, 165, 182, 197, 198, 206, 208, 306, 336, 424, 430, 444, 453, 805, 957

HEDDENS, LISA—Representative Boone-**Story** Counties

Amendments filed—225, 243, 520, 809, 998, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1256, 1378, 1379, 1502, 1526
 Amendments offered—225, 1378, 1379, 1502
 Bills introduced—11, 25, 70, 104, 127, 150, 170, 171, 236, 343, 464, 465
 Committee appointments—15, 16, 1324
 Report—1414-1415
 Resolutions filed—210, 277, 448, 768, 826
 Subcommittee assignments—58, 65, 83, 135, 197, 207, 239, 707

Amendments filed—1721, 1725, 1731

HOFFMAN, CLARENCE—Representative **Crawford**-Ida-Monona-Woodbury Counties

Amendments filed—678, 1070, 1071, 1101, 1209, 1282, 1336, 1402, 1403, 1510, 1547
 Amendments offered—677, 678, 871, 1292, 1497
 Amendments withdrawn—678, 1282
 Bills introduced—43, 217, 759
 Committee appointments—14, 15
 Leave of absence—279
 Resolutions filed—68, 199, 210, 278, 768, 826
 Subcommittee assignments—58, 81, 101, 229, 312, 735, 760

HOGG, ROBERT M.—Representative **Linn** County

Amendments filed—84, 89, 341, 438, 448, 520, 521, 569, 709, 769, 790, 791, 794, 998, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1301, 1344, 1345, 1354, 1448, 1480, 1485, 1489, 1500, 1517, 1526
 Amendments offered—89, 535, 539, 583, 790, 791, 1078, 1245, 1344, 1345, 1354, 1485, 1489, 1500
 Amendments withdrawn—526, 562, 577, 585, 875, 1301, 1487, 1500
 Bills introduced—69, 150, 160, 171, 179, 212, 217, 245, 271, 279, 283, 433, 464

Committee appointments—15, 16
 Resolutions filed—23, 168, 210, 448, 768, 826, 827
 Resolution offered—143
 Subcommittee assignments—58, 229, 659, 734, 735, 755

Amendments filed—1721, 1725, 1726, 1727, 1731

Amendments offered—1726

HORBACH, LANCE—Representative Grundy-**Tama** Counties

Amendments filed—123, 266, 310, 318, 319, 320, 341, 342, 769, 998, 1282, 1336, 1448, 1547
 Amendments offered—127, 534
 Bills introduced—44, 86, 115, 124, 125, 141, 159, 192, 194, 202, 217, 218, 267
 Committee appointments—14, 16
 Leave of absence—601
 Presided at session of the House—1272
 Resolutions filed—199, 210, 277, 520, 826
 Resolution offered—127
 Subcommittee assignments—59, 65, 81, 174, 206, 262, 306, 312, 443, 444, 735, 760, 887

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 Amendment offered—722
 Appointed—15
 Bills introduced—151, 152, 160, 186, 187, 311, 327, 329, 343, 344, 399, 428, 467, 479,
 480, 490, 492, 523, 566, 571
 Recommendations—147, 167, 184, 308-309, 339, 367, 426, 458-459, 485-486, 807,
 860
 Resolution filed—568
 Subcommittee assignments—55-59, 65, 66, 82, 83, 135, 144, 145, 152, 182, 190, 197,
 198, 207, 208, 262, 306, 336, 364, 423, 430, 453, 627, 859

HUNTER, BRUCE L.—Representative **Polk** County

Amendments filed—266, 809, 837, 921, 955, 1008, 1070, 1071, 1183, 1211, 1225,
 1243, 1245, 1403, 1526
 Amendments offered—845, 1008
 Bills introduced—150, 151, 172, 217, 245, 259, 440, 465
 Committee appointments—15, 16
 Resolutions filed—210, 278, 448, 826
 Subcommittee assignments—59, 65, 82, 118, 119, 145, 152, 208, 262, 273, 306, 627,
 707, 824
Amendments filed—1721, 1725, 1727, 1731
Amendment withdrawn—1727

HUSEMAN, DANIEL A.—Representative **Cherokee**-Plymouth-Woodbury Counties

Amendments filed—319, 827, 935, 1269, 1336, 1403, 1473, 1510, 1547
 Amendments offered—934, 935, 1473, 1510
 Bills introduced—43, 62, 86, 114, 141, 186, 192, 202
 Committee appointments—14, 15, 16, 623
 Resolutions filed—199, 210, 277, 768, 826
 Subcommittee assignments—66, 207, 306, 315, 443, 628

HUSER, GERI D.—Representative Polk County

- Amendments filed—310, 322, 341, 342, 486, 487, 569, 631, 769, 808, 809, 890, 921, 955, 998, 1070, 1071, 1183, 1211, 1243, 1270, 1343, 1449, 1451, 1507, 1526
- Amendments offered—411, 534, 543, 591, 606, 653, 1270
- Amendments withdrawn—410, 526, 840, 935, 1270, 1451
- Bills introduced—43, 86, 104, 124, 126, 186, 194, 204, 218, 235, 259, 268, 400
- Committee appointments—15, 16
- Resolutions filed—191, 210, 242, 277, 448, 760, 826
- Subcommittee assignments—134, 135, 273, 336, 627, 658, 707, 806, 831, 1069

HUTTER, JOE—Representative Scott County

- Amendments filed—210, 1070, 1281, 1336, 1547
- Amendments offered—215, 599, 1160
- Amendment withdrawn—1281
- Bills introduced—43, 68, 86, 104, 105, 116, 125, 126, 141, 180, 192, 193, 202, 203, 204, 218, 283, 326, 363, 400, 465
- Committee appointments—15, 16
- Resolutions filed—199, 210, 266, 277, 758, 826, 889
- Subcommittee assignments—101, 135, 144, 174, 182, 197, 262, 306, 423, 452, 659, 755, 824

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- House Concurrent Resolution 119, provide for formation of committee by Legislative Council to make recommendations regarding development of drug repository program—568
- House Concurrent Resolution 126, request Legislative Council create a learning technology commission to examine options for integrating technology into the classroom to prepare students for economy that is increasingly dependent on technology and innovation—1310
- House Resolution 127, request Legislative Council create interim study committee to examine options for integrating technology to improve student achievement—461
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JACOBS, LIBBY—Representative **Polk** County, Assistant Majority Leader
 Amendments filed—319, 322, 341, 342, 597, 633, 890, 955, 1049, 1061, 1129, 1298, 1336, 1449, 1483, 1513, 1547
 Amendments offered—493, 497, 633, 1045, 1061, 1063, 1298, 1483, 1513
 Amendment withdrawn—1049
 Bills introduced—79, 126, 170, 202, 258, 369
 Committee appointments—14, 16, 27
 Presented plaques to House leadership in appreciation of their dedication and service—1578
 Presided at sessions of the House—44, 256, 363
 Resolutions filed—148, 210, 277, 826
 Resolution offered—1405
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 Subcommittee assignments—58, 65, 81, 82, 134, 156, 206, 207, 208, 312, 364, 424, 453, 596, 735, 756, 805, 824, 831

JACOBY, DAVE—Representative **Johnson** County
 Amendments filed—809, 955, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1256, 1403, 1526
 Bills introduced—86, 127, 150, 160, 171, 259, 464, 465
 Committee appointments—14, 15, 45, 763
 Explanation of vote—566
 Leave of absence—513
 Presented to the House Dr. Norm Nielsen, president of Kirkwood Community College—573
 Resolutions filed—168, 200, 210, 277, 448, 768, 826, 827
 Resolution offered—282
 Subcommittee assignments—55, 56, 57, 152, 198, 207, 423, 596
 Took oath of office—2-3

Amendments filed—1721, 1725, 1727, 1731

JENKINS, WILLARD—Representative **Black Hawk** County
 Amendments filed—140, 477, 569, 597, 629, 659, 701, 1071, 1191, 1299, 1300, 1301, 1302, 1316, 1336, 1402, 1547
 Amendments offered—650, 681, 701, 774, 1299, 1301, 1316
 Amendments withdrawn—591, 1191
 Bills introduced—87, 141, 150, 159, 202, 759
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 Presented to the House a delegation from Saskatchewan, Canada, including Honorable John Nilson, Minister of Health; Brenda Bakken, Doreen Egels, Wayne Elhard and Debbie Saum—194
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Resolutions filed—68, 210, 231, 277, 768, 826

Resolution offered—79

Subcommittee assignments—206, 207, 312, 316, 443, 444, 805, 831, 957

JOCHUM, PAM—Representative **Dubuque** County

Amendments filed—200, 243, 318, 319, 320, 321, 342, 521, 680, 723, 748, 809, 1022, 1034, 1059, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1352, 1354, 1403, 1526, 1530

Amendments offered—219, 413, 577, 723, 1022, 1034, 1352, 1354

Amendments withdrawn—408, 680, 748, 1565

Bills introduced—127, 150, 151, 217, 245, 259, 464, 465

Committee appointments—15, 16

Resolutions filed—210, 231, 278, 826

Subcommittee assignments—119, 134, 156, 174, 175, 182, 183, 190, 207, 262, 263, 444, 453, 596, 627, 659, 806, 824

Amendments filed—1721, 1725, 1731

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JONES, GERALD D.—Representative **Mills**-Pottawattamie Counties

Amendments filed—321, 427, 1071, 1336, 1547

Bills introduced—86, 180, 202, 217, 325

Committee appointments—15, 16, 624

Leave of absence—838, 959

Resolutions filed—199, 266, 278, 768, 826

Subcommittee assignments—58, 82, 83, 119, 135, 156, 174, 175, 182, 183, 198, 207, 263, 627, 658, 659, 735, 760

JUDICIARY, COMMITTEE ON—

Amendments filed—210, 232, 833, 862

Amendments offered—285, 289, 901, 1457

Appointed—15, 763

Bills introduced—159, 170, 179, 180, 201, 211, 303, 327, 429, 464, 465, 466, 467, 481, 482, 491, 492, 570, 571

Recommendations—148, 167, 184, 199, 231, 309, 367-368, 446-447, 459, 473-474, 757, 825, 832, 860-861, 954
 Subcommittee assignments—65, 66, 101, 165, 174, 182, 206, 229, 261, 262, 263, 306, 335, 364, 423, 424, 444, 453, 596, 627, 628, 755, 805, 824, 888

KLEMMER, RALPH—Representative **Plymouth-Sioux** Counties, Assistant Majority Leader

Amendments filed—266, 319, 808, 998, 1129
 Amendments offered—548, 1160
 Bills introduced—43, 44, 62, 86, 141, 186, 192, 212, 370
 Bills placed on unfinished business calendar (as acting Speaker)—830-831
 Bill referred to committee (as acting Speaker)—831
 Committee appointments—14, 15, 16, 27, 347, 1324
 Leave of absence—1531
 Presided at sessions of the House—406, 407, 495, 573, 811, 828, 918, 975, 1527
 Report—1414-1415
 Resolutions filed—199, 277, 826
 Ruling made (as acting Speaker)—410
 Subcommittee assignments—23, 57, 65, 66, 82, 118, 174, 229, 239, 336, 423, 430, 453, 707

Presided at session of the House—1734

KRAMER, KENT—Representative **Polk** County

Amendments filed—319, 320, 477, 569, 890, 955, 957, 998, 1343, 1344, 1448, 1449, 1454, 1547
 Amendments offered—514, 641, 968, 1017, 1343, 1344, 1454
 Bills introduced—86, 141, 192, 193, 202, 217, 451
 Committee appointments—14, 15, 16
 Leave of absence—1074
 Presided at session of the House—478
 Resolutions filed—199, 277, 826
 Subcommittee assignments—57, 81, 82, 111, 118, 182, 197, 229, 262, 315, 453, 627, 628, 806, 920, 1069, 1099

KUHN, MARK—Representative Cerro Gordo-**Floyd**-Howard-Mitchell Counties

Amendments filed—77, 213, 243, 318, 319, 321, 448, 520, 597, 758, 769, 809, 1070, 1071, 1129, 1179, 1183, 1211, 1225, 1243, 1245, 1403, 1472, 1490, 1517, 1526
 Amendments offered—91, 602, 788, 1211, 1472, 1490, 1517
 Amendments withdrawn—793, 1299, 1517
 Bills introduced—25, 150, 160, 181, 217, 343, 464, 465
 Committee appointments—14, 15
 Resolutions filed—210, 278, 808, 826, 827
 Subcommittee assignments—111, 263, 453, 628, 805

Amendments filed—1721, 1725, 1727, 1731

KURTENBACH, JAMES M.—Representative Hamilton-**Story** Counties

Amendments filed—93, 597, 769, 827, 998, 1270, 1310, 1403
 Amendments offered—93, 644, 850, 983, 1268, 1341
 Bills introduced—43, 62, 86, 87, 127, 141, 192, 212, 236
 Committee appointments—14, 15, 16

Resolutions filed—199, 277, 826

Subcommittee assignments—57, 81, 207, 208, 263, 596, 627, 658, 735, 806

LALK, DAVID—Representative Black Hawk-Bremer-**Fayette** Counties

Amendments filed—890, 998, 1336

Amendment offered—916

Bills introduced—86, 87, 114, 141, 186, 192, 202

Committee appointments—14, 16, 26, 346

Resolutions filed—199, 231, 278, 808, 826

Subcommittee assignments—71, 82, 111, 134, 135, 707, 805

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838, 925, 938, 959, 971, 1002, 1072, 1074, 1311, 1405, 1531

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House Concurrent Resolution 126—1310

House Resolution 127—461

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LENSING, VICKI—Representative **Johnson** County

Amendments filed—243, 320, 321, 342, 521, 680, 809, 998, 1004, 1070, 1071, 1179,
1183, 1211, 1225, 1243, 1245, 1256, 1388, 1403, 1526, 1563

Amendments offered—1004, 1563

Bills introduced—25, 127, 150, 172, 212, 217, 259, 464, 465

Committee appointments—14, 15

Resolutions filed—168, 200, 210, 278, 768, 826, 827, 1101

Subcommittee assignments—71, 81, 229, 312, 755, 824, 831

Amendments filed—1721, 1725, 1727, 1731

LOBBYISTS—

(See ETHICS, COMMITTEE ON)

LOCAL GOVERNMENT, COMMITTEE ON—

Appointed—15

Bills introduced—160, 180, 324, 326, 399, 433, 480, 481, 566

Recommendations—153, 168, 185, 310, 339, 426, 460, 486, 888

Subcommittee assignments—56, 57, 65, 82, 83, 134, 135, 229, 273, 312, 423, 443,
760, 831

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties

Amendments filed—310, 319, 521, 709, 808, 833, 890, 921, 954, 998, 1102, 1353, 1448, 1502, 1507, 1521, 1547
 Amendments offered—872, 874, 978, 1019, 1351, 1353, 1516, 1562, 1564
 Bills introduced—43, 62, 63, 69, 86, 104, 114, 115, 125, 141, 151, 160, 170, 179, 180, 192, 202, 217, 218, 244, 245, 259, 283, 465
 Bill passed on file (as acting Speaker)—956
 Bill placed on calendar (as acting Speaker)—956
 Committee appointments—14, 15, 16, 26, 346
 Presented to the House the Honorable Joe Ertl, former member of the House—1081
 Presided at session of the House—956
 Resolutions filed—199, 210, 231, 266, 277, 768, 826
 Subcommittee assignments—57, 82, 83, 119, 135, 165, 175, 182, 190, 197, 207, 306, 316, 336, 627, 658, 707, 735, 805, 823, 824, 1069

LYKAM, JIM—Representative **Scott** County

Amendments filed—427, 809, 846, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1403, 1526
 Amendment withdrawn—846
 Bills introduced—86, 150, 464
 Committee appointment—16
 Resolutions filed—278, 758, 826, 827, 889
 Resolution offered—958
 Subcommittee assignments—58, 82, 119, 135, 156, 174, 175, 182, 183, 198, 207, 263, 659, 824

Amendments filed—1721, 1725, 1727, 1731

MADDOX, O. GENE—Representative **Polk** County

Amendments filed—758, 890, 1449, 1547
 Amendments offered—842, 1457
 Bills introduced—44, 87, 115, 126, 141, 151, 259, 267
 Committee appointments—15, 46
 Presented to the House winners of the “Write Women Back Into History” essay contest—600-601
 Resolutions filed—242, 277, 520, 826, 954
 Subcommittee assignments—101, 206, 261, 263, 312, 596, 627, 755, 806

MAJORITY LEADER, Chuck Gipp—Representative Allamakee-**Winneshiek** Counties, Majority Leader

(See GIPP, CHUCK—Representative Allamakee-**Winneshiek** Counties, Majority Leader)

MANAGEMENT, DEPARTMENT OF—

Communications from—188, 195

MANTERNACH, GENE—Representative Dubuque-**Jones** Counties, Assistant Majority Leader

Amendments filed—310, 1336, 1547
 Bills introduced—72, 86, 114, 141, 202, 465
 Committee appointments—14, 16
 Explanation of vote—763

Leave of absences—670, 713, 959, 1002, 1072
 Presided at sessions of the House—149, 1352, 1394, 1449
 Resolutions filed—199, 210, 231, 277, 826
 Subcommittee assignments—81, 119, 174, 182, 312, 443, 453, 596, 659, 735, 824

MASCHER, MARY—Representative **Johnson** County, Assistant Minority Leader
 Amendments filed—232, 243, 318, 319, 320, 321, 322, 342, 462, 486, 542, 809, 921,
 1006, 1009, 1010, 1011, 1012, 1036, 1059, 1070, 1071, 1183, 1211, 1225, 1243,
 1245, 1256, 1286, 1353, 1358, 1360, 1403, 1526, 1537
 Amendments offered—291, 408, 541, 542, 559, 1006, 1009, 1010, 1011, 1036, 1256,
 1353, 1358
 Amendments withdrawn—543, 1011, 1012, 1299, 1358, 1360
 Bills introduced—25, 150, 169, 170, 171, 172, 193, 212, 217, 218, 259, 325, 464, 465
 Committee appointments—14, 15, 16
 Presented to the House winners of the “Write Women Back Into History” essay
 contest—600-601
 Presented to the House the Honorable Cecelia Burnett, former member of the
 House—762
 Presented to the House the Honorable Paul Scherrman, former member of the
 House—1081
 Resolutions filed—168, 200, 210, 231, 242, 278, 447, 597, 768, 826, 827
 Resolution offered—282
 Subcommittee assignments—39, 57, 58, 65, 82, 101, 156, 182, 261, 262, 316, 424,
 627, 659, 756, 824, 831

Amendments filed—1721, 1725, 1731

MCCARTHY, KEVIN—Representative **Polk** County
 Amendments filed—243, 266, 319, 569, 808, 809, 862, 955, 1070, 1071, 1183, 1211,
 1243, 1353, 1480, 1526
 Amendment withdrawn—973
 Bills introduced—63, 86, 150, 279
 Committee appointments—15, 16, 46
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 Subcommittee assignments—58, 65, 66, 71, 118, 239, 306

Amendments filed—1721, 1725, 1731

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 Counties
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 370, 433, 465, 478
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 Performed an Irish jig with Representative Boddicker accompanied by
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Resolutions filed—199, 210, 266, 278, 826, 827, 997

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Amendments filed—1721, 1725, 1731

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Amendments filed—243, 321, 709, 809, 1070, 1071, 1183, 1211, 1225, 1243, 1245,
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Amendment offered—1472

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Committee appointments—14, 15, 16

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National Bar Association—1001
Resolutions filed—199, 210, 278, 520, 768, 826, 827
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MINORITY LEADER, Patrick J. Murphy—Representative **Dubuque** County
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Filed:

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Senate File 2298—1305
Senate File 2298, H-8500—1519
Senate File 2305—1572
Senate File 2305, H-8602—1572

Prevailed:

Senate File 2298—1536

Unanimous Consent:

Senate File 2298, H-8500—1537

Withdrawn:

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MURPHY, PATRICK J.—Representative **Dubuque** County, Minority Leader

Amendments filed—319, 320, 321, 808, 809, 1070, 1071, 1179, 1183, 1211, 1225,
1243, 1245, 1343, 1403, 1449, 1526

Amendments offered—1179, 1526

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Presented plaques to retiring members of the House—1578

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Presented to the House the Honorable Lowell Norland, former Majority Leader of
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Resolution offered—345

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Amendments filed—1721, 1725, 1731

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Appointed—16

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House Concurrent Resolution 118—568

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House Resolution 102—23

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Presented plaques to retiring members of the House—1578

Presented plaques to House leadership in appreciation of their dedication and service—1578

Special presentation to House Pages—417, 619, 1577

Took oath of office—3

OLDSON, JO—Representative **Polk** County

Amendments filed—243, 322, 342, 709, 809, 955, 998, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1404, 1449, 1451, 1480, 1526

Amendment offered—774

Bills introduced—150, 259

Committee appointments—14, 15, 16

Resolutions filed—210, 278, 448, 826

Subcommittee assignments—135, 174, 262, 453, 627, 658, 735, 760, 824, 831, 953

Amendments filed—1721, 1725, 1727, 1731

Amendment offered—1727

OLSON, DONOVAN—Representative **Boone**-Dallas Counties

Amendments filed—243, 320, 322, 342, 448, 520, 631, 809, 955, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1385, 1388, 1403, 1480, 1526

Amendments offered—394, 550, 552, 1385

Amendment withdrawn—654

Bills introduced—25, 150, 151, 187, 217, 464, 465

Committee appointments—14, 15

Resolutions filed—210, 266, 278, 631, 768, 826

Subcommittee assignments—56, 59, 65, 66, 263, 273, 316, 443

Amendments filed—1721, 1725, 1727, 1731

OLSON, STEVEN N.—Representative **Clinton**-Scott Counties

Amendments filed—628, 1336, 1547

Amendment offered—672

Amendment withdrawn—672

Bills introduced—86, 202, 217, 451

Committee appointments—14, 15, 16

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Presented to the House the North Scott Little League team and their coach Scott Daniels—762

Presented to the House the Honorable Bob Johnson, former member of the House—1367

Resolutions filed—199, 210, 277, 758, 826, 889

Resolution offered—762

Subcommittee assignments—59, 65, 66, 71, 82, 111, 134, 197, 262, 263, 453, 627, 707, 735, 805, 824

OSTERHAUS, ROBERT J.—Representative Clinton-Dubuque-**Jackson** Counties

Amendments filed—319, 321, 322, 342, 569, 659, 809, 1070, 1071, 1183, 1211, 1225, 1243, 1245, 1310, 1352, 1403, 1526

Amendments offered—396, 1267, 1347

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Bills introduced—25, 69, 86, 127, 141, 150, 151, 217, 234, 259, 465

Committee appointments—14, 16, 763

Explanations of vote—657, 882

Presided at session of the House—665

Resolutions filed—210, 278, 826, 827, 889

Resolution offered—958

Subcommittee assignments—59, 81, 101, 119, 207, 312, 735

Amendments filed—1721, 1725, 1731

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PAULSEN, KRAIG—Representative **Linn** County

Amendments filed—629, 862, 1181

Amendments offered—752, 1181

Amendment withdrawn—868

Bills deferred, retained on calendar (as acting Speaker)—1531

Bills introduced—11, 25, 43, 62, 86, 141, 152, 179, 180, 186, 192, 202, 269, 433, 439

Committee appointments—15, 16, 44

Presided at session of the House—1531

Resolutions filed—168, 199, 277, 758, 826, 862, 889

Resolution offered—892

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- Representative Hanson and LuAnn Urlaub sang “America the Beautiful” before the House—660
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PETERSEN, JANET—Representative **Polk** County

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- Amendments offered—1059, 1063, 1225, 1480
- Amendment withdrawn—411
- Bills introduced—25, 79, 104, 105, 126, 150, 194, 217, 234, 235, 259, 464
- Committee appointments—14, 16
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- Resolutions filed—24, 191, 210, 278, 768, 826
- Subcommittee assignments—58, 65, 81, 82, 135, 156, 208, 364, 424, 443, 824, 831

Amendments filed—1721, 1725, 1731

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- (See also INDIVIDUAL HEADINGS)
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- House Concurrent Resolution 122, urge Federal Railroad Administration to conduct regulatory proceedings regarding remote control locomotive operations by railroad companies—760
- House Resolution 103, urging federal government to provide better access to veterans facilities and services—24
- House Resolution 104, calling upon Congress to enact legislation to allow concurrent receipt of retirement and disability compensation by American veterans—24
- House Resolution 124, encourage President of the United States to take swift action to remove Rod Paige from position of United States Secretary of Education—448
- House Resolution 137, recognize and honor families of United States military service members for their unselfish contributions and sacrifices—768
- House Resolution 141, urge United States Congress appropriate funds to National Park Service to assist state and local governments and private landowners in developing comprehensive plan to preserve and restore Loess Hills in Iowa—826
- House Resolution 155, urge federal government establish a National Center for Rural and Agricultural Behavioral Health in Iowa—954
- House Resolution 164, request United States Congress expand the physical presence standard for the imposition of state and local business activity taxes—1101, 1367 adopted

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Amendment offered—927

Appointed—16

Bills introduced—170, 193, 211, 235, 326, 344, 429, 463, 467, 490, 523, 565

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Subcommittee assignments—58, 65, 66, 71, 119, 174, 198, 207, 239, 306, 423, 424, 659, 707, 755

QUIRK, BRIAN—Representative **Chickasaw**-Howard-Winneshiek Counties,

Assistant Minority Leader

Amendments filed—319, 321, 659, 709, 769, 809, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1353, 1403, 1404, 1526

Bills introduced—85, 87, 141, 180, 186, 192, 203, 204, 234, 439, 465

Committee appointments—14, 347, 1324

Explanation of vote—594

Report—1414-1415

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Amendments filed—1721, 1725, 1731

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RAECKER, J. SCOTT—Representative **Polk** County

Amendments filed—320, 341, 342, 569, 769, 862, 890, 921, 1071, 1129, 1282, 1402, 1403, 1447, 1449, 1450, 1451, 1490, 1547

Amendments offered—395, 867, 898, 903, 1282, 1447, 1449, 1484, 1502

Amendments withdrawn—640, 959, 1450, 1451, 1490, 1504

Bills introduced—11, 86, 141, 149, 187, 193, 202, 204, 464

Committee appointments—14, 15, 16, 272, 304

Explanations of vote—237, 705

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Resolutions filed—199, 210, 277, 318, 438, 758, 826, 1101, 1129

Subcommittee assignments—58, 81, 82, 119, 156, 175, 182, 183, 207, 263, 627, 659, 756, 824, 831

RANTS, CHRISTOPHER C.—Representative **Woodbury** County, Speaker of the House (See SPEAKER OF THE HOUSE—Christopher C. Rants, Representative **Woodbury** County)

RASMUSSEN, DAN—Representative Black Hawk-**Buchanan**-Fayette Counties

Amendments filed—319, 1336, 1507

Bills introduced—79, 141, 193, 202

Committee appointments—16

Resolutions filed—199, 210, 231, 277, 808, 826

Subcommittee assignments—58, 65, 82, 119, 156, 175, 182, 207, 239, 262, 263, 273, 336, 424, 444, 452, 453, 659, 824, 831

RAYHONS, HENRY—Representative **Hancock**-Winnepago-Worth Counties

Amendments filed—319, 569, 808, 1336, 1402, 1403

Amendment offered—729

Amendment withdrawn—1482

Bills introduced—43, 69, 86, 115, 141, 192, 202, 464

Committee appointments—14, 16, 624

Resolutions filed—199, 210, 278, 768, 808, 826

Subcommittee assignments—57, 102, 118, 119, 145, 197, 239, 273, 306, 315, 628, 755, 824

REASONER, MICHAEL J.—Representative Clarke-Decatur-**Union** Counties

Amendments filed—243, 341, 808, 809, 955, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1353, 1448, 1526

Amendment offered—1192

Amendment withdrawn—1299

Bills introduced—26, 69, 86, 150, 464, 465

Committee appointments—3, 14, 15, 622

Resolutions filed—278, 448, 768, 826

Subcommittee assignments—101, 182, 206, 306, 335, 423, 443, 596, 755, 805

Amendments filed—1721, 1725, 1727, 1731

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 House Resolution 169—1530
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 Senate Concurrent Resolution 109—1101
 Senate Concurrent Resolution 110—597
 Senate Concurrent Resolution 113—1310

Passed on file:

Senate Concurrent Resolution 106—628
 Senate Concurrent Resolution 108—628
 Senate Concurrent Resolution 111—597
 Senate Concurrent Resolution 114—737

Referred to committee:

House Concurrent Resolution 103—23
 House Concurrent Resolution 104—103
 House Resolution 101—23
 House Resolution 102—24

Unanimous consent:

House Concurrent Resolution 101—4
 House Concurrent Resolution 102—4
 House Resolution 136—761
 House Resolution 151—866
 House Resolution 160—1007
 Senate Concurrent Resolution 117—1074
 Senate Concurrent Resolution 118—1669

Adopted:

Senate Concurrent Resolution 119—1736

Unanimous consent:

Senate Concurrent Resolution 119—1736

ROBERTS, ROD—Representative **Carroll**-Crawford-Sac Counties, Assistant Majority Leader
 Amendments filed—210, 318, 341, 569, 998, 1286, 1336, 1448, 1537, 1547
 Amendments offered—219, 398, 407
 Bill deferred, retained on calendar (as acting Speaker)—1418
 Bills introduced—43, 62, 63, 86, 141, 172, 192, 202
 Bill passed on file (as acting Speaker)—905
 Bill placed on unfinished business calendar (as acting Speaker)—948
 Bill referred and rereferred (as acting Speaker)—732
 Committee appointments—14, 15, 16
 Explanation of vote—705
 Leave of absence—632
 Presentation of visitors (as acting Speaker)—595, 801-802, 856, 1401
 Presided at sessions of the House—255, 412, 587, 608, 712, 713, 738, 791, 840, 866, 893, 894, 935, 1016, 1063, 1073, 1089, 1104, 1223, 1374, 1380, 1394, 1395, 1405, 1457

Resolutions filed—199, 277, 447, 826

Resolution offered—865

Rulings made (as acting Speaker)—724, 746

Subcommittee assignments—56, 58, 59, 66, 82, 101, 119, 135, 144, 156, 174, 175,
182, 183, 197, 207, 208, 262, 263, 437, 443, 627, 659, 756, 824, 831

Presided at sessions of the House—1726, 1731

RULES INVOKED—

Rule 43 (rereferral of bill):

House File 2393 to committee on local government—552

Rule 75 (duty of voting):

House File 2302, H-8133—397

House File 2392, H-8151—551

House File 2392, H-8177—552

House File 2555, H-8585—1533

House File 2578, H-8618—1508

Senate File 2298, H-8447, as amended—1211

Rule 76 (conflict of interest):

House File 2538—604

Senate File 2253—641

Senate File 2261—650

RULES—MOTIONS TO SUSPEND—

House File 2264—246

House File 2264, Rule 33—246

House File 2264, Rule 34—246

House File 2264, Rule 39—246

House File 2264, Rule 61—246

House File 2264, H-8025—253

House File 2440, H-8188—582

House File 2440, H-8196—584

Senate File 2298, H-8389—1155

Senate File 2298, H-8452—1178

Senate File 2298, H-8482—1180

Senate File 2298, H-8365A, as amended—1182

Senate File 2298, H-8447, as amended—1211

Lost:

House File 2440, H-8188—583

House File 2440, H-8196—585

Senate File 2298, H-8389—1156

Senate File 2298, H-8452—1179

Senate File 2298, H-8482—1181

Prevailed:

House File 2264—247

House File 2264, Rule 33—246

House File 2264, Rule 34—246

House File 2264, Rule 39—246

House File 2264, Rule 61—246

House File 2264, H-8025—254

Senate File 2298, H-8365A, as amended—1182

Senate File 2298, H-8447, as amended—1211

Unanimous consent:

House File 2578—1471

House File 2579—1383

House File 2580—1514

Senate File 2215—1579

Senate File 2275—1457

Senate File 2306—1468

Rule 31.8 (timely filing of amendments):

House File 2264—246

RULES—SUSPENDED—

Rule 30 (introduction and reading of bill):

House File 2540—676

Rule 31 (first reading, commitment and amendment):

House File 2540—676

Rule 33 (regular calendar):

House File 2264—245

House File 2540—676

Rule 34 (debate and special order calendar):

House File 2264—245

House File 2540—676

Rule 39 (consideration of bill):

House File 2264—245

House File 2540—676

Rule 57 (committee notice and agenda):

Committee meetings scheduled for 1/12/04—4

Committee meeting for committee on economic development—657

Committee meeting for education appropriations subcommittee—753

Rule 61 (notice of public hearing):

House File 2264—245

*Rule 57 (committee notice and agenda):**Committee meeting for appropriations, commerce, regulation and labor, ways and means—1720*

RULES—UNDER PROVISIONS OF & PURSUANT TO—

Pursuant to Rule 31.7 (commitment of bills):

House File 2540—708

Senate File 399—231

Senate File 399—833

Senate File 2270—888

Pursuant to Rule 42 (certification of engrossment):

House File 2134—989

House File 2208—989

House File 2319—989

House File 2351—948

House File 2394—990

House File 2395—1305

House File 2433—1119

House File 2490—918

House File 2523—1119

House File 2530—1397

House File 2577—1669

Pursuant to Rule 73.7 (reconsideration):

Senate File 2305—1675

Pursuant to Rule 31.7 (commitment of bills):

House File 2581—1720

SANDS, THOMAS R.—Representative Des Moines-**Louisa**-Muscatine Counties

Amendments filed—318, 319, 320, 341, 520, 569, 659, 769, 827, 1336, 1450, 1451, 1510

Amendments offered—411, 412, 416, 637, 648, 850, 928, 975

Bills introduced—43, 69, 86, 141, 186, 192, 202

Committee appointments—14, 16, 623

Presented to the House Gretchen Davison, Miss Louisa County 2003, a dietetic intern at Genesis Medical Center—762

Resolutions filed—199, 278, 826, 957

Resolution offered—761

Subcommittee assignments—57, 71, 81, 119, 190, 197, 239, 262, 306, 423, 596, 627, 658, 707, 735

SCHICKEL, BILL—Representative **Cerro Gordo** County

Amendments filed—521, 629, 808, 1101, 1190, 1209, 1336, 1547

Amendment offered—665

Bills introduced—44, 86, 125, 150, 202, 217, 218, 233, 245, 328, 465

Committee appointments—15

Resolutions filed—23, 199, 210, 277, 768, 808, 826

Resolution offered—1103

Subcommittee assignments—56, 57, 58, 65, 101, 134, 135, 165, 182, 263, 273, 760

SECRETARY OF STATE, Chester J. Culver

Certificate of election—3-4

Communications from—1-2

SHOMSHOR, PAUL—Representative **Pottawattamie** County

Amendments filed—342, 808, 809, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1403, 1473, 1526

Amendment offered—1473

Bills introduced—150, 464, 465

Committee appointments—15, 16, 27, 763

Explanation of vote—1520

Leave of absence—838

Resolutions filed—210, 278, 826, 827

Subcommittee assignments—627, 805, 920

Took oath of office—2-3

Amendments filed—1721, 1725, 1731

SHOULTZ, DON—Representative **Black Hawk** County

Amendments filed—266, 318, 319, 321, 342, 448, 521, 557, 680, 789, 809, 955, 998, 1012, 1017, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1272, 1346, 1359, 1403, 1526

Amendments offered—556, 557, 789, 1017, 1272, 1346, 1359

Amendments withdrawn—408, 1012
 Bills introduced—25, 69, 86, 150, 151, 160, 172, 212, 217, 244, 259, 465, 478
 Committee appointments—15, 16, 625
 Presented to the House Dan Craig from the Department of Correction Services—324
 Resolutions filed—210, 231, 278, 447, 448, 826, 1530
 Resolutions offered—324, 865
 Subcommittee assignments—118, 134, 262, 306, 335, 423, 707, 735, 920, 1069

SMITH, MARK—Representative **Marshall County**

Amendments filed—319, 521, 569, 709, 758, 769, 797, 809, 955, 1010, 1011, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1301, 1357, 1386, 1388, 1403, 1480, 1521, 1526, 1530, 1569
 Amendments offered—817, 1010, 1357, 1386, 1388, 1464, 1560
 Amendments withdrawn—795, 1011, 1301, 1388, 1464
 Bills introduced—11, 25, 69, 105, 150, 344, 464, 465
 Committee appointments—14, 15
 Leave of absence—1531
 Presented to the House Matt Dahlke and Dex Wallor, members of the Marshalltown Swim Team—195
 Resolutions filed—210, 266, 278, 448, 768, 826, 827
 Subcommittee assignments—57, 58, 66, 82, 135, 144, 145, 197, 207, 208, 262, 306, 430, 453, 957

Amendments filed—1721, 1725, 1727, 1731

SPEAKER OF THE HOUSE—Christopher C. Rants—Representative **Woodbury County**

Addressed the House—8-10, 1666-1669
 Amendment filed—1449
 Announcement—141
 Bill deferred—255
 Bill deferred, retained on calendar—989
 Bills deferred, retained on special order calendar—370, 398, 417
 Bills introduced—205, 217, 324, 432
 Bills referred and rereferred to committees—17, 161, 173, 195, 205, 227, 304, 434, 440, 625, 839-840, 1065
 Bills signed by—205, 440, 733, 831, 882, 918-919, 948, 990, 1066, 1305-1306, 1361, 1397-1398, 1520, 1572, 1670
 Committees appointed by—3, 14-17, 26, 44
 Committee appointments—14, 272, 304, 621, 622, 623, 624, 625, 763
 Committee revisions—12-13
 Final adjournment—1675
 Presentation of visitors—74, 567, 1066
 Presented plaques to retiring members of the House—1578
 Presented to the House the Morningside Mustang Women's Basketball team, their coach Jaime Sale and President of Morningside College, John Reynders—866
 Presided at sessions of the House—1, 25, 26, 42, 44, 62, 72, 78, 85, 109, 114, 124, 127, 141, 154, 159, 169, 178, 186, 192, 201, 211, 217, 233, 235, 237, 244, 247, 248, 249, 252, 255, 256, 267, 268, 269, 279, 282, 313, 323, 324, 333, 345, 369, 371, 399, 406, 411, 412, 421, 432, 439, 449, 463, 488, 492, 511, 522, 525, 533, 543, 553, 570, 577, 598, 601, 613, 632, 660, 676, 704, 710, 738, 759, 761, 762, 770, 813, 814, 838, 891, 922, 923, 958, 959, 989, 999, 1012, 1065, 1072, 1074, 1103, 1130, 1131, 1255,

1256, 1274, 1301, 1311, 1323, 1339, 1341, 1346, 1358, 1366, 1367, 1418, 1449,
1522, 1526, 1528, 1531, 1536, 1537, 1577, 1578, 1579, 1662, 1674

Remarks by—8-10, 1666-1669

Resolutions filed—4, 242, 277, 768, 826, 866, 1364, 1674

Resolution offered—866

Resolutions relating to:

House Concurrent Resolution 101, joint convention on Tuesday, January 13, 2004 at 10:00 a.m. for Governor Thomas J. Vilsack to deliver his condition of the state and budget message—4, 4 adopted, 5 msgd. — S.J. — 24, 25, 26 adopted, 28 msgd. — H.J. — 105

House Concurrent Resolution 102, joint convention on Wednesday, January 14, 2004 at 10:00 a.m. for Chief Justice Louis A. Lavorato to deliver his condition of the judicial branch message—4, 5 adopted & msgd. — S.J. — 24, 25, 26 adopted, 28 msgd. — H.J. — 106

House Concurrent Resolution 111, joint convention of 2004 session of Eightieth General Assembly Wednesday, February 25, 2004 for Major General Ron Dardis to deliver his condition of the Iowa National Guard message—242, 243, 323 adopted & msgd. — S.J. — 291, 292, 298, 299 adopted & msgd. — H.J. — 329

Rulings made—252, 292, 395, 415, 416, 422, 544, 582, 584, 586, 608, 1155, 1178, 1180, 1181, 1313

Special presentation to House Pages—417, 619, 1577

Standing committees appointed—14-16

Bills introduced—1718-1719

Bill signed by—1737

Final adjournment, 2004 Extraordinary Session of the Eightieth General Assembly—1737

Presided at sessions of the House—1716, 1724, 1726, 1728, 1729, 1731

SPEAKER PRO TEMPORE,—Danny Carroll—Representative Mahaska-**Poweshiek** Counties

(See CARROLL, DANNY—Representative Mahaska-**Poweshiek** Counties, Speaker Pro Tempore)

SPECIAL COMMITTEES—

(See COMMITTEES, SPECIAL)

SPECIAL PRESENTATION—

Representative Dandekar presented to the House De Ann Woodin, Eagles Head Coach and the Kirkwood Community College Women's Volleyball Team—143

Representative Jenkins presented to the House a delegation from Saskatchewan, Canada, including the Honorable John Nilson, Minister of Health; Brenda Bakken, Doreen Eagles, Wayne Elhard and Debbie Saum—194

Representative Smith presented to the House Matt Dahlke and Dex Wallor, members of the Marshalltown Swim Team—195

Representative Murphy presented to the House the Honorable John Walsh, former state senator—280

Representative Shoultz presented to the House Dan Craig from the Department of Correction Services—324

Representative Mertz presented to the House the Honorable Jane Svoboda, former member of the House—333

- Representative Boddicker presented to the House the Tipton High School Wrestling team and their State Tournament Qualifiers—400-401
- Representative Dolecheck presented to the House the Honorable Jim Meyer, former member of the House—408
- Special presentation to House Pages—417, 619, 1577
- Representative Boggess presented to the House members of the Glenn Miller Birthplace Society—434
- Representative Bell presented Chen Len Yi, President of the China Meat Import Association, and his wife Mrs. Len, May May and Bill Ny—468
- Representative Boggess presented to the House the Honorable Donna Barry, former member of the House—493
- Representative Foege presented to the House Dr. Les Garner, President of Cornell College—525
- Representative Hahn presented to the House the Honorable Barry Brauns, former member of the House—527
- Representative Jenkins presented to the House the Honorable Marv Diemer, former member of the House—533
- Representative Jacoby presented to the House Dr. Norm Nielsen, President of Kirkwood Community College—573
- Representative Connors presented to the House the Honorable Clifford Branstad, former member of the House—586
- Representatives Maddox and Mascher presented winners of the “Write Women Back Into History” essay contest—600-601
- Representatives Frevert and Jenkins presented to the House Pat Breen, T.D., member of the Irish Parliament and his wife Anne—711
- Representative Frevert presented to the House Hillary Hanson, Shamrock Queen—711
- The House was entertained by the “Little Irish Dancers” from Emmetsburg—711
- Representatives Boddicker, Connors, Fallon and Mertz sang and danced before the House—711
- Representative Sands presented to the House Gretchen Davison, Miss Louisa County 2003, a dietetic intern at Genesis Medical Center—762
- Representatives S. Olson and J.R. Van Fossen presented to the House the North Scott Little League Team and coach Scott Daniels—762
- Representative Mascher presented to the House the Honorable Cecelia Burnett, former member of the House—763
- Representative Drake presented to the House Curt Bladt, football coach; Mitch Osborn, basketball coach; Ken Cartens, track coach; Steve Daeges, baseball coach; Kent Klinkefus, Harlan High School Principal; Bob Broomfield, Superintendent and senior athletes—865
- Speaker Rants presented to the House the Morningside Mustang Women’s Basketball team, their coach Jaime Sale and President of Morningside College, John Reynders—866
- Representative Bell presented to the House several dignitaries representing trade with Taiwan—892
- Representative Jenkins presented gifts to several dignitaries representing trade with Taiwan—892
- Representative Van Engelenhoven presented to the House Jenni Van Wyk, Queen of the 2004 Pella Tulip Festival, and her court—893
- Representative Gaskill presented to the House the Honorable Jim Schwartz, former member of the House—893

Representative Winckler presented to the House a group of officials from Muscatine Community College—958

Representatives Heaton and Whitaker presented Ann Gertds, President of the Scottish Heritage Society of Iowa—1001

John Grundwald, Greg Fransisco, Terry Cochran and John Morris entertained the House with bagpipe music—1001

Representative Miller presented to the House Vicky Long Hill and Inga Bumbary-Langston from the National Bar Association—1001

Representative Dix presented to the House Jack Ohle, President of Wartburg College, Wartburg College Wrestling and the Men's and Women's Cross Country Teams—1007

Representative Greiner presented to the House Ms. Courtney Knupp, 2004 Iowa Pork Queen—1074

Representative Chambers presented to the House the Honorable Rich Vande Hoef, former member of the House—1078

Representative Lukan presented to the House the Honorable Joe Ertl, former member of the House—1081

Representative Mascher presented to the House the Honorable Paul Scherrman, former member of the House—1081

Representative Stevens presented to the House the Honorable Gene Blanchen, former member of the House—1103

Representative Murphy presented to the House the Honorable Lowell Norland, former Majority Leader of the House—1203

Representative S. Olson presented to the House the Honorable Bob Johnson, former member of the House—1367

Speaker Rants, Majority Leader Gipp and Minority Leader Murphy presented plaques to retiring members of the House—1578

Representative Carroll and Representative Jacobs presented House leadership with plaques in appreciation of their dedication and service—1578

Representative J.R. Van Fossen presented to the House Nicole White, Miss Iowa 2003—1665

SPONSOR—

Added:

House File 2013—Representative Fallon—143

ST PATRICK'S DAY OBSERVANCE—711-712

STANDING COMMITTEES—

Appointed—14-16

Appropriations subcommittees—16-17

Committee assignments—12-13, 14-16

STATE APPEAL BOARD—

(Richard D. Johnson, Chairman)

Claims disapproved—72-73, 1120-1123

Communications from, stating claims filed with—72-73, 1120-1123

STATE GOVERNMENT, COMMITTEE ON—

Amendments filed—808, 837

Amendments offered—867, 1063

Appointed—16

Bills introduced—178, 179, 193, 235, 269, 282, 432, 433, 466, 479, 490, 491, 522, 571
 Recommendations—148, 168, 185, 231, 277, 426-427, 447, 474-476, 807, 836
 Subcommittee assignments—58, 65, 82, 119, 134, 135, 156, 174, 175, 182, 183, 198,
 207, 261, 262, 263, 424, 452, 453, 659, 756, 824, 831

STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Thomas J. Vilsack—28-37

Resolution relating to:

House Concurrent Resolution 101—condition of the state and budget message—
 4, 4 adopted, 5 msgd. – S.J. – 24, 25, 26 adopted, 28 msgd. – H.J. – 105

STEVENS, GREG—Representative Clay-Dickinson Counties, Assistant Minority

Leader

Amendments filed—243, 319, 320, 321, 569, 659, 809, 827, 955, 1070, 1071, 1101,
 1183, 1211, 1212, 1225, 1243, 1245, 1403, 1448, 1526

Amendment offered—723

Amendment withdrawn—875

Bills introduced—124, 171, 180, 202, 203, 204, 234, 328, 439, 464, 465

Committee appointments—14, 15

Presented to the House the Honorable Gene Blanchen, former member of the
 House—1103

Resolutions filed—278, 310, 448, 826, 827

Subcommittee assignments—56, 135, 315, 365

Amendments filed—1721, 1725, 1727, 1731

STRUYK, DOUG—Representative Pottawattamie County

Amendments filed—84, 243, 266, 321, 342, 659, 678, 709, 808, 1071, 1301, 1302,
 1341, 1473, 1507, 1547

Amendments offered—280, 1507

Amendment withdrawn—1341

Bills introduced—69, 70, 79, 86, 105, 160, 179, 180, 203, 204, 212, 234, 235, 279, 439,
 464

Committee appointments—3, 14, 15, 624

Escorted Representative Shomshor to his desk—3

Presided at session of the House—1266

Removed from committees—763

Resolutions filed—24, 200, 210, 278, 310, 448, 826

Subcommittee assignments—66, 71, 82, 182, 206, 444

STUDY BILL COMMITTEE ASSIGNMENTS—

Agriculture—166, 230, 240, 265, 308, 337, 365, 431

Appropriations—23, 60, 83, 437, 519, 1128, 1309

Commerce, Regulation & Labor—102, 107, 120-121, 139-140, 175-176, 191, 209, 264,
 265, 274, 312, 365, 438, 454-455

Economic Growth—68, 83, 184, 239, 264, 265, 307, 316-317, 454

Education—23, 41, 137, 146, 175, 184, 240, 317, 437, 445

Environmental Protection—40, 166, 308, 431

Government Oversight—77, 199, 707, 824

Human Resources—39, 40, 60, 61, 122, 166, 176, 190-191, 208, 240, 265, 275, 365,
 470

Judiciary—40, 41, 71, 102, 120, 138, 166, 275, 307, 317, 337, 424, 430, 454

Local Government—41, 102, 137, 157-158, 274, 307, 308
 Natural Resources—122, 138, 209
 Public Safety—40, 60-61, 122, 137, 158, 175, 209, 240, 275, 317, 337, 454
 State Government—67, 106, 107, 112, 122, 137-138, 146, 241, 265, 337, 424, 431, 454
 Transportation—102, 240, 265, 438, 445
 Ways and Means—23, 190, 240, 275, 317, 519, 659, 708, 735, 736, 760, 767, 832, 920

STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assigned—39, 59-60, 66, 76-77, 83, 102, 106, 112, 119, 135-137, 145-146, 156-157, 165-166, 175, 183, 190, 198, 208, 229-230, 239, 263-264, 273-274, 306-307, 312, 316, 336-337, 365, 424, 430, 437, 444, 445, 453-454, 469-470, 483, 568, 628, 735, 756, 806, 824, 832, 859, 953
 Reassigned—39, 59, 165

STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:

House Concurrent Resolution 106—191
 House Concurrent Resolution 110—242
 House Concurrent Resolution 115—461
 House Concurrent Resolution 116—477
 House Concurrent Resolution 119—568
 House Concurrent Resolution 126—1310
 House Resolution 127—461
 House Resolution 135—768
 House Resolution 169—1530
 Senate Concurrent Resolution 110—546
 Senate Concurrent Resolution 111—546

SUBCOMMITTEE ASSIGNMENTS—

Assigned—57-59, 65-66, 71, 82-83, 101-102, 106, 111, 118-119, 134-135, 144-145, 152, 156, 165, 174-175, 182-183, 190, 197-198, 206-208, 229, 239, 261-263, 272-273, 306, 312, 315-316, 335-336, 364-365, 423-424, 430, 437, 443-444, 452-453, 596, 627-628, 658-659, 707, 734-735, 755-756, 760, 805-806, 823-824, 831, 859, 887-888, 920, 953, 957, 1069, 1099
 Reassigned—23, 39, 55-59, 65-66, 81, 101, 111, 135, 174, 197, 206, 229, 261, 364, 805, 831

SUPREME COURT OF IOWA—

(Chief Justice Louis A. Lavorato)

Delivered the Condition of the Judicial Department's Message—46-53

Resolutions relating to:

House Concurrent Resolution 102—4, 5 adopted & msgd. – S.J. – 24, 25, 26 adopted, 28 msgd. – H.J. – 106

SWAIM, KURT—Representative Appanoose-Davis-Wayne Counties

Amendments filed—321, 438, 520, 521, 569, 597, 629, 709, 809, 955, 1070, 1071, 1183, 1211, 1212, 1243, 1245, 1482, 1483, 1526
 Amendments offered—561, 562, 1482, 1483
 Amendment withdrawn—586
 Bills introduced—42, 43, 85, 87, 127, 150, 160, 212, 433, 464, 465
 Committee appointments—3, 14, 15, 621, 622, 623

Petitions presented—178, 891
 Resolutions filed—113, 266, 277, 448, 768, 826, 827, 889
 Resolution offered—1073
 Subcommittee assignments—101, 182, 263, 806, 824

Amendments filed—1721, 1725, 1731

TAYLOR, DICK—Representative **Linn** County

Amendments filed—310, 319, 809, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1299, 1403, 1526
 Bills introduced—114, 150, 171, 179, 217, 464, 465
 Committee appointments—14, 16, 763
 Leave of absence—713, 739
 Resolutions filed—168, 210, 277, 448, 826, 827
 Subcommittee assignments—57, 59, 174, 444, 627, 805

Amendments filed—1721, 1725, 1731

TAYLOR, TODD—Representative **Linn** County, Assistant Minority Leader

Amendments filed—243, 266, 318, 319, 320, 321, 342, 808, 809, 955, 1049, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1403, 1504, 1507, 1526
 Amendments offered—1049, 1504, 1507
 Bills introduced—124, 150, 179, 217, 245, 259, 451, 464, 465, 479
 Committee appointments—14, 16
 Explanation of vote—595
 Leave of absence—492, 546
 Resolutions filed—24, 168, 278, 448, 760, 826
 Subcommittee assignments—81, 174, 207, 239, 262

Amendments filed—1721, 1725, 1731

THOMAS, ROGER—Representative **Clayton**-Delaware-Fayette Counties

Amendments filed—243, 319, 809, 998, 1070, 1071, 1101, 1179, 1183, 1211, 1212, 1225, 1243, 1245, 1403, 1508, 1521, 1526
 Amendments offered—1481, 1508, 1532
 Amendment withdrawn—1508
 Bills introduced—11, 25, 86, 125, 141, 171, 211, 258, 450, 464, 465
 Committee appointments—14, 15, 16, 347
 Petition presented—570
 Resolutions filed—210, 231, 266, 277, 826, 827
 Resolution offered—467
 Subcommittee assignments—71, 118, 145, 206, 273, 336, 805, 887

Amendments filed—1721, 1725, 1727, 1731

Amendment offered—1731

TJEPKES, DAVID A.—Representative Calhoun-Greene-**Webster** Counties

Amendments filed—140, 266, 521, 921, 1102, 1283, 1547
 Amendment offered—1320
 Bills introduced—44, 86, 150, 152, 181, 202, 217, 236, 464, 465
 Committee appointments—15, 16, 45, 1324
 Report—1414-1415

Resolutions filed—199, 210, 278, 826

Subcommittee assignments—57, 58, 65, 82, 83, 174, 182, 229, 273, 306, 755, 760

TRANSPORTATION, COMMITTEE ON—

Appointed—16

Bills introduced—463, 465, 480, 522

Recommendations—461, 476, 708

Subcommittee assignments—65, 66, 118, 119, 145, 197, 262, 263, 273, 336

TYMESON, JODI—Representative Dallas-**Madison**-Warren Counties

Amendments filed—998, 1070, 1299, 1336, 1402, 1547

Amendments offered—1284, 1299, 1547

Bills introduced—43, 62, 86, 105, 114, 141, 192, 202

Committee appointments—15, 16, 45, 347

Resolutions filed—199, 210, 277, 461, 768, 826, 1310

Subcommittee assignments—55, 56, 57, 58, 83, 106, 144, 262, 707, 734, 805, 806, 953

UNANIMOUS CONSENT—4, 245-246, 600, 602, 676, 712, 761, 846, 866, 896, 906, 971, 1007, 1074, 1340, 1383, 1384, 1457, 1468, 1471, 1514, 1579, 1669

1719, 1734, 1736

UNFINISHED BUSINESS CALENDAR—

Bills placed on—830-831, 948

UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties

Amendments filed—569, 629, 769, 808, 862, 878, 890, 1129, 1278, 1302, 1310, 1336, 1402, 1403, 1547

Amendments offered—585, 819, 877, 878, 1337

Bills introduced—86, 104, 126, 141, 181, 192, 202, 235, 370, 450, 464, 759

Committee appointments—3, 14, 15, 624

Escorted Representative Jacoby to his desk—3

Resolutions filed—199, 210, 266, 277, 341, 808, 826, 827

Resolutions offered—213, 865

Subcommittee assignments—55, 56, 57, 65, 82, 135, 145, 190, 197, 198, 208, 262, 306, 336, 364, 423, 430, 453, 627, 805, 859, 957

VAN ENGELLENHOVEN, JIM—Representative Jasper-**Marion** Counties

Amendments filed—319, 320, 569, 808, 998, 1448

Amendment offered—588

Bills introduced—43, 86, 105, 115, 141, 186, 193, 202, 245

Committee appointments—3, 15, 16, 622

Presented to the House Jenni Van Wyk, Queen of the 2004 Pella Tulip Festival, and her court—893

Resolutions filed—199, 278, 826

Subcommittee assignments—118, 119, 134, 135, 824

VAN FOSSEN, JAMES (J.K.)—Representative **Scott** County

Amendments filed—342, 659, 808, 1343

Amendment offered—1315

Bills introduced—86, 141, 192, 193, 217

Committee appointments—14, 15, 16

Explanations of vote—227, 567
 Resolutions filed—199, 278, 758, 826, 889, 1101
 Resolution offered—1367
 Subcommittee assignments—118, 207, 335, 735, 1069

VAN FOSSEN, JIM (J.R.)—Representative **Scott** County

Amendments filed—266, 521, 737, 808, 1547
 Amendment offered—741
 Bills introduced—63, 86, 141, 150, 193, 202, 212, 279, 465
 Committee appointments—15, 16, 46
 Presented to the House the North Scott Little League team and their coach Scott Daniels—762
 Presented to the House Nicole White, Miss Iowa 2003—1665
 Resolutions filed—199, 210, 278, 758, 768, 826, 889
 Resolution offered—762
 Subcommittee assignments—58, 65, 71, 119, 198, 206, 207, 263, 306, 423, 424, 444, 659, 755

VISITORS—

Presentation of—74, 567, 595, 801, 856, 1066, 1401, 1520

VOTES—

Non-record—397, 412, 417, 534, 552, 702, 792, 845, 875, 989, 1043, 1092, 1160, 1192, 1211, 1267, 1282, 1345, 1354, 1374, 1386, 1449, 1455, 1458, 1482, 1503, 1536, 1564, 1566
 Record—90, 92, 94-95, 96, 97-98, 128-129, 246-247, 249, 249-250, 253, 254, 406-407, 551, 582-583, 584-585, 602-603, 788-789, 1034, 1048, 1049-1050, 1090, 1155-1156, 1157-1158, 1179, 1180-1181, 1182, 1203-1204, 1223-1224, 1242-1243, 1244-1245, 1255-1256, 1295, 1296, 1346-1347, 1355, 1356-1357, 1358, 1506-1507, 1509, 1533-1534, 1544-1545, 1546-1547, 1549-1550, 1550-1551, 1662
 Quorum call—88, 127, 247, 248, 284, 401, 406, 492, 533, 575, 613, 633, 662, 714, 770, 840, 866, 1001, 1016, 1076, 1133, 1256, 1324, 1340, 1381, 1394, 1523, 1537, 1579

Non-record—1727

Record—1724-1725, 1726, 1733-1734

Quorum call—1720, 1730

WATTS, RALPH—Representative Boone-**Dallas** Counties

Amendments filed—808, 998, 1402, 1403
 Amendment offered—1487
 Bills introduced—62, 63, 86, 141, 192, 193
 Committee appointments—3, 14, 15, 16
 Escorted Representative Shomshor to his desk—3
 Presided at sessions of the House—69, 311
 Resolutions filed—199, 277, 826
 Subcommittee assignments—58, 59, 65, 81, 82, 174, 229, 263, 316, 364

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—368, 833, 921, 1071, 1101, 1404
 Amendments offered—872, 983, 1019, 1315, 1351, 1562
 Appointed—16, 272, 304

Bills introduced—69, 327, 344, 660, 727, 738, 771, 800, 834, 863, 866, 879-880, 895, 956, 1080, 1118, 1340, 1351
 Recommendations—68, 277, 340-341, 368, 676, 708, 736-737, 807-808, 833, 836-837, 888-889, 920-921, 954, 957, 1069, 1100-1101, 1363-1364, 1383, 1402
 Subcommittee assignments—111, 118, 134, 190, 197, 335, 627, 658, 707, 734-735, 755, 805, 806, 823, 920, 953, 1069, 1099

Recommendation—1721

WENDT, ROGER F.—Representative **Woodbury** County

Amendments filed—243, 319, 809, 955, 998, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1360, 1388, 1403, 1473, 1510, 1513, 1526, 1549
 Amendments offered—247, 1243, 1360, 1549
 Amendments withdrawn—1473, 1513
 Bills introduced—12, 25, 86, 150, 151, 160, 171, 217, 464, 465
 Committee appointments—15, 16, 346, 623
 Explanation of vote—313
 Leave of absence—283
 Resolutions filed—24, 210, 277, 448, 826, 827, 1364
 Subcommittee assignments—56, 57, 58, 66, 82, 145, 198, 262, 306, 336, 365, 627, 756, 823, 1069

Amendments filed—1721, 1725, 1727, 1731

WHITAKER, JOHN—Representative Jefferson-**Van Buren**-Wapello Counties

Amendments filed—243, 569, 629, 809, 921, 1002, 1070, 1071, 1183, 1211, 1212, 1225, 1243, 1245, 1403, 1482, 1509, 1517, 1526
 Amendments offered—941, 1002
 Bills introduced—69, 86, 114, 115, 127, 141, 150, 160, 171, 202, 212, 259, 400, 433, 464, 465
 Committee appointments—14, 16, 26, 621
 Petitions presented—178
 Presented to the House Ann Gertrds, President of the Scottish Heritage Society of Iowa—1001
 Resolutions filed—24, 210, 277, 448, 768, 826, 827, 862
 Resolution offered—1000
 Subcommittee assignments—57, 119, 145, 165, 197, 239, 315, 424, 453

Amendments filed—1721, 1725, 1731

WHITEAD, WESLEY—Representative **Woodbury** County

Amendments filed—210, 319, 809, 1070, 1071, 1183, 1211, 1212, 1226, 1243, 1245, 1403, 1473, 1510, 1513, 1526
 Amendment offered—1510
 Bills introduced—12, 25, 86, 150, 160, 464, 465
 Committee appointments—15, 16, 623
 Explanation of vote—705
 Leave of absence—638
 Resolutions filed—24, 278, 826, 827, 1129, 1364
 Subcommittee assignments—119, 134, 182, 229, 261, 273, 452, 659, 824

Amendments filed—1721, 1725, 1727, 1731

WILDERDYKE, PAUL A.—Representative **Harrison**-Monona-Pottawattamie Counties

Amendments filed—140, 569, 769, 808, 1547
 Amendments offered—635, 816, 817
 Bills introduced—70, 78, 86, 114, 141, 152, 186, 192, 244
 Committee appointments—14, 15
 Explanation of vote—595
 Leave of absence—1311
 Resolutions filed—113, 199, 210, 278, 448, 826
 Resolution offered—573
 Subcommittee assignments—59, 66, 71, 83, 101, 118, 174, 198, 312, 336, 364

WINCKLER, CINDY—Representative **Scott** County

Amendments filed—243, 321, 342, 521, 680, 809, 955, 1009, 1070, 1071, 1183, 1211, 1212, 1226, 1243, 1245, 1286, 1403, 1526, 1530, 1537
 Amendment offered—1009
 Bills introduced—150, 193, 464, 465
 Committee appointments—15, 16
 Presented to the House a group of officials from the Muscatine Community College—958
 Resolutions filed—278, 448, 758, 768, 826, 889
 Resolution offered—958
 Subcommittee assignments—56, 58, 101, 190, 262, 453, 596, 627, 735, 824

Amendments filed—1721, 1725, 1727, 1731

WISE, PHILIP—Representative **Lee** County

Amendments filed—77, 84, 89, 251, 318, 320, 321, 341, 584, 709, 737, 809, 890, 955, 1070, 1071, 1101, 1179, 1183, 1209, 1210, 1211, 1212, 1226, 1243, 1245, 1294, 1353, 1386, 1449, 1451, 1526
 Amendments offered—95, 96, 251, 1204, 1209, 1210, 1294
 Amendments withdrawn—412, 416, 584, 1211
 Bills introduced—11, 25, 26, 78, 79, 86, 105, 114, 150, 160, 179, 212, 235, 236, 279
 Committee appointments—14, 15, 621, 623
 Explanation of vote—705
 Leave of absence—279, 632
 Resolutions filed—24, 210, 278, 448, 826, 957
 Resolution offered—1073
 Subcommittee assignments—56, 59, 65, 106, 135, 206, 262, 735

Amendments filed—1721, 1725, 1727, 1731

Amendments offered—1721, 1725, 1727

Amendment withdrawn—1731